

# CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH  
DATE: MONDAY, APRIL 18, 2022 TIME: 6:00PM

*Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_0rVfCpvdSKah4vopTkrvBq](https://us06web.zoom.us/webinar/register/WN_0rVfCpvdSKah4vopTkrvBq)

## **6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:**

1. COLLECTIVE BARGAINING – RSA 91-A:2, III (a)
2. McINTYRE – RSA 91-A:3, II (d) and (l)

## AGENDA

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION [when applicable – every other regularly scheduled meeting] – N/A**
- III. **CALL TO ORDER [7:00 p.m. or thereafter]**
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – MARCH 21, 2022, APRIL 4, 2022 AND APRIL 6, 2022**
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
  1. \*Naming of Connors Cottage in recognition of lifelong resident, former Mayor and former Portsmouth Housing Authority Director Timothy “Ted” Connors
- IX. **PUBLIC COMMENT SESSION (This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)**
- X. **PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

### **Public Hearings/Adoption of Resolutions:**

- A. TO AUTHORIZE THE CITY MANAGER TO APPLY FOR, ACCEPT AND EXPEND THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS THROUGH THE AMERICAN RESCUE PLAN ACT OF 2021 IN THE AMOUNT OF \$6,440,140.00, SUBJECT TO THE TERMS AND CONDITIONS OF THE OFFER AND RULES AND REGULATIONS PERTAINING THERETO
  - **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

- B. RESOLUTION APPROPRIATING FIVE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$5,260,000.00) FROM AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO PAY COSTS ASSOCIATED WITH THE MULTI-PURPOSE FIELDS LIGHTING AND RELATED EXPENSES AT THE FIELDS, CITYWIDE SIDEWALK RECONSTRUCTION, CITYWIDE STREET PAVING, MANAGEMENT AND REHABILITATION, ISLINGTON STREET PHASE 2 PROJECT, AND THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO

THAT FIVE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS (\$5,260,000.00) IS APPROPRIATED TO PAY COSTS ASSOCIATED WITH THE MULTI-PURPOSE FIELDS LIGHTING AND RELATED EXPENSES AT THE FIELDS, CITYWIDE SIDEWALK RECONSTRUCTION, CITYWIDE STREET PAVING, MANAGEMENT AND REHABILITATION, ISLINGTON STREET PHASE 2 PROJECT AND FOR THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO. THAT TO MEET THIS APPROPRIATION UP TO \$5,260,000.00 SHALL BE UTILIZED FROM THE ARPA

THAT RESOLUTION #14-2018 ADOPTED BY THE CITY COUNCIL ON JULY 9, 2018, AUTHORIZED BORROWING BY THE CITY OF UP TO THREE MILLION FOUR HUNDRED THOUSAND DOLLARS (\$3,400,000.00) FOR THE COST RELATED TO THE CONSTRUCTION OF MULTI-PURPOSE RECREATION FIELDS. THE CITY WILL USE ARPA GRANT FUNDS ON THE UNUSED BALANCE OF THE BORROWING AUTHORITY IN THE AMOUNT OF FIVE HUNDRED SIXTY THOUSAND DOLLARS (\$560,000.00) WHICH IS HEREBY DISCHARGED AND RESCINDED

THAT RESOLUTION #14-2019 ADOPTED BY THE CITY COUNCIL ON JULY 15, 2019, AUTHORIZED BORROWING BY THE CITY OF UP TO TEN MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS (\$10,550,000.00) FOR THE COST RELATED TO CITY STREET, SIDEWALK UPGRADES, BRIDGES AND FACILITY IMPROVEMENTS. THE CITY WILL USE ARPA GRANT FUNDS ON THE UNUSED BALANCE OF THE BORROWING AUTHORITY IN THE AMOUNT OF TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) WHICH IS HEREBY DISCHARGED AND RECINDED

THAT RESOLUTION #17-2021 ADOPTED BY THE CITY COUNCIL ON AUGUST 2, 2021, AUTHORIZED BORROWING BY THE CITY OF UP TO THIRTEEN MILLION THREE HUNDRED THOUSAND DOLLARS (\$13,300,000.00) FOR THE COST RELATED TO THE PRESCOTT PARK MASTER PLAN IMPLEMENTATION, CITY STREET AND SIDEWALK UPGRADES. THE CITY WILL USE ARPA GRANT FUNDS ON THE UNUSED BALANCE OF THE BORROWING AUTHORITY IN THE AMOUNT OF TWO MILLION THREE HUNDRED THOUSAND DOLLARS (\$2,300,000.00) WHICH IS HEREBY DISCHARGED AND RECINDED

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

- C. RESOLUTION APPROPRIATING TEN MILLION DOLLARS (\$10,000,000.00) TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH, INCLUDING THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO

THAT TEN MILLION DOLLARS (\$10,000,000.00) IS APPROPRIATED TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH, AND FOR THE PAYMENT OF ALL COSTS INCIDENTAL AND RELATED THERETO, AND THAT TO MEET THE APPROPRIATION, (I) UP TO ONE MILLION FIVE HUNDRED SEVENTY SIX THOUSAND ONE HUNDRED SEVENTY-NINE DOLLARS AND THIRTY CENTS (\$1,576,179.30) SHALL BE TRANSFERRED FROM AVAILABLE FUNDS, AND (II) THE CITY TREASURER, WITH THE APPROVAL OF THE CITY MANAGER, IS AUTHORIZED TO BORROW UP TO EIGHT MILLION FOUR HUNDRED TWENTY THREE THOUSAND EIGHT HUNDRED TWENTY DOLLARS AND SEVENTY CENTS (\$8,423,820.70) UNDER AND PURSUANT RSA 33 (THE MUNICIPAL FINANCE ACT), OR PURSUANT TO ANY OTHER ENABLING AUTHORITY, AND TO ISSUE BONDS OR NOTES OF THE CITY THEREFOR

THAT RESOLUTION #26-2021 ADOPTED BY THE CITY COUNCIL ON DECEMBER 20, 2021 IS HEREBY RESCINDED AND OF NO FURTHER FORCE OR EFFECT

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

## **XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

#### **City Manager's Items Which Require Action:**

1. Cemetery Committee Headstone Cleaning Project
2. Approval of Seacoast Eat Local Farmers' Market Agreement for 2022 Season
3. \*Naming of Connors Cottage
4. \*Public Health Profile and Needs Assessment
5. Request for Public Hearing Regarding SOBOW Square, LLC Settlement
6. Water Service Access Easement for Property Located at 410 Portsmouth Road in Greenland

## **XII. CONSENT AGENDA**

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

- A. Eversource Petition and Pole License Request:
  - Installation of 2 poles on Mirona Road #63-0694  
**(Anticipated action – move to refer to the City Manager with Authority to Act)**
- B. Letter from Ken La Valley, Out of the Darkness Walk Committee, requesting permission to hold the Out of the Darkness Walk on Saturday, September 17, 2022 from 8:30 a.m. to Noon starting at Peirce Island **(Anticipated action – move to refer to the City Manager with Authority to Act)**

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence **(Sample motion – move to accept and place on file)**
- B. \*Presentation regarding Proposed Cargo Facility at Pease – Paul Brean, PDA Director
- C. \*Presentation by Cemetery Committee Regarding Headstone Cleaning Project
- D. Petition from State Street residents and neighbors regarding maintaining the historic brick sidewalks in the West End

### **XIV. MAYOR McEACHERN**

- 1. Appointment to be Considered:
  - Michael Griffin to the Portsmouth Housing Authority
  - Robert Bogardus to the Recreation Board
  - Kory Sirmaian to the Recreation Board
- 2. \*Appointments to be Voted:
  - Appointment of Lynn Vaccaro to the Conservation Commission
  - Appointment of Celeste Brooks to the Cemetery Committee
  - Appointment of Jody Record to the Library Board of Trustees

### **XV. CITY COUNCIL MEMBERS**

#### **A. COUNCILOR MOREAU**

- 1. Land Use Committee Regulatory Work Plan **(Sample motion – move to request that City Council approve the 2022 regulatory work plan and to send Phase One draft regulation amendments to the Planning Board for review and recommendation back to City Council at which point first reading can be scheduled)**

#### **B. COUNCILOR COOK**

- 1. \*Public Dialogue Session Re: Budget **(Sample motion – move to schedule a Public Dialogue Session in May to discuss the city budget with community members)**

**XVI. APPROVAL OF GRANTS/DONATIONS**

- A. \*Acceptance of Donation to the Skateboard Park
- Brenda Prindiville - \$1,025.00  
***(Sample motion – move to approve and accept the donation to the Skateboard Park as presented)***
- B. Acceptance of Donation to the Senior Center
- Portsmouth Garden Club Award - \$300.00  
***(Sample motion – move to approve and accept the donation to the Senior Center from the Portsmouth Garden Club for the creation of a “reading garden” in the front of the Senior Center as presented)***
- C. \*Acceptance of Donation to the Senior Center Program
- State of New Hampshire - \$14,896.00  
***(Sample motion – move to approve and accept the donation to the Senior Center Program as presented)***

**XVII. CITY MANAGER’S INFORMATIONAL ITEMS**

*(There are no items under this section of the agenda)*

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

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

*\*Indicates verbal report*

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

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, MARCH 21, 2022

PORTSMOUTH, NH  
TIME: 6:15PM

**Councilor Tabor moved to suspend the remainder of the Non-Public Session until the end of the City Council meeting. Seconded by Councilor Lombardi and voted.**

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

### **III. CALL TO ORDER**

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

### **IV. ROLL CALL**

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley, Lombardi, Blalock and Cook

### **V. INVOCATION**

Mayor McEachern asked that we remember the issues facing Ukraine during our moment of silence.

### **VI. PLEDGE OF ALLEGINANCE**

The children of Saint Nicholas Greek Orthodox Church led in the Pledge of Allegiance to the Flag.

### **PROCLAMATION**

1. Greek Independence Day

There was a vocal performance by the Children of Saint Nicholas Greek Orthodox Church.

Mayor McEachern read the Proclamation and proclaimed March 25<sup>th</sup> as Greek Independence Day.

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

### **VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. Recognition for Fire Event on February 25, 2022 to Jayceon and Tristan

This is being postponed until the April 4, 2022 City Council meeting.

2. Recognition of John Cavanaugh for his efforts in raising awareness of the humanitarian crisis in Ukraine

**Councilor Denton moved to suspend the rules in order to allow Mr. Cavanaugh to come forward to speak to the City Council on this matter. Seconded by Councilor Bagley and voted.**

Mr. Cavanaugh spoke on how the City could play a role in the humanitarian efforts relating to the crisis in Ukraine and specific ideas he would like to share with the City Council.

Mayor McEachern thanked Mr. Cavanaugh for his efforts in raising awareness of this humanitarian crisis and presented John with a City of Portsmouth coin.

## **XI. PUBLIC COMMENT SESSION**

Marianne Janik spoke to the Brick Market project downtown and the need for Mr. McNabb to have a third party to communicate with the downtown businesses on the day to day operations and expected disruptions. She said that there should be a weekly review provided to the downtown businesses.

Rick Becksted spoke to two buildings that will be demolished as recommended by the Demolition Committee. He said he would like to see an ordinance prepared for the Demolition Committee to address in detail the process for demolishing a structure.

Arthur Clough said that the City Council has made the downtown an outside dining extravaganza. He stated that prior to the February 22<sup>nd</sup> vote of the Council, on outside dining, Councilor Tabor had said Assistant Mayor Kelley should be recusing herself from the vote on this matter. He spoke to the need for the City Council to reverse their decision on outside dining due to the concerns expressed by some downtown businesses.

Mark Brighton said Mayor McEachern and City Attorney Sullivan reviewed the ethic complaint filed against Assistant Mayor Kelley and that the complaint needs to be referred to the Ethics Board. He stated it is a clear violation.

Josh Denton, VFW Commander #168, announced on May 1<sup>st</sup> a parade will be held for the End of the Afghanistan War and invited all veterans to attend. He also spoke to Loreley Godfrey being nominated as Eagle Scout of the Year.

Esther Kennedy spoke to the Audit Committee and the time and energy she spent in trying to get a new auditing firm for the City. She stated that the City has had the same firm in place for the last 28 years. She stated that 28 years is too long for the same firm to audit the finances of the City. She also spoke to small businesses feeling they were not heard when the decision was made regarding outside dining. She asked that the City Council create a group for small businesses to be able to work with the City on matters of interests.

Petra Huda asked why the Non-Public Session last week was not notified with a subject matter. She spoke to the RFP process followed regarding the hiring of an audit firm.

Paige Trace said that the City Council works for the residents and the City Manager and City Attorney work for the City Council. She said retail businesses did not get the same ability to ARPA and PPE funds as the restaurants. She also addressed conflicts of interest.

Shelley Saunders (via zoom), spoke in support of comments made by Esther Kennedy and Petra Huda regarding hiring an audit firm for the City.

**Councilor Denton moved to suspend the rules in order to bring forward Item XIII. B. – Presentation from City Assessor on 2022 Statistical Revaluation. Seconded by Assistant Mayor Kelley and voted.**

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

#### **B. Presentation from City Assessor on 2022 Statistical Revaluation**

City Assessor Lentz spoke to the difference between a statistical revaluation and a partial update. She reviewed revaluation standards adopted by NH Assessing Standards Board and the establishment and monitoring of the standards. She defined how market value is determined which is the price a buyer of property, willing but not obligated to buy, and a seller of property, willing but not obligated to sell, would agree on after taking into consideration all uses to which the property is adapted and might in reason be applied. She stated there are three approaches used to estimate market value:

- Sale Approach (Comparable Sales)
- Cost Approach (Replacement Cost)
- Income Approach (Capitalized Income Potential)

Assessor Lentz went on to further discuss the inventory and sales for the area and New England. In closing, Assessor Lentz reviewed the tentative timeline for the statistical revaluation.

Mayor McEachern thanked Assessor Lentz for the presentation and her work relative to the statistical revaluation.

Assistant Mayor Kelley asked what the percentage of residential versus commercial is currently. Assessor Lentz said that residential is at 56% with commercial at 45% and that there will be a shift in the percentages with the statistical revaluation.

Councilor Cook asked why we are doing a statistical revaluation versus a partial revaluation. Assessor Lentz stated that she estimates that we are currently at 70% of market value and the longer we wait the less proportional we are. She stated the importance of doing this now is because the last revaluation was in 2019.

Discussion followed regarding the increase in values for certain neighborhoods.



**X. PUBLIC HEARINGS AND VOTE ON ORDINANCE AND/OR RESOLUTIONS**

- A. RESOLUTION PURSUANT TO RSA 72:39-b, AMENDING THE ELDERLY EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) ASSETS DO NOT EXCEED \$500,000.00 WHETHER SINGLE OR MARRIED**
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Assessor Lentz reported that the current asset levels are \$175,000.00 and the level will be \$500,000.00 which will impact \$.8 on the tax rate.

Petra Huda asked how many taxpayers would qualify based on the new level. She stated that the new level makes the City the highest in the State. She said she would like to know the impact this will have on revenues. Ms. Huda spoke to this change being passed onto the other taxpayers.

Julia Robb said she was turned down last year for the exemption because her asset level exceeded the \$175,000.00 limit. She spoke in support of the resolution, which will allow her to remain in the home that has been in her family for 100+ years.

Councilor Bagley asked what is the estimated impact with this change. Assessor Lentz said she would need to know how many would qualify and there is no way to know that. Councilor Bagley said it is important to keep people in their homes.

Mayor McEachern spoke to the importance of this exemption in allowing people to remain in their homes.

Councilor Blalock said it is important to support the elderly in our community. He stated home values have increase and we need to provide this exemption.

Petra Huda said in our PAFR there are demographic statistics in categories of age. She said it is important that we know what we are looking at.

Councilor Cook said the income limits are really low for the City. She said \$500,000.00 is not a lot of money to earn up to age 88 years old. She said we don't want to lose residents as it is important to the character of the City.

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

**Councilor Bagley moved to adopt the resolution as presented. Seconded by Councilor Tabor. On a unanimous roll call vote 9-0, motion passed.**

- B. RESOLUTION PURSUANT TO RSA 72:37-b, AMENDING THE DISABLED EXEMPTION FROM PROPERTY TAX, BASED ON ASSESSED VALUE FOR QUALIFIED TAXPAYERS, SUCH THAT THE EXEMPTIONS SHALL BE AVAILABLE ONLY WHEN THE QUALIFYING TAXPAYER(S) ASSETS DO NOT EXCEED \$500,000.00 WHETHER SINGLE OR MARRIED
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Assessor Lentz stated that we have 7 individuals receiving this exemption currently. She informed the Council that this would have a \$.3 impact on the tax rate.

With no speakers, Mayor McEachern declared the public hearing closed.

**Councilor Tabor moved to adopt the resolution as presented. Seconded by Councilor Lombardi and voted.**

- C. RESOLUTION PURSUANT TO RSA 72:35, MODIFYING THE OPTIONAL TAX CREDIT FOR SERVICE-CONNECTED TOTAL DISABILITY IN THE AMOUNT OF \$4,000.00 AS OF APRIL 1, 2022 ON THE TAXES DUE ON THE RESIDENTIAL PROPERTY OF ANY VETERAN WHO HAS BEEN HONORABLY DISCHARGED OR AN OFFICER HONORABLY SEPARATED FROM THE MILITARY SERVICE OF THE UNITED STATES AND WHO HAS TOTAL AND PERMANENT SERVICE-CONNECTED DISABILITY, OR WHO IS A DOUBLE AMPUTEE OR PARAPLEGIC BECAUSE OF SERVICE-CONNECTED INJURY, OR THE SURVIVING SPOUSE OF SUCH A PERSON WHO HAS NOT REMARRIED
- **PRESENTATION**
  - **CITY COUNCIL QUESTIONS**
  - **PUBLIC HEARING SPEAKERS**
  - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Assessor Lentz reported to the Council that there are 45 people currently that would qualify for this exemption. She stated that the impact to the tax rate is half of a cent.

Councilor Denton encouraged those that qualify to apply.

With no speakers, Mayor McEachern closed the public hearing.

**Councilor Blalock moved to adopt the resolution as presented. Seconded by Councilor Denton and voted.**

**Councilor Denton moved to suspend the rules to bring forward Item XV. C.1. – Fee Committee’s recommendation regarding FY23 Prescott Park License Fees. Seconded by Councilor Blalock and voted.**

Councilor Tabor said he would need to recuse from this vote because he serves on the Prescott Park Arts Festival.

## **XV. CITY COUNCIL MEMBERS**

### **C. COUNCILOR DENTON**

1. Fee Committee’s recommendation regarding FY23 Prescott Park License Fees

**Councilor Denton moved to adopt the Fee Committee’s recommendation to reduce the FY23 Prescott Park License Fees by 1/3. Seconded by Councilor Bagley.**

Councilor Denton reviewed the fees being recommended by the Fee Committee. He said it is difficult to run a non-profit in COVID.

#### **Discounted Prescott Park License Fees:**

- *New Hampshire Art Association - \$1,080.00*
- *Gundalow Company - \$4,679.00*
- *Prescott Park Arts Festival - \$14,396.00*

**Motion passed.**

*At 8:25 p.m., Councilor Denton was an excused from the remainder of the meeting.*

## **XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

1. Watson’s Landing Subdivision Easements for Property Located at 1 Clark Drive

City Manager Conard spoke to the three easements the Planning Board required, an Access Easement for Water Service, a Sidewalk and Utility Easement, and an Access Easement for Water Service. She reported that the easements have been approved by the Planning Department, Legal Department and Public Works.

**Councilor Moreau moved to accept an Access Easement for Water Service, a Sidewalk and Utility Easement, and an Access Easement for Water Service from Chinburg Development, LLC over property located at Watson's Landing. Seconded by Councilor Bagley.**

Councilor Moreau stated she reviewed the easements at the Planning Board level and advised the Council that they are straight forward.

**Motion passed.**

2. Request for Public Hearing on Resolution Related to the Feasibility and Design of a New Policy Facility and/or Rehabilitation of the Existing Facility

City Manager Conard said we are requesting the Council formally authorize a bond issue of up to \$1.4 million for costs related to the feasibility and design of a new Police Facility and/or the rehabilitation of the existing facility as approved in the FY22 CIP.

**Councilor Bagley moved to authorize the City Manager to bring back for public hearing and adoption, the property Bonding Authorization for the feasibility and design of a new Police Facility and/or rehabilitation of the existing facility, as presented, for the April 4, 2022 City Council meeting. Seconded by Assistant Mayor Kelley and voted.**

**XII. CONSENT AGENDA**

- A. Request from Seth Bordonaro, of Vieux Port to install a Projecting Sign at 108 Penhallow 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 to the City; and***
- ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***

- B. Letter from Mark MacKenzie, Granite State Wheelmen Bicycle Club, requesting permission to hold the 28<sup>th</sup> annual Seacoast Century Bike Ride on Saturday, September 24, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

- C. Letter from Paul Rodriguez, Margarita Half Marathon, requesting permission to hold the Margarita Half Marathon & 5K on Sunday, May 1, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Eversource Petition and Pole License Requests:
  - Installation of 1 pole on Rockingham Avenue #63-0736
  - Installation of 1 pole at Intersection of Banfield Road and Walford Lane #63-0729***(Anticipated action – move to refer to the City Manager with Authority to Act)***

**Councilor Lombardi moved to adopt the Consent Agenda. Seconded by Councilor Moreau and voted.**

### **XIII. PRESENTATION AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence

**Councilor Tabor moved to accept and place on file. Seconded by Assistant Mayor Kelley and voted.**

- C. Letter from Josh Denton, Commander VFW Post #168, inviting Mayor McEachern, Assistant Mayor Kelley and City Councilors to observe the Welcome Home: End of the Afghanistan War Parade on Sunday, May 1, 2022 at 10:00 a.m.

**Councilor Cook moved to accept and place on file. Seconded by Councilor Blalock and voted.**

- D. Letter from Karen Conard, City Manager, requesting the Council to conduct her evaluation as per the terms of her Employment Agreement with the City

Mayor McEachern said per the terms of the agreement only Councilors that have served more than one year can serve on the committee. He said based on that Councilor Tabor, Councilor Denton and he would serve on the committee.

**Councilor Blalock moved to form the City Manager Evaluation Committee composing of Mayor McEachern, Councilor Tabor and Councilor Denton. Seconded by Assistant Mayor Kelley and voted.**

### **XIV. MAYOR McEACHERN**

- 1. Appointments to be Considered:
  - Reappointment of Rob Capone to the Cable Television & Communications Commission
  - Appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee
  - Appointment of Alana Rooke to the Arts & Non-Profits Blue Ribbon Committee

Mayor McEachern spoke to the great amount of work being done by the Arts & Non-Profits Blue Ribbon Committee. He said Loreley has been sitting in on the Sustainable Practices Blue Ribbon Committee meetings and he is excited to put her name forward as a new member.

The City Council considered the appointment applications which will be acted upon at the April 4, 2022 City Council meeting.

## **XV. CITY COUNCIL MEMBERS**

### **A. COUNCILOR TABOR**

1. Request for Vote to Appoint Members to Community Power Coalition of NH

**Councilor Tabor moved that the City Council authorize Kevin Charette, a member of the City's Energy Advisory Committee, to fill Portsmouth's seat on the board of directors of the Community Power Coalition of New Hampshire, and to approve Peter Rice, Director of Public Works, as an alternate to that seat. Seconded by Assistant Mayor Kelley and voted.**

### **B. COUNCILOR TABOR & COUNCILOR COOK**

1. Selection of an Audit Firm for FY2022

Councilor Tabor said the Audit Committee was formed through an ordinance by the last City Council.

**Councilor Tabor moved to maintain Melanson as our Audit Firm for one year and that another RFP process take place in August. Seconded by Councilor Cook.**

Councilor Tabor thanked the members of the Audit Committee for reviewing the two firms that applied, Melanson and CLA. He spoke to the former Council wanting to separate the audit from non-attest services. He stated the RFP last year was only for the audit so we went back to the bidders and asked what price they could provide for non-attest services. He informed the Council in the process of going back, one of the Committee members began communicating with one of the bidders, which created a flaw in the process. Councilor Tabor stated that this is like a restart to the process and we may get more bidders to submit proposals and we will have a clean process.

Councilor Cook echoed the comments of Councilor Tabor. She said the finances are critical and we need to follow the best process possible. She said it is a wise decision to move forward with a one year contract with Melanson.

Councilor Moreau asked if it is possible to request a new team for the process in the future.

Deputy City Manager/Deputy City Attorney Woodland said there has been a change in the team since last year.

Councilor Bagley said his job deals with contractors and there are rules to make sure things happen in a clear transparent way.

Mayor McEachern said he appreciates the work of the Audit Committee, Council and staff. He said this was a way to provide greater transparency of the process.

**Motion passed.**

**D. COUNCILOR BAGLEY**

**1. Action Items Needing Approval by City Council:**

- Discussion on Use of Loading Zone as Parking Inventory
- Conversion of 3 Unmetered Parking Spaces Adjacent to the Park at Market Street and Russell Street to Zone B

**Councilor Bagley moved acceptance of November 16, 2021 minutes authorizing implementation of temporary parking and traffic regulation for creation of loading zones as metered parking inventory for designated times. Seconded by Councilor Lombardi.**

Councilor Bagley informed the City Council that this would create 39 parking spaces downtown through loading zones after 3:00 p.m. He also advised the Council that signage would be installed to note this change.

Councilor Blalock asked if an evaluation was done of the parking spaces. Councilor Bagley said there was an evaluation process that took place in the summer and Parking and Traffic Safety Committee voted on this change in November.

Councilor Moreau spoke to a large proposed development that will occur on High Street and this proposal includes the loading zone of High Street. She asked if the spaces could be returned as loading zones once the development is brought on-line. Councilor Bagley said that could occur under the omnibus ordinance process.

Councilor Tabor said he is pleased we are creating more parking and asked if we will be notifying the businesses of this change. City Manager Conard said businesses will be notified of the change.

Mayor McEachern said if we do not get a response by businesses that we create a leaflet and requested that every sign contain a QR code for residents and businesses to receive information.

Councilor Tabor asked how quickly we would be implementing this change. City Manager Conard said we are looking at 30-45 days out for implementation. She indicated she would report back to the City Council on this matter and provide information on a QR code as part of the report.

**Motion passed.**

**Councilor Bagley moved acceptance of November 16, 2021 minutes authorizing the conversion of 3 unmetered parking spaces on Market Street to metered spaces in Zone B, Standard Occupancy Zone. Seconded by Councilor Cook and voted.**

2. Parking and Traffic Safety Committee Action Sheets and Minutes of the November 16, 2021; January 6, 2022; February 3, 2022 and March 3, 2022 meetings

**Councilor Bagley moved to accept and approve the action sheets and minutes of the November 16, 2021; January 6, 2022; February 3, 2022 and March 3, 2022 Parking and Traffic Safety Committee meetings. Seconded by Assistant Mayor Kelley.**

Mayor McEachern asked for a legal opinion regarding the Council voting for minutes when they were not officially Councilors. City Attorney Sullivan stated to accept the minutes is part of your duty as a City Councilor.

**Motion passed.**

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

- A. Acceptance of Donations to the Portsmouth NH 400<sup>th</sup>
  - Roberta Keenan - \$50.00
  - Peter & Kathleen Somssich - \$623.00

**Councilor Moreau moved to approve and accept the donations as presented. Seconded by Councilor Tabor and voted.**

- B. Approval of Clean Water State Revolving Fund (CWSRF) and American Rescue Plan Act (ARPA) Grant for Wastewater Infrastructure Projects

**Councilor Moreau moved to approve and accept grant for the City of Portsmouth up to \$2,080,500.00 from the Clean Water State Revolving Fund as presented. Seconded by Councilor Lombardi.**

Councilor Cook asked City Manager Conard how this would impact our other ARPA funds. City Manager Conard said we went out to secure separate and apart from ARPA funds this grant and it does not preclude us from using our own funding.

**Motion passed.**



## **XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

### **1. Status Update on the Skateboard Park**

City Manager Conard provided a status update on the Skateboard Park reporting that Pillar Design has outlined the process through design and construction. She stated both Design Build or Design, Bid, Building could be completed by Pillar. She stated that Pillar Design has indicated that the final design would be completed by fall of 2022 with the intent to go to construction the spring of 2023.

Councilor Blalock stated that the Skateboard Park Committee has been working very hard and reminded the public that the Committee continues to accept donations for the lighting project.

### **2. Construction Update from Public Works**

City Manager Conard report that the McNabb project will be conducting weekday work on the block of Daniel Street between Penhallow and Market Square, starting Monday, April 4<sup>th</sup>. She informed the Council that this will cause a disruption to the flow of traffic. She also advised the City Council that the work is anticipated to take place during the month of April and into early May.

Public Works Director Rice announced there will be a second public input session on March 30<sup>th</sup> at 1:00 p.m.

Councilor Moreau asked if Public Works would make sure there are clear paths to businesses while construction is on-going during the month of April. Public Works Director Rice said he would handle that matter.

Councilor Tabor said Moe's Italian Sandwiches is looking for a temporary 15 minute space in front of their business. Public Works Director Rice said it would be handled administratively.

Councilor Blalock requested the installation of a sign that the businesses are "open" during construction.

Mayor McEachern asked who is in charge of this portion of work being conducted. Public Works Director stated that it is the developer. Mayor McEachern said we have learned a great deal from this project. He asked if it is possible to place the latest updates on the website relative to construction and a schedule for the following week. Public Works Director Rice stated it is appropriate. Mayor McEachern said it is important that communication continues to increase. Public Works Director Rice spoke to the work that is expected from April 4<sup>th</sup> through April 22<sup>nd</sup>.

Discussion continued regarding the schedule of work that is expected to occur and partial lane closures.

### **3. Payments May be Made Via Cryptocurrency Through Paypal**

City Manager Conard announced that payments may now be made via cryptocurrency through PayPal.

Mayor McEachern said he asked for this and would like to do more that would create more opportunities. He advised that he would be establishing a committee surrounding this matter in the future.

4. Funding for Great Bay Waterline Project

City Manager said with the efforts of Deputy Public Works Director Goetz and City Engineer Desmarais we are recipients of \$600,000.00 in grant funding from the Federal Government.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor Tabor spoke to the conference regarding building a police facility that he attended with Police Commissioners Coyle and Scherr, Police Chief Newport, Captain Maloney, Public Works Director Rice and Facilities Manager Almeida. He said the conference was valuable and reviewed the designing of a new police facility and the change in community policing.

Councilor Lombardi provided an update to the City Council on the recent PDA Board meeting which was well attended for the discussion of the proposed cargo project. He suggested that Executive Director Green attend a future City Council meeting to provide a presentation regarding this matter. Mayor McEachern said that would be a great use of time and maybe we could have a work session.

At 9:45 p.m., the City Council returned to Non-Public Session.

**At 10:30 p.m., Councilor Lombardi moved to adjourn the Non-Public Session, seal the minutes, and adjourn the City Council meeting. Seconded by Councilor Cook and voted on a unanimous voice vote.**



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

## CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: MONDAY, APRIL 4, 2022

PORTSMOUTH, NH  
TIME: 6:00PM

**Councilor Lombardi moved to exit the Non-Public Session and seal the minutes. Seconded by Assistant Mayor Kelley.**

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

### **III. CALL TO ORDER**

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

### **IV. ROLL CALL**

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley (via zoom), Lombardi, Blalock and Cook

### **V. INVOCATION**

Mayor McEachern asked for a moment of silent prayer in memory of Eugene Fisk who recently passed away.

### **VI. PLEDGE OF ALLEGIANCE**

Mayor McEachern led in the Pledge of Allegiance to the Flag.

### **PROCLAMATION**

1. Sexual Assault Awareness Month

Assistant Mayor Kelley said she is a survivor of sexual assault and read the Proclamation whereby Mayor McEachern declared April as Sexual Assault Awareness Month.

Councilor Moreau said she shares in Assistant Mayor Kelley's support of Sexual Assault Awareness Month and urged anyone needing help not to hesitate to contact Sexual Assault Support Services for assistance.

### **VII. ACCEPTANCE OF MINUTES – MARCH 7, 2022**

**Assistant Mayor Kelley moved to approve and accept the minutes of the March 7, 2022 City Council meeting. Seconded by Councilor Tabor and voted.**

### **VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**

1. Recognition for Fire Event on February 25, 2022 to Jayceon and Tristan

Mayor McEachern presented Mayor's Awards for Jayceon and Tristan in recognition of their swift action during a fire event in their home.

2. Thank you to Nancy Carmer for 36 Years of Service to the City

Mayor McEachern stated that Portsmouth is the City of the Open Door and that door needs to be kept open and Nancy Carmer has done that for Portsmouth. He presented and recognize Nancy with a City of Portsmouth Coin for her 36 years of service to the City.

**Councilor Lombardi moved to suspend the rules to allow Nancy Carmer to say a few words. Seconded by Assistant Mayor Kelley and voted.**

Ms. Carmer thanked Mayor McEachern and the City Council for this recognition. She spoke to the various projects she was a part of during her 36 years with the City and how important they were to the City.

**Councilor Denton moved to suspend the rules to bring forward Item XIII. C. – Letter from Luke Wentworth requesting the consideration of installing a basketball court and/or basketball hoop at the Plains Playground. Seconded by Councilor Lombardi and voted.**

Mayor McEachern read Luke's letter regarding his request. Mayor McEachern said that this is a basketball community and Luke has provided a persuasive argument for the installation of a basketball hoop at Plains Playground.

**Councilor Blalock moved to refer Luke's letter to the Recreation Board and Recreation Director Henley. Seconded by Lombardi and voted.**

Mayor McEachern thanked Luke for his gift and said that he would keep it in his office here at City Hall.

**Assistant Mayor Kelley moved to suspend the rules to take up Item XIV. 2. – Recognition of John Leith. Seconded by Councilor Cook.**

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

Mayor McEachern spoke to the 30 years of service given by John Leith to the Portsmouth Housing Authority and presented Mr. Leith with a City of Portsmouth Coin in recognition of his 30 years as a board member.

**Councilor Moreau moved to suspend the rules to allow Tom Ferrini, Chair of the Portsmouth Housing Authority to speak regarding John's service. Seconded by Councilor Cook.**

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

Chairman Ferrini said he asked John what he was most proud of from his service on the Housing Authority. He said John indicated it was the development of Wamesit Place and the Ruth Lewin Griffin Workforce Housing projects. Chairman Ferrini thanked Mr. Leith for his service and dedication to the Housing Authority.

## **IX. PUBLIC COMMENT SESSION**

Mark Brighton read a statement from Assistant Mayor Kelley's private twitter account that he felt was inappropriate and said she should apologize for it.

Roy Hesel requested when changing an ordinance that a review of how the changes will effect taxpayers and to have an open discussion on the matter.

Esther Kennedy spoke regarding affordable housing in the City and feels that the Council is not thinking about the residents. She urged the City Council to work with small businesses and moving parking does not help make sure the businesses are accessible.

Sue Polidura spoke to a letter written by Christopher White on the audit process. She said the process followed to allow Melanson one more year to conduct the audit was a flawed vote. She said the City should not have taken their bid and the only one that should have qualified would have been CLA. She asked the Council to versus their vote on this matter.

Petra Huda said the Audit Committee process was flawed because of staff. She stated the RFP was created by staff and therefore, not independent. She said until a contract is signed by the firm, the name of the firm is never brought forward.

Chris White said the purpose of the Audit Committee was to bring the City into compliance. He stated he feels the City is further from meeting that goal or from having an independent audit. He said using the same firm again is wrong and makes no sense.

Paige Trace said the City Council works for all the residents and said there has been a lack of transparency by the Council. She addressed the potential increases to the budget and asked that the City Council find their voice and ask questions throughout the process.

## **X. PUBLIC HEAIRNG AND VOTE ON ORDINANCE AND/OR RESOLUTION**

### **Public Hearing/Adoption of Resolution:**

- A. RESOLUTION AUTHORIZING A BOND ISSUE, AND/OR NOTES OF UP TO ONE MILLION FOUR HUNDRED THOUSAND (\$1,400,000.00) DOLLARS FOR COSTS RELATED TO THE FEASIBILITY AND DESIGN OF A NEW POLICE FACILITY AND REHABILITATION OF THE EXISTING FACILITY

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

Acting Police Chief Maloney spoke to the request for the authorization of \$1.4 million and the goal towards meeting that. He stated he understands both sides as a resident and employee of the City. He spoke to the history of the buildings and how the current building was not ever intended to be a Police Station. He said the building does not meet the needs for a modern Police Department with community policing. He provided an update on the facility and the mold issues. He addressed the mold abatement and remediation for health and safety violation filed with the Department of Labor by employees. He said there have been funds spent on improvements and remediation but amount to little changes, as the space needs to be redesigned. He addressed concerns regarding secure parking areas, the inability to accommodate additional female officers due to a lack in bathroom facilities, storage areas for secure information, etc.

Mayor McEachern thanked Acting Chief Maloney for the presentation.

Councilor Cook thanked Acting Chief Maloney for his work and said the presentation helps the Council to frame and answer questions. She asked what the process is after the funds are bonded and at what point do we have discussions.

Police Commissioner Shaheen said the bond authorization would provide for a needs assessment and moving the project forward. She spoke to the need for a preliminary design for a facility and the creation of a work group made up of City Councilors, Police Commissioners and staff.

Assistant Mayor Kelley asked how long would it take for the report to be completed. Acting Chief Maloney stated 9 to 12 months.

Councilor Tabor suggested a tour of the facility for the City Council and Mayor McEachern agreed, stating that a tour would be beneficial.

Assistant Mayor Kelley said she toured the building and expressed her shock at the conditions. She said we are losing candidates to other communities due to the condition of the facility.

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers.

Police Commissioner Scherr said he was skeptical regarding funding for the facility until he was elected to the Police Commission. He said the department has needed a new facility for the last 8 years. He said the current space is not ideal and there is an urgent need to have a new facility. He spoke to the recent conference he and others attended regarding building new police stations. He said as time passes the costs to build a new facility increases and we need to move forward with this project.

Dick Bagley said he was chair of the Blue Ribbon Committee for replacing a Police Commissioner and saw the condition of the building during his service on the Committee. He said that the building is a disgrace, it has health issues and the police deserve a new facility. He encouraged the City Council to approve the funding which is being requested.

Sue Polidura said a new facility is an urgent matter, which needs to be addressed in a timely manner. She spoke regarding the possibility of having more than one station for the department into the future.

Commissioner Coyle said she came to the Police Commission skeptically as to their needs for a new facility. She said the need is significant and there is a need for a facility to assist in community policing.

Commissioner Shaheen spoke to the need to move forward with the bonding. She said we need a facility to support the work of the Police Department. She addressed the conditions of the building and how they are inadequate to meet the needs of the department. She expressed a debt of gratitude for Public Works Director Rice and Facilities Manager Almeida work on the building.

Patricia Bagley provided her support in moving the bond request forward. She said she has toured the facility in the past and she was appalled at the conditions. She stated that the City is behind in giving the officers what they need for a facility.

**Councilor Tabor moved to adopt the Resolution as presented. Seconded by Assistant Mayor Kelley.**

Councilor Cook said she values our Police Department and this is the start of a long process. She stated she would like to bring the community into the process. She said a new facility would be a significant impact on the City and we must be mindful to bring this back to the City Council for updates.

Councilor Blalock said he supports this request and the Council needs to be transparent in the process as it moves forward.

Councilor Tabor said he worked and ran an organization that had a building that was too small and it was transformative for them when they built a new facility. He spoke to the importance of community policing and the need to think long term.

Councilor Bagley said we must determine the best path forward and move quickly in determining what is feasible.

Councilor Lombardi said he concurs with Councilor Bagley's comment. He said the current facility is inadequate and a new location and building is needed.

Mayor McEachern said the role of government and why we choose to come together is due to advantages and we are lucky to have a Police Commission in the City. He said we have a City Council that is dedicated to the needs of the community and expressed his appreciation and efforts for the presentation this evening. He said how we vote will determine our ability to police in the future. He said he would like to see this in front of the City Council as much as possible.

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

**Councilor Denton moved to suspend the rules in order to bring forward Item XI. A.3. – Request from the Police Commission for a Performance Bonus for Chief of Police. Seconded by Councilor Blalock.**

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

## **XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION**

### **A. CITY MANAGER CONARD**

#### **3. Request from the Police Commission for a Performance Bonus for Chief of Police**

City Manager Conard said the Police Commission following Chief Newport's evaluation has approve a one-time bonus of \$3,000.00 for the Police Chief.

Commissioner Shaheen said the chief's review was extraordinary and his contract has a provision for a bonus. She said the Commission involved prior commissions and the current commissioner's comments and considerations, when approving the one-time bonus. She said if Chief Newport was not currently in training at Quantico he would be present this evening to address any questions of the Council.

City Manager Conard said that the Police Chief's contract is unique in allowing a bonus.

**Councilor Denton moved that the City Council confirm the request for Chief of Police Newport to receive a \$3,000.00 bonus per the terms of his contract. Seconded by Councilor Lombardi.**

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

#### **1. License Agreement with Strawberry Banke for Property Located at 81 Washington Street**

City Manager Conard said the agreement proposes adding two parking spaces to Strawberry Banke's property located at 81 Washington Street. She stated if the City Council grants this license to Strawberry Banke, it would still be required to obtain a driveway permit from the Public Works Department.



**Councilor Moreau moved to authorize the City Manager to negotiate and execute a revocable license to Strawberry Banke Museum, Inc. to cross Parcel S-3 to access 81 Washington Street for the purposes of parking, as depicted on the plan contained in the City Council packet. Seconded by Councilor Lombardi.**

Assistant Mayor Kelley stated she currently sits on the Board and asked should she recuse from voting on this matter. City Attorney Sullivan advised Assistant Mayor Kelley that she could vote on this matter.

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

2. Request to Extend Prescott Park Arts Festival 2022 Season Dates

City Manager Conard said this is a request to extend their 2022 season dates for three additional events.

**Councilor Denton moved to extend the Prescott Park Arts Festival's 2022 season to include the requested dates: June 10<sup>th</sup>, June 16<sup>th</sup> and September 5<sup>th</sup>. Seconded by Councilor Cook.**

Councilor Tabor said he would be abstaining from the vote because he serves as the Chair of the Prescott Park Arts Festival.

**On a roll call vote 8-0, motion passed. Councilor Tabor abstained from voting on this matter.**

4. Union Cemetery Listing on State Register of Historic Places

City Manager Conard spoke to an inventory of the historic features of the Union Cemetery prepared some years ago by City staff, which was presented to the NH Division of Historic Resources. She said NH Division of Historic Resources have indicated that this inventory is sufficient to move forward with the process for listing the cemetery on the State Register of Historic Places.

**Councilor Moreau moved to authorize the City Manager to proceed to take the additional steps to have the Union Cemetery listed on the State Register of Historic Places. Seconded by Councilor Blalock.**

Mayor McEachern thanked the Cemetery Committee for their work on this overlooked part of the City.

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

5. Temporary Construction License for 45 Market Street

City Manager Conard reported to the Council that the owner has experienced a small delay in receipt of materials, which will require more time than initially anticipated to complete the portion of the project that requires staging on city sidewalks.

**Councilor Blalock moved to authorize the City Manager to waive the license fee and execute and accept the temporary construction license for the term of 18 days to encumber the sidewalk with pass-through staging at 45 Market Street as requested. Seconded by Councilor Lombardi.**

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

6. Approval of the Superintendent's Contract

City Manager Conard advised the City Council that the contract has been approved by the School Board.

**Councilor Lombardi moved to approve the contract as presented. Seconded by Councilor Blalock.**

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

7. McIntyre Update

Mayor McEachern announced that the City Council will be holding a Special City Council meeting on Wednesday, April 6, 2022 regarding McIntyre.

8. Request to Schedule Public Hearing on April 18 to Accept Second Tranche of ARPA Funds

City Manager Conard said the City is set to receive the second tranche of ARPA funds in the amount of \$6,440,140.00, and as such a public hearing will need to be scheduled to accept the funds.

**Councilor Moreau moved that the City Council schedule a public hearing to accept the second tranche of ARPA funds at the next City Council meeting on April 18, 2022. Seconded by Councilor Lombardi.**

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

9. Actions Related to Community Campus Acquisition

- A. Request to Schedule a Public Hearing on April 18<sup>th</sup> to Consider Resolution of \$10,000,000.00 for Community Campus Acquisition and Rescind Prior Funding Resolution

City Manager Conard said that there is a three prong approach to acquiring Community Campus. She spoke to the previous Council passing a resolution to authorize the purchase of Community Campus using various funding sources to include Trusts, Special Revenue, Capital Outlay, ARPA, and Borrowing. She stated since the passage of that resolution, the federal government has published its Final Rule on the use of ARPA Grant funds effective April 1, 2022.

City Manager Conard said in order to avoid potential limitations on possible future uses of the Community Campus property, she is recommending that the Council rescind the December 20, 2021 resolution and replace it with one that utilizes Trusts, Special Revenue, Capital Outlay and Borrowing.

**Councilor Cook moved that a public hearing be established at the City Council meeting of April 18, 2022 to consider the proposed Resolution to replace the Community Campus funding sources. Seconded by Councilor Moreau.**

Councilor Moreau said this will provide flexibility for the City Council.

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

- B. Request to Schedule a Public Hearing on April 18<sup>th</sup> to Appropriate \$5,260,000.00 in ARPA Funds for Certain Projects

**Councilor Lombardi moved that a public hearing be established at the City Council meeting on April 18, 2022 to consider this second proposed Resolution to use ARPA funds for the four projects described below. Seconded by Councilor Moreau.**

Projects:

- *Multi-Purpose Recreation Fields-Lighting*
- *Citywide Sidewalk Reconstruction Program*
- *Street Paving, Management and Rehabilitation*
- *Islington Street Phase 2*

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

- C. Request to Schedule a Listening Session on April 11<sup>th</sup> on Spending ARPA Funds for this Purpose

**Councilor Tabor moved that a listening session relative to the use of ARPA funds for the purposes outlined above be schedule for April 11, 2022. Seconded by Councilor Moreau.**

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

## **XII. CONSENT AGENDA**

- A. Letter from Katie Johnson, Yoga in Action, requesting permission to use Prescott Park as the site of their annual series: "Yoga in the Park" at the Whale Statue lawn for a one-hour class each Tuesday at Noon from June through August (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- B. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 17<sup>th</sup> Annual Seacoast Half Marathon on Sunday, October 30, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Debra Smith, Friends of the South End, requesting permission to hold the annual Fairy House Tour event at Prescott Park on Saturday, September 24, 2022 and Sunday, September 25, 2022 from 10:00 a.m. – 3:00 p.m. and Peirce Island for parking ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Richard Clyborne, Gundalow Company, requesting permission to hold the 12<sup>th</sup> annual Round Island Regatta on Saturday, August 27, 2022 and the use of the Peirce Island launch ramp and related parking area to facilitate this event ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to use public spaces for the Juneteenth celebration at the African Burying Ground Memorial, Sunday, June 19, 2022 from 2:00 p.m. – 4:00 p.m. and Church Street between Court Street and State Street, Monday, June 20, 2022 all day ***(Sample motion – move to refer to the City Manager with Authority to Act)***

**Councilor Denton moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley.**

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

### **XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS**

- A. Email Correspondence

**Assistant Mayor Kelley moved to accept and place on file. Seconded by Councilor Blalock.**

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

- B. Letter from Perry and Kristin Silverstein regarding Outdoor Dining and a Letter from Michael Levandowski, LeRoux Kitchen, requesting that the parking spaces that the City Council eliminated to provide outdoor seating be returned as parking spaces

**Councilor Moreau moved to accept and place on file. Seconded by Councilor Tabor.**

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

At 9:40 p.m., Mayor McEachern called for a brief recess. At 9:50 p.m., Mayor McEachern called the meeting back to order.

#### **XIV. MAYOR McEACHERN**

1. "Love in Kilnerry" Proclamation

Mayor McEachern said this proclamation was created at the request of Steve Scott for the movie "Love in Kilnerry". He announced that a special screening of the film will be held on April 9, 2022 at Portsmouth High School.

3. Appointments to be Considered:

- Appointment of Lynn Vaccaro to the Conservation Commission
- Appointment of Celeste Brooks to the Cemetery Committee
- Appointment of Jody Record to the Library Board of Trustees

The City Council considered the appointments outlined above which will be voted on at the April 18, 2022 City Council meeting.

4. Appointments to be Voted:

- Reappointment of Rob Capone to the Cable Television & Communications Commission
- Appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee
- Appointment of Alana Rooke to the Arts & Non Profits Blue Ribbon Committee

**Councilor Denton moved the reappointment of Rob Capone to the Cable Television & Communications Commission until April 1, 2025; appointment of Loreley Godfrey to the Sustainable Practices Blue Ribbon Committee and appointment of Alana Rooke to the Arts & Non Profits Blue Ribbon Committee. Seconded by Councilor Tabor.**

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

#### **XV. CITY COUNCIL MEMBERS**

##### **A. COUNCILOR DENTON & COUNCILOR LOMBARDI**

1. Request to Waive Peirce Island Fees for military, military dependents, veterans, and veteran caregivers

**Councilor Denton moved for a report back on the costs associated with waiving the following non-resident daily fees for military, military dependents, veterans, and veteran caregivers: \$2 for children and \$4 for adults to use Peirce Island Outdoor Pool; \$10 for kayaks, canoes, and any other non-motorized water craft to use Peirce Island Boat Launch; and \$20 for motorized water craft, jet skis, and/or sail boat to use the Peirce Island Boat Launch. Seconded by Councilor Lombardi.**

Councilor Denton said that this is a report back to see what costs we would incur by waiving these fees.

Councilor Lombardi said he supports the idea to study this request.

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

**B. COUNCILOR COOK**

1. Update on Governance Committee Work

Councilor Cook reported that the Governance Committee has been discussing the rules of the City Council and have brought forward the recommended changes. She stated the Committee is also discussing the Ethics Ordinance and reviewing the structure of a Charter review. She advised that a detailed report will be brought forward to the City Council mid-year for their review.

2. Proposed changes recommended by the Governance Committee to the Rules and Orders of the Portsmouth City Council

City Attorney Sullivan advised the Council that a suspension of the rules would need to take place for action to occur this evening on the recommended changes to the Rules and Orders of the City Council.

**Councilor Cook moved to suspend the rules to take action on the proposed changes recommended by the Governance Committee to the Rules and Order of the City Council. Seconded by Councilor Blalock.**

**On a roll call vote 6-3, motion passed. Councilors Tabor, Denton, Moreau, Lombardi, Blalock and Cook voted in favor. Assistant Mayor Kelley, Councilor Bagley and Mayor McEachern voted opposed.**

**Councilor Lombardi moved to accept the changes to the Rules and Orders of the Portsmouth City Council proposed by the Governance Committee. Seconded by Councilor Blalock.**

Councilor Tabor inquired as to the change to the Public Dialogue Session, whereby three City Councilors would be attendance with no minutes kept. He said he feels there was a benefit when the entire City Council participated in the Public Dialogue Sessions.

City Attorney Sullivan stated that without a quorum, notice and minutes are not required.

Councilor Tabor asked if it was properly noticed why minutes couldn't be taken.

Councilor Cook stated the change was made to reflect the reality of practices. She said it is difficult to record minutes and capture the entire dialogue. She said that the Mayor would rotate City Councilors and designate three at a time to attend the sessions.

Councilor Denton said when public dialogue was created it was difficult to get a benefit from it. He explained how a topic would be assigned, and the City Manager would need to move between the two sessions. He further stated that people also, did not want to be on camera and it did not work well. He feels this system will work better and is a step in the right direction.

Councilor Lombardi said the public dialogue could also take place outside of the Council Chambers, perhaps at a location within each of the five wards.

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

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

- A. Acceptance of Donation to the Skateboard Park
  - Summer Sessions - \$1,025.00

**Assistant Mayor Kelley moved to approve and accept the donation as presented. Seconded by Councilor Blalock.**

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

- B. Acceptance of Grant from the NH Department of Justice through the 'Victims of Crime Act' (VOCA) for expenses incurred and services provided for direct victim services, to include expenses for personnel - \$24,759.00

**Assistant Mayor Kelley moved to approve and accept the grant for the Police Department as presented. Seconded by Councilor Moreau.**

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

## **XVII. CITY MANAGER'S INFORMATIONAL ITEMS**

1. Report Back on COVID-19 Bounce Back Plan
2. Bridge Street Lot Closure
3. Sagamore Avenue Area Sewer Extension Project Update
4. EPA Mandated Industrial Pretreatment Program
5. NHDES Public Hearing regarding Pease Aviation Partners, LLC Application for Wetland Permit

City Manager Conard announced that the NHDES will be conducting a Public Hearing on Wednesday, April 6, 2022, beginning at 4:00 p.m. to receive public comment on an application from Pease Aviation Partners, LLC for property located at Exeter Street.

**XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING**

Councilor Tabor requested that the City Council receive a tour of the Police Station in groups of 3.

**XIX. ADJOURNMENT**

**At 10:20 P.M., Councilor Moreau moved to adjourn. Seconded by Assistant Mayor Kelley.**

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



KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK



## SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX  
DATE: WEDNESDAY, APRIL 6, 2022

PORTSMOUTH, NH  
TIME: 5:30PM

### III. CALL TO ORDER

Mayor McEachern called the special meeting to order at 5:30 p.m.

### IV. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Bagley (via zoom), Lombardi, Blalock and Cook

### III. PUBLIC COMMENT SESION

Paige Trace said this is not a public hearing, but you intend to vote on this matter this evening. She expressed her opposition to authorizing \$2 million dollars and said how much more money would be authorized under this agreement. She stated the Council has curbed the public comment session to 3 minutes rather than having an appropriate public hearing based on the amount of money that is being expended.

Peter Whelan said Redgate Kane has violated the Development Agreement, and the agreement you have before you this evening is awful. He stated this is a great deal for Redgate Kane and there is nothing to stop them from going back to the original deal.

Sue Polidura said the City is going to be on the hook for a whole lot of money that the public doesn't know how much. She said she is sure the Council will vote for the agreement, and this will be a never ending proposition. She stated that the Council is putting a large liability on the residents of the City.

Roy Helsel said if Redgate was partners with the City they never acted like partners. He said nothing in the agreement tells residents what the City Council is voting for this evening.

Rick Becksted said the residents must make an assumption that there will be a vote this evening on the agreement. He said Michael Kane is not the best person to make a deal with for the City. He said Mr. Kane has sued the City multiple times and yet we are making a deal with him. He stated he hopes there will not be vote this evening. He said that there should have been a public hearing on this matter and requested that Mayor McEachern keep the meeting open to allow for further public comment.

Esther Kennedy said we are talking about expending \$2 million dollars and there has not been a public hearing. She said the residents want to be heard and asked who the agreement is for, the residents or Michael Kane the developer.

Petra Huda said if you vote on this you will be in violation of the Charter again. She suggested you view the public hearing of July 31, 2019 and pay attention to the words of Paul McEachern. She stated that staff has taken over this process and the agreement is being ramped through. She said it appears that this agreement has already been filed with the court and taxpayers have been left in the dark.

Pat Bagley asked if the City Council has already decided on how they will vote on this agreement. She spoke to all the Non-Public Sessions the Council has had relative to the McIntyre, which left residents out of the conversation. She asked if the GSA doesn't grant an extension, what do we do, go back to the original agreement. She said this agreement is written for the benefit of the developer. Ms. Bagley said that the City Council is not serving the best interests of the residents.

Clare Kittredge said in reviewing the agreement there is no protection for the City. She stated she does not see the full costs associated with the agreement and the residents have a right to know.

Dick Bagley said there is an issue with this agreement, it is transparency. He said the City must follow the law as the facts present themselves. He expressed his opposition to the agreement.

Tom Nies said he never commented on the McIntyre project before, but he is concerned with the draft agreement. He asked how the City Council could agree to an unspecified amount and there are not many elements to protect the City's interest. He urged the City Council to take a breath, and include protections for the City.

Marylou McElwain asked where the \$2 million dollars is coming from and will the project leave the residents out in the lurch. She said the residents need more information regarding the finances of the project.

Mark Brighton asked what the City Council is hiding and said that this is disgraceful.

Mayor McEachern said the agreement was posted to the agenda last evening. He requested City Attorney Sullivan walk through the timing of this, and address the deadline we are under as well as protections with previous litigation as the document entails.

City Attorney Sullivan said the settlement of the case was driven in large part by the GSA. We have been engaged in acquiring the property for a number of years. The GSA advised the City Manager that time was running out, and tomorrow is the deadline. He said GSA would then dispose of the property and sell it at fair market value. He stated the City Manager began negotiations that very day, to try and get over the preliminary huddle and get the building for one dollar. He said the negotiations were intense and continuous, he spoke to the confidentiality of the negotiations. He reported that the City Council was participating in those negotiations, for which the results of were not reached until 4:30 p.m. yesterday. He reported that within minutes the agreement was posted to the website for the public to review.

City Attorney Sullivan said our form of government is an elected City Council to do the business of the City. He stated at 4:30 p.m., we received a proposed agreement and it was immediately posted. He spoke to the protections within the agreement, which are located in exhibit 1 that states all claims against and among the parties may be marked as follows: *"Neither party, no costs, no interest, no attorney's fees, no further claims for any cause of action arising prior to April 5, 2022. With prejudice."*

Mayor McEachern asked City Manager Conard where the \$2 million dollars will come from. City Manager Conard stated the money will come from fund balance. She stated that at the April 18<sup>th</sup> City Council meeting we would request for a public hearing and vote, to appropriate these costs.

Councilor Lombardi asked City Attorney Sullivan to address what the implication would be to not reaching an agreement at this time with Redgate Kane. City Attorney Sullivan reported that we have been in serious litigation for damages, which Redgate Kane claims is a breach of contract and could seek damages in the tens of millions of dollars.

Assistant Mayor Kelley asked City Attorney Sullivan what plan is reached in this agreement. City Attorney Sullivan said the plan is aimed entirely at developing the property under the community or people's plan and does not allow for any other option, but that.

Mayor McEachern asked City Attorney Sullivan to confirm that the City Council has not acted on this agreement. City Attorney Sullivan stated at the Mayor's insistence this matter would not be brought forward to the Council until it was signed by the other side.

Mayor McEachern said he is one vote in this agreement. He said there were two distinct things he has been working on, the first, was to settle the litigation without a doubt and second, building the peoples plan. He stated it was incredibly important to reach this point and have the suit settled with prejudice. He indicated the desire to build the community plan was important for him to see through. Mayor McEachern said he has spent a great deal of time working on this, and he was elected for his judgement. He stated he brings this agreement forward because it is the best path for the community plan.

**Councilor Lombardi moved to grant the authority to the City Manager to sign and execute the Settlement Agreement dated April 5, 2022 with SOBOW SQUARE, LLC. Seconded by Councilor Blalock.**

Councilor Moreau said the City Council wants what is best for the City and our main concern is costing the least amount of money and looking at every direction.

Councilor Bagley said the City has limited time and resources in this matter. He said this vote is difficult and has been consuming his thoughts.

Councilor Tabor said he would be pleased to vote in favor of the agreement. He said the settlement is important for the City to move ahead and settle two of the three suits. He stated he does not hear criticism on building the community plan. He stated it is his belief that the community plan can bring the residents together with pride and a sense of grace for the project. Councilor Tabor said no one realized how many people would take part in the Portsmouth Listens process but it provided community dialogue. He indicated he looks at this as a restart agreement, and he will do what he can to make the vision a reality. He spoke to the renovations in Market Square back in 1977, which created a defining place for the City at the cost of \$2 million dollars. He stated Market Square is the most valuable piece of property in the City. He said if we create something that enhances the downtown and has a public benefit, it will pay for itself.

Councilor Denton said he has been involved in this process the longest of those currently serving on the City Council. He said he wanted to get the building after being elected in 2015. He said three options were provided at that time, the first, a negotiated sale, or let the building go on the market and be sold or the National Park Service Program where the City would receive some revenue and have some say on what the developers would do with the building. He said currently, do we want to move forward with the community plan? He said there are some things we don't love as a City Council, but we must decide. Councilor Denton stated if this falls apart the building will be sold for fair market value. He said if the public wants to see the community plan succeed, this is the best opportunity. He stated if residents feel we should walk away from the project, the building will be sold through the GSA and a developer could do what they want to do with the building under our zoning.

Councilor Cook said sometimes as City Councilors we are faced with making decisions that are not ideal. She said the Council needs to weigh all options and you may not like them, but in this case we're making a decision on the least worse option. She said this limits costs to the taxpayers which we don't know the potential outcome with the pending litigation, but we do know that the litigation will continue if a decision is not reached. She indicated that this has been a difficult and challenging time for the City Council. Councilor Cook said there is not an ideal option for the City, but this is the best option right now.

Councilor Blalock echoed some of the points of Councilor Cook. He said in every decision he wants to do what is in the best interest of the City, today, tomorrow and in the future. He stated this has not been the easiest process, but what he decides tonight, is the best decision financially for the City.

Councilor Lombardi said he made the motion because after reviewing the data, this would be the best avenue to achieve the community plan. He stated there are still risks, and GSA holds the key. He indicated the community plan is what needs to happen for the City. He said he would much rather spend the money making the community plan than paying off a lawsuit.

Assistant Mayor Kelley said she echoes the sentiments made by the City Council. She said she is concerned with the overall costs of the project. She stated she would have preferred to find out the costs before everyone fell in love with the community plan. She said we are all taxpayers and understand the importance of moving forward with the project. Assistant Mayor Kelley said a key factor was having the lawsuit dismissed with prejudice. She stated that this is a difficult position for the City Council but we are trying to be the best representatives of the City.

**On a roll call vote 8-1, motion passed. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Councilor Bagley voted opposed.**

**At 6:35 p.m., Councilor Moreau moved to adjourn. Seconded by Assistant Mayor Kelley.**

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

A handwritten signature in black ink that reads "Kelli L. Barnaby". The signature is written in a cursive, flowing style.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 18, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, to authorize the City Manager to apply for, accept and expend the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the amount of \$6,440,140.00, subject to the terms and conditions of the offer and the rules and regulations pertaining thereto.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

LEGAL NOTICE  
NOTICE IS HEREBY  
GIVEN that a Public Hear-  
ing will be held by the  
Portsmouth City Council on  
Monday, April 18, 2022 at  
7:00 p.m., at the Portsmouth  
Municipal Complex in the  
Eileen Dondero Foley Coun-  
cil Chambers, Portsmouth,  
NH, to authorize the City  
Manager to apply for, accept  
and expend the Coronavirus  
State and Local Fiscal  
Recovery Funds through the  
American Rescue Plan Act  
of 2021 in the amount of  
\$6,440,140.00, subject to the  
terms and conditions of the  
offer and the rules and regu-  
lations pertaining thereto.  
KELLI L. BARNABY,  
MMC/CNHMC  
CITY CLERK

OMB Approved No. 1505-0271  
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY  
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: City of Portsmouth, New Hampshire 1 Junkins Avenue Portsmouth, New Hampshire, 03801	DUNS Number: 073976706 Taxpayer Identification Number: 026000714 Assistance Listing Number: 21.019
--	--

Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

DocuSigned by:  
Recipient:   
4E2995E22EF44E7...

Authorized Representative: Karen Conard

Title: City Manager

Date signed: 5/13/2021

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY  
CORONAVIRUS LOCAL FISCAL RECOVERY FUND  
AWARD TERMS AND CONDITIONS

1. Use of Funds.
  - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
  - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
  - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
  - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
  - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.



9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
  - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
  - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
  - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
  - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
  - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
  - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
  - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
  - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
  - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
  - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
  - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
  - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
  - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
  - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
  - i. A member of Congress or a representative of a committee of Congress;
  - ii. An Inspector General;
  - iii. The Government Accountability Office;
  - iv. A Treasury employee responsible for contract or grant oversight or management;
  - v. An authorized official of the Department of Justice or other law enforcement agency;
  - vi. A court or grand jury; or
  - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

OMB Approved No. 1505-0271  
Expiration Date: November 30, 2021

## ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

### ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

OMB Approved No. 1505-0271  
Expiration Date: November 30, 2021

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

*The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.*

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

OMB Approved No. 1505-0271  
Expiration Date: November 30, 2021

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

- 10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient’s obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

City of Portsmouth, New Hampshire

5/13/2021

Recipient

Date

DocuSigned by:  
*Karen Conard*  
4E2995E22EF44E7...

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 18, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating Five Million Two Hundred Sixty Thousand (\$5,260,000.00) from American Rescue Plan Act (ARPA) Grant to pay costs associated with the Multi-Purpose Fields Lighting and related expenses at the Fields, Citywide Sidewalk Reconstruction, Citywide Street Paving, Management and Rehabilitation, Islington Street Phase 2 Project, and the payment of costs incidental and related thereto.

THAT Five Million Two Hundred Sixty Thousand (\$5,260,000.00) is appropriated to pay costs associated with the Multi-Purpose Fields lighting and related expenses at the fields, citywide sidewalk reconstruction, citywide street paving, management and rehabilitation, Islington Street Phase 2 project and for the payment of all costs incidental and related thereto. That to meet this appropriation up to \$5,260,000.00 shall be utilized from the ARPA.

THAT Resolution #14-2018 adopted by the City Council on July 9, 2018, authorized borrowing by the City of up to Three Million Four Hundred Thousand Dollars (\$3,400,000.00) for the cost related to the construction of multi-purpose recreation fields. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Five Hundred Sixty Thousand Dollars (\$560,000.00) which is hereby discharged and rescinded.

THAT Resolution #14-2019 adopted by the City Council on July 15, 2019, authorized borrowing by the City of up to Ten Million Five Hundred Fifty Thousand Dollars (\$10,550,000.00) for the cost related to City Street, Sidewalk Upgrades, Bridges and Facility Improvements. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000.00) which is hereby discharged and rescinded.

THAT Resolution #17-2021 adopted by the City Council on August 2, 2021, authorized borrowing by the City of up to Thirteen Million Three Hundred Thousand Dollars (\$13,300,000.00) for the cost related to the Prescott Park Master Plan Implementation, City Street and Sidewalk Upgrades. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000.00) which is hereby discharged and rescinded.

The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

LEGAL NOTICE  
NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 18, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating Five Million Two Hundred Sixty Thousand (\$5,260,000.00) from American Rescue Plan Act (ARPA) Grant to pay costs associated with the Multi-Purpose Fields Lighting and related expenses at the Fields, Citywide Sidewalk Reconstruction, Citywide Street Paving, Management and Rehabilitation, Islington Street Phase 2 Project, and the payment of costs incidental and related thereto.

THAT Five Million Two Hundred Sixty Thousand (\$5,260,000.00) is appropriated to pay costs associated with the Multi-Purpose Fields lighting and related expenses at the fields, citywide sidewalk reconstruction, citywide street paving, management and rehabilitation, Islington Street Phase 2 project and for the payment of all costs incidental and related thereto. That to meet this appropriation up to \$5,260,000.00 shall be utilized from the ARPA.

THAT Resolution #14-2018 adopted by the City Council on July 9, 2018, authorized borrowing by the City of up to Three Million Four Hundred Thousand Dollars (\$3,400,000.00) for the cost related to the construction of multi-purpose recreation fields. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Five Hundred Sixty Thousand Dollars (\$560,000.00) which is hereby discharged and rescinded.

THAT Resolution #14-2019 adopted by the City Council on July 15, 2019, authorized borrowing by the City of up to Ten Million Five Hundred Fifty Thousand Dollars (\$10,550,000.00) for the cost related to City Street, Sidewalk Upgrades, Bridges and Facility Improvements. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000.00) which is hereby discharged and rescinded.

THAT Resolution #17-2021 adopted by the City Council on August 2, 2021, authorized borrowing by the City of up to Thirteen Million Three Hundred Thousand Dollars (\$13,300,000.00) for the cost related to the Prescott Park Master Plan Implementation, City Street and Sidewalk Upgrades. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000.00) which is hereby discharged and rescinded.

The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY,  
MMC/CNHMC  
CITY CLERK



CITY OF PORTSMOUTH

TWO THOUSAND TWENTY-TWO

PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION #

A RESOLUTION APPROPRIATING FIVE MILLION TWO HUNDRED SIXTY THOUSAND (\$5,260,000) FROM AMERICAN RESCUE PLAN ACT (ARPA) GRANT TO PAY COSTS ASSOCIATED WITH THE MULTI-PURPOSE FIELDS LIGHTING AND RELATED EXPENSES AT THE FIELDS, CITYWIDE SIDEWALK RECONSTRUCTION, CITYWIDE STREET PAVING, MANAGEMENT AND REHABILITATION, ISLINGTON STREET PHASE 2 PROJECT, AND THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

- 1) THAT Five Million Two Hundred Sixty Thousand (\$5,260,000) is appropriated to pay costs associated with the Multi-Purpose Fields lighting and related expenses at the fields, citywide sidewalk reconstruction, citywide street paving, management and rehabilitation, Islington Street Phase 2 project and for the payment of all costs incidental and related thereto. That to meet this appropriation up to \$5,260,000 shall be utilized from the ARPA.
- 2) THAT Resolution #14-2018 adopted by the City Council on July 9, 2018, authorized borrowing by the City of up to Three Million Four Hundred Thousand Dollars (\$3,400,000) for the cost related to the construction of multi-purpose recreation fields. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Five Hundred Sixty Thousand Dollars (\$560,000) which is hereby discharged and rescinded.
- 3) THAT Resolution #14-2019 adopted by the City Council on July 15, 2019, authorized borrowing by the City of up to Ten Million Five Hundred Fifty Thousand Dollars (\$10,550,000) for the cost related to City Street, Sidewalk Upgrades, Bridges and Facility Improvements. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Four Hundred Thousand Dollars (\$2,400,000) which is hereby discharged and rescinded.
- 4) THAT Resolution #17-2021 adopted by the City Council on August 2, 2021, authorized borrowing by the City of up to Thirteen Million Three Hundred Thousand Dollars (\$13,300,000) for the cost related to the Prescott Park Master Plan Implementation, City Street and Sidewalk Upgrades. The City will use ARPA Grant funds on the unused balance of the borrowing authority in the amount of Two Million Three Hundred Thousand Dollars (\$2,300,000) which is hereby discharged and rescinded.
- 5) THAT this resolution shall take effect upon its passage.

**APPROVED:**

**DEAGLAN MCEACHERN, MAYOR**

**ADOPTED BY CITY COUNCIL:  
APRIL 18, 2022**

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

## LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 18, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating Ten Million Dollars (\$10,000,000.00) to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, including the payment of costs incidental and related thereto.

THAT Ten Million Dollars (\$10,000,000.00) is appropriated to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, (i) up to One Million Five Hundred Seventy Six Thousand One Hundred Seventy-Nine Dollars and Thirty Cents (\$1,576,179.30) shall be transferred from available funds, and (ii) the City Treasurer, with the approval of the City Manager, is authorized to borrow up to Eight Million Four Hundred Twenty Three Thousand Eight Hundred Twenty Dollars and Seventy Cents (\$8,423,820.70) under and pursuant RSA 33 (the Municipal Finance Act), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

THAT Resolution #26-2021 adopted by the City Council on December 20, 2021 is hereby rescinded and of no further force or effect.

The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY, MMC/CNHMC  
CITY CLERK

Public Notices

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 18, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on a proposed Resolution Appropriating Ten Million Dollars (\$10,000,000.00) to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, including the payment of costs incidental and related thereto.

THAT Ten Million Dollars (\$10,000,000.00) is appropriated to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, (i) up to One Million Five Hundred Seventy Six Thousand One Hundred Seventy-Nine Dollars and Thirty Cents (\$1,576,179.30) shall be transferred from available funds, and (ii) the City Treasurer, with the approval of the City Manager, is authorized to borrow up to Eight Million Four Hundred Twenty Three Thousand Eight Hundred Twenty Dollars and Seventy Cents (\$8,423,820.70) under and pursuant RSA 33 (the Municipal Finance Act), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor.

THAT Resolution #26-2021 adopted by the City Council on December 20, 2021 is hereby rescinded and of no further force or effect.

The complete Resolution is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

KELLI L. BARNABY,  
MMC/CNHMC  
CITY CLERK

CITY OF PORTSMOUTH  
TWO THOUSAND TWENTY-TWO  
PORTSMOUTH, NEW HAMPSHIRE

RESOLUTION # \_\_\_\_\_

A RESOLUTION APPROPRIATING TEN MILLION DOLLARS (\$10,000,000) TO PAY COSTS OF ACQUIRING THE COMMUNITY CAMPUS FROM THE FOUNDATION FOR SEACOAST HEALTH; INCLUDING THE PAYMENT OF COSTS INCIDENTAL AND RELATED THERETO.

BE IT RESOLVED:

- 1) THAT Ten Million Dollars (\$10,000,000) is appropriated to pay costs of acquiring the Community Campus from the Foundation for Seacoast Health, and for the payment of all costs incidental and related thereto, and that to meet this appropriation, (i) up to One Million Five Hundred Seventy Six Thousand One Hundred Seventy-Nine Dollars and Thirty Cents (\$1,576,179.30) shall be transferred from available funds, as more particularly described in Exhibit A hereto, and (ii) the City Treasurer, with the approval of the City Manager, is authorized to borrow up to Eight Million Four Hundred Twenty Three Thousand Eight Hundred Twenty Dollars and Seventy Cents (\$8,423,820.70) under and pursuant RSA 33 (the Municipal Finance Act), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor. To the extent that the total amount of available funds, together with the amount authorized to be borrowed by this resolution, exceeds Ten Million Dollars (\$10,000,000) the amount authorized to be borrowed shall be reduced by the amount of any such excess.
- 2) THAT the discretion of fixing the dates, maturities, rates of interest, forms and other details of such bonds is hereby delegated to the City Treasurer with the approval of the City Manager.
- 3) THAT the useful life of property to be acquired by this borrowing is determined to be in excess of 30 years.
- 4) THAT Resolution #26-2021 adopted by the City Council on December 20, 2021 is hereby rescinded and of no further force or effect.
- 5) THAT this resolution shall take effect upon its passage.

**APPROVED:**

\_\_\_\_\_  
**DEAGLAN MCEACHERN, MAYOR**

**ADOPTED BY CITY COUNCIL:  
APRIL 18, 2022**

\_\_\_\_\_  
**KELLI L. BARNABY, MMC/CHMC  
CITY CLERK**

***Note: This authorization requires a 2/3 vote by roll call.***

City of Portsmouth  
Funding Availability  
Community Campus  
4/18/2022

<b>Purchase Price of Community Campus</b>		<b>\$10,000,000.00</b>
<b>Packard Settlement</b>	<b>500,000.00</b>	
<b>Capital Outlay - Land Acquisition</b>	<b>193,727.39</b>	
<b>Sale of Mariners Village Proceeds</b>	<b>229,412.43</b>	
<b>Peirce Estate Recreational &amp; Environmental Trust (from Middle School Expansion)</b>	as of 06/30/21 <b>627,496.53</b>	
<b>Daniel Street Trust (Sale of Connie Bean Dec 2012 \$1,500,000) 06/14/19 used \$1,525,000 on Senior Center</b>	as of 06/30/21 <b>25,542.95</b>	
<b>Total Available Funding as of April 18, 2022</b>		<b>1,676,179.30</b>
<b>Total Borrowing Needed:</b>		<b>\$8,423,820.70</b>



## CITY OF PORTSMOUTH

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

Karen S. Conard  
City Manager

**Date:** April 14, 2022

**To:** Honorable McEachern and City Council Members

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

**Re:** City Manager's Comments on City Council Agenda of April 18, 2022

---

### *X. Public Hearings and Votes on Ordinances and/or Resolutions:*

A. **Public Hearing and Adoption of Resolution Authorizing the City Manager to Apply for, Accept and Expend the Coronavirus State and Local Fiscal Recovery Funds Through the American Rescue Plan Act of 2021 in the Amount of \$6,440,140, Subject to the Terms and Conditions of the Offer and Rules and Regulations Pertaining Thereto:**

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 an economic stimulus bill to help every city and town recover from the impacts of COVID-19. The City received its first tranche of ARPA funds in the amount of \$6,441,140. These funds were accepted at a public hearing by the City Council on June 21, 2021. The City is set to receive the second tranche of ARPA funds in the amount of \$6,440,140.

*I recommend that the City Council move to authorize the City Manager to apply for, accept and expend the Coronavirus State and Local Fiscal Recovery Funds through the American Rescue Plan Act of 2021 in the Amount of \$6,440,140, subject to the [Terms and Conditions of the Offer and Rules and Regulations Pertaining Thereto](#).*

B. **Public Hearing and Adoption of Resolution Appropriating Five Million Two Hundred and Sixty Thousand Dollars (\$5,260,000) from the American Rescue Plan Act Grant to Pay for Certain Projects:**

In order to offset the increase in borrowing for the acquisition of the Community Campus property from \$3,250,000 to \$8,423,820.70, I recommend using ARPA monies to fund four currently authorized projects. This effort would be accomplished by a resolution ([see attached](#)) to rescind already adopted bonding resolutions (listed below), and replace the funding with the use of ARPA Grant funds.

I recommend a proposed resolution to use ARPA funds for the four described projects below:

<b>Proposed Changes to Debt:</b>	Authorized Date	Authorized Unissued Debt	Proposed reduction to Authorized Unissued Debt	Proposed Increases to Authorized Debt	New Authorized Debt
Community Campus	12/20/2021	3,250,000	(3,250,000)	8,423,820.70	8,423,820.70
Multi-Purpose Recreation Fields-Lighting	7/9/2018	560,000	(560,000)		-
Citywide Sidewalk Reconstruction Program	7/15/2019	400,000	(400,000)		-
Street Paving, Management and Rehabilitation	7/15/2019	2,000,000	(2,000,000)		-
Islington Street Phase 2	8/2/2021	2,300,000	(2,300,000)		-
<b>Total</b>		<b>\$ 8,510,000</b>	<b>\$ (8,510,000)</b>	<b>\$ 8,423,820.70</b>	<b>\$ 8,423,820.70</b>

*I recommend that the City Council move to adopt the resolution as presented.*

**C. Public Hearing and Adoption of Resolution Appropriating Ten Million Dollars (\$10,000,000) to Pay for Costs Acquiring the Community Campus from the Foundation for Seacoast Health, Including the Payment of Costs Incidental and Related Thereto:**

On December 20, 2021, the previous City Council passed a resolution to authorize the purchase of Community Campus using various funding sources to include Trusts, Special Revenue, Capital Outlay, American Rescue Plan Act (ARPA), and Borrowing (\$3,250,000). In the time since the passage of that resolution, the federal government has published its Final Rule on the use of ARPA Grant funds effective April 1, 2022. This 400-page Final Rule document provided additional and expanded guidance relative to the purchase and use of real estate. To avoid potential limitations on possible future uses of the Community Campus property, I recommend that the Council rescind the December 20, 2021 resolution and replace it with one that utilizes Trusts, Special Revenue, Capital Outlay and Borrowing (\$8,423,820.70). [See draft Resolution](#) replacing the funding sources.

The City has 60 days from the date of the purchase of Community Campus to change its funding source. The purchase date of Community Campus was March 14, 2022, making May 14, 2022, the last day the City could change the funding source for the property.

*I recommend that the City Council move to adopt the resolution as presented.*

## ***XI. City Manager's Items which Require Action:***

**1. Cemetery Committee Headstone Cleaning Project:**

The City's new Cemetery Committee is organizing a headstone cleaning project involving volunteers that is the subject of a presentation this evening. As part of that project, the City will purchase supplies to support the project and provide certain logistical support. There currently exists the Historic Cemetery Trust with approximately \$5,939 in Trust assets. [A copy of the Trust is attached for reference.](#) This headstone cleaning project is consistent with the Trust purposes. I am requesting that the City Council authorize the costs for this project be covered by the Trust.

I note that the Cemetery Committee is working with City staff to help increase the visibility of this Trust so as to encourage future donations and offset the costs expended for the project through new donations.

*I recommend that the City Council authorize the expenditure of up to \$2,500 from the Historic Cemetery Trust to cover the costs of the headstone cleaning project.*

2. **Approval of Seacoast Eat Local Farmers’ Market Agreement for 2022 Season:**

Attached please find a [License Agreement](#) between the City of Portsmouth and Seacoast Eat Local for the 2022 Farmers’ Market season.

*I recommend that the City Council authorize the City Manager to execute the License Agreement as presented, allowing Seacoast Eat Local to operate a Farmers’ Market at the Municipal Complex on Saturdays from May 7, 2022 through November 5, 2022.*

3. **Naming of Connors Cottage:**

Connors Senior Housing Limited Partnership (Portsmouth Housing Authority) is the Lessee of the former 1895 Building located at the Municipal Complex under a ground lease from the City of Portsmouth. PHA would like to name the building “Connors Cottage” and erect appropriate signage. Article XI of the aforementioned ground lease requires that any such signage, “shall be the subject of future negotiations between the City and [PHA]”. PHA is now seeking agreement from the City of Portsmouth to name the property “Connors Cottage” and erect a sign.

*I recommend that the City Council move that the City is in accord with the request of the Cottage Senior Housing Limited Partnership to rename the former 1895 Building at the Municipal Complex “Connors Cottage” and to erect appropriate signage to that effect.*

4. **Public Health Profile and Needs Assessment:**

I recommend committing \$65,000 in ARPA funds towards a Public Health Profile and Needs Assessment. The City’s Health Officer, Kim McNamara, has identified a Public Health Profile and Needs Assessment as an important step to identify the health needs of the community with the purpose of informing investments in community health. The last such Assessment was done in 2006. By way of background, a public health profile looks at the entire Portsmouth community in terms of age distribution, chronic and acute diseases, rates of cancer, and other health features of the community. This type of profile and assessment is often used as a springboard for public health planning and can be shared with local non-profit organizations in applying for grants. If launched now, the Public Health Profile and Needs Assessment will also help inform the City’s decision-making relative to future expenditures of ARPA funds.

*I recommend a motion to obligate \$65,000 in ARPA funds towards a Public Health Profile and Needs Assessment.*



5. **Request for Public Hearing Regarding SOBOW Square LLC Settlement:**

At the April 6, 2022 Special City Council meeting, the City Council voted to accept a settlement agreement with SOBOW Square LLC. Terms of the settlement obligate the City to pay SOBOW Square LLC \$500,000 on or before May 15, 2022, \$1,000,000 on or before July 15, 2022 and \$500,000 on or before July 15, 2023. The [attached Supplemental Appropriation Resolution](#) will appropriate \$500,000 for the first payment due on or before May 15, 2022, along with \$400,000 to cover one half of the third-party costs incurred to advance the project. I am requesting that the City Council establish a public hearing on the proposed Supplemental Appropriation resolution for the May 2, 2022 City Council meeting.

*I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption, the proposed Supplemental Appropriation Resolution for the settlement agreement between the City of Portsmouth and SOBOW Square LLC, and costs associated with design and engineering related to the McIntyre property, as presented, for the May 2, 2022 City Council meeting.*

Please note that Supplemental Appropriations require a public hearing and a 2/3 roll call vote for adoption.

6. **Water Service Access Easement for Property Located at 410 Portsmouth Road in Greenland:**

[Attached is a request from Attorney Colby Gamester on behalf of his client, 410 Portsmouth Ave LLC](#) (the “Developer”) to accept a water services access easement over property located at 410 Portsmouth Avenue in Greenland. A new 10-unit condominium development (the “Development”) was approved by the Town of Greenland last year, and this Development will be served by City water. A water service access easement is necessary for Portsmouth Public Works staff to access infrastructure on the property for maintenance and in the case of emergency. The approved site plan for the Development and the Utility Plan are attached to Attorney Gamester’s letter as [Exhibits A and B](#), respectively.

The form of the easement, attached to Attorney Gamester’s letter as [Exhibit D](#), has been reviewed and approved by the Legal Department. The Public Works Department has indicated the City’s ability to serve the Development subject to the ordinary processes and procedures of the City, including the payment of requisite fees and a capacity use surcharge. This is reflected in the letter from City Engineer Terry Desmarais to the Developer, included as [Exhibit C](#) to Attorney Gamester’s letter.

Therefore, it is the recommendation of the Legal and Public Works Departments that the City Manager be authorized to negotiate and accept an Access Easement for Water Services from 410 Portsmouth Ave, LLC in a substantially similar form as the document included as [Exhibit D](#) to the letter from Attorney Gamester.

*I recommend that the City Council move to authorize the City Manager to negotiate and accept an Access Easement for Water Services from 410 Portsmouth Ave, LLC in substantially similar form to that attached as Exhibit D.*

### *XIII. Presentations and Written Communications:*

**B. Presentation Regarding Proposed Cargo Facility at Pease:**

Paul Brean, Executive Director of the Pease Development Authority, will present information regarding a proposed cargo facility at this evening's meeting.

**C. Presentation by Cemetery Committee Regarding Headstone Cleaning Project:**

Members of the Cemetery Committee will provide a presentation this evening on their headstone cleaning project.

### *XVI. Approval of Grants/Donations:*

**A. Acceptance of Donation to the Skateboard Park - \$1,025:**

The City received a donation in the amount of \$1,025 to the Skateboard Park from Brenda Prindiville.

*I recommend that the City Council move to approve and accept the donation as presented.*

**B. Acceptance of Donation to the Senior Center - \$300:**

The Senior Center is a recipient of the summer 2022 [Portsmouth Garden Club award](#) of \$300. This donation is to be used for a "reading garden" in front of the Senior Center.

*I recommend that the City Council move to approve and accept the donation as presented.*

**C. Acceptance of Donation to the Senior Center - \$14,896:**

The Senior Center received a reimbursement from the State of New Hampshire's COVID-19 Impact Senior Center Program in the amount of \$14,896. Per the Governor's Office for Emergency Relief and Recovery, the COVID-19 Impact Senior Center Program is a \$4 million fund that will provide qualifying senior centers with funds to accommodate the needs of the population served while mitigating the spread of COVID-19 in accord with the CDC and the New Hampshire Division of Public Health guidelines.

*I recommend that the City Council move to approve and accept the donation for the Senior Center as presented.*

**CITY OF PORTSMOUTH  
LEGAL DEPARTMENT  
MEMORANDUM**

DATE: August 11, 2014  
TO: KELLI L. BARNABY, CITY CLERK  
FROM: ROBERT P. SULLIVAN, CITY ATTORNEY  
RE: HISTORIC CEMETERY TRUST



---

Enclosed for permanent filing please find the original fully executed Historic Cemetery Trust.

attachment

cc: John P. Bohenko, City Manager  
David Moore, Community Development Director  
Trustees of Trust Funds

**CITY OF PORTSMOUTH**

**Historic Cemetery Trust**

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "City") and its Trustees of Trust Funds, Charter Officers of the City with a principal place of business of Prescott Park, Shaw Building, Marcy Street, Portsmouth, County of Rockingham and State of New Hampshire (hereinafter "Trustees") hereby enter this agreement of Trust for the purposes and under the terms and conditions established herein.

1. **STATEMENT OF PURPOSE:**

This Trust is established for the purpose of creating a repository for all funds authorized, contributed, or received by the City of Portsmouth for the conservation, restoration, and repair of cemeteries, burial grounds, and burial sites owned by the City of Portsmouth.

2. **TRUST ASSETS:**

All funds which shall be directed to the Trust and any income produced thereby shall be administered by the Trustees in accordance with their fiduciary duty, the terms of this Trust and the ordinances and Charter of the City of Portsmouth.

3. **USE OF TRUST ASSETS:**

The assets and income held in the Historic Cemetery Trust may be expended for the conservation, restoration, and repair of cemeteries, burial grounds, and burial sites owned by the City of Portsmouth as well as for educational, cultural outreach, and interpretative programs related to cemeteries. Any expenditures from the Trust shall be authorized by the City Council. The Trustees shall disburse such funds at times and in amounts as may be specified under the direction of the City Manager acting pursuant to that authorization of the City Council.

4. **INVESTMENT AND REINVESTMENT OF TRUST FUNDS:**

The Trustees shall hold, invest and reinvest the assets of the Trust together with all additional thereto, either in savings or special notice accounts or in such investments as allowed by the laws of the State of New Hampshire, and may collectively invest such funds with other funds held by the Trustees for the sole purpose of obtaining a higher yield on the investments so collectively invested. The funds of this Trust shall be accounted for separately by the Trustees along with any interest earned on such funds.

5. **OVERSIGHT AND ENFORCEMENT:**

The administration of this trust and the expenditure of any funds therefrom shall be subject to the oversight of the Charitable Trust Unit of the Office of the Attorney General of the State of New Hampshire, which entity may enforce the terms and conditions of this trust by proceeding in equity or otherwise.

**THE CITY OF PORTSMOUTH**

Dated: 7-16-14

  
John P. Bohenko, City Manager

Pursuant to vote of the City Council on July 14, 2014.

Accepted by the Trustees of Trust Funds.


Dated: 8/7/14

  
Phyllis Eldridge

Dated: 7/24/14

  
Dana Levenson

Dated: 7/24/2014

  
Thomas R. Watson

**LICENSE AGREEMENT**

The City of Portsmouth, a municipal corporation with a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire 03801 (hereinafter "City") and Seacoast Eat Local, a non-profit of individual vendors (hereinafter sometimes "Vendors" or "SEL") with a principal place of business and a mailing address at 2 Washington Street, Suite 331, Dover, New Hampshire 03820, and hereby agree as follows:

1) Seacoast Eat Local ("SEL") is licensed by the Portsmouth City Council to operate a Farmers' Market on Saturday mornings between **May 7, 2022 through November 5, 2022** pursuant to the conditions enumerated below.

2) Each individual Vendor of SEL, as well as SEL itself, jointly and severally agree to the following conditions relative to permission to use the designated locations by SEL as granted by the City.

**A. LOCATION:**

This Agreement addresses the **Upper Municipal Lot** at the Municipal Complex (the Lot), 1 Junkins Avenue, Portsmouth, New Hampshire, as shown in the attached **Exhibit A**.

**B. SITE CONDITIONS:**

1. The City Hall Municipal Lot will be reserved for use by SEL as shown in the attached **Exhibit A**. (The Market Area)
2. SEL is authorized to cover the existing handicap parking signs in the Market Area and to utilize the spaces otherwise designated as handicap spaces during the hours in which the Farmers' Market is authorized.
3. SEL shall immediately remove the coverings from the handicap parking space signs at the end of the authorized period.
4. There shall be no use by SEL of Lot B as shown on the attached **Exhibit A**.
5. Parking on grassy areas prohibited.
6. Market Area to be left in broom-clean condition one hour after closing.
7. All trash generated by the market shall be removed by SEL upon closing of the Farmers' Market and the Market Area shall be maintained in a clean, neat condition at all times.
8. SEL shall implement any temporary marking of Vendor spaces which may be directed by the City.

9. SEL shall provide police coverage from 8:00 a.m. to 12:00 p.m. as may be directed by the Police Chief, at its own expense, to control traffic and monitor parking during the hours when the Farmers' Market is in operation.
10. SEL agrees to operate the Farmers' Market on a "CARRY IN – CARRY OUT" basis.
11. SEL agrees to operate the Farmers' Market under the Distribution of Single Use Disposables Ordinance, as shown on attached **Exhibit B**.
12. SEL shall reserve a stall at each market in a location agreeable to the City for City use as directed by the City Manager.

**C. HOURS AND TIME OF MARKET:**

1. Hours of operation will be 8:00 a.m. until 12:00 p.m.
2. Set up and breakdown time will be two hours before and one hour after operation hours.

**D. SALE OF ITEMS:**

1. Products which may be sold at the Seacoast Eat Local farmers' market shall follow the guidelines and definitions outlined within the Farmers' Market Policies (a copy of which is attached hereto as **Exhibit C**).
2. Prior to the commencement of the market season, SEL shall provide the City with a list of approved market Vendors.
3. After the commencement of the season, new food vendors may only be added to the Farmers' Market on two dates to be predetermined by the Health Officer.

**E. HEALTH REQUIREMENTS:**

The Health Officer will have the authority to shut down the entire market if any single Vendor fails to comply with any Health Officer's directive to cure any situation creating a public health concern. The Health Officer shall make reasonable efforts to notify the Executive Director of Seacoast Eat Local or his/her assignee(s) at the time a warning is issued. Specific health requirements include, but are not limited to the following:

1. Vendors shall be excepted from the general City requirement of obtaining a Hawkers & Peddlers License (\$250.00). The following license fee schedule payable to the City shall apply to Farmers' Market Vendors:
  - (a) Fruit and vegetable vendors at the Farmers' Market pay no fee.

- (b) Non-produce/Non-food vendors at the Farmers' Market pay no fee.
  - (c) Prepared food vendors (anything other than non-prepared fruits and vegetables) and sellers of potentially hazardous agricultural products pay a seasonal fee of \$140.00 per season.
2. Non-recycled farm fresh eggs may be sold provided that they are stored at proper temperature (at or below forty-one (41) degrees Fahrenheit) during transport to and while displayed at the Farmers' Market.
  3. Baked goods sold at the Farmers' Market must be individually or collectively wrapped while displayed and sold and baked in a licensed facility.
  4. Any Vendor who sells Potentially Hazardous Foods[Time/Temperature Controlled for Safety (TCS)] (which includes any perishable food or food product which consists in whole or in part of milk or any other ingredient capable of supporting rapid and progressive growth of infectious and toxigenic microorganisms including, but not limited to, cream fillings and pies, cakes and pastries, custard products, meringue-topped baked goods or butter-cream type fillings in bakery products, meats and poultry) shall take appropriate measures to ensure that such products are transported, stored, and displayed in refrigerated or ice-cooled containers to maintain temperature of such products at 41 degrees Fahrenheit or below at all times to prevent spoilage or contamination. Any Vendor who sells cooked/hot TCS foods shall ensure that such products are cooked to required product temperatures as described in the Food Code or reheated to 165 degrees Fahrenheit for 15 seconds, and transported, stored and displayed in hot holding units at 135 degrees Fahrenheit or above at all times to prevent spoilage or contamination.
  5. All animals are prohibited within the Farmers' Market with the exception of hearing ear dogs, guide dogs and service dogs as they are defined in RSA 167-D:1.
  6. The above items do not eliminate or supersede other areas of compliance set by ordinance or regulations or within the grant of authority by the Portsmouth City Council.
  7. In addition to the foregoing, each Vendor of Seacoast Eat Local shall comply with all applicable Federal, State and Municipal laws, regulations and ordinances.
  8. No vendor shall provide fruit or vegetables to be sampled onsite unless a three bay sink is provided, to properly wash-rinse-sanitize all equipment and utensils used for sampling (knife, cutting board, colander, etc.). The colander is then used for washing fruits and vegetables to be sampled. A potable water source must be provided to wash fruits or vegetables prior to service.



9. On-site food preparation and equipment are limited to simple grilling, reheating/hot holding, dispensing and assembling of foods and beverages.
10. No combustion-powered electrical generators are to be used at the market.

**F. OTHER CONDITIONS:**

1. Seacoast Eat Local shall maintain the City with a current list of board members with appropriate contact information.
2. Seacoast Eat Local agrees to indemnify and hold the City of Portsmouth harmless for any and all claims of liability, (including bodily injury or property damage) of any type or kind arising out of SEL's operation or use of this license agreement. This provision shall survive termination of this agreement.
3. Additionally, Seacoast Eat Local shall maintain general liability insurance in the amount of Two Million Dollars (\$2,000,000.00) naming the City of Portsmouth as an additional insured in a form approved by the City. A certificate demonstrating this insurance shall be kept on file with the City Clerk of the City at all times relevant to the operation of SEL under this agreement.
4. At all times when the market is in operation, SEL shall have available for public uses a porta-potty to be located as directed by the City Manager. It is to be removed the following Monday after any market no later than 8:00 AM.
5. The City hereby approves the sale and tastings as allowed by the New Hampshire State Liquor commission of the following alcohol products at the Farmers' Market by SEL members:

Auspicious Brew  
Throwback Brewery

Further alcohol sales or possession is allowed as may be approved in writing by the City Manager.

There shall be no open containers or consumption of alcoholic beverage on municipal premises. All alcoholic beverage sales must be conducted in strict accordance with state law and any rules adopted pursuant thereto by the State of New Hampshire Liquor Commission. This provision of the license agreement with SEL may be revoked immediately and without cause if that action is determined to be appropriate by the City.

6. For the purpose of operating the Farmers' Market on the property of the City of Portsmouth it is understood that a Homestead License issued by the State of New Hampshire, a Home Food Processors License issued by the

State of Maine, or a Residential/Wholesale Kitchen license issued by the State of Massachusetts are not recognized or confer any benefit to the Vendor.

- 7. This agreement may be terminated at the sole discretion of the City of Portsmouth in the event that:
  - (a) Seacoast Eat Local or any Vendor fails to abide by the terms of this agreement.
  - (b) It is determined that the City of Portsmouth has a paramount need for the area which would otherwise be utilized by Seacoast Eat Local.
- 8. The City reserves the right to modify any provision in this agreement in the event that such modification is made necessary by any change in state or federal law.

**CITY OF PORTSMOUTH**

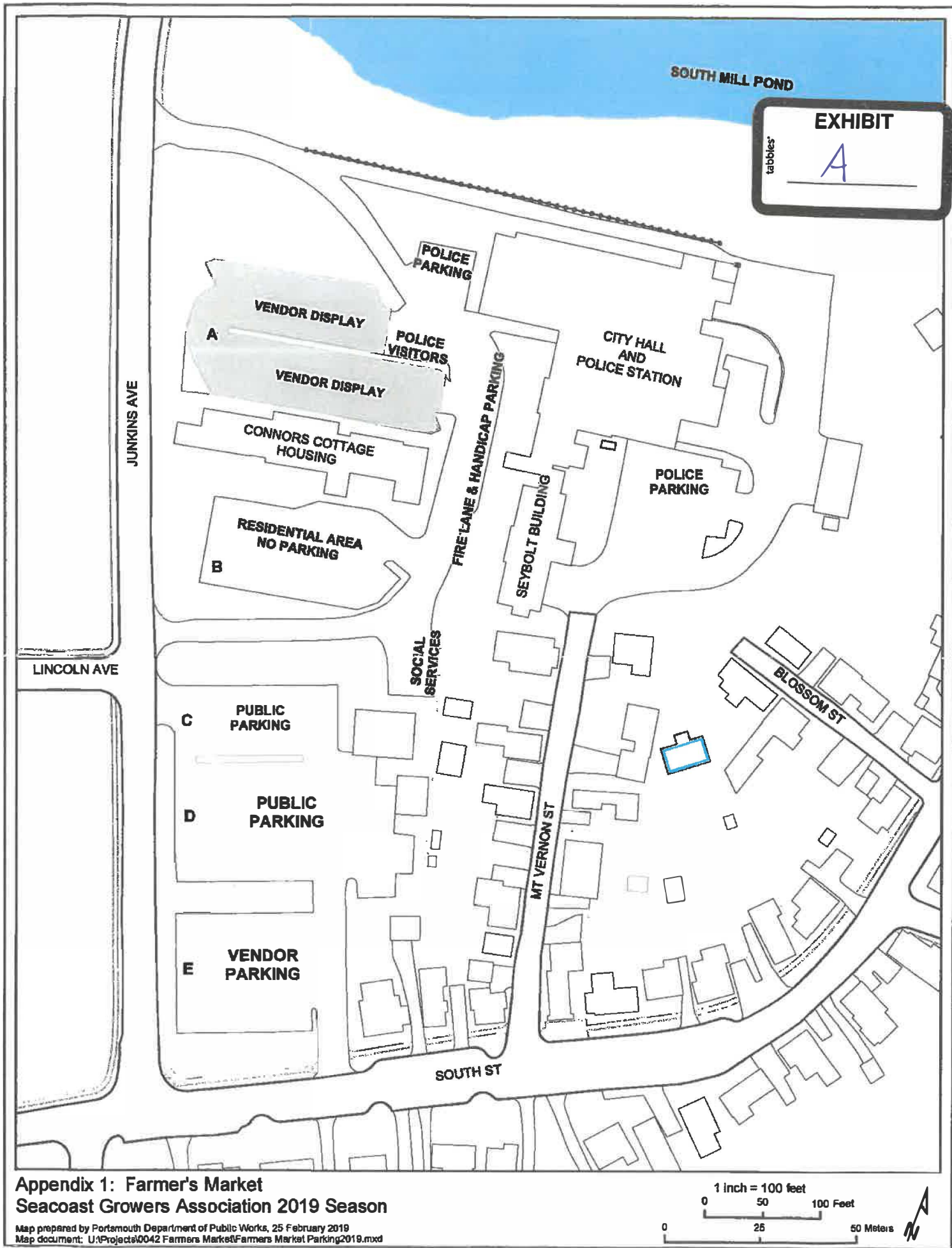
Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Karen S. Conard, City Manager  
Pursuant to vote of the City Council on  
\_\_\_\_\_, 2022.

**SEACOAST EAT LOCAL**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Shawn Menard, Executive Director



**ARTICLE IX: DISTRIBUTION OF SINGLE-USE DISPOSABLES ON CITY PROPERTY (Adopted 10/07/2019; Effective 12/31/2020)****3.901: PURPOSE**

The City of Portsmouth recognizes that limiting the distribution of single-use disposables through source reduction is necessary to protect human health, to preserve the natural environment, and to conserve precious and dwindling natural resources through the proper and integrated management of solid waste.

**3.902: DEFINITIONS**

For the purpose of this Section, the following definitions apply:

*Composting Facility:* any solid waste compost facility certified to properly perform that function by the Director of Public Works of the City of Portsmouth.

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

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

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

*Medical Facility:* a business or nonprofit that has a primary purpose of providing medical services.

*Nonprofit Charitable Reuser:* a charitable organization or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials. To be considered a Nonprofit Charitable Reuser, the entity must meet the terms of section 501(c)(3) of the U.S. Internal Revenue Code (26 U.S.C. 501(c)(3)).

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

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

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

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

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

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

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

*Reusable Plastic Bag:* a sewn woven or non-woven nylon, polypropylene, polyethylene-terephthalata, or Tyvek bag capable of being used one hundred (100) times, is machine washable, and has stitched or woven handles that are not fused. A Reusable Plastic Bag is a form of Reusable Bag.

*Reusable Bag:* a bag capable of being used one hundred (100) times, is machine washable, and has stitched or woven handles that are not fused. Usable Bags include Reusable Plastic Bags.

*Single-Use Carryout Bag:* a bag made of plastic, paper, or other material that is provided by a Store to a Customer at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags include Single-Use Plastic Bags and Single-Use Recycled Paper Bags. Single-Use Carryout Bags do not include Produce bags, Reusable Bags, or bags without handles provided to the Customer to hold prescription medication dispensed from a Pharmacy.

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

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

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

***Single-Use Container:*** a container that is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store.

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

***Single-Use Plastic Bag:*** a bag that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the Store. A Single-Use Plastic Bag is a form of a Single-Use Carryout Bag.

***Single-Use Plastic Container:*** a container that is made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, and is distributed for the purpose of transporting Prepared Food on a single occasion inside or outside of a Store. A Single-Use Plastic Container is a form of a Single-Use Container.

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

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

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

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

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

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

*Store:* any Food Service Establishment, Pharmacy, or Retail Establishment located within the City. Stores do not include Medical Facilities.

### **3.903 CARRYOUT BAGS**

#### **A. Prohibited Carryout Bags:**

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

#### **B. Permitted Carryout Bags:**

1. Stores on City property are allowed to distribute Single-Use Carryout Bags or Reusable Bags to Customers subject to the terms of this Section.
2. All Stores may distribute their remaining 2020 Single-Use Plastic Bag inventory.
3. Nothing in this Section prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the Store.

C. Exemptions:

1. Stores on City property are allowed to distribute only Single-Use Recycled Paper Bags or Reusable Bags to Customers for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this Section.
2. Food Service Establishments on City property are allowed to distribute Single-Use Plastic Bags to Customers only for the purpose of safeguarding health and safety during the transportation of Prepared Foods, including take-out foods and liquids intended for consumption away from the food provider's premises, subject to the terms of this Section.
3. A Customer shall be charged a minimum of a ten cents (\$.10) Cost Pass-Through for each Single-Use Carryout Bag provided by the Store on City property. The sale of each bag shall be separately itemized on the sale receipt. The Cost Pass-Through will remain with the Operator of the Store.
4. A Store on City property may provide a Customer participating in *Special Supplement Nutrition Program for Women, Infants, and Children (WIC)* or *Supplemental Nutrition Assistance Program (SNAP)* with one (1) or more Single-Use Carryout Bag or Reusable Bags at no cost.
5. A Store on City property may provide a Customer with (1) Single-Use Recycled Paper Bag 6 inches across or less without handles at no cost.

**3.904 DISPOSABLE CUPS**

A. Prohibited Disposable Cups:

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

B. Permitted Disposable Cups:

1. Stores on City property are allowed to distribute Single-Use Cups to Customers for the purpose of transporting a beverage that will be drank inside or outside of the Store, subject to the terms of this Section.



2. A Customer shall be charged a minimum of a ten cents (\$.10) Cost Pass-Through for each Single-Use Cup provided by the Store on City property. The sale of each Single-Use Cup shall be separately itemized on the sale receipt. The Cost Pass-Through will remain with the Operator of the Store.

3. All Stores may distribute their remaining 2020 Single-UseCup inventory.

4. Nothing in this Section prohibits Customers from using cups of any type that they would otherwise be allowed to bring to the Store themselves under the Ordinances of the City of Portsmouth in lieu of using cups provided by the Store.

**C. Exemptions:**

1. The only Single-Use Plastic Cups that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Cups if the Store on City property provides customers the option to dispose of the Single-Use Compostable Plastic Cups in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

2. A Store may provide a Customer participating in the Special Supplement Nutrition Program for Women, Infants, and Children (WIC) or the Supplemental Nutrition Assistance Program (SNAP) with one (1) or more Single-Use Cup at no cost.

**3.905 DISPOSABLE CONTAINERS**

**A. Prohibited Disposable Containers:**

1. No Store on City property shall provide a Single-Use Plastic Container to a Customer, at the check stand, cash register, point of sale, or any other location for the purpose of transporting Prepared Food that will be consumed inside or outside of the Store except as provided in this Section.

2. No Store shall provide a Single-Use Polystyrene Container at the check stand, cash register, point of sale, or any other location for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store.

3. No Person shall distribute a Single-Use Plastic Container or a Single-Use Polystyrene Container at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

**B. Permitted Disposable Containers:**

1. Stores on City property are allowed to distribute Single-Use Containers to Customers for the purpose of transporting Prepared Food that will be eaten inside or outside of the Store, subject to the terms of this Section.

2. All Stores may distribute their remaining 2020 Single-Use Container inventory.

3. Nothing in this Section prohibits Customers from using containers of any type that they would otherwise be allowed to bring under the Ordinances of the City of Portsmouth to the Store themselves in lieu of using containers provided by the Store.

C. Exemptions:

1. The only Single-Use Plastic Containers that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Containers if the Store provides customers the option to dispose of the Single-Use Compostable Plastic Containers in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

### **3.906 DISPOSABLE STRAWS**

A. Prohibited Disposable Straws:

1. No Store on City property shall provide a Single-Use Plastic Straw to a customer for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store, except as provided in this Section.

2. No Person shall distribute a Single-Use Plastic Straw at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless a Store on City property is also otherwise allowed to in this Section.

B. Permitted Disposable Straws:

1. Stores on City property are allowed to distribute Single-Use Straws to Customers for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store, subject to the terms of this Section.

2. All Stores may distribute their remaining 2020 Single-Use Straw inventory.

3. Nothing in this Section prohibits Customers from using straws of any type that they bring to the Store themselves in lieu of using containers provided by the Store.

C. Exemptions:

1. Stores on City property are only allowed to distribute Single-Use Straws at the explicit request of the customer for the purpose of transferring a beverage from a cup or container to the mouth of a person drinking the beverage on a single occasion inside or outside of the Store.

2. The only Single-Use Plastic Straws that Stores on City property are allowed to distribute are Single-Use Plastic Compostable Straws if the Store provides customers the option to dispose of the Single-Use Compostable Plastic Straws in a specifically designated composting receptacle that is both on the premise and its contents will be transported to a Composting Facility to be composted.

### **3.907 PENALTIES AND REMEDIES**

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

1. If the City determines that a violation of this Section has occurred, a written warning that includes the potential penalties for future violations will be issued to the Operator.
2. Upon a second or subsequent infraction of this Section, the City is authorized to issue citations to persons, firms, or corporations violating this Section in accordance with the ordinances of the City of Portsmouth. The amount of the fee that will accompany the citation will be determined by the Fee Schedule Study Committee of the City of Portsmouth.
3. The City Attorney is authorized to file any appropriate legal proceedings, including but not limited to requests for injunctive relief, necessary to prevent violation of this Section.

### **SEVERABILITY**

Any portion of this ordinance that is found to be void shall be unenforceable without invalidating the remainder of the ordinance.

SEACOAST EAT LOCAL  
**2022 SUMMER FARMERS' MARKET POLICIES**

1. Seacoast Eat Local (SEL) Summer Farmers' Markets welcome applications from farmers, fishermen, crafters, and food producers.
2. Priority is given to applicants operating out of Rockingham, Strafford, and York counties of New Hampshire and Maine. Though SEL gives priority to applicants in these counties, it is not mandatory that the business reside or produce within these counties as long as they are still within 60 miles of a market venue and meet a niche that is not currently filled. Some exceptions may be made in years with a low number of vendors.
3. Application fees must be paid in full at the submission of the application and the application must be complete to be considered for a spot at any summer farmers' market.
4. All licensure and insurance must be up-to-date prior to the first market attending and the vendor must maintain said requirements for the duration of their time as a vendor.
5. All vendors are required to carry liability insurance (\$1,000,000 per incident and \$2,000,000 per aggregate) that lists Seacoast Eat Local as "additionally insured" in the format below. A city/town holds the right to be additionally insured and vendors will be notified of any municipal requirements.

Seacoast Eat Local  
2 Washington St. Suite 331  
Dover, NH 03820

Insurance is not available through SEL. Simply inquire with your insurance agent to purchase liability insurance for farmers' markets, and upload a digital copy in your online Farm Spread profile

6. All products sold at the market must be listed on the vendor's application, and pre-approved by Seacoast Eat Local. Vendor applications may be amended by calling or emailing not less than 72 hours prior to the market. All products are subject to approval. **Products that have not been pre-approved will not be allowed to be sold.**
7. A vendor may sell items in multiple categories as long as they are reported within the application or directly to an SEL staff member via email, and the extraneous product makes up no more than 20% of their entire product selection at the opening of market. Example: A fruit and vegetable grower who self-identifies as a farmer on the application but also wishes to sell textiles can only have up to 20% of their product selection consist of said textiles.
8. Visiting nonprofits and sponsors will be required to complete an external process for attendance approval. Summer policies and the process to apply for these stated guests can be found upon email request to Seacoast Eat Local.
9. Criteria for Vendor Selection: Seacoast Eat Local (SEL) is committed to creating a diverse marketplace with the highest quality, locally grown and produced products. We

value the partnerships we are making with market vendors and appreciate the mutual benefits of an engaged vendor community. SEL considers many factors when evaluating vendor applications. However, SEL will not be bound to apply a particular set of selection criteria and reserves complete discretion to accept or refuse anyone as a market vendor using any number of factors when evaluating vendor applications. The following criteria will all be considered: proximity to market venues, product selection, product availability, product quality, vendor history, ability to promote the market, customer service skills, booth presentation, ability to work with market staff and other vendors, adherence to food safety guidelines, and timely submission of application materials.

10. Standard booth spaces are 10 feet by 10 feet. In some circumstances, a booth may be deeper than 10 feet but shall not exceed 10 feet of frontage. A double booth consists of two adjacent 10 foot booths for a total of 20 feet of frontage.
11. Vendors selling by weight must provide their own certified scales.
12. Prices for each product must be posted clearly. We also recommend signage that clearly indicates your business name and location.
13. Products that are prepackaged must be labeled with the product name, weight, business name, and business location. (Example, bags of spinach will be labeled: Spinach, 6oz, Steve's Farm, Durham, NH).
14. Attendance Policy: Vendors must notify the Market Manager ahead of time if they will be unable to attend a market. Vendor attendance is of highest importance, and "no shows" will not be tolerated. Vendors who do not abide by this policy may not be allowed to participate in future markets. **If a 24 hour notice is not given, you will still be responsible for paying the stall fees for that date.** This is important to us to maintain the integrity of our markets and keep customers coming back every week.
15. Vendors may arrive on site no earlier than two hours prior to market hours. Vendors who will not have a vehicle at their stall must have their vehicle removed 30 minutes prior to market hours. Once market starts, vendors must stay for the entire duration of and are not permitted to drive their vehicle through the market area until closing time.
16. Vendors must abide by local, state, and federal food regulations, and acquire any licensing or certification required for products sold in New Hampshire. It is each vendor's responsibility to be aware of and comply with food safety, food labeling, marketing, and other relevant regulations for their specific products.
17. Political campaigning is not permitted at the markets. Vendors should not engage in political activity at the markets, such as gathering signatures for petitions, representing a specific political party, or endorsing any candidate running for or currently serving.
18. Outreach and community engagement of the farmers' markets is an important part of the vendor partnership. Vendors are expected to help promote each market they are attending. There are many ways to contribute to promotion and publicity efforts, including emails, website or blog updates, social network posts, handing out flyers etc. Seacoast Eat Local's market manager will be happy to advise vendors on helping with market promotion.
19. Vendors are responsible for following all safety protocols put in place by the local government as well as Seacoast Eat Local. Seacoast Eat Local holds the right to issue an addendum to market policies in this instance. An example of this would be

COVID-19 guidelines.

20. Vendors must provide their own means to wash or sanitize their hands such as a mobile hand washing station or hand sanitizer with a minimum alcohol content of 60%.
21. Vendors must clean up their stall after each market in ground sweep condition. No trash will be left behind after a vendor leaves the site.
22. Markets will operate rain or shine. We know there are some dedicated customers willing to come in all conditions and wish to offer these markets as a permanent fixture in their weekly shopping routine. SEL reserves the right to cancel markets in extreme weather conditions.

## **Market Fees**

### **Application Fees**

A non-refundable application fee of \$60.00 covers the cost to apply to all markets. This is the same fee regardless if the applicant is applying to one or all four markets. This fee will not be refunded if you are not accepted to any of the farmers' markets. **You will be sent an invoice to pay your application fee within one week of submitting your application. Your application will not be considered if your invoice has not been paid.** If you are concerned or are a new vendor looking for clarification, reach out to: [marketmanager@seacoastlocal.org](mailto:marketmanager@seacoastlocal.org).

Within the year of 2022, any fee paid to Seacoast Growers Association prior to said organization's dissolution will be passed along to SEL, and will be applied to the application fee.

### **Stall Fees**

Stall fee dollar amounts are per market day, per stall and are subject to variances as it relates to stall size (double stalls will be charged double the stall fee).

Durham: \$15.00/market day per stall

Dover: \$15.00/market day per stall

Exeter: \$20.00/market day per stall

Portsmouth: \$20.00 for an inside booth without your vehicle and \$25.00 on the outside perimeter of the market with your vehicle.

Stall fees are due at the end of each month to be able to participate in markets the following month. (Example, all stall fees for June must be paid by June 30th for a vendor to participate in July markets).

### **Facilities/Accommodations**

- A bathroom or porta-potty will be accessible to all vendors
- Electricity will not be provided. Some exceptions may be made at an additional charge if available at a specific location.
- All vendors must bring their own tent, tables, and display.
- Parking: Vendors will be able to park next to or behind their stall in Durham, Dover, and Exeter. Portsmouth parking depends on the booth (see stall fees section). Vendors with large vehicles may not be permitted to park next to their stall depending on the site. We reserve the right to require any vendor to move their vehicle during market hours.

### **Vendors vs Guest Vendors**

- Vendors are defined as vendors that participate in two (2) markets per month OR a total of fifteen (15) markets during the season. Vendors apply for market(s) and are assigned stalls prior to the start of the season.
- Guest vendors may apply and be assigned to markets at any time during the season as space permits. Guest vendors may participate in up to six (6) markets per season. Some exceptions may be given for guest vendors to participate in additional markets if more vendors are needed. Guest vendors will be held to the same policies and prices as vendors outlined in this document.

### **Vendor Specific Policies**

#### **Farmers/Fishermen**

1. Vendors must grow, forage, catch, or raise 100% of what they sell at the farmers' market.
2. This category of vendor may grow on leased land as long as they are solely responsible for the food produced on said land.
3. Honey and Maple Syrup: Honey may be sold by the beekeeper from the hives the beekeeper maintains, or by the farm where the hives are located. If the honey is sold by the farm the honey must come exclusively from that farm and may not be mixed with other honey. Maple syrup may be sold by the sugar-maker from sap the sugar-maker boils or by the farm where the maple trees are located. If the syrup is sold by the farm the syrup must come exclusively from that farm and may not be boiled or mixed with sap from other locations.

#### **Required Paperwork:**

- Liability Insurance

#### **Relevant Paperwork that may be required:**

- Milk license
- Portsmouth Health Department Application (\$140 fee paid to the city)-applicable for farmers who sell items that are perishable, frozen or refrigerated such as meats and eggs.
- Organic Certification
- Liquor license

### Prepared Foods

1. Baked goods, jams, jellies, condiments and other prepared foods may be sold if said products are made by the vendor.
2. PORTSMOUTH: Vendors must not only meet all application requirements, they must also meet all requirements of the health department. You will be notified if you are approved to be a Portsmouth vendor at which point you will be invited to fill out your application to the City of Portsmouth Health Department.
3. Prepared food vendors shall be limited to 20% of vendors at the Portsmouth Farmers' Market per Portsmouth City regulations.

### Required Paperwork:

- Liability Insurance

### Relevant Paperwork that may be required:

- Liquor license
- Food service license
- Homestead license
- Commercial Kitchen license
- Portsmouth Health Department Application (\$140 due to the city if accepted)

### Crafts

1. Preference will be given to crafts made of natural and local materials. Items offered for sale should reflect fine craftsmanship, personal vision, and attention to detail. The items should be in keeping with the spirit of the farmers market.
2. Craft vendors can only sell locally made crafts that are solely produced by the vendor.
3. Crafts must be made within York County (Maine), or in Rockingham or Strafford Counties (New Hampshire).
4. Applications in both craft and fine art will be judged on the basis of design, technical skill, originality, diversity (in regards to other market vendors) and imagination.
5. All work must be handmade and the original design of the artist. Participants must exhibit the type and quality of work shown to the jury. Not acceptable items are embellished or made from commercially available kits, plans or patterns; imports; factory made or other assembled items.
6. Craft applications for membership will be juried in March. Items to be juried will be brought to a determined location (or virtual video meeting) and will be presented to the craft jury panel. There will be up to three additional jury dates per year for members introducing craft products during the season.
7. Craft applications for guest vending will be juried from photos sent with the application. A visual inspection of your booth and work will be made on your first market date. Your booth and work should meet standards or your subsequent dates will be canceled.
8. Craft vendors shall be limited to 20 percent of vendors at any market. Personal care products (i.e. soaps, skincare, essential oils, etc.) fall within the categorization of crafter and as such will be included in the 20% vendor spread limit. The exception to this rule

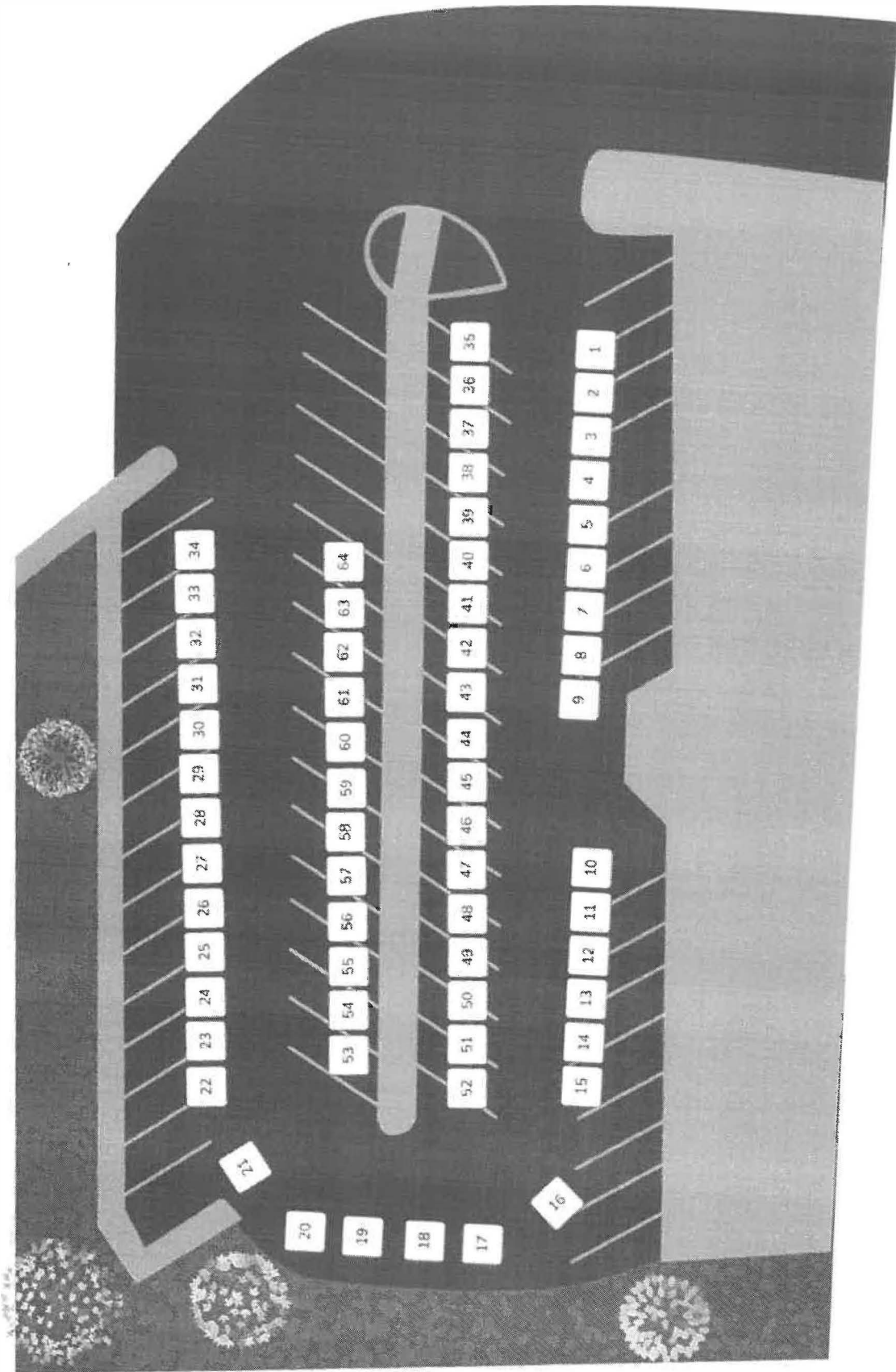


being producers who sell other products and self identify under one of the other vendor categories.

9. Personal care product policies: “The manufacturer is solely responsible for ensuring the safety of the product. The manufacturer is also required to ensure the product does not contain any [prohibited ingredients](#) and it is [properly labeled](#). Please note there are [color additives that are approved](#) for use in cosmetics and [color additives \(batches\) that are subject to certification](#). The latter additives must be [certified by the office of colors and cosmetics](#) prior to being used in a cosmetic. Also keep in mind that if your product contains an [active ingredient](#), or purports any claims it mitigates, treats or prevents a medical condition, it will be regulated by the [FDA Center for Drugs Evaluation and Research](#).” from **Food and Drug Administration’s (FDA) Food and Cosmetic Information Center (FCIC)/Technical Assistance Network (TAN)-[Maine Federation of Farmers’ Markets](#)**

Required Paperwork:

- Liability Insurance



**CITY OF PORTSMOUTH, NEW HAMPSHIRE  
SUPPLEMENTAL APPROPRIATION  
FOR THE FISCAL YEAR ENDING JUNE 30, 2022**

**RESOLUTION # -**

**A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM FUND BALANCE FOR THE SETTLEMENT AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND SOBOW SQUARE LLC. AND COSTS ASSOCIATED WITH DESIGN AND ENGINEERING RELATED TO THE MCINTYRE PROPERTY.**

**RESOLVED:**

**BY THE CITY COUNCIL OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ASSEMBLED AS FOLLOWS:**

**THAT**, the City Council has determined that the sum of **Nine Hundred Thousand (\$900,000) Dollars** is to be appropriated from Fund Balance to defray the expenditures for the settlement agreement between the City of Portsmouth and SOBOW Square LLC. And costs associated with design and engineering related to the McIntyre property for the Fiscal Year ending in June 30, 2022.

**THAT**, the settlement amounts to be made on or before July 15, 2022 One Million (\$1,000,000) Dollars and on or before July 15, 2023 Five Hundred Thousand (\$500,000) Dollars will be made using future available revenues which may include Fund Balance.

**THAT**, to meet this appropriation, the City Manager is authorized to transfer these funds from Committed Fund Balance.

**APPROVED BY:**

\_\_\_\_\_  
**DEAGLAN MCEACHERN,  
MAYOR**

**ADOPTED BY CITY COUNCIL  
DATE MAY 2, 2022**

---

**KELLI BARNABY, CMC/CNHMC**

**CITY CLERK**

**SECTION 7.14-AMENDMENTS TO BUDGET AFTER ADOPTION**

No appropriation shall be made for any purpose not included in the annual budget as adopted unless voted by a two-thirds (2/3) majority of the Council after a public hearing held to discuss said appropriation. The Council shall, by resolution, designate the source of any money so appropriated.

# COLBY T. GAMESTER

Attorney At Law

144 Washington Street  
Portsmouth, New Hampshire 03801

(603)-427-0000  
colby@gamesterlaw.com

---

April 12, 2022

SENT VIA EMAIL ONLY

Portsmouth City Council  
c/o City Manager Karen Conard &  
Staff Attorney Trevor P. McCourt  
1 Junkins Avenue  
Portsmouth, NH 03801

**Re: 410 Portsmouth Avenue, Greenland, NH  
Access Easement for Water Services**

Dear Mayor McEachern:

I represent 410 Portsmouth Ave LLC, the owner of 410 Portsmouth Avenue, Greenland, New Hampshire (the "Property"), the entity that has obtained subdivision and site plan approval from the Town of Greenland to construct a ten (10) unit condominium development on the Property (the "Development"). I respectfully request that this letter and request be placed on the City Council's April 18, 2022 meeting agenda.

My client received a special exception from the Greenland Zoning Board of Adjustment in January 2021 to allow for a multi-family use in the Town's Commercial A Zoning District. My client later received subdivision and site plan approval from the Greenland Planning Board in July 2021.

The Property consists of 2.03 +/- acres of land which originally contained a four (4) bedroom historic home (the John Pickering House), an accessory carriage house/barn structure and outbuildings. The approved Development includes the John Pickering House, now converted to a two (2) bedroom condominium, and nine (9) new two (2) bedroom condominiums in three (3) new structures. This can all be seen on the approved Condominium Site Plan which is recorded in the Rockingham County Registry of Deeds as Plan# D-43008 and is enclosed as Exhibit A.

The Property, and each of the ten condominiums, are to be served by public water. See the Development's Utility Plan enclosed as Exhibit B. The City of Portsmouth provides public water service to portions of the Town of Greenland and maintains the related infrastructure. During the Greenland Planning Board process, my client's engineer, Jones & Beach Engineers, Inc., worked with the Department of Public Works relative to proposed public water service

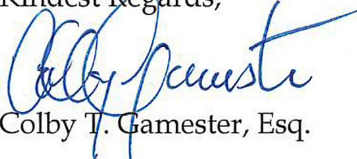
infrastructure, and on July 15, 2021, received an Ability to Serve Letter which is enclosed as Exhibit C.

Pursuant to the Ability to Serve Letter my client "must grant an access easement...to the City of Portsmouth for access and leak detection of the proposed water main, shutoffs and meters. The easement description must be approved by the City's legal department and accepted by the City Council."

Enclosed as Exhibit D is the Access Easement for Water Services which has previously been reviewed by the City's legal department. We are now requesting that the City Council accept this Easement so that it can be executed and recorded in the Rockingham County Registry of Deeds.

If there are any questions regarding this letter, the Development or the Easement, then I am more than happy to answer the same as I plan on being in attendance at your April 18, 2022 meeting.

Kindest Regards,



Colby T. Gamester, Esq.

Enclosures

Cc: File  
Client  
Paige Libbey, P.E.

D-43008 10/01/2021 01:25:15 PM  
Register of Deeds, Rockingham County  
LCHRP PLAN 25.00 26.00

### CONDITIONS FOR SPECIAL EXCEPTION

ON JANUARY 20TH, 2021, THE ZONING BOARD OF ADJUSTMENT VOTED TO GRANT A SPECIAL EXCEPTION FOR A MULTI-FAMILY USE WITH THE FOLLOWING CONDITIONS:

- NO INCREASE OR A REDUCTION OF STORMWATER TO SURROUNDING LOTS OR STREETS.
- SNOW STORAGE SHALL NOT INTERFERE WITH STORMWATER MANAGEMENT FEATURES ON THE PROPERTY.

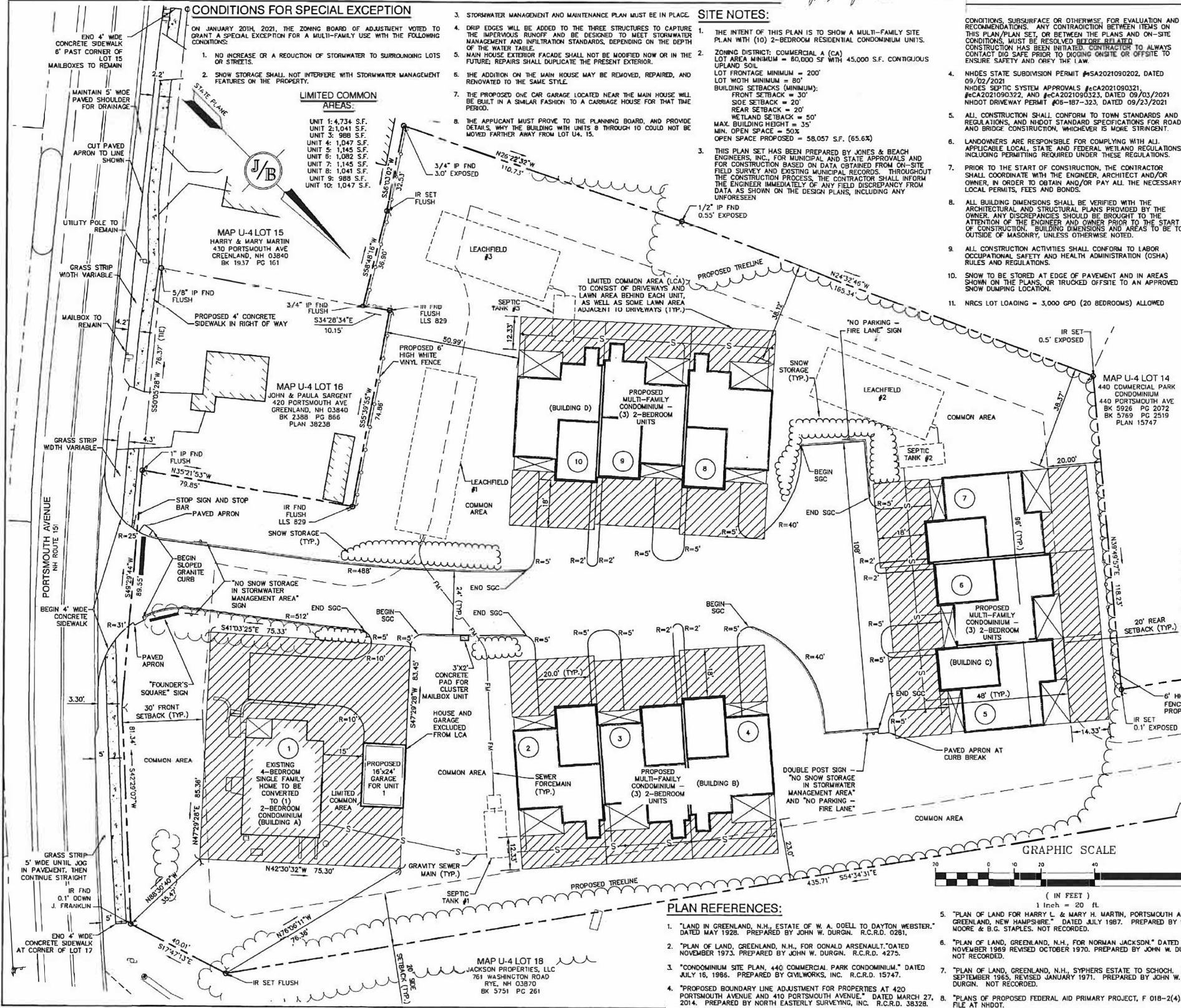
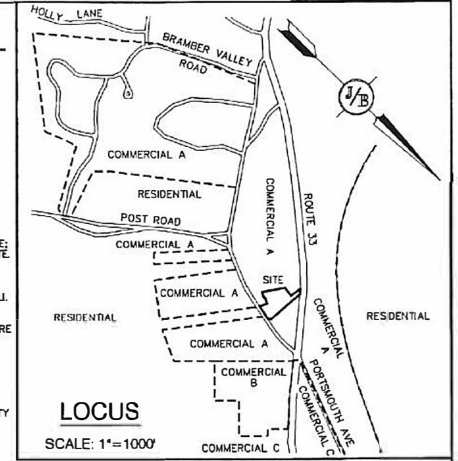
3. STORMWATER MANAGEMENT AND MAINTENANCE PLAN MUST BE IN PLACE.
4. DRIP EDGES WILL BE ADDED TO THE THREE STRUCTURES TO CAPTURE THE INTERIUS RUNOFF AND BE DESIGNED TO MEET STORMWATER MANAGEMENT AND INFILTRATION STANDARDS, DEPENDING ON THE DEPTH OF THE WATER TABLE.
5. MAIN HOUSE EXTERIOR FACADE SHALL NOT BE MODIFIED NOW OR IN THE FUTURE; REPAIRS SHALL DUPLICATE THE PRESENT EXTERIOR.
6. THE ADDITION ON THE MAIN HOUSE MAY BE REMOVED, REPAIRED, AND RENOVATED TO THE SAME STYLE.
7. THE PROPOSED ONE CAR GARAGE LOCATED NEAR THE MAIN HOUSE WILL BE BUILT IN A SIMILAR FASHION TO A CARRIAGE HOUSE FOR THAT TIME PERIOD.
8. THE APPLICANT MUST PROVIDE TO THE PLANNING BOARD, AND PROVIDE DETAILS WHY THE BUILDING WITH UNITS 8 THROUGH 10 COULD NOT BE MOVED FARTHER AWAY FROM LOT U4. 15.

### SITE NOTES:

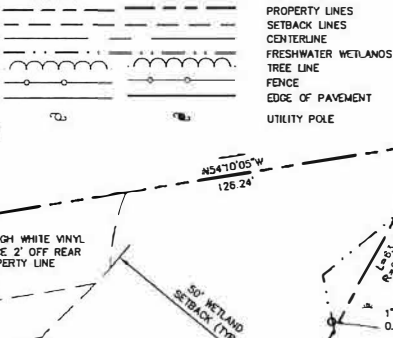
1. THE INTENT OF THIS PLAN IS TO SHOW A MULTI-FAMILY SITE PLAN WITH (10) 2-BEDROOM RESIDENTIAL CONDOMINIUM UNITS.
2. ZONING DISTRICT: COMMERCIAL A (CA)  
LOT AREA MINIMUM = 80,000 SF WITH 45,000 S.F. CONTIGUOUS UPLAND SOIL.  
FRONT SETBACK = 30'  
SIDE SETBACK = 20'  
REAR SETBACK = 20'  
WETLAND SETBACK = 50'  
MAX. BUILDING HEIGHT = 35'  
MIN. OPEN SPACE = 50%  
OPEN SPACE PROPOSED = 58,057 S.F. (65.6%)
3. THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC., FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN

4. CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE BUILT.
5. CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIO SAFE PRIOR TO DIGGING ON-SITE OR OFF-SITE TO ENSURE SAFETY AND CRY THE LAW.
6. NHDES STATE SUBDIVISION PERMIT #SA2021090202, DATED 09/02/2021  
NHDES SEPTIC SYSTEM APPROVALS #CA2021090321, #CA2021090322, AND #CA2021090323, DATED 09/03/2021  
NHDOT DRIVEWAY PERMIT #06-187-323, DATED 09/23/2021
7. ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
8. LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
9. PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, FEES AND BONDS.
10. ALL BUILDING DIMENSIONS SHALL BE VERIFIED WITH THE ARCHITECTURAL AND STRUCTURAL PLANS PROVIDED BY THE OWNER. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER AND OWNER PRIOR TO THE START OF CONSTRUCTION. BUILDING DIMENSIONS AND AREAS TO BE TO OUTSIDE OF MASONRY, UNLESS OTHERWISE NOTED.
11. ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
12. SHOW TO BE STORED AT EDGE OF PAYEMENT AND IN AREAS SHOWN ON THE PLANS, OR TRUCKED OFFSITE TO AN APPROVED SNOW DUMPING LOCATION.
13. NRCS LOT LOADING = 3,000 GPD (20 BEDROOMS) ALLOWED

14. PARKING CALCULATIONS:  
EACH UNIT HAS 1 SPACE IN GARAGE AND 2 SPACES IN DRIVEWAY.  
TOTAL SPACES REQUIRED = 2 SPACES PER UNIT X 10 UNITS = 20  
TOTAL SPACES PROVIDED = 30
15. ON JANUARY 26, 2021, THE TOWN OF GREENLAND ZONING BOARD OF ADJUSTMENT GRANTED A SPECIAL EXCEPTION FOR THE PROPOSED MULTI-FAMILY USE.
16. ALL PROPOSED SIGNAGE SHALL CONFORM WITH THE TOWN ZONING REGULATIONS, UNLESS A VARIANCE IS OTHERWISE REQUESTED.
17. ALL SIGNAGE AND PAVEMENT MARKINGS SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (M.U.T.C.D.) AND NHDOT STANDARDS AND SPECIFICATIONS (NON-REFLECTORIZED PAVEMENT MARKINGS), UNLESS OTHERWISE NOTED.
18. ALL STOP BARS SHALL BE 18" IN WIDTH IN A COLOR OF WHITE. ALL TRAFFIC ARROWS SHALL BE PAINTED IN A COLOR OF WHITE. PAVEMENT MARKINGS ARE TO BE PER NHDOT DETAIL PM-9, REPLICATED ON SHEET 02.
19. EACH UNIT WILL HAVE THEIR OWN TRASH BINS AND TRASH WILL BE PRIVATELY HANDED BY THE CONDOMINIUM ASSOCIATION.
20. ALL LAND BESIDES THE LIMITED COMMON AREAS AND UNITS ARE TO BE COMMON AREA.
21. EACH UNIT SHALL OBTAIN A SEPARATE OCCUPANCY PERMIT FROM THE BUILDING INSPECTOR PRIOR TO BEING SOLD.
22. AS-BUILT SITE AND FLOOR PLANS TO BE RECORDED.
23. ALL BOOK AND PAGE NUMBERS REFER TO ROCKINGHAM COUNTY REGISTRY OF DEEDS.
24. TAX MAP AND LOT NUMBERS ARE BASED ON TOWN OF GREENLAND TAX RECORDS AND ARE SUBJECT TO CHANGE.
25. ANY USE OF THIS PLAN AND/OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL, TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.
26. ANY UTILITY WORK IN THE NH 151 RIGHT OF WAY WILL REQUIRE A SEPARATE NHDOT EXCAVATION PERMIT.
27. THE UTILITY LOCATIONS SHOWN HEREON WERE DETERMINED BY OBSERVED ABOVE GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE IN LOCATION ONLY. LOCATION, DEPTH, SIZE, TYPE, EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES AND/OR UNDERGROUND STORAGE TANKS WAS NOT VERIFIED BY THIS SURVEY. ALL CONTRACTORS SHOULD NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK OR CALL DIG-SAFE AT 1-888-816-SAFE.
28. THE SUBJECT PARCEL IS NOT LOCATED WITHIN AN AREA HAVING A SPECIAL FLOOD HAZARD ZONE DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY ON FLOOD INSURANCE RATE MAP NO. 3301500265F, WITH EFFECTIVE DATE OF JANUARY 29, 2021.
29. THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESCRIPTIVE.
30. THIS PLAN IS THE RESULT OF A CLOSED TRAVERSE WITH A RAW, UNADJUSTED LINEAR ERROR OF CLOSURE GREATER THAN 1 IN 15,000.
31. SURVEY THE LINES SHOWN HEREON ARE NOT BOUNDARY LINES. THEY SHOULD ONLY BE USED TO LOCATE THE PARCEL SURVEYED FROM THE FOUND MONUMENTS SHOWN AND LOCATED BY THIS SURVEY.



### GENERAL LEGEND



- #### ADDITIONAL ABUTTERS:
- R18/37  
IRAN REALTY TRUST 1997  
LINH T. IRAN TRUSTEE  
42 MOULTON AVE.  
GREENLAND, NH 03840-2308
  - R20/14  
U4/23  
SYPHERS LIVING TRUST  
L H & P SYPHERS TRUSTEES  
PO BOX 61  
GREENLAND, NH 03840-0061
  - R21/1A  
JAMES H. MACKENZIE  
GAIL V. MACKENZIE  
PO BOX 51  
GREENLAND, NH 03840-0051
  - U4/14A  
PATRICIA A. LEVESQUE REVOCABLE TRUST  
PATRICIA A. LEVESQUE TRUSTEE  
5 GERRYS LANE  
ELIOT, ME 03903
  - U4/14B & 14C  
ROBERT A. ARENS REVOCABLE TRUST  
ROBERT ARENS TRUSTEE  
PO BOX 550  
GREENLAND, NH 03840
  - U4/14D  
ROBERT A. ARENS REVOCABLE TRUST OF 2013  
ROBERT ARENS TRUSTEE  
PO BOX 550  
GREENLAND, NH 03840
  - U4/23A  
FREDERICK LUDINGTON REVOCABLE TRUST  
DEBORAH LUDINGTON REVOCABLE TRUST  
407 PORTSMOUTH AVE  
GREENLAND, NH 03840
  - U4/24  
STEPHEN A. HUSSEY  
417 PORTSMOUTH AVE  
GREENLAND, NH 03840
  - U4/25A  
ABC PORTSMOUTH AVE LLC  
437 PORTSMOUTH AVE, UNIT 2  
GREENLAND, NH 03840

**PROJECT PARCEL**  
TOWN OF GREENLAND  
TAX MAP U4, LOT 17

**TOTAL LOT AREA**  
88,437 SQ. FT.  
2.03 ACRES

### PLAN REFERENCES:

1. "LAND IN GREENLAND, N.H., ESTATE OF W. A. ODELL TO DAYTON WEBSTER," DATED MAY 1926. PREPARED BY JOHN W. DURGIN, R.C.R.D. 0291.
2. "PLAN OF LAND, GREENLAND, N.H., FOR DONALD ARSENAULT," DATED NOVEMBER 1973. PREPARED BY JOHN W. DURGIN, R.C.R.D. 4275.
3. "CONDOMINIUM SITE PLAN, 440 COMMERCIAL PARK CONDOMINIUM," DATED JULY 16, 1996. PREPARED BY CMLWORKS, INC. R.C.R.D. 15747.
4. "PROPOSED BOUNDARY LINE ADJUSTMENT FOR PROPERTIES AT 420 PORTSMOUTH AVENUE AND 410 PORTSMOUTH AVENUE," DATED MARCH 27, 2014. PREPARED BY NORTH EASTERLY SURVEYING, INC. R.C.R.D. 38326.
5. "PLAN OF LAND FOR HARRY L. & MARY H. MARTIN, PORTSMOUTH AVENUE, GREENLAND, NEW HAMPSHIRE," DATED JULY 1987. PREPARED BY K.E. MOORE & B.G. STAPLES. NOT RECORDED.
6. "PLAN OF LAND, GREENLAND, N.H., FOR NORMAN JACKSON," DATED NOVEMBER 1989 REVISED OCTOBER 1970. PREPARED BY JOHN W. DURGIN. NOT RECORDED.
7. "PLAN OF LAND, GREENLAND, N.H., SYPHERS ESTATE TO SCHOCH," DATED SEPTEMBER 1965, REVISED JANUARY 1971. PREPARED BY JOHN W. DURGIN. NOT RECORDED.
8. "PLANS OF PROPOSED FEDERAL AID PRIMARY PROJECT, F 018-2(4)," ON FILE AT NHDOT.

### CONDOMINIUM SITE PLAN CERTIFICATION:

I CERTIFY THAT THIS PLAN FULLY AND ACCURATELY DEPICTS THE LOCATION AND DIMENSIONS OF THE LAND AND EXISTING IMPROVEMENTS SHOWN THEREON AND TO THE EXTENT FEASIBLE, ALL EASEMENTS APPURTENANT THERETO, THAT UNIT 1 IS SUBSTANTIALLY COMPLETE, THAT UNITS 2-10 ARE NOT YET BEGUN, AND THIS PLAN COMPLIES WITH NH RSA 356-820 (1).

**MATTHEW J. SALVUCCI, LLS 1030**  
ON BEHALF OF JONES & BEACH ENGINEERS, INC.

DATE: 9/24/21

APPROVED - GREENLAND, NH  
PLANNING BOARD

*Stephen Quinte* chair

DATE: 9-29-21

Design: PSL Draft: DJM Date: 2/17/21  
Checked: PSL Scale: AS SHOWN Project No.: 20642  
Drawing Name: 20642-PLAN.dwg

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.



REV.	DATE	REVISION	BY
8	8/24/21	ADDED DOT PERMIT NUMBER	DJM
7	8/13/21	REVISED BUILDINGS PER ARCH PLANS, ADDED PERMIT NUMBERS	DJM
6	8/7/21	REVISED FRONT YARD GRADING PER NHDOT COMMENT	DJM
5	8/11/21	REVISED PER TOWN ENGINEER AND CLIENT COMMENTS	DJM
4	7/8/21	REVISED PER TOWN ENGINEER AND WATER DEPT COMMENTS	DJM

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave.  
PO Box 219  
Stratham, NH 03885

Civil Engineering Services

603-772-4748  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

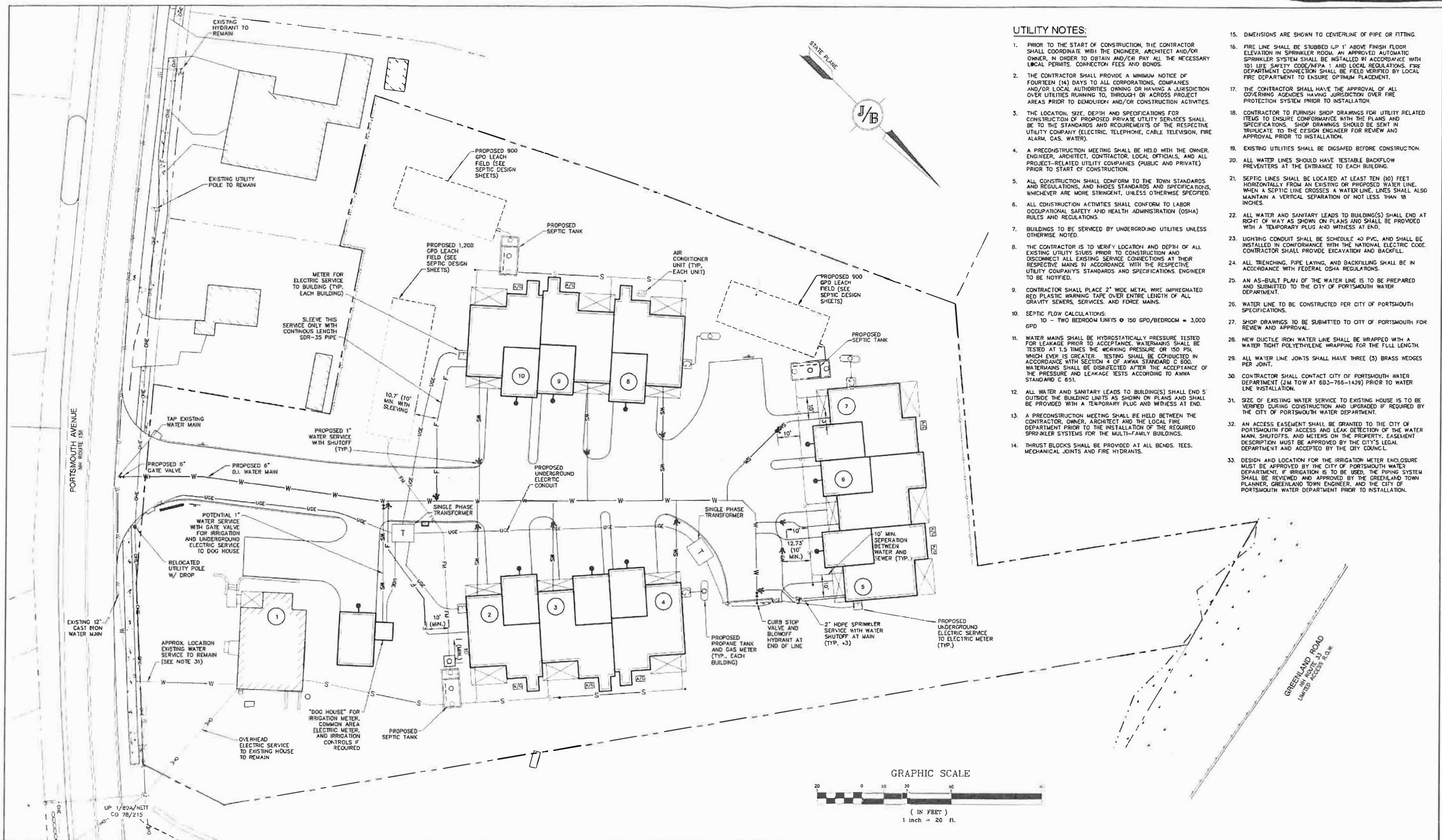
Plan Name: **CONDOMINIUM SITE PLAN**  
MAP U4, LOT 17

Project: **"FOUNDER'S SQUARE"**  
410 PORTSMOUTH AVE, GREENLAND, NH

Applicant / Owner: 410 PORTSMOUTH AVE, LLC ATTN: JASON LAJEUNESSE  
33 PALM DRIVE, GREENLAND, NH 03840 BK 6157 PG 531

DRAWING No. **C2**

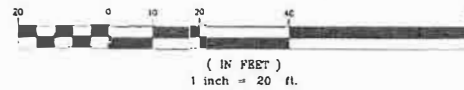
SHEET 5 OF 22  
JBE PROJECT NO. 20642



**UTILITY NOTES:**

- PRIOR TO THE START OF CONSTRUCTION, THE CONTRACTOR SHALL COORDINATE WITH THE ENGINEER, ARCHITECT AND/OR OWNER, IN ORDER TO OBTAIN AND/OR PAY ALL THE NECESSARY LOCAL PERMITS, CONNECTION FEES AND BONDS.
- THE CONTRACTOR SHALL PROVIDE A MINIMUM NOTICE OF FOURTEEN (14) DAYS TO ALL CORPORATIONS, COMPANIES AND/OR LOCAL AUTHORITIES OWNING OR HAVING A JURISDICTION OVER UTILITIES RUNNING TO, THROUGH OR ACROSS PROJECT AREAS PRIOR TO DEMOLITION AND/OR CONSTRUCTION ACTIVITIES.
- THE LOCATION, SIZE, DEPTH AND SPECIFICATIONS FOR CONSTRUCTION OF PROPOSED PRIVATE UTILITY SERVICES SHALL BE TO THE STANDARDS AND REQUIREMENTS OF THE RESPECTIVE UTILITY COMPANY (ELECTRIC, TELEPHONE, CABLE TELEVISION, FIRE ALARM, GAS, WATER).
- A PRECONSTRUCTION MEETING SHALL BE HELD WITH THE OWNER, ENGINEER, ARCHITECT, CONTRACTOR, LOCAL OFFICIALS, AND ALL PROJECT-RELATED UTILITY COMPANIES (PUBLIC AND PRIVATE) PRIOR TO START OF CONSTRUCTION.
- ALL CONSTRUCTION SHALL CONFORM TO THE TOWN STANDARDS AND REGULATIONS, AND RHODES STANDARDS AND SPECIFICATIONS, WHICHEVER ARE MORE STRINGENT, UNLESS OTHERWISE SPECIFIED.
- ALL CONSTRUCTION ACTIVITIES SHALL CONFORM TO LABOR OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA) RULES AND REGULATIONS.
- BUILDINGS TO BE SERVICED BY UNDERGROUND UTILITIES UNLESS OTHERWISE NOTED.
- THE CONTRACTOR IS TO VERIFY LOCATION AND DEPTH OF ALL EXISTING UTILITY STUBS PRIOR TO CONSTRUCTION AND DISCONNECT ALL EXISTING SERVICE CONNECTIONS AT THEIR RESPECTIVE MAINS IN ACCORDANCE WITH THE RESPECTIVE UTILITY COMPANY'S STANDARDS AND SPECIFICATIONS, ENGINEER TO BE NOTIFIED.
- CONTRACTOR SHALL PLACE 2" WIDE METAL WIRE IMPREGNATED RED PLASTIC WARNING TAPE OVER ENTIRE LENGTH OF ALL GRAVITY SEWERS, SERVICES, AND FORCE MAINS.
- SEPTIC FLOW CALCULATIONS:  
10 - TWO BEDROOM UNITS @ 150 GPD/BEDROOM = 3,000 GPD
- WATER MAINS SHALL BE HYDROSTATICALLY PRESSURE TESTED FOR LEAKAGE PRIOR TO ACCEPTANCE. WATERMANS SHALL BE TESTED AT 1.5 TIMES THE WORKING PRESSURE OR 150 PSI, WHICHEVER IS GREATER. TESTING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 4 OF AWWA STANDARD C 600. WATERMANS SHALL BE DISCONNECTED AFTER THE ACCEPTANCE OF THE PRESSURE AND LEAKAGE TESTS ACCORDING TO AWWA STANDARD C 651.
- ALL WATER AND SANITARY LEADS TO BUILDING(S) SHALL END 5' OUTSIDE THE BUILDING LIMITS AS SHOWN ON PLANS AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AND WITNESS AT END.
- A PRECONSTRUCTION MEETING SHALL BE HELD BETWEEN THE CONTRACTOR, OWNER, ARCHITECT AND THE LOCAL FIRE DEPARTMENT PRIOR TO THE INSTALLATION OF THE REQUIRED SPRINKLER SYSTEMS FOR THE MULTI-FAMILY BUILDINGS.
- THRUST BLOCKS SHALL BE PROVIDED AT ALL BENDS, TEES, MECHANICAL JOINTS AND FIRE HYDRANTS.
- DIMENSIONS ARE SHOWN TO CENTERLINE OF PIPE OR FITTING.
- FIRE LINE SHALL BE STUBBED UP 1' ABOVE FINISH FLOOR ELEVATION IN SPRINKLER ROOM. AN APPROVED AUTOMATIC SPRINKLER SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH 101 LIFE SAFETY CODE/NFPA 1 AND LOCAL REGULATIONS. FIRE DEPARTMENT CONNECTION SHALL BE FIELD VERIFIED BY LOCAL FIRE DEPARTMENT TO ENSURE OPTIMUM PLACEMENT.
- THE CONTRACTOR SHALL HAVE THE APPROVAL OF ALL COVERING AGENCIES HAVING JURISDICTION OVER FIRE PROTECTION SYSTEM PRIOR TO INSTALLATION.
- CONTRACTOR TO FURNISH SHOP DRAWINGS FOR UTILITY RELATED ITEMS TO ENSURE CONFORMANCE WITH THE PLANS AND SPECIFICATIONS. SHOP DRAWINGS SHOULD BE SENT IN TRIPPLICATE TO THE DESIGN ENGINEER FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION.
- EXISTING UTILITIES SHALL BE DISINFESTED BEFORE CONSTRUCTION.
- ALL WATER LINES SHOULD HAVE TESTABLE BACKFLOW PREVENTERS AT THE ENTRANCE TO EACH BUILDING.
- SEPTIC LINES SHALL BE LOCATED AT LEAST TEN (10) FEET HORIZONTALLY FROM AN EXISTING OR PROPOSED WATER LINE. WHEN A SEPTIC LINE CROSSES A WATER LINE, LINES SHALL ALSO MAINTAIN A VERTICAL SEPARATION OF NOT LESS THAN 18 INCHES.
- ALL WATER AND SANITARY LEADS TO BUILDING(S) SHALL END AT RIGHT OF WAY AS SHOWN ON PLANS AND SHALL BE PROVIDED WITH A TEMPORARY PLUG AND WITNESS AT END.
- LIGHTING CONDUIT SHALL BE SCHEDULE 40 PVC, AND SHALL BE INSTALLED IN CONFORMANCE WITH THE NATIONAL ELECTRIC CODE. CONTRACTOR SHALL PROVIDE EXCAVATION AND BACKFILL.
- ALL TRENCHING, PIPE LAYING, AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
- AN AS-BUILT PLAN OF THE WATER LINE IS TO BE PREPARED AND SUBMITTED TO THE CITY OF PORTSMOUTH WATER DEPARTMENT.
- WATER LINE TO BE CONSTRUCTED PER CITY OF PORTSMOUTH SPECIFICATIONS.
- SHOP DRAWINGS TO BE SUBMITTED TO CITY OF PORTSMOUTH FOR REVIEW AND APPROVAL.
- NEW DUCTILE IRON WATER LINE SHALL BE WRAPPED WITH A WATER TIGHT POLYETHYLENE WRAPPING FOR THE FULL LENGTH.
- ALL WATER LINE JOINTS SHALL HAVE THREE (3) BRASS WEDGES PER JOINT.
- CONTRACTOR SHALL CONTACT CITY OF PORTSMOUTH WATER DEPARTMENT (J.M. TOW AT 603-766-1439) PRIOR TO WATER LINE INSTALLATION.
- SIZE OF EXISTING WATER SERVICE TO EXISTING HOUSE IS TO BE VERIFIED DURING CONSTRUCTION AND UPGRADED IF REQUIRED BY THE CITY OF PORTSMOUTH WATER DEPARTMENT.
- AN ACCESS EASEMENT SHALL BE GRANTED TO THE CITY OF PORTSMOUTH FOR ACCESS AND LEAK DETECTION OF THE WATER MAIN, SHUTOFFS, AND METERS ON THE PROPERTY. EASEMENT DESCRIPTION MUST BE APPROVED BY THE CITY'S LEGAL DEPARTMENT AND ACCEPTED BY THE CITY COUNCIL.
- DESIGN AND LOCATION FOR THE IRRIGATION METER ENCLOSURE MUST BE APPROVED BY THE CITY OF PORTSMOUTH WATER DEPARTMENT. IF IRRIGATION IS TO BE USED, THE PIPING SYSTEM SHALL BE REVIEWED AND APPROVED BY THE GREENLAND TOWN PLANNER, GREENLAND TOWN ENGINEER, AND THE CITY OF PORTSMOUTH WATER DEPARTMENT PRIOR TO INSTALLATION.

**GRAPHIC SCALE**



Design: PSL	Draft: DJM	Date: 2/17/21
Checked: PSL	Scale: AS SHOWN	Project No.: 20642
Drawing Name: 20642-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
4	7/6/21	REVISED PER TOWN ENGINEER AND WATER DEPT COMMENTS	DJM
3	6/2/21	REVISED PER TOWN ENGINEER AND NHDOT COMMENTS	DJM
2	4/28/21	REVISED PER TOWN ENGINEER AND WATER DEPT COMMENTS	DJM
1	4/5/21	REVISED PER TOWN ENGINEER AND WATER DEPT COMMENTS	DJM
0	2/24/21	ISSUED FOR REVIEW	DJM
REV.	DATE	REVISION	BY

Designed and Produced in NH

## J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

Civil Engineering Services

603-772-4740 FAX: 603-772-0227 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>UTILITY PLAN</b>
Project:	"GOVERNOR'S WAY" 410 PORTSMOUTH AVE, GREENLAND, NH
Applicant / Owner:	410 PORTSMOUTH AVE, LLC ATTN: JASON LAJEUNESSE 33 PALM DRIVE, GREENLAND, NH 03840 BK 6157 PG 531

CRAWING No.	<b>C4</b>
SHEET 7 OF 22	JBE PROJECT NO. 20642





## PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH  
680 Peverly Hill Road  
Portsmouth N.H. 03801  
(603) 427-1530 FAX (603) 427-1539

July 15, 2021

Planning Board (Via Email)  
Town of Greenland  
11 Town Square  
Greenland, NH 03840

RE: Ability to Serve Letter  
410 Portsmouth Avenue (Tax Map U4/Lot 17)

Dear Planning Board Members:

The City of Portsmouth (City) has received a request from Paige Libbey, P.E., of Jones & Beach Engineers, Inc., on behalf of the applicant, 410 Portsmouth Ave, LLC, (Jason Lajeunesse) to provide an "Ability to Serve" letter for domestic water service for a proposed 10 Unit Condominium Development to be built at 410 Portsmouth Avenue (Tax map U4, Lot 17) as shown on the attached Utility Plan, Sheet C4, REV.4, dated 7/6/21. Per our review, the Portsmouth Water Division has the capacity to serve the proposed development from the existing 12-inch water main pipe in Portsmouth Avenue.

However, in addition, the project intends to install a fire service line to each proposed three unit building, and, also, intends to install an irrigation system. Note that the City does not guarantee adequate fire service or any aspect of such service as stated in the City's Ordinances (Sec. 16.110). To date, no information has been submitted regarding the irrigation system's design and peak flow demand, which must be submitted for review and approval prior to installation.

Please be aware that the owner/developer must grant an access easement (see note #32 on Utility Plan Sheet C4) to the City of Portsmouth for access and leak detection of the proposed water main, shutoffs and meters. The easement description must be approved by the City's legal department and accepted by the City Council.

The City requires the new 6-inch water line to have an approved water shut off valve at the main line and individual water service shutoffs for domestic, fire, and irrigation services and individual meters. A separate water meter is required for the irrigation system that needs to be approved by the City and installed in accordance with the City's Water Department requirements. The applicant will be required to submit an "Application for Water Service" to the City, which will require a standard deposit and payment of required fees and a capacity use surcharge for service. The applicant must coordinate the connections with the City's Water Department (Jim Tow @ 603-766-1438). At the time the water service application is submitted, the City may request additional details. Information regarding the application for water service can be obtained from Mike Finn at 603-427-1530.

Sincerely,

Terry Desmarais, P.E.  
City Engineer

cc: Paige Libbey, P.E., of J&B (email)  
[chussey@greenland-nh.com](mailto:chussey@greenland-nh.com) (email)  
Jim Tow, Utility Foreman  
Raymond Pezzullo, P.E., Assistant City Engineer

**EXHIBIT D****ACCESS EASEMENT FOR WATER SERVICES**

KNOW ALL PERSONS BY THESE PRESENTS, that **410 Portsmouth Ave LLC**, a New Hampshire limited liability company, having an address of 33 Palm Drive, Greenland, New Hampshire 03840 (“Grantor”) for consideration received, grants to the **City of Portsmouth**, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, and its successors and assigns (“Grantee”), with QUITCLAIM COVENANTS an easement over, below, along and across the premises described herein, located at 410 Portsmouth Avenue, Greenland, New Hampshire 03840, shown on Greenland Tax Assessor’s Map U4 as Lot 17, and being more particularly described as follows:

Meaning and intending to convey an easement over the private roads and adjacent areas known as 410 Portsmouth Avenue, Greenland, New Hampshire and as shown on Plan of Land entitled “Condominium Site Plan, Map U4, Lot 17, Founder’s Square, 410 Portsmouth Ave, Greenland, NH, Owner: 410 Portsmouth Ave, LLC, ATTN: Jason Lajeunesse, 33 Palm Drive, Greenland, NH 03840, BK 6157 PG 531” prepared by Jones & Beach Engineers, Inc. and recorded in the Rockingham County Registry of Deeds as Plan No. D-43008.

**Purpose and Rights:** The Grantee shall have a perpetual, permanent uninterrupted and unobstructed nonexclusive easement for the purposes of enabling the City of Portsmouth to access private water infrastructure including mains, water shutoffs, and valves for the limited purpose of leak detection and similar infrastructure inspection services and for access to valves for purposes of turning on and shutting off municipal water service. Grantee shall have no responsibility for installation, maintenance, operation, or replacement of the water infrastructure.

**Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the easement area insofar as the exercise thereof does not interfere with the purpose of this instrument.

Easement to Run With Land: All right and privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executor, successors and assignees of the Grantee and of the Grantor, the parties hereto and all subsequent owners of the Premises and shall run with the land.

This is an exempt transfer per R.S.A. 78-B2(I).

IN WITNESS WHEREOF, the Grantor has executed this document on the \_\_\_\_ of \_\_\_\_\_ 2022.

410 Portsmouth Ave LLC

Witness: \_\_\_\_\_

\_\_\_\_\_  
Jason Lajeunesse, Member

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

Personally appeared before me this \_\_\_\_ day of \_\_\_\_\_ 2022 the above-named Jason Lajeunesse in his capacity as Member of 410 Portsmouth Ave LLC, and acknowledged the foregoing instrument to be his free act and deed executed for the purposes contained herein

\_\_\_\_\_  
Notary Public  
My Commission Expires:

City of  
Portsmouth  
*Department of Public Works*



---

**MEMORANDUM**

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 03/25/2022

SUBJECT: PSNH Petition #: 63-0694, Pole numbers 300/11 and 146/300/12, Mirona Rd,

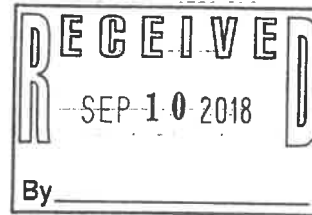
STATUS: Recommend Approval

**The attached documentation is a request for license for utility poles marked 300/11 and 300/12. The Department of Public Works reviewed the utility plan provided by Eversource for the Mirona Rd site and found it to be in the City Right of Way. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is attachment titled The Pole Location Plan along with site pictures.**

**cc: Peter Rice, P.E. Director of Public Works  
Kelli Barnaby, City Clerk**

September 4, 2018

Office of the City Clerk  
City of Portsmouth  
One Junkins Avenue  
Portsmouth, NH 03801



Dear City Clerk,

Public Service Company of New Hampshire, dba Eversource Energy is hereby requesting permission to install/replace pole(s) located in City of Portsmouth, New Hampshire.

Enclosed for your review find three copies of PSNH Petition and Pole License number 63-0694 for City of Portsmouth review.

Upon approval, please have each copy of the Petition and Pole License signed by the proper authority.

Retain the Petition and Pole License copy labeled "**Portsmouth**" and mail the remaining signed copies along with any invoice for payment to PSNH in the enclosed self-addressed envelope.

If the Petition and Pole License is not approved, please return all copies to PSNH with an explanation.

Please contact me by telephone or e-mail with any questions you may have.

Thank you.

*Alaina Bailey*

Alaina Bailey  
Customer Operations Support - Licensing  
Public Service Company of New Hampshire, dba Eversource Energy  
PO Box 330  
Manchester, NH 03105-9989  
Tel. 603-634-3710  
E-Mail: [alaina.bailey@eversource.com](mailto:alaina.bailey@eversource.com)

Enclosure(s)

**PETITION AND POLE LICENSE**

**PETITION**

Manchester, New Hampshire

September 4, 2018

To the City Council of the City of Portsmouth New Hampshire.

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices thereon, together with such sustaining, strengthening and protecting fixtures as may be necessary along, and under the following public ways:

License two ( 2) pole(s), 300/11, 300/12 located on Mirona Rd in the City of Portsmouth.

Northern New England Telephone Operations LLC  
dba Consolidated Communications – NNE

Public Service Company of New Hampshire,  
dba Eversource Energy

BY: Francis Loretto

BY: Alaina Bailey  
Alaina Bailey, Licensing Specialist

**LICENSE**

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This 4th day of September, 2018, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE be and hereby are granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked EVERSOURCE and Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE No. 63-0694, dated 9/4/2018, attached hereto and made a part hereof.

City of Portsmouth, New Hampshire

BY: \_\_\_\_\_ BY: \_\_\_\_\_

BY: \_\_\_\_\_ BY: \_\_\_\_\_

BY: \_\_\_\_\_ BY: \_\_\_\_\_

Received and entered in the records of the City of Portsmouth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

Date: \_\_\_\_\_ ATTEST: \_\_\_\_\_  
Town Clerk

# POLE LOCATION PLAN

EVERSOURCE and

Northern New England Telephone Operations LLC, dba Consolidated Communications – NNE

DATE 09/04/2018

LICENSE NO. 63-0694, EON: 63-077-18

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Mirona Rd

STATE LICENSE NO. \_\_\_\_\_

PSNH OFFICE: Portsmouth

WORK REQUEST# 3068680

PSNH ENGINEER: Nick Kosko

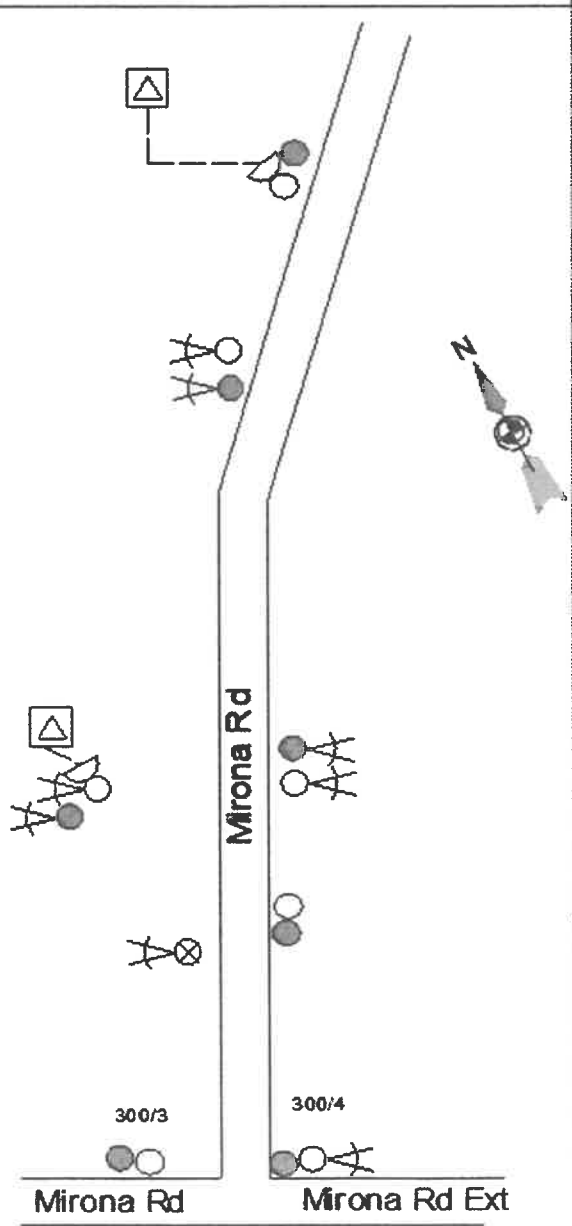
WORK FINANCIAL # 9P820205

TELCO ENGINEER: Consdine

TELCO PROJECT # n/a

INDICATE NORTH WITH AN ARROW

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	OCC FEB
LTS	TEL												
<u>300</u> <u>8T1</u>												Replace Live front TX	
<u>300</u> <u>8</u>	<u>930</u> <u>8</u>	<u>45-3</u> <u>50-2</u>	<u>E5</u>									Inst/Rmv J/O pole 43.04898, -70.77492	<u>M</u>
<u>300</u> <u>7</u>	<u>930</u> <u>7</u>	<u>45-2</u> <u>40-4</u>	<u>JO</u>									Inst/Rmv J/O Pole 43.04890, -70.77528	<u>M</u>
<u>300</u> <u>6T1</u>												Replace Live Front TX	<u>P</u>
<u>300</u> <u>6</u>	<u>930</u> <u>6</u>	<u>45-3</u> <u>50-2</u>	<u>E5</u>									Inst/Rmv J/O Pole 43.04878, -70.77542	<u>M</u>
<u>300</u> <u>6A</u>	<u>93F</u> <u>1</u>	<u>45-2</u> <u>35-4</u>	<u>JO</u>									Inst/Rmv J/O Pole 43.04899, -70.77590	<u>P</u>
<u>300</u> <u>5</u>	<u>930</u> <u>5</u>	<u>45-2</u> <u>40-4</u>	<u>JO</u>									Inst/Rmv J/O Pole 43.04851, -70.77568	
<u>300</u> <u>5S</u>												Ref Pole	
<u>300</u> <u>4</u>	<u>930</u> <u>4</u>	<u>50-2</u> <u>40-4</u>	<u>E5</u>									Inst/Rmv J/O Pole 43.04821, -70.77628	<u>M</u>
<u>300</u> <u>3</u>	<u>930</u> <u>3</u>	<u>45-2</u> <u>40-4</u>	<u>JO</u>									Inst/Rmv J/O Pole 43.04853, -70.77670	<u>M</u>



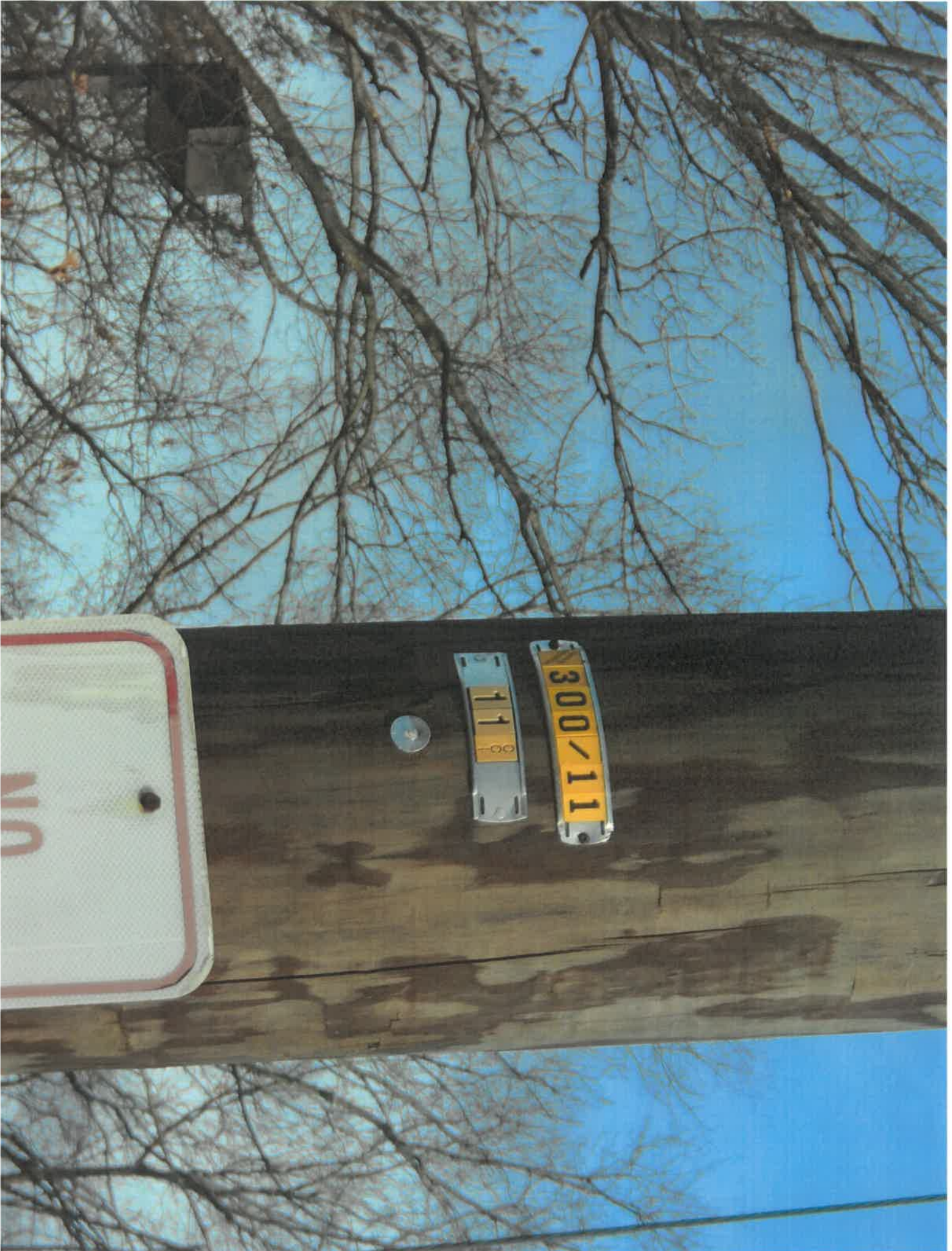
ADDENDUM PER RSA 231:163

- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All licensee(s) and any other entity using and/or occupying property of the City shall provide for the payment of properly assessed real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the city; and
- 3) Failure of the licensee(s) and any other entity using and/or occupying property of the City to pay duly assessed personal and real taxes when due shall be cause to terminate said agreement by the lessor.

The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

**Approved by City Council:**





NO



118

300/11





300/12





April 8, 2022

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

Dear Honorable Mayor McEachern and City Council Members;

The Portsmouth chapter of the AFSP Out of the Darkness Walk has hosted a fundraising and education walk since 2006 in Portsmouth. This event has grown to more than 600 walkers annually. We would like to continue the tradition and success of this program and are asking for permission to again host an in-person Out of the Darkness Community Walk in the City of Portsmouth.

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

**Date: September 17, 2022 (Saturday)**

**Registration Begins: 8:30am**

**Walk Duration: 10am – Noon**

We would like to again request use of Pierce Island as the event location and walk starting point.

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

Respectfully,

Ken La Vallée, Chair  
OOTD Walk Committee  
603-556-0823  
66 Hunter Lane  
Barrington, NH 03825



# Unnamed Route

## ROUTE INFORMATION



ROUTE LENGTH 2.812 miles

START **LAT: 43.074516, LNG: -70.744511**



## NOTES

# Unnamed Route



56 ft

3 ft

1

2

## ROUTE DIRECTIONS

No	Miles	Turn	Directions
1	0.000		Start on Pierce Island Road
2	0.344	↘	Turn sharp right
3	0.357	→	Turn right onto Mechanic Street
4	0.413	←	Turn left onto Marcy Street
5	0.588	↙	Turn slight left onto Marcy Street, NH 1B
6	0.617	↗	Keep right onto South Street
7	0.947	→	Turn right onto Junkins Avenue
8	1.274	→	Turn right onto Edwards Street
9	1.344	←	Turn left onto Pleasant Street, NH 1B
10	1.504	←	Turn left onto State Street, US 1
11	1.697	↘	Turn sharp right onto Middle Street, US 1
12	1.777	←	Turn left onto Congress Street, US 1
13	2.098	←	Turn left onto Chapel Street
14	2.156	←	Turn left onto State Street, US 1
15	2.186		Keep right onto State Street
16	2.228	→	Turn right
17	2.236	→	Turn right onto Marcy Street
18	2.400	←	Turn left onto Mechanic Street
19	2.812		FINISH



CITY COUNCIL E-MAILS

Received: April 4, 2022 (after 4:30 p.m.) – April 14, 2022 (before 9:00 a.m.)

April 18, 2022 Council Meeting

Submitted on Sat, 04/09/2022 - 07:15

**Full Name**

Jon Dickinson

**Email**

[jon3425@gmail.com](mailto:jon3425@gmail.com)

**Subject**

Racism and Sexism at the Helm of Portsmouth's Government?

**Address**

220 Walker Bungalow Rd

**Message**

In a single tweet, Joanna Kelley revealed who she is as a person, and how she governs; Biased, narrow minded, and shallow. The city of Portsmouth prides itself on diversity and inclusion and her words contradict that mission. It's the height of hypocrisy if she is allowed to retain her role of assistant mayor. Change "mediocre white male" to a "mediocre black female" and we'd have protests from people far beyond the city's boundaries. The council MUST act immediately and censure Kelley. This is absolutely outrageous.

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

---

Submitted on Fri, 04/08/2022 - 16:46

**Full Name**

Danielle Hoffman

**Email**

[dfhoff@gmail.com](mailto:dfhoff@gmail.com)

**Subject**

in support of Joanna Kelley

**Address**

8 Chickadee Lane

Kittery, Maine. 03904

**Message**

Dear Portsmouth City Council,

You might be inclined disregard my message of support since I live 2 miles outside of your city limits. But the fact is that neighboring residents like me help your city to thrive by supporting your businesses, and the activities of your council do impact my life.

I wanted to express my support for Joanna Kelley after the news article I read about her closely scrutinized tweet. As a mediocre white lady, married to a mediocre white man, I recognize the stark disparity in opportunities available to white Americans as compared to black Americans. I recognize that the financial & career success, along with social/emotional stability my family enjoys are a direct result of opportunities readily accessible to us because of our whiteness. The generational wealth of our families has provided a strong foundation with keys to many doors that put us ahead of most black families in America, who have been systematically denied access to the foundation building that my family takes for granted. While I can see how some residents might have found Ms. Kelley's words insulting at first glance, I believe this reaction is due to a lack of insight and understanding regarding their context. Wouldn't it be wonderful if the council could use this as an opportunity for discussion, learning, and community growth? You would be a model for neighboring communities. Thank you for your time, and please know there are plenty of us out here cheering Ms. Kelley on as she continues to grow into her new role.

Sincerely,

Danielle Hoffman

Kittery, ME

Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting. Yes

**Submitted on Tue, 04/05/2022 - 09:01**

**Full Name**

Nicole LaPierre

**Email**

[nicoleglapierre@hotmail.com](mailto:nicoleglapierre@hotmail.com)

**Subject**

Pilot NPP

**Address**

44 Rock Street

**Message**

The necessity of the program is about to become even greater

The pilot Islington Creek Neighborhood Parking Program went into effect on Wednesday, August 4, 2021 and is currently up for review by the Parking, Traffic, and Safety Committee. The NPP Pilot Program is on the committee's agenda for review on April 7, 2022 at 8:30 am. An unfortunate hour for most working residents but I am hopeful more public forums will be made available. Following the meeting, a recommendation will be made to the city council. A total of 381 Regular NPP Passes have been issued through October 29th, including 34 from outside the NPP Neighborhood. An additional 191 guest passes are in circulation, for a total of 572 passes. There is an on-street inventory of 251 spaces in the Islington Creek Neighborhood. Dating back to the 1990s residents have advocated for parking relief in the neighborhood. In recent years, with the large construction boom of downtown and the West End the issue came to a head. The result being the current and first version of the NPP. Under the rules of the program, the following streets are included in the program: McDonough from Dover to Brewster; Sudbury, Hanover from Brewster to Bridge Street, Tanner from Islington Street to Hill Street; Tanner Court, Autumn, Parker, Pearl, Rock, Brewster, Langdon, Cornwall, Rockingham, Cabot, Salem, Dover Street, and both sides of Islington Street from Dover Street to Bridge Street. Residents and businesses in the designated area could apply for one permit per vehicle and a maximum of three per residence/business. Residents of Portsmouth who live outside the pilot area could apply for one permit. Vehicles without a valid permit can park for up to two hours on any street in the designated neighborhood. The program in this current form has proven very generous and encompassing of many needs. Including businesses, 2 hour free parking, and any resident of the city can obtain a pass. These are unusual additions to a neighborhood parking program. In the past months, none have proven problematic. That is not to say the program does not need adjustments as concerns have been raised regarding the number of passes allowed, guest passes, and making the situation viable for contractors working in the neighborhood. There was no charge for the pilot program permit.

The necessity of the program is about to become even greater. And in this very long parking story, this is where the city must start working proactively instead of reactively. A growing city is not one without growing pains. It is of the utmost importance to note the further slated development of properties abutting the neighborhood. The micro units which will be built where the Statie is currently housed will have 21 units. Potentially that is an additional 42 cars to the area. There will be no onsite parking and the builder was only required to lease 7 spots. As can be gleaned from reviewing the city data, right prior to the start of the program there was an increase in purchased passes for the garage. Further proof of the greatest argument for this program, people will park for free when given the opportunity. Prior to the Pilot the neighborhood was frequented by tourists and people working downtown and not people working or living in the neighborhood. Those cars are now part of the much needed Foundry Garage revenue. The city has established a very reasonable parking rate for people working downtown. Additionally, people keep complaining that everyone should be able to park on the streets. Completely forgetting that they can park on the streets. It just now has a time limit. The absurdity of building a parking garage next to a neighborhood and not having restricted street parking goes without saying.

In addition, there is the whale wall building which is being renovated to house Novocure's new headquarters with 200-250 employees. Underneath the building there will be a mere 20 or so parking spaces, leaving 200 or so vehicles that will require parking. And, when Deer Street Associates finally build or sell their to-be-built apartment buildings and take ownership of the 68 spots in the Foundry Garage that will be 68 fewer spots available to the general public. This will correspond with the 300 spaces lost in the High/Hanover Garage for three years while renovations take place starting this Spring. Also slated for this Spring are the sidewalks on State Street being repaired creating a loss of inventory along with the Bridge Street Lot upgraded. The lot will be fenced off and closed during construction. What else lies ahead? Others, like the proposed three-building, mixed-use development planned for the former Harborcorp site by the Sheraton that is under review. There are numerous other developments nearby in the works too...so parking issues and concerns are not fabricated.

Summaries from the original NPP signature collection that was conducted in 2019 showed wide support in the neighborhood for the program. In that collection of information can be found information that, if necessary, will provide a useful backdrop for which streets were the biggest supporters and which were not. If it is decided to reduce the scope of the NPP to include just those streets closest to downtown which showed the most consistent parking density, this information may be helpful in determining the support of residents on those streets. Note, the collected signatures from those living on Islington Street are not present as they weren't originally included. Also note that the original criteria for signature collection did not include business. Further analysis regarding where the greatest need is and on which streets is needed to complete a proper review of the program. Also, the fact that who was using the spaces were not monitored as requested is very disconcerting because that would have told us if the occupancy went from people outside the NPP to the people who actually live there. There needs to be additional collection and breakdown of data for a clear picture.

The numbers do show 572 passes were issued. Residents, their guests, businesses, and 34 non-Islington Creek residents received a benefit. Other residents who wanted to use the neighborhood for 2 hour intervals for free also benefited from a visit to their favorite restaurant or shop. In the end the free 2 hour parking benefitted all the small businesses in the NPP zone as well. Penalizing the neighborhood with the entirety of the cost is unjust. The NPP is pushing people into the Foundry, therefore benefiting the city revenue stream. It's not really fair to isolate the cost of this program to just the residents when the problem did not begin with the residents. It's a policy and infrastructure issue. Most parking policies and programs look at the whole and balance costs in one area with another part of the city. This program needs to be looked at as part of the big picture and why the problem exists to begin with. Escalating costs in a misguided effort to end it solves nothing. Part of the solution is to be innovative about reducing costs. Police patrol all neighborhoods regularly as well as the Parking Department. Possibly, these patrols could be combined to make better use of both departments' time and generally save money. Not to say that is the solution but it is to suggest there are viable cost saving solutions to be found.

Those in staunch opposition to neighborhood parking programs based on cost should take a line item stroll through the city budget every year. There are many programs that are taxpayer funded that do not benefit every single resident of Portsmouth, that does not deem them unnecessary. The most expensive and obvious being our very important public school system. But there are others like the bike paths in Portsmouth benefit less than 500 people based on bike counts, many are not residents and only use them seasonally. The path on Middle St cost over \$300,000 alone to put in. It was paid for by some grants. However once the paths are in they have to be maintained. Each one probably has a maintenance cost of \$100,000 or more, since they have to be repainted and cleaned more often. These are just the paths that are painted on the road. This does not include the paths which have had physical traffic controls added. It does not include the new trails being added which will also need regular maintenance as well as policing by bicycle police.

All this said, the Islington Creek Neighborhood needs a Neighborhood Parking Program to relieve parking pressures caused by a rapidly growing city. And, it is not fair to put the full burden of paying for the parking program on the neighborhood's residents. **Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.** Yes

---

**Submitted on Wed, 04/13/2022 - 15:02**

**Full Name**

Sue Polidura

**Email**

[spolidura@aol.com](mailto:spolidura@aol.com)

**Subject**

Audit Firm

**Address**

P.O.Box 1353,  
Portsmouth, NH 03802

**Message**

Dear City Council,

Last week, during public comments, I requested the Council to consider rescinding the vote on continuing with Melanson as our auditor. Melanson should have been advice to skip this bidding cycle as their long relationship with Portsmouth is already in violation of the City charter. I would like to make this request again. This decision can be changed and I'm urging you to reconsider your vote.

Respectfully,

Sue Polidura

**Please indicate if you would like your comment to be part of the public record for the upcoming City Council meeting.** Yes

Mayor Deaglan McEachern  
1 Junkins Ave.  
Portsmouth NH 03801

Monday April 11, 2022

Dear Mayor McEachern:

Please find enclosed the signed petitions from our initial canvassing of State St. residents, and our immediate neighbors, regarding maintaining the historic brick sidewalks where they currently exist in the West End. Also included is a copy of the letter we delivered to neighborhood mailboxes.

In preliminary conversations with our neighbors, we discovered very significant passion about this issue and we believe that we can gather many more signatures with a wider or online distribution of the petition.

Please don't hesitate to contact us, or any of the signatories to this petition, with any questions or concerns as this process continues. Everyone we spoke with personally expressed their eagerness to write additional letters, call or speak with any City Council members, and be present in person for any public discussion of this matter.

We will also deliver copies of these petitions to Mr. Peter Rice at the Department of Public Works.

Thank you very kindly for your help,



Caroline McCaughey  
(917) 626-6664  
carolinekmcc@gmail.com



Trevor Ristow  
(917) 848-5998  
trevorristow@gmail.com

April 6, 2022

Dear neighbor,

As you may know, the city of Portsmouth is moving ahead with plans to replace all the brick sidewalks on State Street with concrete. The whole street, instead of brick (left, photo from today) will look like this (right, image from the DPW presentation showing the proposed changes):



We are registering opposition to this plan and we hope for your support.

We believe that our neighborhood's appeal stems in part from its historic character, and that the sidewalks are an important part of that character. We do not believe that charm should be reserved for Downtown and the South End. We would like it to be preserved in our neighborhood also.

This plan to replace bricks with concrete will eventually progress to all the streets in the West End not included in the Historic District. Side streets will not be exempt.

Would you kindly read the attached petition? If you agree with the sentiment, we would be grateful for your signature and contact information. You may return it to our mailbox at 757 State St. any time before Sunday April 10, 2022. We will collect all the signatures and deliver the petition to the city on Monday.

Thank you for considering and please don't hesitate to contact us with any questions.

Caroline McCaughey (917) 626-6664 or carolinekmc@gmail.com  
Trevor Ristow (917) 848-5998 or trevorristow@gmail.com  
757 State St.  
Portsmouth NH 03801

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): MARK GRIFFIN

Address: 728 STATE ST

PORTSMOUTH NH 03801

Contact information: griffinm7@comcast.net

Date: 4/5/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Bennett Travers + William Camarda

Address: 809 State Street

Portsmouth NH 03801

Contact information: bennett.travers1@gmail.com

Date: 4/6/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Lucy and Marty Gorham

Address: 820 State Street / owners

Contact information: 603-862-5342

11 Punnett Ave, Durham NH 03824

Date: 4-10-22



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Vicki Fox David Narryle David

Signature(s): Vicki Fox David Narryle David

Address: 39 Cabot Street  
Portsmouth, NH 03801

Contact information: 727-488-9156 , 813-918-6959

Date: April 8, 2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Cullan Spiller

Signature(s): Cullan M. Spiller

Address: 33 Calist St.  
Portsmouth, NH. 03801

Contact information: Cspiller@sau52.org

Date: 4/10/22

34

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Raquelita Henderson

Address: 760 State St.

Portsmouth, Nh. 03801

Contact information: raquelita.henderson1@gmail.com

Raquelita Henderson

Date: 4/7/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

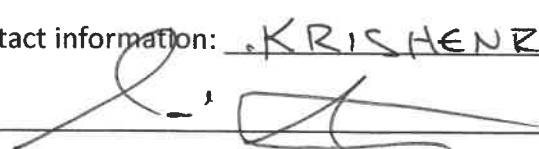
With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Kris Kraft

Address: 760 STATE ST, UNIT 1,  
PORTSMOUTH, NH 03801

Contact information: KRISHENRYKRAFT@GMAIL.COM

  
Date: 4-6-22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Matt + Jill McFarland

Signature(s): Matt McFarland

Address: 188 Austin St.  
Portsmouth, NH 03801

Contact information: (603) 501-9029

Date: 04/07/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Dimitry Harris

Address: 176 Cabot Street

Portsmouth, NH 03801

Contact information: 603-494-2785

Date: 4/5/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Pamela Schlarbaupt

Address: 108 State St

03801

Contact information: 603 422 3795

Date: 04/05/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): KENT MAXWELL

Address: 683 STATE ST

PORTSMOUTH NH

Contact information: 603 828 6177

Date: 4/5/22



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Christina Lrudi

Address: 168 Cabot St

Contact information: 508-353-3916

Date: 4/5/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Jason Stringer

Address: 145 Cabot St #1

Contact information: 978-609-4272

Date: 5 April 22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

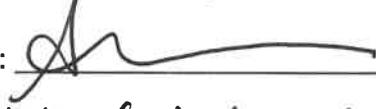

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

<sup>^</sup>  
STRONG

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): ANDREW MENARD ; CASEY RYAN

Signature(s):  

Address: 101 Cabot Street

Contact information: (207) 749-8825

Date: 4/6/2022 Andrewmenard @ me . com

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Alex Bourne

Address: 7A WINTER ST.

Contact information: 603-285-2993

Date: 4/5/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Anne L. Deminoff

Address: 202 Cabot St.

Portsmouth

Contact information: the\_dem@comcast.net

Date: April 5, 2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): MARIA E MONTANARO

Signature(s): Maria E. Montanaro

Address: 34 Cabot Street

Contact information: 603-969-9622

Date: 4/10/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Lisa MacBRIDE (resident 12 years)

Address: 820 STATE STREET

Contact information: Lisa 603-817-1337

lmacbride@thegovegroup.com

Date: 4.9.22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Eric and Emily Krohn

Address: 217 Cabot St. Portsmouth, NH

Contact information: 207-210-8727

Date: 4/10/22

- Would like to keep brick but see it maintained by city.



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): COLIN REILLY

Address: 147 CABOT ST UNIT #4

Contact information: CREILLY17@gmail.com

Date: 4/10/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): BRITANY GUILMET

Signature(s): 

Address: 25 CABOT STREET

Contact information: 778-270-6148 britany.guilmet@gmail.com

Date: 4/9/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the <sup>Portsmouth</sup> ~~West End/State Street area~~, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Scott Braseta and Kait Braseta

Signature(s): Scott Braseta Kait Braseta

Address: 38 S. School St.

Contact information: (603) 828-7532

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

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, ~~the undersigned residents of the West End/State Street area~~, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Henrik Edin

Signature(s): 

Address: 85 Pinehurst Rd  
Portsmouth, NH

Contact information: henke.edin@gmail.com

Date: 4/9/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peaverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, ~~the undersigned residents of the West End/State Street area~~, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Kathleen Edin

Signature(s): Kathleen Edin

Address: 65 Pinehurst Rd

Contact information: \_\_\_\_\_

Date: 4/9/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the <sup>South</sup> West End/~~State Street~~ area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): NICOLE LAMBERT

Signature(s): 

Address: 115 SOUTH ST. PORTSMOUTH, NH 03801

Contact information: lambert03801@gmail.com

Date: 4/9/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the <sup>South</sup> West End/~~State Street~~ area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): ROBERT CAMBERT

Signature(s): 

Address: 115 South St. Portsmouth NH 03801

Contact information: (603) 767-5913

Date: 4/9/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the <sup>South</sup> West End/~~State Street~~ area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Matt Prescott

Signature(s): 

Address: 306 S. Street, Portsmouth, NH

Contact information: 240-620-4432

Date: 4/9/22



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the <sup>South</sup> West End/~~State Street~~ area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Lara Prescott

Signature(s): 

Address: 306 South St.

Portsmouth, NH 03801

Contact information: 202-314-5767

Date: 4/8/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): CARMEN CARNESALI

Address: 973 STATE ST

PORTSMOUTH, NH 03801

Contact information: CARMEN CARNESALI 431-8802

carmencarnesali@rocketmail.com

Date: 04/10/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Michael Schafft + Jody Brennan

Address: 679 Broad Street  
Portsmouth NH 03801

Contact information: 603-674-6433 - Michael  
Jody - 207-423-7551

Date: 4/9/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Sharon Dunbar

Signature(s): Sharon Dunbar

Address: 200 Union St  
Portsmouth, NH

Contact information: \_\_\_\_\_

Date: 4/6/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Andy Mamczak

Signature(s): 

Address: 67 Cabot St. Unit 4

Portsmouth, NH 03801

Contact information: 603-828-4427

Date: 4/7/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Lawrence G. Storey III  
Address: 96 Brewster St, Apt B, Portsmouth, NH, 03801

Contact information: lstorey@chunbury.com

Date: 4/05/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Mark Miller

Address: 245 Islington St

Portsmouth NH 0380

Contact information: 603-502-5243

Date: 4/5/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Michelle Redfern

Address: 70 Winter Street

Contact information: 207-332-1418

surfershely57@yahoo.com

Date: 05 APR 22



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Thomas Schladenhaufen

Address: 708 State St.

Portsmouth, NH 03801

Contact information: 603 502 7885

Date: 4/6/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Margaret MacAlpine  
Address: 843 State St., Portsmouth, NH 03801 (owner)

Contact information: MaggieMacAlpine@gmail.com 603-502-5338

Date: 4/6/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Tim Cargill + Joseph Pagan

Address: 728 State St. Apt #3

Portsmouth, NH 03801

Contact information: (603) 209-4430

Date: 4/5/22



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

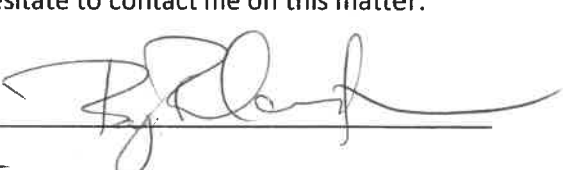
Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Roy Planalp   
Address: 202 Cabot St

Contact information: 603-502-9602;

roy.rec@planalp.net

Date: 4-5-22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Nancy Ellen Clarke

Address: 147 Cabot Street, Unit 2  
Portsmouth, NH 03801

Contact information: 508-409-8215

nancy.clarke@comcast.net

Date: 04-10-2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Jessica Martin

Signature(s): 

Address: 142 Cabot St #3

Ports. NH 03801

Contact information: Martjk75@gmail.com

Date: 4/7/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Deb and Mark Chag

Signature(s): 

Address: 21 Cabot Street, Portsmouth, NH.

Contact information: (603) 498-5362

Date: 4/10/2022

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Graham Chay

Signature(s): 

Address: 419 Lincoln Ave, Portsmouth, NH.

Contact information: (603) 828-9322

Date: 4/10/2022



Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Angelica Romain

Signature(s): 

Address: 419 Lincoln Ave #2  
PORTSMOUTH NH 03801

Contact information: (315) 289-8092

Date: ~~4~~ 4/10/22

Mr. Peter Rice  
Mr. Eric Eby  
Department of Public Works  
680 Peverly Hill Rd.  
Portsmouth NH 03801

Mayor Deaglan McEachern  
City Manager Karen S. Conard  
1 Junkins Ave.  
Portsmouth NH 03801

April 6, 2022

Dear Mr. Rice, Mr. Eby, Ms. Conard, and Mayor McEachern:

We, the undersigned residents of the West End/State Street area, petition the City of Portsmouth, NH to retain the brick sidewalks along State and adjacent streets. Currently, there is a proposal to replace the existing brick sidewalks with concrete.

Portsmouth's charm stems in part from its historic architecture and its commitment to preserving it. The sidewalks are a piece of city history and are beautiful. That's why they are maintained downtown and in the South End. Cement sidewalks will make the West End look like any other suburban community. We want to maintain the historic, beautiful character of our neighborhood.

With my signature below, I formally register my opposition to replacing the existing brick sidewalks with concrete.

Many thanks for your time and consideration. Please don't hesitate to contact me on this matter.

Name(s): Oliver Chas

Signature(s): 

Address: 419 Lincoln Ave

Portsmouth, NH 03801

Contact information: (603) 812-5535 | oliver.H.chas@gmail.com

Date: 4/10/22



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: Portsmouth Housing Authority Initial applicant

Name: Michael J. Griffin Telephone: (c) 603-498-8960

Could you be contacted at work? YES/NO If so, telephone # N/A

Street address: 579 Sagamore Avenue, Unit 55

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

Email address (for clerk's office communication): mjggipper@aol.com

How long have you been a resident of Portsmouth? 69 years

Occupational background:

Retired, New England Regional Vice President, A.H. Harris & Sons  
During my 43 year career I managed a construction material  
supply business with 40 locations and 400 employees.  
I'm very familiar with all phases of commercial construction  
(design, engineering and relevant materials)

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

I'm familiar with The rules & procedures,  
goals & objectives, by-laws, and statutes of  
regulations issued by the city, state and  
government. My mother's 43 of service have  
provided me with valuable knowledge of  
The Authority.



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

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

Reasons for wishing to serve: To continue my personal commitment of public service. To provide valuable insight to allow for efficient, <sup>operation & management</sup> of the Housing Authority. To listen, learn, support, and act on the need of our Portsmouth citizens.

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

Portsmouth BPOE #97, NH + Maine Interstate Authority  
Portsmouth Athenaeum, Tree & Greenery Commission,  
Cemetery Committee, Portsmouth Country Club,  
Propeller Club, Thresher Sub Base, Stewards of Great Bay

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

1) George Remick 1247 South Street (c) 603-817-5645  
Name, address, telephone number

2) Timothy (Ted) Connors 381 Newington Road, Newington NH  
Name, address, telephone number (c) 603-502-6891

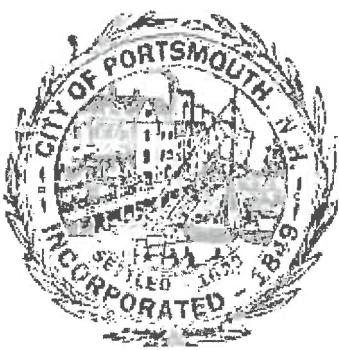
BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Michael J. Luffin Date: 4-6-22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes  No

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



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

## APPOINTMENT APPLICATION

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

RECEIVED  
FEB 07 2022  
By

Committee: RECREATION BOARD

Name: ROBERT BOGARDUS Telephone: (508) 728-7999

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

Street address: 26 PARK STREET

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

Email address (for clerk's office communication): R. BOGARDUS 3 @ gmail . com

How long have you been a resident of Portsmouth? 8 years

Occupational background:  
TECHNOLOGY SALES  
FORMER ELECTED OFFICIAL / WRENTHAM, MA.  
CHAIRMAN RECREATION COMM " "

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

Reasons for wishing to continue serving: \_\_\_\_\_  
GIVING BACK MY TIME + RESOURCES  
ALONG WITH EXPERIENCES FOR MANY YEARS  
WRENTHAM, MA RECREATION BOARD.

OVER  
➔

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

INVOLVED IN (2) MEN'S COFFEE GROUPS  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- 1) CHARLES GRIFFIN, esp / 210 HILLSIDE DRIVE / (603) 431-4605  
Name, address, telephone number
- 2) DR. STEPHEN SMITH / 46 PARK ST. / (603)-203-8548  
Name, address, telephone number

**BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:**

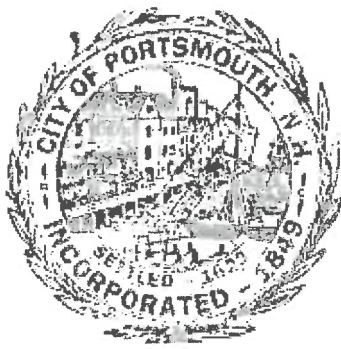
- 1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
- 2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
- 3. This application 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: RWBogardus Date: Feb. 4, 2022

**CITY CLERK INFORMATION ONLY:**

New Term Expiration Date: 04-01-2025  
 Annual Number of Meetings: 4 Number of Meetings Absent: 1  
2021  
 Date of Original Appointment: 4-5-2021

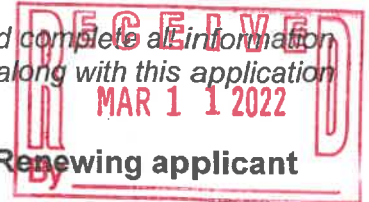
**Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801**



CITY OF PORTSMOUTH, N.H.  
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Recreation Board

Name: KORY SIRMAIAN Telephone: 603-828-2253

Could you be contacted at work?  YES/ NO - If so, telephone #: 603-600-7411

Street address: 1133 WOODBURY AVENUE

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

Email address (for clerk's office communication): KSIRMAIAN@COMCAST.NET

How long have you been a resident of Portsmouth? 21 YEARS

Occupational background:

ACCOUNTANT - CPA

RETAIL CONSULTANT

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

Reasons for wishing to continue serving: I AM PROUD OF THE WORK  
OUR RECREATION BOARD, AND OUR RECREATION DEPARTMENT  
STAFF, PERFORMS ON BEHALF OF THE RESIDENTS OF OUR  
CITY. WITH THE INFLUX OF NEW RESIDENTS, RECREATION  
NEEDS WILL BE CHALLENGED AND EXPANDED. I WOULD  
APPRECIATE THE OPPORTUNITY TO CONTRIBUTE TO  
MEETING THOSE NEEDS.

6/27/2012

Thank you, Kory



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

PORTSMOUTH ELKS LODGE

PORTSMOUTH COUNTRY CLUB

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

1) CARL DIEMER 337 ALDRICH ROAD 603-427-4517  
Name, address, telephone number

2) IIRO LEHTINEN 740 WOODBURY AVENUE 603-812-5057  
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: Kory Saimanen Date: 2/18/2022

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 04-01-2025

Annual Number of Meetings: 6 Number of Meetings Absent: 0  
2021

Date of Original Appointment: 11/22/2010

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





---

---

**MEMORANDUM**

---

---

**TO:** MAYOR MCEACHERN AND CITY COUNCIL  
**FROM:** BETH MOREAU, LAND USE COMMITTEE CHAIR  
**SUBJECT:** LAND USE COMMITTEE REPORT  
**DATE:** 4-13-22

---

On February 7, 2022, the City Council established the Land Use Committee to look at diversifying land use regulations within the City. The purpose of the Committee is to review all current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi modal transportation. The Land Use Committee is charged with reporting back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City's Goals.

Members include:

- City Councilor/Chair Beth Moreau,
- City Councilor Rich Blalock,
- Assistant Mayor, Joanna Kelley
- Planning Board Chair, Rick Chellman
- Planning Board Vice Chair, Corey Clark
- Planning Director, Beverly M. Zendt
- Principal Planner, Nick Cracknell
- Portsmouth Housing Authority, Executive Director, Craig Welch
- Economic Development Commissioner, Sarah LaChance

As part of the first group of amendments, the Land Use Committee has focused on advancing the citywide housing goals identified by City Council in their 2022-2023 Goals. These objectives were refined on March 7, 2022, and include:

1. Increase diversity of housing types and price points;
2. Remove regulatory barriers for housing diversification in neighborhoods (ADUS) – context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts;
3. Restructure incentives to deliver greater public benefit in workforce housing construction; and
4. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

Provided as **Attachment A** is a Flow Chart showing the cycle of amendments and information between the various committees, board, and council.

### **Existing Conditions and Strategy Report**

The Existing Conditions and Strategy Report (**Attachment B**) will be used to inform regulatory amendments that will be developed and recommended for adoption by Land Use Committee and the Planning Board consistent with the City Council adopted goals of diversifying and enhancing the supply of housing choices in Portsmouth. The report includes the following:

- Summary of adopted Master Plan goals and City Council adopted policies related to housing;
- State requirements for workforce housing;
- Data regarding city approvals over the past seven years related to housing;
- Summary of existing housing types; and
- Summary of city cost burden for renters and owners.

### **Regulatory Amendment Work Plan**

On April 8, 2022, the Land Use Committee approved transmittal of the draft 2022 Regulatory Amendment Work Plan to City Council (**Attachment C**). The work plan consists of three phases:

1. **Phase 1: Code Clean-Up**  
*Purpose: Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.*
2. **Phase 2: Accessory Dwelling Unit & Assisted Living Facilities Amendments**  
*Purpose: Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.*
3. **Phase 3: Incentive Amendments**  
*Purpose: Adjust incentives to place a higher emphasis on Workforce Housing.*

The work plan includes evaluation of proposed amendments for alignment with existing Master Plan goals, City Council adopted goals (2022-2023) and City Council adopted policies (Housing Policy). The work plan further identifies stakeholders and focus group members to be included in public outreach. Both Phase 2 and Phase 3 will include a public input summary which will identify key themes and concerns. Public involvement strategies will target those most impacted by regulatory changes and subject matter experts.

### **Land Use Committee Recommendation**

The Land Use Committee is seeking approval of the 2022 Regulatory Amendment Work Plan and is asking for, the City Council to transmit phase one draft regulation amendments to the Planning Board for review and a recommendation back to City Council. Upon Planning Board Recommendation, City Council will schedule the first reading of Phase 1 amendments.

Phase 1 Amendments include the following:


1. Building Height Map. Section 10.5A21B: *Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.*
2. Building Height Standards. Section 10.5A21B: *Clarify the standards for corner, through or waterfront lots*
3. Civic Districts. Section 10.5A52.40: *Apply the CD4 development standards to civic properties*
4. Definitions. Section 10.153: *Add definitions for public places and modify building height to be based on existing versus finished grade.*

Full proposed amendments are provided in **Attachment D**.

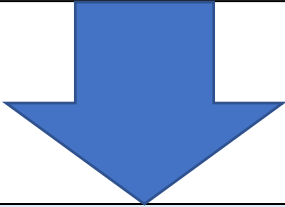
## Attachment A

# Land Use Committee Flow Chart


City Council Sets Land Use Goals, creates Land Use Committee to review and recommend necessary changes to achieve those goals.



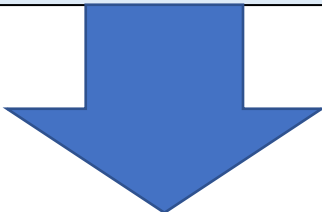
Land Use Committee reviews zoning ordinance, public policies, and existing conditions, along with holding **public input** session with community and stake holders in order to make recommendations to City Council of possible zoning amendments to achieve set goals.



City Council then reviews those recommendations and refers any amendment changes to the Planning Board for review and report back.



Planning Board reviews amendments and holds a **public hearing** on the zoning changes with a report back to City Council.



City Council reviews Planning Board recommended changes to the zoning ordinance, holds three readings, which includes a **public hearing** before the final adoption.

## I. Introduction

The City Council adopted the following goals and objectives for work of the Land Use Committee on February 27, 2022.

- A. Increase diversity of housing types and price points
- B. Remove regulatory barriers for housing diversification in neighborhoods (ADUS) – context sensitive design and consideration to impacts to traffic, on street parking and other infrastructure impacts
- C. Restructure incentives to deliver greater public benefit in workforce housing construction
- D. Identify and maximize partnerships, coalitions, and funding opportunities to deliver affordable housing.

This report provides key information that will inform the work of the first round of regulatory amendments supported and guided by the Land Use Committee.

## II. Local Planning Context

### A. City Council Adopted Goals 2022-2023

1. Diversify and Enhance the Supply of Housing Choices
2. Leverage Local Resources and Partnerships to Improve and Support Needs of Residents, Nonprofits, Arts and Culture Community
3. Continuously Enhance City Council Best Practices to Deliver a Trusted, Transparent and Responsive Process
4. Consistently Communicate with Community Members and Stakeholders, Respecting Channels of Communication They Prefer and Keeping Them Informed

### B. Housing Policy – 2016-03. In 2016, the City Council adopted a Housing Policy that was readopted annually and most recently in 2022.

The Policy identifies the following key guiding principles:

1. **HOUSING CHOICE AND AFFORDABILITY:** Residential growth in the City should include a range of housing types to address the needs of different household types, lifestyles and income levels.
2. **CHARACTER AND HERITAGE:** New residential development should be sympathetic to the local heritage and character of each area, and should incorporate quality built form and streetscapes, including pedestrian-friendly environments.
3. **HOUSING TARGET AREAS:** The City will identify housing target areas that are suitable for more residential development and will focus studies, detailed zoning changes and development controls to guide future development in each of these areas. Context-sensitive standards which address design will accompany each target area.
4. **INFILL DEVELOPMENT:** Outside housing target areas, the City will promote infill development of residences (and, where appropriate, mixed-uses) within existing neighborhoods by rezoning to promote and allow established, traditional development patterns.

Key Principles should be applied to focus areas including the Urban Core, Corridors, Urban Neighborhoods, and Suburban Neighborhoods. Regulations and process changes should be informed by the principals and address:

1. **DENSITY:** The City will incorporate historical land use patterns and human-scale development principles into local land use regulations (Zoning Ordinance, Site Plan Review Regulation Subdivision Rules and Regulations) and permitting processes, as well as other standards, plans, rules, regulations and programs as appropriate.
2. **PARKING:** The City will review parking requirements in housing target areas and specific neighborhoods, revise land use regulations as appropriate to reduce housing development costs while preventing street congestion,

- and proactively seek parking infrastructure solutions or shared parking arrangements that can be substituted for individual unit parking requirements.
3. **IMPACT ON AFFORDABILITY:** Recognizing that local land use regulations can have a direct impact on housing development costs, all Boards, Committees, Commissions and Departments should consider the impacts of their actions on housing affordability within legal guidelines, and should coordinate with each other to the extent possible to provide advice consistent with this Policy.
  4. **PERMIT STREAMLINING:** Private investment in the City's housing stock should be encouraged and the development process be minimally burdensome on individual property owners to comply with City regulations. Minor site or building changes should not necessarily trigger requirements for review by City Boards or Commissions. All Boards, Committees, Commissions and Departments should review local land use regulations and other requirements so that de minimis changes may be approved administratively.

### C. 2025 Master Plan | Theme - Diversity

The Master Plan identifies the following housing goals:

#### **Goal 3.1 Adapt housing stock to accommodate changing demographics.**

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.3 Expand opportunities for home based businesses.

#### **Goal 3.2 Accommodate the Housing Needs of Low and Moderate Income Residents.**

- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirement and increased maximum heights.
- 3.2.3 Seek targeted funding to provide for the needs of special populations, including elderly, disabled, and homeless.
- 3.2.4 Provide education and incentives for low to moderate income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed use redevelopment of suitable Portsmouth Housing Authority properties.

### D. State Regulatory Context

In New Hampshire, Workforce Housing is described defined in state statutes.

*RSA 674:58, IV defines the term "workforce housing" under two different categories: housing for sale and housing for rent. Housing for sale qualifies as "workforce housing" if it is "affordable to a household with an income of no more than 100 percent of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development." Rentals, in contrast, qualify as "workforce housing" if they are "affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development."*

<https://www.nhmunipal.org/town-city-article/legal-qa-what-municipalities-need-know-about-%E2%80%9Cworkforce-housing%E2%80%9D>

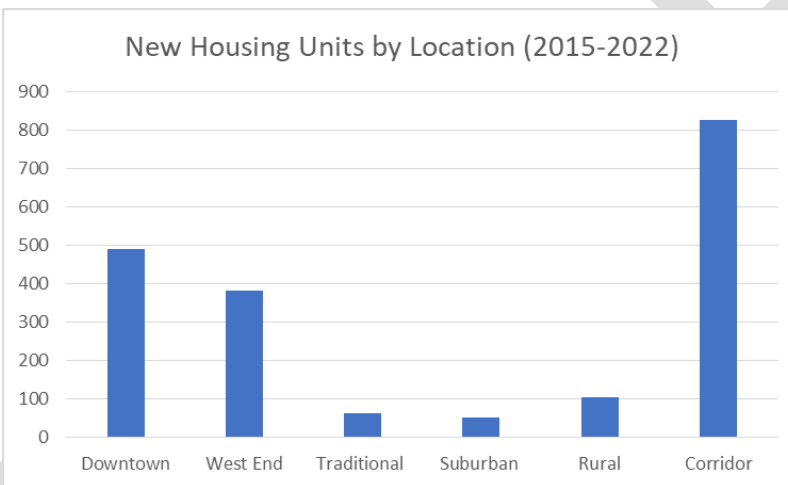
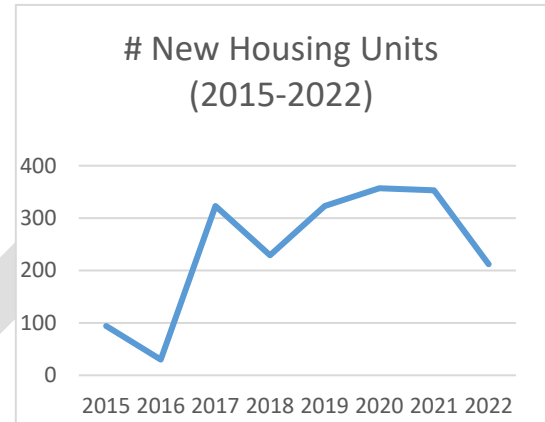
*In Portsmouth, (the Portsmouth-Rochester HUD Metro Fair Market Area), this translates to renters making up to \$57,600 and homeowners making up to \$99,875 (see more info about HUD Fair Market Rents in NH <https://www.nhhfa.org/wp-content/uploads/2021/06/HUD-incomelimits-effective-6.1.2021-1.pdf>).*

### III. Trends and Existing Conditions (Where are we now)

#### A. Development Trends

##### New Growth and Density

- Over the past 71/2 years, the city has approved an average of nearly 250 new housing units.
- After the adoption of Character-Based and Gateway Zoning in 2013-2015 the average number of approved new housing units increased from just over 60 units per year to over 300.
- Predictable application of standards and increased allowed density may account for the rapid increase.
- **Between 2015-2022 nearly 85% (or 1,631) of the approved new housing units were located within moderate- to high-density multi-family housing developments.**



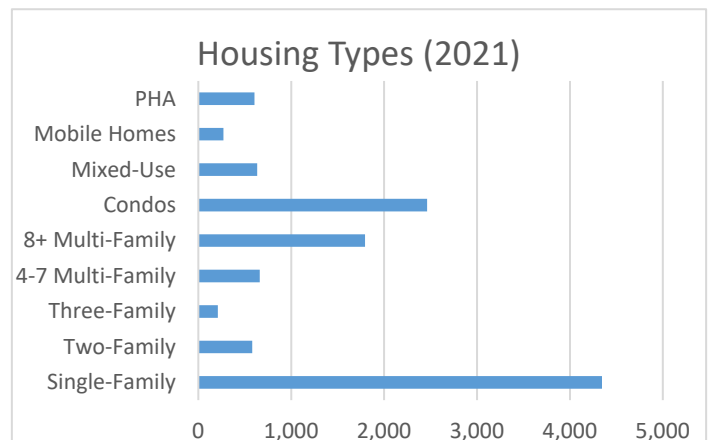
##### Location of New Housing Units

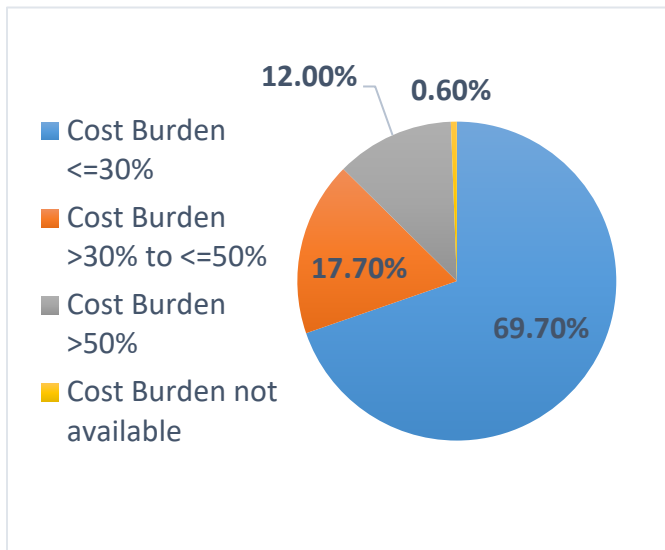
- 85% of all new approved housing units are located within the city's urban zoning districts where infrastructure and utilities already exist.
- Over 40% (827 units) of the approved new housing units were located along the commercial corridors in the Gateway Zoning Districts.
- The Downtown accounted for just over 25%
- West End included 20% of the approved new housing units
- Only 3% of all new housing units were located within traditional neighborhoods.
- It is important to note that 23% of all new

units were located on previously undeveloped open space within rural areas.

##### 2021 Housing Unit Counts and Types

- Single Family residences and condos comprise 62% of all housing in Portsmouth.
- Multi-family units (3+ units and mixed use) comprise 30% of all housing in Portsmouth.
- Since adoption of the Accessory Dwelling Unit (ADU) Ordinance in 2017, the city has approved 32 accessory dwelling units.
- 44% of all approved ADUs were attached and 41% were garden cottages.





### Cost Burdened Community Summary

A household is said to be cost-burdened when it pays more than 30 percent of its income toward housing expenses. As a more extreme measure, a household is said to be severely cost-burdened when it pay at least 50 percent of its income toward housing expenses.

- Nearly one-third of Portsmouth residents are cost burdened.
- 12% of the residents are paying 50% or more of their income for housing costs.
- The most heavily cost burdened members of the community are renters. 36% of renters pay more 30% or more of their total income for housing compared to 23% of homeowners.
- While the number of cost burdened homeowners has done down over the past eight years (22% to 14%), the number of cost burdened renters has remained steady at about 21%

## IV. Proposed Amendment Work Plan

PHASE 1	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal
Phase 1 Amendments- JUNE 2022	Building Height		Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.			
1	Building Height Map	10.5A21B	Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.	All types within Character Districts	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.3
2	Building Height Standards	10.5A21B	Clarify the standards for corner, through or waterfront lots	All types within Character Districts	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.4
3	Civic Districts	10.5A52.40	Apply the CD4 development standards to civic properties	NA	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.5
4	Definitions	10.153	Add definitions for public places and modify building height to be based on existing versus finished grade.	All types in all locations.	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.6

**Attachment B**  
**Draft Existing Conditions and Strategy Report**  
**Land Use Committee 4-8-2022**

PHASE 2	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal
<b>Phase 2 Amendments SEPTEMBER 2022</b>	<b>ADUs and Senior Housing Facilities</b>		<b>Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.</b>			
1	Accessory Dwelling Units/ Garden Cottages	10.814 & 10.815	Remove regulatory barriers to ADU development through inclusion of context-sensitive design standards. Develop criteria allowing ADUs/Garden Cottages as-of-right.	Accessory Dwelling Units/Garden Cottages	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1
2	Assisted Living Facilities	10.44	Allow for Assisted Living Centers in outlying Zoning Districts and allow for Cooperative Housing.	Cooperative / Shared Housing, Congregate Care, Assisted Living, Independent Living, Senior Housing	HOUSING CHOICE AND AFFORDABILITY	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> ,

PHASE 3	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal
<b>Phase 3 Amendments DECEMBER 2022</b>	<b>Incentives for Workforce Housing</b>		<b>Adjust incentives to place a higher emphasis on Workforce Housing.</b>			
1	Character District Zoning - Large Properties	10.5A43.33	Adjust incentive to include Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1, 3.2.2, 3.2.5
2	Character District Zoning - Large Building Footprints	10.5A46	Modify Building Footprint Allowance to incentivize Workforce housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1, 3.2.2, 3.2.5
3	Character District Zoning - Incentive Overlay Districts	10.5A43.46	Modify the Incentive Overlay Districts to incentivize Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1, 3.2.2, 3.2.5
4	Character District Zoning - Gateway Districts	10.5B	Modify the Gateway Districts to include Workforce Housing	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1, 3.2.2, 3.2.5
5	Planned Unit Developments	10.72	Modify CUP to improve outcomes for Workforce Housing	Single, Two- and Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1, 3.2.2, 3.2.5
6	Off-Street Parking	10.11.110	Modify the off-street parking regulations to improve the balance and equity between the high cost of private and public parking.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS: Parking	<b>Goal 3.1</b> , Actions 3.1.1; <b>Goal 3.2</b> , Actions 3.2.1, 3.2.2, 3.2.5



# Attachment C-Regulatory Amendment Work Plan

PHASE	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal	Policy Alignment	Difficulty (High 1, Med 2, Low 3)	Impact (High3, Med 2, Low 1)	Timeline (Short, Medium, Long term)	Stakeholders	Staff	
<b>Phase 1</b> Amendments- JUNE 2022			<b>Improve regulatory implementation and align with legislative intent. Eliminate ambiguous sections that result in unintended consequences.</b>	<b>Building Height</b>									
	1 Building Height Map	10.5A21B		Add new streets, add building heights for civic and municipal properties and modify building heights. Correct the reference to 10.5A46.	All types within Character Districts	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.3	3	3	1	Short Term		Planning, Legal
	2 Building Height Standards	10.5A21B		Clarify the standards for corner, through or waterfront lots	All types within Character Districts	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.4	3	3	2	Short Term		Planning, Legal
	3 Civic Districts	10.5A52.40		Apply the CD4 development standards to civic properties	NA	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.5	3	3	1	Short Term		Planning, Legal
	4 Definitions	10.153		Add definitions for public places and modify building height to be based on existing versus finished grade.	All types in all locations.	CHARACTER AND HERITAGE; HOUSING TARGET AREAS	Goal 2.1, Actions 2.2.2 and 2.2.6	3	3	2	Short Term		Planning, Legal
PHASE	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal	Policy Alignment	Difficulty (High 1, Med 2, Low 3)	Impact (High3, Med 2, Low 1)	Timeline (Short, Medium, Long term)	Stakeholders	Staff	
<b>Phase 2</b> Amendments SEPTEMBER 2022			<b>Remove barriers and expand the number of eligible properties for ADUs and Senior Housing Facilities.</b>	<b>ADUs and Senior Housing Facilities</b>									

# Attachment C-Regulatory Amendment Work Plan

	Accessory Dwelling Units/ Garden Cottages 1	10.814 & 10.815	Remove regulatory barriers to ADU development through inclusion of context-sensitive design standards. Develop criteria allowing ADUs/Garden Cottages as-of-right.	Accessory Dwelling Units/Garden Cottages	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1		3	2	2	Medium Term	Homeowners Association, Previous ADU applicants, Residential neighborhood residents most likely to accommodate ADUs/Garden Cottages (GIS informed)	Building and Inspections, Planning, Legal
	Assisted Living Facilities 2	10.44	Allow for Assisted Living Centers in outlying Zoning Districts and allow for Cooperative Housing.	Cooperative / Shared Housing, Congregate Care, Assisted Living, Independent Living, Senior Housing	HOUSING CHOICE AND AFFORDABILITY	Goal 3.1, Actions 3.1.1; Goal 3.2,		3	2	1	Medium Term	Assisted Living Facility Owners, Senior Housing and Cooperative Housing Operators	Planning, Legal
PHASE	TOPIC/SUBJECT	CODE SECTION	Objectives	Housing Type Impacted	Housing Policy	Master Plan Goal	Policy Alignment	Difficulty (High 1, Med 2, Low 3)	Impact (High 3, Med 2, Low 1)	Timeline (Short, Medium, Long term)	Stakeholders	Staff	
<b>Phase 3</b> Adjust incentives to place a higher emphasis on Workforce Housing.													
Amendments <b>DECEMBER 2022</b> Incentives for Workforce Housing													
	Chraacter District Zoning -Large Properties 1	10.5A43.33	Adjust incentive to include Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	Goal 3.1, Actions 3.1.1; Goal 3.2, Actions 3.2.1, 3.2.2, 3.2.5		3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber Collaborative	Planning, Legal, Economic Development

# Attachment C-Regulatory Amendment Work Plan

												Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber Collaborative	Planning, Legal, Economic Development
2	Chraacter District Zoning - Large Building Footprints	10.5A46	Modify Building Footprint Allowance to incetivize WorkFroce housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1,</b> Actions 3.1.1; <b>Goal 3.2,</b> Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term			
3	Chraacter District Zoning - Incentive Overlay Districts	10.5A43.46	Modify the Incentive Overlay Districts to incetivize Workforce Housing.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1,</b> Actions 3.1.1; <b>Goal 3.2,</b> Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals	Planning, Legal, Economic Development	
4	Chraacter District Zoning - Gateway Districts	10.5B	Modify the Gateway Districts to include Workforce Housing	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1,</b> Actions 3.1.1; <b>Goal 3.2,</b> Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber Collaboative	Planning, Legal, Economic Development	
5	Planned Unit Developments	10.72	Modify CUP to improve outcomes for Workfroce Housing	Single, Two- and Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS	<b>Goal 3.1,</b> Actions 3.1.1; <b>Goal 3.2,</b> Actions 3.2.1, 3.2.2 ,3.2.5	3	1	2	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Chamber	Planning, Legal, Economic Development	
6	Off-Street Parking	10.11.110	Modify the off-street parking regulations to improve the balance and equity between the high cost of private and public parking.	Multi-Family (Rental or Ownership)	HOUSING CHOICE AND AFFORDABILITY; HOUSING TARGET AREAS:Parking	<b>Goal 3.1,</b> Actions 3.1.1; <b>Goal 3.2,</b> Actions 3.2.1, 3.2.2 ,3.2.5	3	1	3	Long Term	Affordable Housing Agencies and Organizations, Developers, Real Estate Professionals, Traffic and Safety	Planning, PW	

## Attachment C-Regulatory Amendment Work Plan

Master Plan Goals	High-3	Strong Alignment – Meets Goals and Actions
	Medium -2	Moderate Alignment – Meets Goals
	Low -1	Low Alignment – No Discernable Goals
City Council Goals/Policies	High-3	Strong Alignment – Meets Goals and Policies
	Medium -2	Moderate Alignment – Meets Goals or Policies
	Low -1	Low Alignment – No Discernable Goals or Policies
Difficulty	High-1	New code implementation strategy and affects multiple sections
	Medium -2	Code Interpretation clarification/one or two sections
	Low -3	Cleans up problematic language, errors or inconsistent language- one section
Impact	High-3	Significantly changes development outcomes
	Medium -2	Moderate impacts to development outcomes
	Low -1	Low impact to development outcomes

### C. 2025 Master Plan | Theme - Diversity

The Master Plan identifies the following housing goals:

#### Goal 3.1 Adapt housing stock to accommodate changing demographics.

- 3.1.1 Develop regulations for accessory dwelling units that promote affordable housing for all income levels and protect neighborhood character.
- 3.1.2 Implement housing rehabilitation programs using CDBG and other funds to improve housing stock.
- 3.1.3 Expand opportunities for home based businesses.

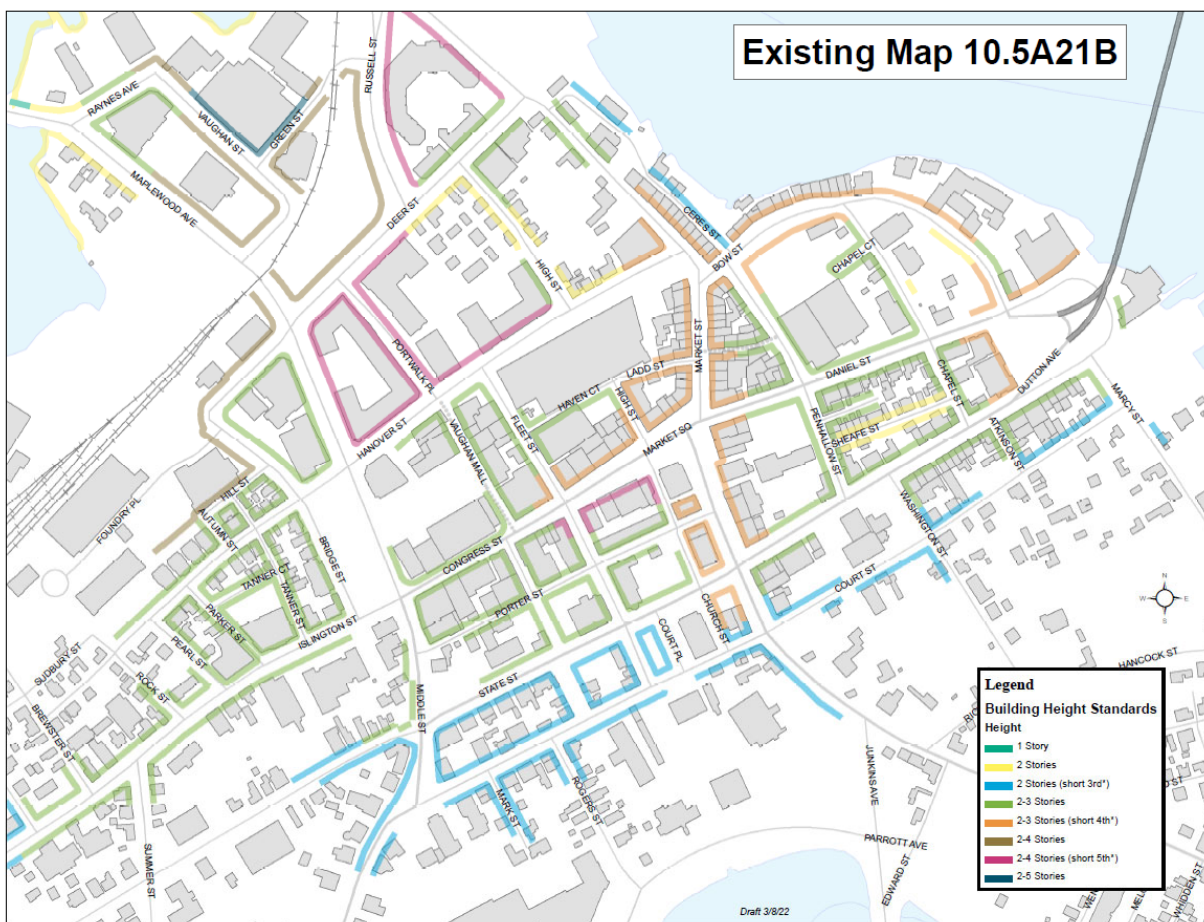
#### Goal 3.2 Accommodate the Housing Needs of Low and Moderate Income Residents.

- 3.2.1 Streamline the approval process for affordable housing in order to reduce development costs.
- 3.2.2 Promote the development of mixed-income multifamily housing in appropriate locations with incentive zoning provisions, such as reductions in parking requirement and increased maximum heights.
- 3.2.3 Seek targeted funding to provide for the needs of special populations, including elderly, disabled, and homeless.
- 3.2.4 Provide education and incentives for low to moderate income first-time homebuyers to purchase homes in Portsmouth.
- 3.2.5 Encourage the creation of smaller housing units, such as micro units.
- 3.2.6 Encourage businesses to establish employer-assisted housing programs.
- 3.2.7 Support mixed use redevelopment of suitable Portsmouth Housing Authority properties.

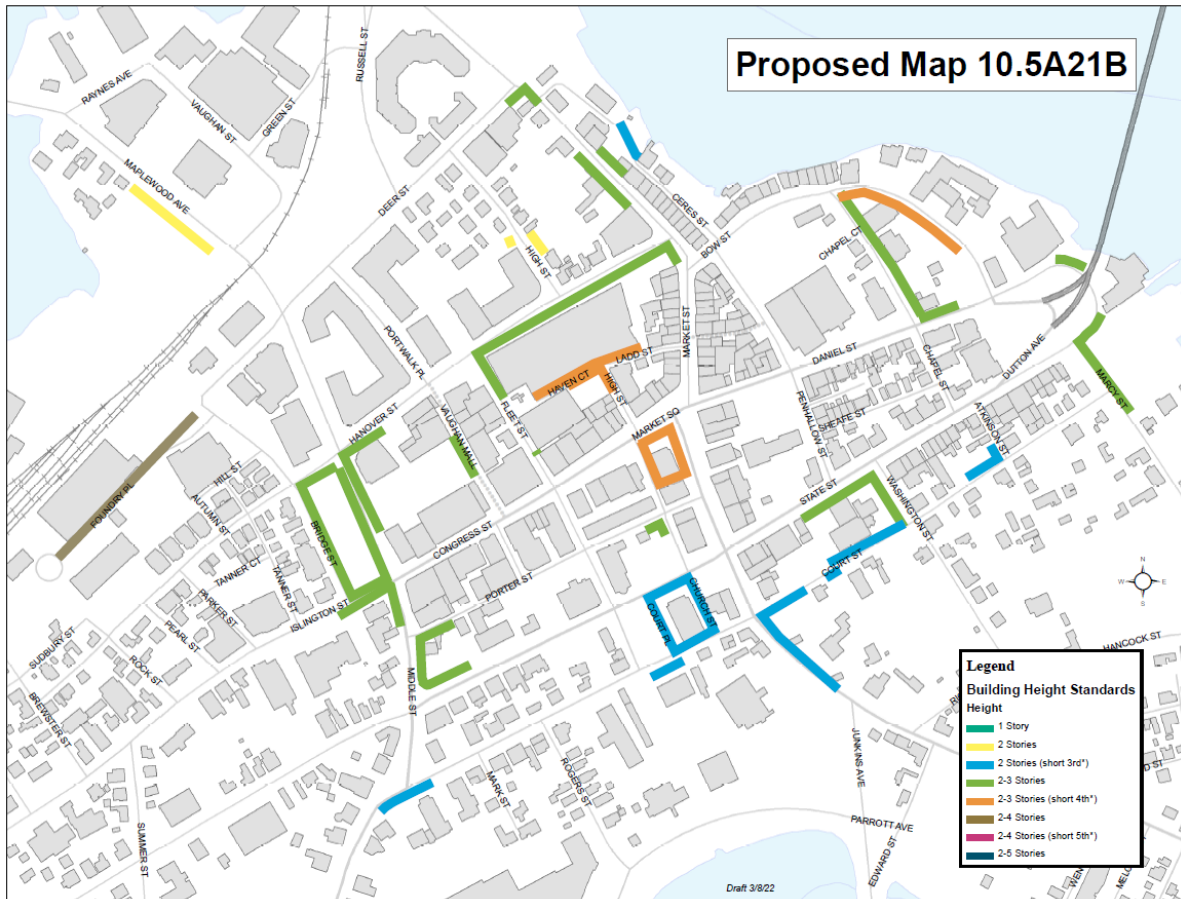
RE: Draft Zoning Amendments – Building Height Standards

1. **Map 10.5A21B Building Height Standards**

- a) Amend Map 10.5A21B to add Building Height Standards for Municipal and Civic Districts and modify or add Building Height Standards for:
  - 1. High Street and Haven Court from 2-3 Stories or 40' to 2-3 Stories (short 4<sup>th</sup>) or 45 feet;
  - 2. Foundry Place to 2 – 4 stories or 50 feet; and
  - 3. All civic and municipal properties to match the adjacent maximum building heights.



Existing Building Height Map



**Proposed Amendments to the Building Height Map**

- b) Amend Map 10.5A21B to correct the reference to the North End and West End Incentive Overlay Districts as follows:

The maximum building height within the North End and West End Overlay Districts may be increased pursuant to Section 10.5A476.

## 2. Building Height Standards

Amend Section 10.5A21.21 as follows:

10.5A21.21 Assignments for specific **building height** require a building to have no more than the designated maximum number of **stories** or the maximum height in feet (whichever is lower) and no less than the designated minimum number of **stories**.- Subject to review under Section 10.630, within the Historic District, the specific **building height** may be lower than the maximum designated number of **stories** or the maximum height in feet.

Amend Section 10.5A21.21 as follows:

10.5A21.22 When a **lot** is assigned to more than one **building height** standard the **lot** shall be apportioned as follows:

- (a) A **building height** standard designated along ~~the either a~~ **front lot line** or **a street** shall apply to the portion of the **lot** that is 50 feet or less from such **lot line** or **street**.
- (b) A **building height** standard designated along a water body shall apply to the portion of the **lot** that is 100 feet or less from the mean high water line.
- (c) More than ~~50-25~~ feet from ~~either~~ **a front lot line** or **a street** and more than 100 feet from a water body, the **building height** may increase to the highest **building height** standard designated for the **lot**.
- (d) Where a **lot** has less depth from the **front lot line, street** or water body than the required minimum distances stated above, the lowest **building height** standard for the **lot** shall be applied to the required linear distance from the **lot line, street** or water body.

## 3. Civic Districts

Amend Section 10.5A52.40 as follows:

10.5A52.40 New structures, alterations and expansions of existing structures in the Civic district shall conform to the Development Standards for the CD4 District and are exempt from the requirements of 10.5A42 and 10.5A43 provided that all uses remain civic.

## 4. Definitions

Amend Section 10.1530 as follows:

### **Lot line, front**

A boundary of **a lot** that separates the **lot** from ~~either~~ **a street** or **a public place**. In the case of a **corner lot** or a through lot or **a waterfront lot**, the ~~front lot line~~ **principal front yard** shall be the line bordering ~~the a~~ **street** on which the **lot** has its address. A **corner lot** or a **through lot** or a waterfront lot shall have ~~two~~ **multiple front lot lines**.

**Public Place**

A street, way, park, pedestrian alleyway or other community space type that provides deeded public access.

**Existing Grade Plane**

A reference plane representing the average existing ground level within 6 feet of the existing or proposed building. The existing grade plane shall be used to calculate the Building height.

**Building height**

The greatest vertical measurement between two reference points defined as follows:

- (a) The lower reference point shall be the **existing grade plane** as defined herein.
- (b) The upper reference point shall be any of the following:
  - (1) For a flat or **mansard roof**, the highest point of the roof surface;
  - (2) For a pitched, hip, or gambrel roof, the elevation midway between the level of the eaves and highest point of the roof. For this purpose, the “level of the eaves” shall mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves, but at no time shall this level be lower than the floor level of the uppermost **story** or **attic**.
- (c) A **parapet wall**, fence, railing or similar **structure** that extends more than two feet above the roof surface shall be included in the determination of **building height**, but shall not be included if it does not extend more than two feet above the roof surface.
- (d) To determine **building height**, measurements shall be taken at least every 5 feet around the entire perimeter of an **existing or proposed building**. An average is calculated from these figures and that figure shall be the **building**’s height for purposes of this Ordinance.

(See also: **existing grade plane, parapet wall.**)



## Portsmouth Garden Club

P.O. Box 8431  
Portsmouth, NH 03802-8431

Date 3/27/22



Dear Grant Applicant:

Congratulations! We are pleased to announce that you have been awarded the Festival of Trees Conservation Grant for your project in the amount of \$ 300<sup>00</sup>.<sup>00</sup> Enclosed, is a check for that amount.

We hope that you can attend the reception at the New Hampshire Division of Forests and Lands-Urban Forestry Center in Portsmouth to be formally recognized on Wednesday April 20, 2022 at 11:00 AM. Please be prepared to give a short presentation (up to 2 minutes) about your project. A group photo will be taken.

We would appreciate each grant recipient submitting a short note with photos of the completed project by October 1, 2022. We plan to display the photos at the Festival of Trees in 2022 and will keep them in our archives.

If you are able to join us, please RSVP to Merle Schlesinger at [merleschlesinger@yahoo.com](mailto:merleschlesinger@yahoo.com) by April 12, 2022. We are looking forward to seeing you.

Sincerely,

The Portsmouth Garden Club Grant Committee