

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, JUNE 21, 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_NqgWsRRYQZKEU5gRjde0gg

6:00PM – ANTICIPATED NON-PUBLIC SESSIONS:

1. COLLECTIVE BARGAINING RE: ASSOCIATION OF PORTSMOUTH TEACHERS – RSA 91-A:3, II (a)
2. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)
3. McINTYRE – RSA 91-A:3, II (I) – CONSIDERATION OF LEGAL ADVICE & RSA 91-A:3, II (d) – ACQUISITION OF REAL ESTATE

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**

PROCLAMATIONS:

1. *United States Constitution Day
2. *Juneteenth 2022 in Portsmouth

VII. ACCEPTANCE OF MINUTES – MAY 2, 2022 & MAY 9, 2022

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Portsmouth High School Boys Track Team Division I State Champions
2. Portsmouth High School Girls Lacrosse Team Division II State Champions
3. Portsmouth High School Boys Lacrosse Team Division II State Champions

IX. PUBLIC COMMENT SESSION (This session shall not exceed 45 minutes) – (participation may be in person or via Zoom)

X. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR RESOLUTION

First Reading of Ordinances:

- A. First reading of Ordinance amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee (**Sample motion – move to pass first reading and hold a public hearing and second reading at the July 11, 2022 City Council meeting**)

- B. First reading of Ordinance amending Chapter 1, Article VIII – Code of Ethics (***Sample motion – move to pass first reading and hold a public hearing and second reading at the July 11, 2022 City Council meeting***)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Approval of Local 1386A Memorandum of Agreement
2. Approval of Extension to Fire Chief Todd Germain’s Employment Agreement
3. Urbanized Shoreland Exemption for 57 Salter Street
4. City Council Policy 2010-02 – Sidewalk Materials
5. Request for Public Hearing Regarding Various Bonding Resolutions for Projects to begin in FY23
6. License Extension for 60 Penhallow Street
7. Parson Woods Easements at 83 Peverly Hill Road

XII. CONSENT AGENDA

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

- A. Eversource Petitions and Pole License Requests:
- Installation of 1 pole on Pierce Island Road #63-0648
 - Installation of 1 pole on Rockland Street #63-0656
 - Installation of 1 pole on Union Street #63-0682
 - Installation of 4 poles on Commerce Way #63-0693
 - Installation of 1 pole on Gates Street #63-0715
 - Installation of 1 pole on Pleasant Street #63-0716
 - Installation of 1 pole on Lang Road #63-0718
 - Installation of 1 pole on Cottage Street #63-0719
 - Installation of 1 pole on Junkins Avenue #63-0660
 - Installation of 1 pole on Borthwick Avenue #63-0722

(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. Letter from We Speak, Portsmouth High School, requesting the City Council permanently approve Indigenous Peoples' Day (not alongside "Columbus Day") and support public recognitions and acknowledgments in honor of Indigenous Peoples' lands in Portsmouth (***Sample motion – move to refer this request for a vote at the July 11, 2022 City Council meeting***)
- C. Letter from Steve Miller requesting the city release the paper street between 38 and 28 Thornton Street (Ruth Street) (***Sample motion – move to refer to the Planning Board for report back to the City Council***)
- D. Letter from Attorney Sherilyn Burnett Young, regarding application for Urbanized Shoreland Exemption – 57 Salter Street (***Sample motion – move to accept and place on file***)

XIV. MAYOR McEACHERN

- 1. Appointments to the COVID Response Task Force Blue Ribbon Committee:
 - Andrea Ardito
 - Will Arvelo
 - Kathy Beebe
 - Abbie Frank
 - Janet Laatsch
 - Tania Marino
 - Laurie McIntosh
 - Lori Waltz
 - Meme Wheeler
 - Molly Wilson
- 2. *Appointment to be Voted:
 - Reappointment of Martin Ryan to the Historic District Commission

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

- 1. *Anthropogenic Climate Change (***Sample motion – move for a report back from the City Manager consisting of an initial estimate on the amount to date, that the City of Portsmouth has spent and is currently planning to spend on infrastructure to mitigate the impacts of anthropogenic climate change; to include but not limited to, improvements to our wastewater treatment plants, sewers, and seawalls***)

B. COUNCILOR MOREAU

- 1. *Lister Academy Property (***Sample motion – move to request that the City Manager, investigate obtaining an engineer to do feasibility study on possible future uses of the current Lister Academy property which is owned by the City located at 35 Sherburne Road, in preparation for supporting the 2022-2023 goals of the City Council, and if there would be ARPA funds available to complete this work***)
- 2. *Update on the Portsmouth NH 400th Signature Events

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of June 2, 2022 ***(Sample motion – move to accept and approve the action sheet and minutes of the June 2, 2022 Parking and Traffic Safety Committee meeting)***

D. COUNCILOR BLALOCK

1. *Student Government Day ***(Sample motion – move to refer to the City Manager for report back regarding the re-establishment of Student Government Day)***

XVI. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donation from John Chagnon to the Cemeteries - \$1,500.00 ***(Sample motion – move to approve and accept the donation as presented)***
- B. *Acceptance of Donation from Barbara Malandri to the Portsmouth NH 400th - \$100.00 ***(Sample motion – move to approve and accept the donation as presented)***
- C. *Acceptance of Donation from Johanna Jackson to the Skateboard Park - \$51.50 ***(Sample motion – move to approve and accept the donation as presented)***
- D. Acceptance of Memorial Bench Donation in Memory of Vernon Boardman - \$2,200.00 ***(Sample motion – move to accept and approve the Memorial Bench Donation in memory of Vernon Boardman, as presented)***
- E. *Acceptance of Community Development Block Grant Funds - \$523,706.00 ***(Sample motion – move to authorize the City Manager to apply for, accept and expend Community Development Block Grant in the amount of \$523,706.00 through the from the U.S. Department of Housing and Urban Development)***
- F. *Acceptance of Various Donations from the Skateboard Park Fundraiser ***(Sample motion – move to accept and approve the donations as presented)***

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. Update on the Sagamore Avenue Sewer Extension Project
2. Report Back on PFAS Sampling of New Athletic Field
3. *Pannaway Manor and Maple Haven Sidewalk Status
4. *Update on Status of Police Station Facility
5. *McIntyre Update

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, MAY 2, 2022

PORTSMOUTH, NH
TIME: 7:00PM

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, Lombardi, Blalock and Cook

ABSENT: Councilor Bagley

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer in memory of Michael O'Leary and John H. Bagley, Councilor Bagley's father who recently passed away.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATIONS:

1. POET LAUREATE

Former Poet Laureate Tammi Truax spoke to building bridges with the programs and being more inclusive with our Sister Cities.

Mayor McEachern read the Proclamation and proclaimed Diannely Antigua as the Portsmouth Poet Laureate for a two year term.

2. DRINKING WATER WEEK

Mayor McEachern read the Proclamation declaring May 1st through May 7th as Portsmouth Drinking Water Week.

3. PROFESSIONAL MUNICIPAL CLERKS WEEK

Mayor McEachern read the Proclamation recognizing the week of May 1 through May 7, 2022, as Professional Municipal Clerks Week and further extend appreciation to Portsmouth's Professional Municipal Clerk, Kelli L. Barnaby, Master Municipal Clerk for the vital services performed and her exemplary dedication to the community.

VII. ACCEPTANCE OF MINUTES – APRIL 18, 2022

Councilor Moreau moved to accept and approve the minutes of the April 18, 2022 City Council meeting. Seconded by Assistant Mayor Kelley and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

(There were no Recognitions and Volunteer Committee Reports this evening)

IX. PUBLIC COMMENT SESSION

Roy Helsel asked if the City will have a partnership with McIntyre or a dictatorship.

Nancy Gentile expressed concerns regarding lack of parking at 20 Islington Street and asked if the City will be addressing this matter.

Peter Whelan spoke regarding the court hearing held this morning regarding McIntyre. He said based on the citizens that are our plaintiffs against the city with the McIntyre, the Council is in violation of the settlement agreement because there is a suit pending. He recommended that the Council table the motion to expend funds to pay off SoBow Square and await the court's decision moving forward. It states in the settlement agreement the city should not have any pending lawsuits on the McIntyre property.

Mark Brighton spoke to the ethics statement signed by the City Council as candidates prior to the last election, the actions that took place at the prior meeting were anything but civil.

Esther Kennedy said that Assistant Mayor Kelley and Councilor Cook have under their name to develop a community conversation relating to diversity, equity, inclusion, and justice. She asked that Zelita Morgan be added to that committee to support you in discussions. She further stated that Ms. Morgan was the first woman on council that was an immigrant, the first woman that her first language was not English. She also asked that we include someone with disabilities to the committee.

Petra Huda asked how a supplemental request could come forward before the FY2023 budget starts and how can the Council appropriate to a future Council.

Zelita Morgan requested that the Governance Committee meetings should be held when they are accessible to the voters which are in the evenings, rather than morning meetings. She said that residents and voters should be able to bring forward items they are interested in. She said the committee cannot be as disconnected as they are. She stated that residents do not have the opportunity to speak at these meetings.

Paige Trace stated of the people, by the people, for the people, you're all the people, and have been elected by the people, and you work for the people. She spoke to the recent meeting of the Governance Committee and how not one City Councilor was present. She also stated not one City Councilor was present at the hearing on the McIntyre today.

Bill Downey spoke to the McIntyre matter and said that two attorneys have offered their services to represent the residents regarding this issue. He said that it was Redgate Kane that was not acting in good faith. He asked where Attorney Connolly is for representing the City on the McIntyre.

Peter Somssich, State Representative, said he will reserve final judgement on the McIntyre because he has not heard all the details on this issue. He said we have no agreement with Redgate Kane. He addressed the many concerns he has regarding the McIntyre settlement.

Rick Becksted said he was here asking two weeks ago about the Demolition Ordinance. He spoke to three projects that are up for demolition currently. He said demolishing a home alters the makeup of a neighborhood. He feels like anything brought forward by him is ignored. Mr. Becksted stated that the three properties scheduled for demolition will alter the neighborhood and makeup of the City.

Councilor Moreau moved to suspend the rules to bring forward Item XIII. B. – Presentation by Valerie Rochon and Susan Labrie regarding “Portsmouth’s 400th Anniversary Celebration.” Seconded by Councilor Cook and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- B. Presentation by Valerie Rochon and Susan Labrie regarding “Portsmouth’s 400th Anniversary Celebration”

Ms. Rochon and Ms. Labrie provided a detailed presentation of events that will be taking place for the Portsmouth’s 400th Anniversary Celebration. They addressed the many facets of the celebration that will be taking place along with the categories planned to be highlighted. They also spoke regarding the donations being accepted and the business partnership levels for giving and encourage everyone to become involved in the process.

Councilor Denton moved to suspend the rules to bring forward City Manager’s Informational Item 1 – McIntyre Update. Seconded by Assistant Mayor Kelley and voted.

City Manager Conard said speaking with GSA they will work with the City to extend the agreement for 8 months.

City Attorney Sullivan said a preliminary hearing was held today and he spoke to the goal in getting the settlement agreement nullified. He reported that no decisions were made today but the court will give great attention to this matter.

X. PUBLIC HEARING AND VOTE ON ORDINANCE AND/OR 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.

THAT THE CITY COUNCIL HAS DETERMINED THAT THE SUM OF NINE HUNDRED THOUSAND (\$900,000.00) 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 (\$1,000,000.00) DOLLARS AND ON OR BEFORE JULY 15, 2023 FIVE HUNDRED THOUSAND (\$500,000.00) 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.

- **PRESENTATION**
- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS** (*Declared public hearing closed after speakers*)
- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

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

City Manager Conard said that the language for the resolution was developed by our Finance Director and Bond Counsel.

Councilor Tabor moved to adopt 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. Seconded by Councilor Moreau.

Councilor Denton asked City Attorney Sullivan if the Council can move forward with this Resolution as submitted, due to the comments made by former Councilor Peter Whelan this evening. City Attorney Sullivan said that the City Council is free to move forward with this matter.

City Manager Conard said the first payment date is May 15th of this year.

Councilor Moreau asked what gives the City Council authority to make decisions on this matter. City Attorney Sullivan said the settlement agreement is a contract.

Councilor Cook asked about the total of \$900,000.00. City Manager Conard said that \$400,000.00 is for design costs and our share to the developer.

Councilor Moreau said we will be provided with receipts on the estimated costs.

Rick Becksted said that comments are normally made by the public before a motion is brought forward. He expressed his displeasure with developer Michael Kane.

Greg Mahanna spoke in opposition to the resolution and moving forward with Redgate Kane.

Bill Downey said there must be an agreement with the General Services Administration and the National Park Service to move the project forward.

Petra Huda said she attended the hearing this morning and learned that the suit is still present and has not been settled. She asked why there is nothing to remove the law suit. She said she is a taxpayer and would like transparency on this matter and what the City Council knows.

Larry Booz spoke to tactics of Michael Kane during this process. He said the cost of a settlement would be on the backs of the taxpayers.

Roy Helse spoke opposed to giving Michael Kane \$2.4 million.

Paige Trace spoke opposed to the resolution and expressed concern regarding the unanimous voting pattern of the Council. She said that the City Council needs to act in the best interest of the residents and respect the taxpayers that voted to put you in office.

Peter Whelan spoke opposed to the resolution and giving Redgate Kane \$2.4 million. He said that this is an awful agreement and the Council has the option to not vote to move the agreement forward this evening.

Esther Kennedy said the McIntyre has been around for a long time. She said on November 18, 2021 the former Council gave this new Council a gift with their vote on the McIntyre. She said that the Council has time before making a decision on this matter and asked that be considered before voting this evening.

Zelita Morgan said this situation is disturbing and the Council needs to honor the community when making a decision this evening. She said history with the developer has not been good and the City Council has a choice to make tonight.

Michael Simchik, Rye, NH said that this is a difficult project but he heard this evening that the agreement was vetted by the financial team and the city's advisors. He spoke to the terms of the agreement and cautioned the Council from moving forward. He said the City Council must have the courage to have a financial analysis of the agreement before moving forward.

After three calls and no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Denton said the City Council has been acting in good faith and not approving the funds would be a breach of the agreement. City Attorney Sullivan said it would not be wise to speculate on what the future might hold.

Councilor Cook asked if the GSA would give us an extension without the agreement. City Attorney Sullivan said the City is working diligently and that will be a factor in the decision making of the GSA.

Discussion followed regarding the monument process.

Councilor Tabor said this binds future City Council is but we must enter into a partnership. He said he feels this is the right course of action.

Councilor Blalock said these decisions are very difficult and he considers all options before voting and feels that this is the best option for the City.

Mayor McEachern said he would like to speak on why he did not want people to applaud. He said there is a time when we are all unified and applauds would be appropriate. He said he would support the agreement this evening and stated this is more about the settlement agreement than the costs. He said former Councilor Huda stated this would hold future City Councils to this vote but that is the essence of contracts. He stated every action is one member of nine and this is in the best interest to building the community plan.

On a roll call vote 7-1, motion passed. Councilors Tabor, Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Assistant Mayor Kelley voted opposed.

At 9:30 p.m., Mayor McEachern called for a brief recess. At 9:40 p.m., Mayor McEachern called the meeting back to order.

Councilor Moreau moved to suspend the rules in order to bring Item XIII. E. – Letter from Attorney Sherilyn Burnett Young, Rath, Young and Pignatelli, P.C., regarding Application for Urbanized Shoreland Exemption – RSA 483-B:12, Subject Property: 57 Salter Street. Seconded by Assistant Mayor Kelley and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- E. Letter from Attorney Sherilyn Burnett Young, Rath, Young and Pignatelli, P.C., regarding Application for Urbanized Shoreland Exemption – RSA 483-B:12, Subject Property: 57 Salter Street

Councilor Moreau moved to refer to the Planning Board for report back. Seconded by Councilor Blalock and voted.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

- 1. One Year Lease Extension of Portsmouth Public Media, Inc., (PPMtv) Lease of the South Meeting House

City Manager Conard said that PPMtv is required to spend funds for capital improvements to the South Meeting House.

Councilor Cook said she would be recusing from the vote.

Councilor Lombardi moved to approve the one year extension of PPMtv's Lease of the South Meeting House with the City. Seconded by Councilor Tabor and voted. Councilor Cook abstained from the vote.

XII. CONSENT AGENDA

Councilor Moreau moved to adopt the Consent Agenda. Seconded by Assistant Mayor Kelley and voted.

- A. Eversource Petitions and Pole License Requests:
- Installation of 1 pole on Banfield Road #63-0684
 - Installation of 2 poles on Borthwick Avenue #63-0699
 - Installation of 1 pole on Boyan Place #63-0681
 - Installation of 1 pole on McKinley Road #63-0711
 - Installation of 2 poles on Middle Street #63-0713
 - Installation of 1 pole on Sagamore Avenue #63-0707
 - Installation of 1 pole on Vine Street #63-0668
- (Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from David Grilk, Conventures, Inc., requesting permission to hold the 2022 Seacoast Cancer Community Celebration and 5K on Saturday, September 24, 2022 and Sunday, September 25, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Request from Barton & Gray Mariners Club, of Port City Realty Group, LLC to install a Projecting Sign at 20 Ladd 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***

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

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

C. Letter from the Town of Rye Selectmen to PDA regarding Proposed Cargo Facilities

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

D. Letter from Jim Teetzel, Wilcox Industries regarding Portsmouth 400 Year Concept Plan

Councilor Lombardi moved to refer to the Arts and Culture Committee for review. Seconded by Councilor Denton.

Councilor Cook said this is a difficult situation when art comes to the City Council because the process we have in place no longer works. She stated that she will bring this before the Governance Committee to look at the current practice. She said it is reasonable to refer this to Arts & Culture but we don't have a process at this stage. She stated that the Arts and Non-Profit Committee could review this in the interim until we change the policy.

City Manager Conard said we have had to create an Ad Hoc and that could be done again or work with the Arts and Non-Profit Committee.

Councilor Lombardi said he spoke with Russ Grazier and Barbara Massar and they thought the committee could look at the request if the City Council would prefer to have an Ad Hoc Committee something needs to be done in the long run to deal with public art. He said we need to have things given to the City reviewed.

Councilor Moreau recommended that this be done in conjunction with the Portsmouth 400th NH within the legacy projects section.

Councilor Cook said she has been working with local organizations on local art projects to make recommended changes and the arts have a connection to their role in the community.

Councilor Lombardi withdrew his motion and Councilor Denton the second to the motion.

Councilor Tabor moved to refer to the City Manager to coordinate the public art process in conjunction with the Arts and Non-Profit Committee and the Portsmouth 400th Committee for a report back to the City Council for final approval. Seconded by Councilor Lombardi and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
 - Appointment of Michael Griffin to the Portsmouth Housing Authority
 - Reappointment of Robert Bogardus to the Recreation Board
 - Reappointment of Kory Sirmaian to the Recreation Board

Councilor Moreau moved to appoint Michael Griffin to the Portsmouth Housing Authority until April 1, 2027; the reappointments of Robert Bogardus and Kory Sirmaian to the Recreation Board until April 1, 2025. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON & COUNCILOR COOK

1. Electric Vehicle Charging Station Zoning Amendments

Councilor Denton moved to approve and send the draft Zoning Ordinance amendments regarding Electric Vehicle Charging Stations to the Planning Board for review and recommendation back to the City Council for first reading. Seconded by Councilor Blalock.

Councilor Denton spoke to the funding for public infrastructure needs. He reviewed the suggested amendments in detail with the City Council. He stated the goal is to send these recommended amendments to the Planning Board and have them report back on a version of this to have private industry development.

Councilor Moreau said she is concerned with putting a lot on to the Planning Board and overworking both the Planning Board and Planning Department.

Councilor Denton said the City Manager could tell us what makes the most sense in terms of timing.

Mayor McEachern said the Planning Board would need to decide when this would come back to the City Council.

Councilor Moreau said May 13th we would incorporate this into the Planning Board Phase 2. She said it would make sense to see what works and would agree that the City Manager speak with the Planning Director regarding when it is appropriate to review this.

On a unanimous roll call 8-0, motion passed.

B. COUNCILOR BAGLEY

1. **Action Item Needing Approval by City Council:**
 - Request for ADA Parking Space on Cass Street, by Connections Peer Support Center

Councilor Moreau moved to approve HP (Handicap Parking) parking space 30 feet from crosswalk on north side of Cass Street, east of Islington Street. Seconded by Assistant Mayor Kelley and voted.

2. Parking and Traffic Safety Committee Action Sheet and Minutes of April 7, 2022

Councilor Moreau moved to accept and approve the action sheet and minutes of the April 7, 2022 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley and voted.

C. COUNCILOR COOK & ASSISTANT MAYOR KELLEY

1. Community Conversations

Councilor Cook moved to request that the City Manager develop a series of Community Conversations starting in June 2022 around issues of Diversity, Equity, Inclusion, and Justice. Seconded by Assistant Mayor Kelley.

Councilor Cook said they're making this request of City Manager Conard with the support of the City Council.

Assistant Mayor Kelley said there is a gap from City Hall to the community. She said we are talking about many things in DEI and Justice. She said these discussions should not be held at City Hall but facilitate conversations outside in the community.

Councilor Cook said the next step is for the City Manager to determine when staff was available for scheduling these discussions.

Assistant Mayor Kelley said this is not limited to what is here.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Homeland Security Grant Award from the US Department of Safety for the Seacoast Emergency Response Team (SERT) to purchase search and rescue equipment - \$29,024.39

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

- B. Approval of Donation from Wilcox Industries Corp. for the Portsmouth Police Honor Guard to attend specialized training as well as attend the Police Memorial in Washington, DC. This year, Portsmouth Police K9 Max will be added to the memorial, following his 2019 line-of-duty death - \$5,000.00

Councilor Moreau moved to approve and accept the donation for the Police Department as presented. Seconded by Councilor Blalock.

Councilor Cook said she found the donation left some questions on the trip to Washington, DC and whether the trip is already budgeted and if they would be able to go without the donation.

City Manager Conard said she would like to coordinate with Acting Chief Maloney and report back on this.

Mayor McEachern asked if we want a process for departments accepting donations.

Councilor Cook said she would like to know if funding is supplemental or is the donation. She said she does not want to delay the trip with these questions.

Mayor McEachern said we need a separate conversation around this from the Governance Committee. He said the conversation should address when donations are received and if they're budgeted or not.

Motion passed.

- C. Acceptance of Donation in the form of five (5) \$20.00 gift certificates from JL Nails & Spa on Woodbury Avenue for the Portsmouth Police Department

Councilor Moreau moved to approve and accept the donation for the Police Department as presented. Seconded by Councilor Denton.

Councilor Lombardi said he feels this is a strange donation for a personal gift. He stated he would not like to see such a gift accepted for the use by an employee of the Police Department.

Councilor Moreau said she has seen these types of donations, which are given to the department to provide to someone in need of help.

Assistant Mayor Kelley asked what is the internal policy for such donations?

Councilor Moreau moved to table for report back on donations. Seconded by Councilor Cook.

Mayor McEachern said we need to understand gift policies for departments. He would like to put rules in place and have a conversation around on this matter.

Councilor Moreau withdrew the motion to table and Councilor Cook her second to the motion.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. McIntyre Update

This matter was reviewed earlier in the meeting.

2. FY 2023 City Council Budget Meeting Schedule

City Manager reported that the City Council will be holding Public Dialogue Budget Sessions at the Portsmouth Middle School, the Senior Activity Center and Fire Station 2 on May 19, 2022 with the City Council breaking into groups of three. She indicated that Deputy City Manager/Deputy City Attorney Woodland and Finance Director Belanger would each be at one of the locations and she would attend the session at the Middle School because she needs to attend the Planning Board meeting.

Councilor Moreau requested to be at the Portsmouth Middle School because she has Planning Board that evening.

3. Household Hazardous Waste Collection Day – May 21, 2022

City Manager Conard reported that the Household Hazardous Waste Collection Day will be held on May 21, 2022 at the Public Works Facility.

4. Report Back on Fee Waivers for Peirce Island Outdoor Pool and Boat Launch for Military, Military Dependents, Veterans and Veteran Caregivers

Councilor Denton moved to adopt a Military discount at the Peirce Island Outdoor Pool (free for children, \$2.00 per adult), the Peirce Island Boat Launch, a Military discount of 50% of all fees:

- **Non-motorized water craft - \$5.00**
- **Motorized craft - \$10.00**
- **Commercial boats - \$15.00**
- **Season pass - \$75.00**

Also, hosting a “Military Appreciation Day” during the summer, with free admission for military members and their families, with the potential of making this an annual event. Seconded by Assistant Mayor Kelley and voted.

5. Report Back on the Feasibility of Locating a COAST Bus Stop on Greenleaf Woods Drive

City Manager Conard reported that COAST has indicated that this would be a significant change to the route and something they would need to coordinate and plan into the route when future updates and refinements are proposed to the system.

6. Draft National Pollutant Discharge Elimination System Wastewater Permits

City Manager Conard reported that staff is preparing comments to the permits and need to submit them by May 16, 2022 for the Draft Pease WWTF NPDES permit and May 23, 2022 for the Draft Peirce Island WWTF NPDES permit.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Moreau moved that the City Manager report back on individual department policies and city standard policies on the acceptance of donations and gifts. Seconded by Councilor Cook and voted.

XIX. ADJOURNMENT

At 10:30 p.m., Assistant Mayor Kelley moved to adjourn. Seconded by Councilor Cook and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

MINUTES
SPECIAL CITY COUNCIL MEETING
PROPOSED FY 23 BUDGET PUBLIC HEARING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 9, 2022

PORTSMOUTH, NH
TIME: 6:30 PM

I. CALL TO ORDER

Mayor McEachern call the Special City Council meeting to order at 6:30 p.m.

II. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton, Bagley, Lombardi, Blalock (6:40 p.m.) and Cook.

ABSENT: Councilor Moreau

III. PRESENTATION – Karen Conard, City Manager and Judie Belanger, Director of Finance and Administration

City Manager Conard gave a brief opening statement and thanked the Finance Department and all of the staff involved in putting together the budget. She stated that the budget is a statement of values and those values are determined by working together amongst staff and with the Council to establish strategic goals which they did beginning in January. She summed up the 7 goals as follows (see page 33):

1. *Invite and Honor Input from the Community, and Encourage Increased Participation and Engagement of Youth.*
2. *Identify and Promote Strategies for Local Business Retention and Preservation of Affordable Commercial Spaces.*
3. *Leverage Local Resources and Partnerships to Improve and Support Needs of Residents, Nonprofits, Arts and Culture Community.*
4. *Proactively Pursue the Integration of Sustainability, Resilience and Climate Change Mitigation Actions Throughout City Government and Community.*
5. *Diversify and Enhance the Supply of Housing Choices.*
6. *Continuously Enhance City Council Best Practices to Deliver a Trusted, Transparent and Responsive Process.*
7. *Consistently Communicate with Community Members and Stakeholders, Respecting Channels of Communication They Prefer and Keeping Them Informed.*

She continued that the although we continue to have uncertainty with inflation, supply chain issues, utility increases and other challenges, we have the pragmatic philosophy and careful budgeting that the city has had for years that we continue to flatten the curve.

She then reviewed the several one-time items that will impact the FY23 budget including; Community Campus, PortsmouthNH 400 celebration, McIntyre Settlement, IT reorganization,

additional staffing, parks and fields maintenance costs and several others that will be addressed further.

She continued to review the proposed changes to the Operating Budget which includes 2.05% COLA for the six unions that have a previously settled contract for FY23. She further discussed the issue of the Police and Fire Departments of being able to recruit and maintain qualified personnel which is being addressed in this budget as well.

She discussed the Retirement Rates and the impact of the loss of State contributions stating that there are currently 2 bills in the legislature that may have an impact.

Finance Director Belanger gave a brief slide presentation regarding the Health Stabilization Funds and the history of how this was budgeted in the past versus how it is done now resulting in the Health Insurance Reserve Funds and avoiding spikes. She then discussed the Leave at Termination Fund which is similar to the Health Insurance Fund in that it eliminates spikes in the budget.

Next, City Manager Conard addressed the Non-Operating Budget, Capital Investments, Rockingham County Tax obligation, and Rolling Stock vehicle and equipment replacement plan. She also reviewed the use of ARPA funds.

Finance Director Belanger reviewed the Estimated Revenues which are estimated to increase 4.2% from FY22 and include projected increase in vehicle registrations, Pease Development Authority Airport District and Water/Sewer overhead. There is an estimated increased in School Revenues from tuition, Use of Fund Balance, and State Revenues estimated Rooms and Meals Tax and one time Adequate Education Grant. She referred to page 141 for further information regarding the history of Use of Fund Balance. She concluded by discussing the tax levy which is set by subtracting the estimated revenues from the adopted budget amount and that is used by the State of NH Department of Revenue Administration to set the tax rate.

City Manager Conard clarified that the tax levy amount won't change but what will change is the way it is distributed.

City Manager Conard stated that the Proposed Budget as presented will result in an estimated tax rate of \$15.71, an increase of 68 cents or 4.51% over FY22. The estimated tax rate would result in an annual increase of \$324, or \$27 per month, for the median single family residential home valued at \$478,050.00. She continued that tax rate is set by the New Hampshire Department of Revenue Administration in the Fall, once all state revenues, property valuation, and county tax obligation are finalized. The City typically announces the final tax rate for the Fiscal Year in November and issues tax bills for the first half of the Fiscal Year due in December. She concluded that there is a potential offset with the variables previously discussed including contributions from the state to the retirement funds; Rockingham County tax obligation coming in a 2% or lower; and the Feds recently raising the Interest basis to 50 and could go as high as 100, so the interest income will need to be re-evaluated as well.

IV. PUBLIC HEARING

A. PROPOSED FY JULY 1, 2022 THROUGH JUNE 30, 2023 BUDGET

Mayor McEachern opened the public hearing:

James Parkington – stated he wants the funding for the skateboard park design to be kept on the front burner. He continued that design, construction and material costs continue to go up and this needs to get done for the many kids that need a place to go.

Seeing no one else wishing to speak at the public hearing in person or via zoom, Mayor McEachern closed the public hearing.

Mayor McEachern stated that although a public hearing doesn't usually have feedback, because there was one speaker with a specific issue, he addressed the funding of the skateboard park stating last year we funded \$2.2 million through fund balance but we will only have completed 30% of the design by this fall so \$200,000 remains for the design and the \$2 million remains in the CIP for construction to begin hopefully next year.

V. REVIEW OF BUDGET WORK SESSION MEETING SCHEDULE

Tuesday, May 10th at 6:30 p.m. – Public Safety / Police & Fire Departments

Wednesday, May 11th at 6:30 p.m. – School Department

Thursday, May 12th at 6:30 p.m. – General Government & Parking Departments

Wednesday, May 18th at 6:30 p.m. – Water, Sewer & Stormwater Departments

Thursday, May 19th – Public Dialogue Budget Sessions at the following locations:

5:30 p.m. – 6:30 p.m. at Portsmouth Middle School (Stokel Student Commons),

7:00 p.m. – 8:00 p.m. at Senior Center (Activity Room 1), and

7:00 p.m. to 8:00 p.m. at Fire Station 2 (George Pierce Training Room)

Monday, May 23rd at 6:30 p.m. – Budget Review

VI. ADJOURNMENT

At 7:13 p.m., Mayor McEachern adjourned the meeting.

Valerie A. French,
Deputy City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 1, Article IV, Section Commissions/Authorities – **TREES AND PUBLIC GREENERY COMMITTEE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE IV: Commissions/Authorities

Section 1.413: TREES AND PUBLIC GREENERY COMMITTEE

There is hereby established a Trees & Public Greenery Committee. The Committee shall consist of **nine–(9) ten (10** voting members including the following: **a City Councilor, the** City Manager or designee; **the** Tree Warden or designee; the Public Works Foreman in charge of tree maintenance; and six (6) individuals with an interest in trees and public greenery. Members of the Committee, other than City **Officials staff members** listed above, shall be appointed by the Mayor **and with the approval of** City Council for three year terms with the length of the initial terms being staggered at the discretion of the Council. Vacancies for the unexpired terms shall be filled in the same manner as the original appointments.

The main purpose of this Committee shall be to advise and assist the City's Tree Warden in enforcing the provisions of this Ordinance as well as to ensure the proper expansion, protection, and maintenance of the City's Urban Forest consistent with best arboricultural practices, horticultural practices, aesthetic concerns, and public safety. The Committee shall, with the assistance of the Department of Public Works, collect and maintain all records and data necessary to objectively evaluate whether progress is being made toward the proper protection and expansion of the City's Urban Forest. The Committee shall prepare an annual report summarizing all activity relating to this Ordinance and shall offer recommendations for actions to better achieve the proper maintenance and expansion of the City's Urban Forest. This report shall be presented to the City Council for its consideration.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter One, Article VIII, **CODE OF ETHICS** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE VIII: CODE OF ETHICS

Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

- A. Charged Party: That Officer or Employee alleged to have violated this Ordinance and is the subject of the Complaint.**
- B. Complaint: Any written communication meeting the requirements of Section 1.806 (A).**
- C. Complainant: The person making the Complaint.**
- D. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.**
- E. Ethics Investigation Officer (EIO): That person serving in the capacity as described in Section 1.805.**
- F. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, or Fire Commission.**
- AG. Officer: The term "Officer" shall be defined to include every person who serves the City of Portsmouth in any official position which is established by state law, the Municipal Charter, the Ordinances of the City or by appointment of the City Council. ~~member of the City Council, School Board, Police Commission, Fire Commission, each member of every land use regulatory board, i.e. the Board of Adjustment, Planning Board, Historic District Commission, Conservation Commission, Technical Advisory Committee, Traffic Safety Committee, Building Code Board of Appeals, Recreation Board, Planning and Development Council, and Economic Development Commission, every department head as that term is used in the Administrative Code, Chief of Police, Fire Chief,~~**

~~Superintendent of Schools, the Trustees of the Trust Funds and members of the Housing Authority.~~

~~B. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.~~

~~C. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, and Fire Commission.~~

DH. Official Duties: The term "Official Duties" shall mean the following:

1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
2. In the case of ~~all other Officers, members of Land Use Regulatory Boards, the Trustees of the Trust Fund and the Portsmouth Housing Authority,~~ those duties and responsibilities set forth in the legislation **or vote which establishes the position held by the Officer or the job description for that position that established each board and/or outlines the duties and responsibilities of each board.**
3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and responsibilities set forth in the respective job description for each party or employee.

Section 1.802: CONFLICTS OF INTEREST

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.
- B. Representing Private Interests Before City Agencies: No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.
Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a

substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.

- C. Representing Private Interests Before Courts: No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. Disclosures of Interest in Legislation: A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. Disclosures by Officer or Employee of Interest in Legislation: An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. Gifts and Favors: No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.
- G. Disclosures of Confidential Information: ~~No~~ **Any** officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- H. Investments in Conflict with Official Duties: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- I. Incompatible Employment: No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

Section 1.803: CONSEQUENCES OF VIOLATION

Any violation of any provisions of this ordinance shall constitute cause for **public censure**, fine, suspension or removal from office or, **in the case of Employees disciplinary action as may be set forth in any collective bargaining or employment agreement up to and including termination from** employment.

Section 1.804: BOARD OF ETHICS

- A. ~~There A Board of Ethics (“BOE”)~~ is hereby created ~~and established a method for appointing a Board of Ethics~~. This ~~Board BOE~~ shall consist of five (5) persons: ~~one member each two members shall be selected by lot~~ from the City Council, ~~and one member each from the~~ School Board, Police Commission and Fire Commission ~~and the~~. ~~All members shall be selected by lot to maintain a full board as necessary~~. The City Attorney (ex officio) or such other legal counsel (ex officio) ~~that shall provide legal advice and support for the Board BOE should decide~~. The ~~Board BOE~~ members shall be ~~selected by lot and~~ drawn at the first meeting of the calendar year of ~~each of~~ the governing bodies.
- B. ~~Each BOE Member selected is required to serve unless the BOE Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).~~
- C. ~~The members of Board BOE Members~~ shall elect a chairperson. ~~They shall and the BOE may~~ adopt such rules for the conduct of ~~their~~ its business as ~~they-it~~ sees fit ~~and they~~. The ~~BOE~~ shall have the power to draw upon ~~the various~~ City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

Section 1.805: ETHICS INVESTIGATION OFFICER

- A. ~~The position of Ethics Investigation Officer (EIO) is hereby created. The City Manager shall have the power to identify and retain an EIO to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO shall have sufficient experience and training to conduct the investigation.~~
- B. ~~Advisory Opinions: Upon the written request of the Officer or employee concerned, the Board shall render advisory opinions based upon the provisions of this Code. The Board shall file its advisory opinions with the City Clerk but may delete the name of the officer or employee involved. In the event the Complaint is~~

against the City Manager, the responsibility to identify and retain an EIO shall reside with the City Attorney in consultation with the Mayor.

- ~~C. Hearings and Determinations: Any individual having information that an officer or employee as defined in Section 1:801, other than the City Manager or the City Attorney, is engaged in improper activities or has a conflict of interest may present his or her complaint to the City Attorney.~~
- ~~1. Said complaint shall be in writing, under oath, specific and to the point. The City Attorney shall review the written complaint with the Mayor and if either the Mayor or the City Attorney feels that the complaint is of substance, then the Mayor shall refer the matter to the Board.~~
 - ~~2. If both the Mayor and City Attorney believe that the complaint is without substance, the person making the complaint and the subject of the complaint shall be notified in writing of that fact.~~
 - ~~3. The Board shall hold a hearing which may be public or private at the discretion of the Board and at which the accused party shall be entitled to be represented by Counsel at his or her own expense to examine the party making the complaint, to summon witnesses and to present evidence on his or her behalf. If the Board finds that the individual is guilty as charged in the complaint, the whole matter shall be referred to the appropriate governing body for enforcement as set forth in Section 1:805.~~
 - ~~4. Complaints against the City Manager and/or City Attorney for violations of this Ordinance shall be in writing, under oath, specific and to the point, and shall be referred directly to the Mayor or Assistant Mayor. If either the Mayor or Assistant Mayor believes that the complaint is of substance, then the complaint shall be referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance, then the person making the complaint and the Mayor shall be notified of that decision.~~
 - ~~5. Complaints against the Mayor shall be filed with the City Attorney who shall review them with the Assistant Mayor. If either the City Attorney or the Assistant Mayor believes that the complaint is of substance, then the complaint shall be~~

~~referred to the Board for a hearing as set forth in paragraph C.3 above. If the City Attorney and the Assistant Mayor believe that the complaint is not of substance then the person making the complaint and the Mayor shall be notified of that decision.~~

- ~~6. All members of the City Council (including the Mayor), School Board, Police Commission and Fire Commission are eligible to serve and must serve on the board when requested to do so except, however, that any person that has been charged in a complaint shall be barred from serving on that particular board.~~
- ~~7. All complaints shall be disposed of or forwarded to the Board by the City Attorney and/or the Mayor and/or the Assistant Mayor within thirty days after receipt.~~
- ~~8. The Board shall have thirty days to investigate and hold meetings and to report to the appropriate governing body as a whole if their findings warrant further action.~~
- ~~9. The statements of the findings of the Board shall be issued upon the request of any person charged.~~

Section 1.806: COMPLAINTS, INVESTIGATIONS AND HEARING

- A. Complaint Requirements.** Any person may submit a written complaint alleging one or more violations of Section 1:802. Such complaint must be based on personal knowledge, and set forth facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath and include contact information, including: home address, phone number and email address (such personal contact information to be treated as confidential upon request). The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall promptly provide a copy of the Complaint to the Charged Party.
- B. Review for Sufficiency.**
 - 1. A Review for Sufficiency of the Complaint will be completed within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available record of any public meetings or records referenced in the Complaint.**

2. The City Attorney and the Mayor shall conduct the Review for Sufficiency except in cases in which either is the subject of the Complaint. Complaints against the City Attorney shall be reviewed by the City Manager and Mayor. Complaints against the Mayor shall be reviewed by the City Attorney and the Assistant Mayor.
3. If the Complaint is deemed insufficient, the Complainant will be notified in writing of that decision with a copy provided to the Charged Party. A Complaint will be deemed sufficient if it is determined that the Complaint establishes some reasonable possibility that a violation of the Code of Ethics may have occurred.
4. If the Complaint is deemed to be sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through a communication in writing. That communication in writing will contain the following:

This Determination of Sufficient does not determine the truth or falsity of any of the allegations contained in the Complaint or constitute any finding or conclusion that a violation occurred.

- C. **Investigation Phase.** The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The EIO shall have all subpoena powers as may be available under State law. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty-five (45) days of the date of referral unless the Charged Party and the City's representative (City Manager or City Attorney) mutually agree to a longer period.

The EIO shall provide a written report with the conclusions reached in the completed investigation to the BOE. The EIO shall provide a non-binding recommendation as to the disposition of the Complaint to the BOE. Thereafter, all action with regard to the Complaint shall be taken by the BOE.

- D. **Board of Ethics Hearings.**

1. The BOE shall take no further evidence on any Complaint, but shall make its determination based upon the report received

from the EIO. However, the BOE shall hold at least one (1) public hearing at which the EIO, the Complainant, and the Charged Party shall be afforded an opportunity to present oral and written argument to the BOE. The BOE may hear from such other and further parties as it determines appropriate.

2. Any party may be represented by legal counsel at his or her own expense at any stage of an ethics proceeding.
3. The BOE shall issue a written decision within thirty (30) days of the final public hearing with findings and a disposition, dismissal or referral for further action if a violation has been found. If a violation has been found, the BOE shall recommend a sanction or penalty, and refer the matter to the City Council (if an Officer or the City Manager) or to the City Manager (if an Employee) for disposition, sanction or other action as set forth in Section 1:807.

- E. If the employee is a member of a bargaining unit covered by the terms of a collective bargaining agreement, the investigation will comply with those provisions of the applicable collective bargaining agreement; this may include, but is not limited to the employee having Union representation at any investigative interview that may lead to discipline.

Section 1.8057: ENFORCEMENT DISPOSITION AND SANCTION

- A. **Sanctions:** In the event that the ~~Board of Ethics-BOE~~ determines that any ~~officer~~Officer or ~~employee subject to its control, has engaged in any act prohibited by the City Manager~~ committed a violation of this ~~ordinance or failed to make a mandated disclosure, the governing body shall~~ Ordinance, the City Council may take any ~~one~~ of the following ~~steps~~ actions:

~~1. In the case of the Governing body members:~~

- a. Vote for removal pursuant to the City Charter as amended;
- b. Vote to publicly censure **or admonish** the offending member;
- c. Vote to place the matter on file; **or**
- d. Vote **for innocence of any wrong doing to overturn the finding of a violation.**

~~2. In the case of all officers and employees the governing body, consistent with the Merit System and any applicable bargaining agreements, shall:~~

- ~~a. Vote for removal~~
- ~~b. Vote for dismissal~~
- ~~c. Vote for suspension for a definite period~~
- ~~d. Vote for the censuring~~
- ~~e. Vote to place the matter on file~~
- ~~f. Vote for innocence of any wrongdoing.~~

B. In the case of Employees, the City Manager shall have all rights available under any employment agreement or collective bargaining agreement to discipline or terminate the employee and the City Manager shall make such report to the City Council as it determines necessary, in public or non-public session as may be determined at the time, as to the action taken.

BC. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance, violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.

(Adopted In Its Entirety 4/4/88)

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Deaglan McEachern, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

DRAFT

**CLEAN VERSION OF AMENDMENTS TO Chapter One, Article VIII,
CODE OF ETHICS of the Ordinances of the City of Portsmouth** are as follows:

ARTICLE VIII: CODE OF ETHICS

Section 1.801: DEFINITIONS

For purpose of this Article, the following terms shall be defined in the following manner:

- A. Charged Party: That Officer or Employee alleged to have violated this Ordinance and is the subject of the Complaint.
- B. Complaint: Any written communication meeting the requirements of Section 1.806 (A).
- C. Complainant: The person making the Complaint.
- D. Employee: The term "Employee" shall include all employees of the City including the Police, School and Fire Departments whose salary is paid in whole or in part from the City Treasury.
- E. Ethics Investigation Officer (EIO): That person serving in the capacity as described in Section 1.805.
- F. Governing Body: The term "Governing Body" shall mean the City Council, School Board, Police Commission, or Fire Commission.
- G. Officer: The term "Officer" shall be defined to include every person who serves the City of Portsmouth in any official position which is established by state law, the Municipal Charter, the Ordinances of the City or by appointment of the City Council.
- H. Official Duties: The term "Official Duties" shall mean the following:
 - 1. In the case of members of the City Council, School Board, Fire Commission, Police Commission and the City Manager, those duties and responsibilities set forth in the City Charter and/or established by State law.
 - 2. In the case of all other Officers, those duties and responsibilities set forth in the legislation or vote which establishes the position held by the Officer or the job description for that position.
 - 3. In the case of the Chief of Police, the Superintendent of Schools, the Fire Chief, and all employees, those duties and

responsibilities set forth in the respective job description for each party or employee.

Section 1.802: CONFLICTS OF INTEREST

- A. No Officer or employee shall engage in any business or transaction or shall have a financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his/or her official duties.
- B. **Representing Private Interests Before City Agencies:** No Officer or employee shall appear in behalf of private interests before any governing body or land use regulatory board of which the officer or employee is a member or membership on which is subject to approval by the officer or employee.
Officers and employees, however, may appear without compensation in behalf of constituents or in the performance of public or civic obligations. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided, that the retainer is not for the purpose of appearing before the governing body or land use regulatory board.
- C. **Representing Private Interests Before Courts:** No officer or employee shall represent private interests in any action or proceeding against the interests of the land use regulatory board or governing body of which the officer or employee is a member, or membership on which is subject to approval by the officer or employee in any litigation to which the City is a party.
- D. **Disclosures of Interest in Legislation:** A Councilor who has a direct or indirect financial or other private interest in any proposed legislation shall publicly disclose, on the official records of the Council, the nature and extent of such interest.
- E. **Disclosures by Officer or Employee of Interest in Legislation:** An officer or employee who has a direct or indirect financial interest or other private interest in any legislation and who participates in discussion before or gives official opinion to the Council, shall publicly disclose on the official record the nature and extent of such interest.
- F. **Gifts and Favors:** No officer or employee shall accept any gift, over \$100.00, whether in the form of service, loan, thing or promise, any other form from any person, firm or corporation which to his/or her knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City. This provision shall not apply to campaign contributions of \$100.00 or less.

- G. Disclosures of Confidential Information: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- H. Investments in Conflict with Official Duties: Any officer or employee, who holds any investment direct or indirect in any financial, business, commercial or other private entity which creates a conflict with his/her official duties shall publicly disclose on the official record the nature and extent of such interest.
- I. Incompatible Employment: No officer or employee shall engage in or accept private employment or render or seek services or goods for private interests when such employment or service creates a conflict with his/her official duties.

Section 1.803: CONSEQUENCES OF VIOLATION

Any violation of any provisions of this ordinance shall constitute cause for public censure, fine, suspension or removal from office or, in the case of Employees disciplinary action as may be set forth in any collective bargaining or employment agreement up to and including termination from employment.

Section 1.804: BOARD OF ETHICS

- A. A Board of Ethics (“BOE”) is hereby created. This BOE shall consist of five (5) persons: two members shall be selected from the City Council and one member each from the School Board, Police Commission and Fire Commission. All members shall be selected by lot to maintain a full board as necessary. The City Attorney (ex officio) or such other legal counsel (ex officio) shall provide legal advice and support for the BOE. The BOE members shall be selected by lot and drawn at the first meeting of the calendar year of the governing bodies.
- B. Each BOE Member selected is required to serve unless the BOE Member is the subject of the Complaint, has a conflict of interest, or is excused due to unavailability or exceptional causes (such as a health issue).
- C. The BOE Members shall elect a chairperson and the BOE may adopt such rules for the conduct of its business as it sees fit. The BOE shall have the power to draw upon City departments for reports and information and stenographic and clerical help. They shall have all subpoena powers as may be available to them under State law.

Section 1.805: ETHICS INVESTIGATION OFFICER

- A. The position of Ethics Investigation Officer (EIO) is hereby created. The City Manager shall have the power to identify and retain an EIO to assist with the investigation and prosecution of any Complaint which has been referred for investigation. The EIO shall have sufficient experience and training to conduct the investigation.
- B. In the event the Complaint is against the City Manager, the responsibility to identify and retain an EIO shall reside with the City Attorney in consultation with the Mayor.

Section 1.806: COMPLAINTS, INVESTIGATIONS AND HEARING

- A. **Complaint Requirements.** Any person may submit a written complaint alleging one or more violations of Section 1:802. Such complaint must be based on personal knowledge, and set forth facts with enough specificity and detail for a determination of sufficiency for investigation. The Written Complaint must be signed under oath and include contact information, including: home address, phone number and email address (such personal contact information to be treated as confidential upon request). The Complaint shall be delivered to the City Attorney with a copy to the Mayor and City Clerk. The City Attorney shall promptly provide a copy of the Complaint to the Charged Party.
- B. **Review for Sufficiency.**
 - 1. A Review for Sufficiency of the Complaint will be completed within thirty (30) days of receipt. This review will be based on the allegations contained in the Complaint and the immediately available record of any public meetings or records referenced in the Complaint.
 - 2. The City Attorney and the Mayor shall conduct the Review for Sufficiency except in cases in which either is the subject of the Complaint. Complaints against the City Attorney shall be reviewed by the City Manager and Mayor. Complaints against the Mayor shall be reviewed by the City Attorney and the Assistant Mayor.
 - 3. If the Complaint is deemed insufficient, the Complainant will be notified in writing of that decision with a copy provided to the Charged Party. A Complaint will be deemed sufficient if it is determined that the Complaint establishes some reasonable

possibility that a violation of the Code of Ethics may have occurred.

4. If the Complaint is deemed to be sufficient for further investigation, it shall be referred to the EIO for further action and all parties will be notified of this step through a communication in writing. That communication in writing will contain the following:

This Determination of Sufficient does not determine the truth or falsity of any of the allegations contained in the Complaint or constitute any finding or conclusion that a violation occurred.

- C. Investigation Phase. The EIO shall be provided the full cooperation of the City government to conduct such investigation as may be necessary to determine whether any violation may have occurred and next steps. The EIO shall have all subpoena powers as may be available under State law. The Charged Party shall have an opportunity to provide a response to the Complaint.

The EIO's investigation shall be completed within forty-five (45) days of the date of referral unless the Charged Party and the City's representative (City Manager or City Attorney) mutually agree to a longer period.

The EIO shall provide a written report with the conclusions reached in the completed investigation to the BOE. The EIO shall provide a non-binding recommendation as to the disposition of the Complaint to the BOE. Thereafter, all action with regard to the Complaint shall be taken by the BOE.

- D. Board of Ethics Hearings.
 1. The BOE shall take no further evidence on any Complaint, but shall make its determination based upon the report received from the EIO. However, the BOE shall hold at least one (1) public hearing at which the EIO, the Complainant, and the Charged Party shall be afforded an opportunity to present oral and written argument to the BOE. The BOE may hear from such other and further parties as it determines appropriate.
 2. Any party may be represented by legal counsel at his or her own expense at any stage of an ethics proceeding.
 3. The BOE shall issue a written decision within thirty (30) days of the final public hearing with findings and a disposition, dismissal or referral for further action if a violation has been found. If a violation

has been found, the BOE shall recommend a sanction or penalty, and refer the matter to the City Council (if an Officer or the City Manager) or to the City Manager (if an Employee) for disposition, sanction or other action as set forth in Section 1:807.

- E. If the employee is a member of a bargaining unit covered by the terms of a collective bargaining agreement, the investigation will comply with those provisions of the applicable collective bargaining agreement; this may include, but is not limited to the employee having Union representation at any investigative interview that may lead to discipline.

Section 1.807: DISPOSITION AND SANCTION

- A. In the event that the BOE determines that any Officer or the City Manager committed a violation of this Ordinance, the City Council may take any of the following actions:
 - a. Vote for removal pursuant to the City Charter as amended;
 - b. Vote to publicly censure or admonish the offending member;
 - c. Vote to place the matter on file; or
 - d. Vote to overturn the finding of a violation.
- B. In the case of Employees, the City Manager shall have all rights available under any employment agreement or collective bargaining agreement to discipline or terminate the employee and the City Manager shall make such report to the City Council as it determines necessary, in public or non-public session as may be determined at the time, as to the action taken.
- C. Criminal Sanctions: In addition to the civil sanctions imposed by this ordinance violation of any provision of this ordinance shall constitute a criminal offense and the City Council may authorize the City Attorney or any other attorney approved by it to prosecute such a violation in the Portsmouth District Court.

The penalty for violation of any provision of this Ordinance upon conviction in the Portsmouth District Court shall be \$1,000 for each offense.



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: June 16, 2022

To: Honorable Mayor McEachern and City Council Members

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

Re: City Manager's Comments on City Council Agenda of June 21, 2022

X. Public Hearing and Vote on Ordinance and/or Resolution:

A. **First Reading of Ordinance Amending Chapter 1, Article IV, Section 1.413: Trees and Public Greenery Committee:**

Attached please find a proposed amendment to the Trees and Public Greenery Committee Ordinance amending Chapter 1, Article IV, Section 1.413 in redline format.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the July 11, 2022 City Council meeting.

B. **First Reading of Ordinance Amending Chapter 1, Article VIII - Code of Ethics:**

Attached please find a proposed amendment to the Code of Ethics Ordinance amending Chapter 1, Article VIII, in both redline format from the current ordinance and in blackline format as the ordinance would appear if adopted.

I recommend that the City Council move to pass first reading, and schedule a public hearing and second reading at the July 11, 2022 City Council meeting.

XI. City Manager's Items Which Require Action:

1. **Approval of Local 1386A Memorandum of Agreement:**

Attached please find a proposed Memorandum of Agreement (MOA) between the City of Portsmouth and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1386A for your consideration.

I recommend that the City Council move to approve the proposed Memorandum of Agreement with Local 1386A as presented.

2. **Approval of Extension to Fire Chief Todd Germain’s Employment Agreement:**

Attached please find a [proposed extension to Fire Chief Germain’s Employment Agreement](#) for your consideration.

I recommend that the City Council move to approve the proposed extension with Fire Chief Germain as presented.

3. **Urbanized Shoreland Exemption for 57 Salter Street:**

On April 25, 2022, Mayor McEachern [received a request from Attorney Sherilyn Burnett Young on behalf of the applicants Margot Thompson and Edward Thompson](#) to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street. If granted, this would exempt the Property from the provisions of the Shoreland Water Quality Protection Act. The City applied for and was granted such an Exemption once before, in 2007, for Tax Parcel 106, Lot 54 at 99 Bow Street.

The Property in question, 57 Salter Street, is the site of a structure that has a portion located over water. This Property has been renovated and received approvals from the Historic District Commission for the renovations. In order to complete the renovation, the property had to obtain appropriate permits for compliance with the State Wetland regulations under RSA 482-A (Fill and Dredge in Wetlands) and RSA 483-B (Shoreland Water Quality Protection Act). The State issued an administrative order, finding that the Property has been converted to a residential structure over the water which is prohibited under RSA 482-A and violated set back requirements under 483-B.

The Thompsons have appealed the administrative order and have agreed to move the property back if the State grants the shoreline exemption. However, as individuals, they may not apply for an Urbanized Shoreland Exemption. The Thompsons have asked the City to apply for this Urbanized Shoreland Exemption for their property and, if approved by the State, the property will be exempt from the requirements of RSA 483-B. The requirements for the exemption are listed below:

NH RSA 483-B: 12 Shoreland Exemptions:

I. The governing body of a municipality may, in its discretion, request the commissioner to exempt all or a portion of the protected shoreland within its boundaries from the provisions of this chapter if the governing body finds that special local urbanization conditions as defined in RSA 483-B: 4, XXV, exist in the protected shoreland for which the exemption is sought.

II. If the governing body of a municipality requests such an exemption, it shall submit evidence of existing and historical patterns of building and development in the protected shoreland in demonstration of the special local urbanization conditions. Such evidence shall address:

- (a) *Current and past building density.*
- (b) *Commercial, industrial, or residential uses.*
- (c) *Municipal or other public utilities.*
- (d) *Current municipal land use regulations which affect the protected shoreland.*
- (e) *Designation as a downtown, community center, central business district, or urbanize area or urban cluster as delineated by the United States Census Bureau.*
- (f) *Any other information which the commissioner may reasonably require.*

III. With the advice of the office of energy and planning, the commissioner shall approve or deny the request for an exemption and shall issue written findings in support of his decision. A request for an exemption shall be approved only if the municipality demonstrates, using the evidence required under paragraph II, that special conditions of urbanization exist along the portion of shoreland to be exempted.

IV. The Pease development authority, division of ports and harbors may request an exemption under this section for all or a portion of any land purchased, leased, or otherwise acquired by it pursuant to RSA 12-G:39.

RSA 483-B: 4, XXV defines urbanization with the following:

“Urbanization” means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for residential, commercial, industrial, or mixed uses such that it contributes to or constitutes the municipality’s downtown, community center, or central business district and wherein all vegetative buffers have been depleted, impervious surfaces are in excess of 50 percent, and residential uses are of at least 10 dwelling units per acre.

On May 2, 2022, the City Council requested that the item be placed on an agenda of the Planning Board for a report back and recommendation.

At their May 19, 2022, meeting the Planning Board voted to recommend that the City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street.

The New Hampshire Department of Environmental Service (NHDES) staff have indicated that while they will consider this site specific request for an Urbanized Shoreland Exemption, it is their preference that the City apply for the broader area-wide exemption contemplated by the statute above and believe this should be the subject of further discussions between the City and NHDES.

If the City Council approves this application, the applicant will be asked to prepare the application for City Council review and submittal to NHDES.

4. **City Council Policy 2010-02 – Sidewalk Materials:**

As part of planned sidewalk and roadway improvement projects, City Staff have received a number of requests from residents to install sidewalk materials other than those currently specified as part of City Council Policy.

Current City Council Policy No. 2010-02 ([see attached policy](#)) prescribes sidewalk materials to be brick in the Historic District of the City and concrete in all other sections of the City. The Council policy further allows for “sidewalk material for sidewalks located outside the Historic District which have historically been brick” to be allowed based on a vote of the City Council and that the additional cost for the variance will be paid by the benefitting parties.

As part of the on-going State Street Sidewalk replacement project, City Staff have received a petition from residents to allow brick sidewalks along a section of State Street from Summer Street to Union Street (approximately 70% of project). Since the majority of the project is outside the Historic District the new sidewalks were designed to be concrete.

Based on the residents’ request, City staff structured the project bid to be able to review the cost impact of selecting brick or a brick accent similar to what has been installed on Islington Street as opposed to concrete.

The City received bids for the sidewalk project on June 14, 2022. The base bid for concrete sidewalks was \$396,225. The bid alternate for brick in lieu of concrete was an additional \$135,300, approximately 30% of the project cost. The bid alternative for brick accent was an additional \$39,760, approximately 10% of the project cost.

The goal of the Public Works Department is to provide sidewalks which are safe, constructed of consistent material and are easily maintained. If brick materials outside the Historic District are allowed, staff recommends that entire blocks are of a consistent material to avoid a patchwork of materials. In addition, staff recommends that any additional cost to construct the brick sidewalks be borne by the requesting property owners.

City staff will be available to answer questions related to current sidewalk construction practices and will seek direction from City Council as to the State Street Residents’ request at this evening’s meeting.

5. **Request for Public Hearing Regarding Various Bonding Resolutions for Projects to Begin in FY23:**

I am requesting that the City Council establish a public hearing on each of the proposed Bonding Resolutions at the July 11, 2022 City Council meeting for projects identified to begin in FY23 (respective Resolutions and element sheets are attached).

GENERAL FUND

School Projects - \$3,100,000:

a. [School Facilities Capital Improvements - \\$1,600,000](#)

- Artificial Turf Field Surface Replacement and Tennis Court Replacement at the High School

b. [Elementary School Upgrade - \\$1,500,000](#)

- Repair and replacement of exterior windows at Dondero and Little Harbour Elementary Schools

City Facilities, Street and Sidewalk Upgrades - \$9,505,000:

- a. Police Department Deficiencies - \$400,000
 - ADA Requirements, IT Control Room upgrades, Locker Room Deficiencies, Security and Storage improvements
- b. Greenland Road Recreation Facility (Skateboard Park) - \$1,805,000
 - Phased build out of the Stump Dump lot including a skatepark, pump track, parking and field
- c. Outdoor Pool Aquatics Upgrade and Pool House - \$2,000,000
 - Upgrades to the pool filter, liner and pump house
- d. City Fuel Station Upgrades - \$1,000,000
 - Replacement of the fuel station at the DPW including replacement of the underground fuel storage tanks, fuel dispenser island, fuel dispensers, canopy and telemetry system. Existing fuel tanks have reached the end of their useful lifespan
- e. Citywide Facilities Capital Improvements - \$1,000,000
 - Many facilities need to be updated due to age and use. A backlog of projects will be addressed with this funding including the following backlog: Police Station Renovations and Abatement, 95 Mechanic Street, City Hall Archive, City Hall Dept. Renovations, City Hall Masonary Repointing and Sealing, City Hall Slate Roof Repairs/Replacement, City Hall new carpet throughout, City Hall new paint, DPW Complex, Cottage Basement/Drainage Project, Library HVAC Controls, South Meeting House and Facilities Safety Inspection Action Items
- f. Downtown Aerial Utilities Undergrounding - \$2,500,000
 - Projects will bury overhead utilities from Fleet Street at Hanover Street to State Street as well as Deer Street at Market Street to Bow Street, Penhallow Street, Daniel Street to Market Square and eventual removal of the power lines over North Mill Pond
- g. Bartlett Street - \$800,000
 - Reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway construction, sidewalk replacement and replacement water and sewer mains

WATER FUND

FY23 Water Projects - \$2,150,000:

- a. Well Stations Improvements - \$1,000,000
 - Upgrades to existing well pump stations including upgrades to premium efficiency motors, variable frequency drives, the radio telemetry and SCADA system and an evaluation of options to improve the efficiency of Collins Well and structural upgrades to the building
- b. Water Storage Tanks Painting - \$350,000
 - Repaint the Spinney Road Tank
- c. Bartlett Street - \$800,000
 - Reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway construction, sidewalk replacement and replacement water and sewer mains

SEWER FUND

FY23 Sewer Projects - \$7,350,000:

- a. Annual Sewer Line Replacement - \$500,000
 - Programmatic replacement of sewer specific capital projects including the purchase of pipe and associated materials
- b. Pease Wastewater Treatment Facility - \$550,000
 - Design and construct replacement for aged equipment and other upgrades for the existing facility
- c. Wastewater Pumping Station Improvements - \$800,000
 - Plans for the replacement or major rehabilitation of pumping stations and/or force mains that have not been included as separate projects in the CIP
- d. Sewer Main for Sagamore Avenue Area Sewer Extension - \$2,500,000
 - Additional costs for the project so that the sewer main can be constructed in conjunction with the project area south of Sagamore Creek. *Note: Due to increases in the estimated cost for this project, the requested funding has increased by \$300,000 from the original FY23 CIP project*
- e. Bartlett Street - \$800,000
 - Reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway construction, sidewalk replacement and replacement water and sewer mains
- f. Fleet Street Utilities Upgrade and Streetscape - \$2,200,000
 - Sewer separation project required through the City’s Long Term Control Plan and Supplemental Compliance Plan including water, sewer, drainage upgrades along with eventual full streetscape rework and other pedestrian enhancements

I recommend the City Council move to authorize the City Manager to bring back for public hearing and adoption, the various proposed CIP projects, as presented, for the July 11, 2022 City Council meeting.

6. License Extension for 60 Penhallow Street:

McNabb Properties (Dagny Taggart, LLC) has requested a license to erect pass through staging over City sidewalks along Penhallow and Daniel Street that abut 60 Penhallow Street (the Brick Market project). [Please find attached a letter from Lynn Kramer, executive Vice President of McNabb’s Properties, Ltd, requesting this license along with an updated plan of the license area.](#)

This past January, Council granted the third extension for use of sidewalks and parking spaces along Penhallow and Daniel Street for the construction of the Brick Market project at 60 Penhallow. After that extension was granted, and in response to abutters’ concerns, staff increased communication with the project management team. The City’s Chief Building Inspector, Shanti Wolph, has had weekly site visits to monitor the project’s progress and staff from Public Works, Parking and Zoning Enforcement have attended abutters’ meetings. Staff also worked with contractors and project managers of the site this winter and spring as utilities were placed underground in Daniel Street.

The Owner's original license request for this evening was to extend the existing license and continue to encumber parking spaces and the sidewalk along Daniel Street. City staff raised concerns about this request and was able to work with the Owner, who agreed to revised the project's construction schedule to address the City's concerns, namely to free up parking and get public access to City sidewalks along Daniel and Penhallow. City staff and the Owner also addressed parking concerns along Penhallow and Daniel. The Owner has agreed to add a provision to the current license request that would prohibit contractors and subcontractors from parking along Daniel and Penhallow for the duration of the project. With regard to [the proposed license document](#) that is the subject of action tonight, the draft License now reflects only a request to erect pass through staging above the sidewalks along Penhallow and Daniel Street to finish the building's façade. It is anticipated that the interior work on the project will be completed in December of 2022.

The License Areas are depicted in [the Plan](#) attached to Owners request and will be attached as Exhibit A to the license:

- License Area A is 800 square feet of sidewalk along Penhallow. The term for use of License Area A is for 54 days (July 4, 2022 through August 26, 2022). The license fee for License Area A is \$2,160 (800 sq. ft. x \$0.05 = \$40 per day x 54 days = \$2,160). Pass through staging will be erected over this portion of the sidewalk along Penhallow. When public has access to a public sidewalk through pass through staging, license fees are typically waived.
- License Area B is 940 square feet of sidewalk along Daniel Street. The term for use of License Area B is 54 days (July 4, 2022 through August 26, 2022). The license fee for License Area B is \$2,538 (940 sq. ft. X \$0.05 = \$47 per day x 54 days = \$2,538). Pass through staging will be erected over this portion of the sidewalk along Penhallow. When public has access to a public sidewalk through pass through staging, license fees are typically waived.

The total License Fee for License Area A and B is \$4,698, unless waived by Council.

Due to the location of the site and scope of construction activity, Owner is required to request Flagging Permits outside the scope of this license if it is necessary to close Penhallow or a portion of Penhallow for deliveries of construction materials. Owner is required to continue to communicate weekly with abutters regarding upcoming construction activity and to advise abutters in advance of its request for Flagging Permits.

The Legal and Planning Department have reviewed and approved the form of license. Staff from our Inspections, Public Works and Legal Departments will be available at this evening's meeting to address any questions and concerns. Owner/developer Mark McNabb will also be present.

If the Council agrees to grant the License request to permit pass through staging over Penhallow and Daniel Street and waive the License Fee due to public access to the sidewalks, an appropriate motion would be:

Move to authorize the City Manager to finalize and execute the temporary construction license as presented, waving the license fee due to the public's access to sidewalks along Penhallow and Daniel Street due to pass through staging.

7. Parson Woods Easements at 83 Peverly Hill Road:

On October 21, 2021, the Planning Board granted a conditional use permit and site plan approval for an open space planned use development at 83 Peverly Hill Road. As a result of these approvals, the property owner Parson Woods Investments, LLC, plans to construct 56 single-family condominiums on a proposed right of way located off of Peverly Hill Road. As a part of that approval, the Planning Board recommended the City accept eleven (11) easements and a right of way. These eleven easements are shown on the attached “Parson Woods Easement Plan”, and are as follows:

- a. Proposed Sage Lane, Right of Way (shown in light blue) (not included as an exhibit)*
- b. [Public Pocket Park & Path Easement](#) (shown in gold)
- c. [Access and Drainage Easement #1](#) (shown in light orange)
- d. [Access & Drainage Easement #2](#) (shown in orange)
- e. [Conservation Easement #1](#) (shown in yellow)
- f. [Conservation Easement #2](#) (shown in light green)
- g. [Drainage Easement #1](#) (shown in green)
- h. [Drainage Easement #2](#) (shown in red)
- i. 3’ Wide Right of Way Maintenance & Utility Easement For Roadway Maintenance & Future Utilities (shown in blue) (not included as an exhibit)*
- j. [Slope Easement](#) (shown in purple)
- k. [Roadside Vegetated Buffer Easement](#) (shown in light purple)
- l. [Retaining Wall Maintenance Easement](#) (shown in pink)

In addition, the Planning Board recommended the Property be subject to certain restrictions, which are memorialized and made enforceable by the City against the property owners in perpetuity through [Exhibit M, the Declaration of Restrictions](#).

The form and substance of each of the attached easements and the Declaration of Restrictions has been reviewed and approved by the Legal Department, Planning Department, and the Department of Public Works. The Planning Board approved 11 easements and the right of way, but only 10 are presented for acceptance at this time. Easement I is not before the Council as it goes hand in hand with the Right of Way. As noted below(*), that will return to Council at such a time as the Right of Way is constructed and approved for public use. Therefore, it is staff’s recommendation that the City accept each of the attached 10 easements and the attached Declaration of Restrictions at this time.

*Due to the nature of road law in New Hampshire the Planning Board and City staff do not recommend acceptance of the right of way deed (“A” on the Parson Woods Easement Plan) and the related maintenance and utility easement (“I” on the Parson Woods Easement Plan) until the new roadway has been constructed by the property owners and it is confirmed that the roadway meets City specifications. The Right of Way Deed will be presented to the City Council for acceptance at such a time as the proposed right of way has been constructed to City specifications.

I recommend that the City Council move to authorize the City Manager to accept and record the ten (10) easement deeds and a Declaration of Restrictions in substantially similar form to the easement deeds from Parson Woods Investments, LLC contained in the agenda packet.

XVI. Approval of Grants/Donations:

A. Acceptance of Donation from John Chagnon to the Cemeteries - \$1,500:

The City received a donation from John Chagnon to the cemeteries in the amount of \$1,500.

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

B. Acceptance of Donation from Barbara Malandri to the Portsmouth NH 400th - \$100:

The City received a donation from Barbara Malandri to the Portsmouth NH 400th in the amount of \$100.

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

C. Acceptance of Donation from Johanna Jackson to the Skateboard Park - \$51.50:

The City received a donation from Johanna Jackson to the Skateboard Park in the amount of \$51.50.

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

D. Acceptance of Memorial Bench Donation in Memory of Vernon Boardman - \$2,200:

[Nancy Pearson wishes to donate a memorial bench in honor of Vernon Boardman](#) to be placed next to Charlie Howard's bench on Commercial Alley. This donation has been reviewed by the Department of Public Works and is recommended for acceptance by the City Council this evening.

I recommend that the City Council move to approve and accept the donation from Nancy Pearson for a bench in memory of Vernon Boardman as presented.

E. Acceptance of Community Development Block Grant Funds - \$523,706:

The U.S. Department of Housing and Urban Development (HUD) has informed the City that a Community Development Block Grant (CDBG) in the amount of \$523,706 will be made available to Portsmouth for FY 2023. The grant funds are awarded annually and are used to carry out a variety of social services, public facility/infrastructure improvements, accessibility projects, and other CDBG-eligible projects targeted to benefit low-income populations in the City.

The FY 23 amount represents a decrease of \$7,600 from the current fiscal year and is due to an overall decrease of the federal CDBG budget that is available to all recipient cities and towns. This reduction will affect the total amount subgranted to social services and public facility/accessibility projects that benefit low to moderate income individuals and families in Portsmouth.

I recommend that the City Council move to accept and expend a Community Development Block Grant in the amount of \$523,706 from the U.S. Department of Housing and Urban Development.

F. Acceptance of Various Donations from the Skateboard Park Fundraiser:

Please see below various donations received from the Skateboard Park Fundraiser on June 9, 2022:

Andrea Amico	\$ 85
Andrew Bagley	\$ 1,600
Aubrey Gewehr	\$ 170
BLALOCK RICHARD	\$ 150
Brad Gorges – Red Bull	\$ 65
Brandon Holben – Winter Holben	\$ 100
Brooks Pollock	\$ 150
Dan Modern	\$ 500
Deaglan McEachern	\$ 500
Esther Kennedy	\$ 200
Howie Fraser	\$ 260
Jackie Lemaire	\$ 65
Jan Carroll	\$ 50
JENNIFER M FECTEAU – Port City Nissan Inc, In Honor of Jason Corkum	\$ 100
Joshua Denton	\$ 375
Kate Swenson Swenson	\$ 150
Kevin Drohan	\$ 80
Kristen Aleva – Authentic Point Mental Health LLC	\$ 200
Linda Desjardins – In loving memory of Rob Desjardins	\$ 25
Mallory parkington - Mallory Portraits	\$ 65
Mallory parkington – Mallory Portraits	\$ 375
Anonymous	\$ 1,000
Paul Antonelli	\$ 55
Anonymous	\$ 20
Ryan Khavari	\$ 175
Sergio Bonilla – Mission Wetland & Ecological Services	\$ 100
Val Berezin	\$ 50

I recommend that the City Council move to approve and accept the various donations as presented.

XVII. City Manager’s Informational Items:

1. Update on the Sagamore Avenue Sewer Extension Project:

The City held a public meeting on April 27, 2022 to discuss the upcoming Sagamore Avenue Sewer Extension Project. City Staff noted in the meeting that property owners would receive individual cost estimates for the connection of their property to the sewer.

Attached is a sample of the letter that DPW is distributing to the property owners. Next steps for those intending to connect to the sewer are summarized in the letter to residents.

City staff anticipate responses from interested properties prior to July 15, 2022. This will allow City staff to compare interest to available and potential funding through the Capital Improvement Plan (element sheet EF-22-SD-91).

2. **Report Back on PFAS Sampling of New Athletic Field:**

Attached please find a memorandum and update regarding PFAS sampling on the new athletic field.

3. **Pannaway Manor and Maple Haven Sidewalk Status:**

The goal of the Public Works Department is to provide sidewalks which are safe, constructed of consistent material and are easily maintained.

In advance of replacing the sidewalks in the Pannaway Manor and Maple Haven neighborhoods, City staff solicited input from the residents by conducting surveys and holding public input meetings with each neighborhood. Initial support for sidewalks was strong in the Pannaway Manor Neighborhood and mixed in the Maple Haven Neighborhood.

Additional input was solicited and due to concerns related to the potential loss of street trees raised at the City's Trees and Greenery Committee and a lack of clear consensus from both neighborhoods, City staff decided to hold off on construction this season to allow for additional public input.

Staff will schedule additional public meetings with the neighborhoods to gauge the support for bidding the sidewalk work this fall for spring of 2023 construction.

At this evening's meeting, City staff will be available to answer questions related to current sidewalk construction practices.

4. **Update on Status of Police Station Facility:**

Following the City Council vote to authorize \$1.4 million, the Public Works and Police Departments have prepared a Request for Qualifications to conduct enabling engineering and design of a new or renovated Police Station. This Request for Qualifications, is soliciting Statements of Qualifications from qualified firms interested in providing architectural and engineering (A/E) services to develop design alternatives to meet the program needs of the Portsmouth Police Department.

Following the review of the Statements of Qualifications received, a "short list" of firms will be invited to participate in the Request for Proposal phase. The Request for Proposal will require a full explanation of the design team's organization, specific roles of the design team participants, a response to the terms of a proposed Contract, Scope of Work and proposed pricing.

The City Council, Police Commission and members of the public will all be involved in the design alternatives review and development. Once a design firm is selected, a public kick off will be scheduled.

5. **McIntyre Update:**

I will provide a verbal update on the current status of the McIntyre Redevelopment Project at this evening's meeting.

CITY OF PORTSMOUTH
AND THE
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES,
AFL-CIO, COUNCIL 93, LOCAL 1386
REPRESENTING THE PORTSMOUTH CITY EMPLOYEES – 1386A

MEMORANDUM OF AGREEMENT

WHEREAS, the City of Portsmouth, New Hampshire (“City”) and the American Federation of State, County and Municipal Employees, AFL-CIO, Council 93, Local 1386A (“Union”) hereby agree as follows:

1. The City and the Union are parties to a collective bargaining agreement that covers the period from July 1, 2019, to June 30, 2022 (“the CBA”).
2. In order to allow the City more flexibility in hiring water treatment operators, waste-water treatment operators, and pump station operators, the City and the Union agree to the following changes to the compensation structure included in the CBA.
 - A. Upon the execution of this Memorandum of Agreement, all water treatment operators, waste-water treatment operators, and pump station operators currently employed by the City who hold a New Hampshire Grade 2 Operator’s License will move to Grade 13 on the City’s pay scale, with no loss of steps. Placement on Grade 13 will remain in effect provided the employee continues to hold a New Hampshire Grade 2 Operator’s License in good standing.
 - B. All water treatment operators, waste-water treatment operators, and pump station operators hired by the City after the execution of this Memorandum of Agreement will initially be placed on Grade 10 on the City’s pay scale. Such employees will move to Grade 11 on the City’s pay scale immediately upon attaining a New Hampshire Grade 1 Operator’s License. Placement on Grade 11 will remain in effect provided the employee continues to hold a

New Hampshire Grade 1 Operator's License in good standing. Such employees will then move to Grade 13 on the City's pay scale immediately upon attaining a New Hampshire Grade 2 Operator's License. Placement on Grade 13 will remain in effect provided the employee continues to hold a New Hampshire Grade 2 Operator's License in good standing.

C. All water treatment operators, waste-water treatment operators, and pump station operators hired by the City after the execution of this Memorandum of Agreement who have already attained a New Hampshire Grade 1 Operator's License at the time of hire will initially be placed on Grade 11 on the City's pay scale. Placement on Grade 11 will remain in effect provided the employee continues to hold a New Hampshire Grade 1 Operator's License in good standing. Such employees will then move to Grade 13 on the City's pay scale immediately upon attaining a New Hampshire Grade 2 Operator's License. Placement on Grade 13 will remain in effect provided the employee continues to hold a New Hampshire Grade 2 Operator's License in good standing.

D. All water treatment operators, waste-water treatment operators, and pump station operators hired by the City after the execution of this Memorandum of Agreement who have already attained a New Hampshire Grade 2 Operator's License at the time of hire will initially be placed on Grade 13 on the City's pay scale. Placement on Grade 13 will remain in effect provided the employee continues to hold a New Hampshire Grade 2 Operator's License in good standing.

3. This Memorandum of Agreement addresses only the specific situations described above. This Memorandum of Agreement shall not be construed as creating any binding past practice between the Parties.

(SIGNATURE PAGE TO FOLLOW)

Dated: _____

Karen S. Conard, City Manager
City of Portsmouth, New Hampshire
As approved by the Portsmouth City Council by
vote on: _____

Dated: _____

Signature

Printed Name
Portsmouth City Employees - 1386A

AMENDMENT TO CURRENT EMPLOYMENT AGREEMENT

NOW COME the Fire Commission, City of Portsmouth, New Hampshire (“the Commission”) and Todd Germain (“the Employee”) and hereby agree as follows:

1. The Employee is employed as the Fire Chief for the City of Portsmouth, New Hampshire.
2. The Commission and the Employee are parties to an Employment Agreement that covers the period July 15, 2019 through June 30, 2022 (“the Current Employment Agreement”).
3. The parties agree to extend the Current Employment Agreement until August 31, 2022.
4. Effective July 1, 2022, the Employee will be entitled to an increase of 2.05% to his current base wage rate, in accordance with the rolling ten-year average of the CPI-U for the Boston-Cambridge-Newton region.
5. If the Portsmouth Professional Management Association (“PMA”) negotiates an increase to base wage rates for July 1, 2022 that exceeds 2.05%, the Employee will be entitled to an additional increase to his base wage rate that is equal to the difference between 2.05% and the increase negotiated by PMA.
6. The remaining terms of the Current Employment Agreement are unchanged.

Dated: _____

Fire Commission
City of Portsmouth, New Hampshire

Dated: _____

Todd Germain

Approved by the City Council for the City of Portsmouth, New Hampshire.

Dated: _____

City Clerk

RATH YOUNG PIGNATELLI

Sherilyn Burnett Young
 Attorney-At-Law
 sby@rathlaw.com
 Please reply to: Concord Office

April 25, 2022

VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL

The Honorable Mayor Deaglan McEachern
 Members of the Portsmouth City Council
 c/o Kelli Barnaby, City Clerk
 City of Portsmouth
 City Hall, 3rd Floor
 1 Junkins Avenue
 Portsmouth, NH 03801

RE: Application for Urbanized Shoreland Exemption – RSA 483-B:12
Subject Property: 57 Salter Street, Portsmouth, Tax Map #102, Lot #32

Dear Mayor McEachern and City Council Members:

We write on behalf of Margot Thompson and Edward Thompson (“Thompsons”) to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River (the “Property”). If granted, this would exempt the Property from the provisions of the Shoreland Water Quality Protection Act, as discussed below. The City was granted such an Exemption once before, in 2007, for Tax Parcel 106, Lot 54 at 99 Bow Street. For your information, the process to apply for an Urbanized Shoreland Exemption is as follows:

1. The Portsmouth City Council, following a public hearing, would vote to make an application for an Urbanized Shoreland Exemption to the New Hampshire Office of Strategic Initiatives (“OSI”).
2. OIS reviews the application and, if approved, makes a recommendation to the Commissioner of the New Hampshire Department of Environmental Services (“NHDES”).
3. If approved by NHDES Commissioner Scott, the application would then be recommended by NHDES to the Governor and Governor’s Council for approval.

Should the City of Portsmouth approve this request and apply to the Planning Department of OSI, and the application is allowed, it would grant the Thompsons relief from certain requirements of the Shoreland Water Quality Protection Act and allow them to reside in their downsized home located on the Property.

National Impact. Uniquely New Hampshire.

Rath, Young and Pignatelli, P.C.
 www.rathlaw.com

One Capital Plaza
 Concord, NH 03302-1500
 T (603) 226-2600
 F (603) 226-2700

20 Trafalgar Square
 Nashua, NH 03063
 T (603) 889-9952
 F (603) 595-7489

120 Water Street, 2nd Floor
 Boston, MA 02109
 T (617) 523-8080

26 State Street, Suite 9
 Montpelier, VT 05602
 T (802) 229-8050
 F (802) 229-4666

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council
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April 25, 2022
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Background/History

There are two buildings on the Property – a larger residence once the primary home of the Thompsons for over 32 years, and a smaller building formerly used for commercial use. The smaller commercial building was constructed in 1963 as a shop to build and repair lobster and fishing boats. The building is a two-story building consisting of approximately 640 square feet, cantilevered approximately 5 feet over the water with the majority of the building located on land, containing at the time electricity, water, wood heat and a telephone (hereinafter “Unit 1”). On June 27, 1990, the Thompsons purchased the Property, which also contained the larger residential structure they used as their primary residence (now Unit 2). In February 1991 the Thompsons appeared before the City of Portsmouth Historic District Commission (“HDC”) to request permission to remediate and renovate Unit 1, and modify its use from a boat repair shop to office space. The City of Portsmouth granted that approval, and Unit 1 was renovated to add a city sanitary sewer connection. The building had existing city water, natural gas, electric and telephone service connections. At that time, Unit 1 was zoned for Waterfront Business uses by the City, and there was no change in zoning use with the 1991 approval.

In November 2018, the Thompsons submitted an application to the City of Portsmouth’s Zoning Board of Adjustment (“ZBA”) to renovate Unit 1 to convert it to residential use. The renovation included the relocation of stairs to the second level, the addition of a dormer and two 19 square foot entrance overhangs, and a change of use for the building from Waterfront Business to Residential Use. A copy of the set of plans submitted to the ZBA on November 28, 2018, is attached for your review. On December 18, 2018, the ZBA approved the application for these changes, including the change in use to residential.

The Thompsons also received two wetlands permits issued by NHDES for the proposed renovations to Unit 1 in July 2019 (2019-01730) and July 2020 (2020-1252). With all necessary approvals in hand, the Thompsons created the Point of View Condominium Association for 57 Salter Street (Unit 2) and 75 Salter Street (Unit 1). The Thompsons sold Unit 2 (their former primary residence) in October 2020, but retained ownership of Unit 1 to convert into their new, downsized primary residence.

In April 2021, while in the middle of the construction renovations, the Thompsons were informed by NHDES that they were in violation of the Wetlands Act (RSA 482-B) and Shoreland Water Quality Protection Act (RSA 483-B) related to their conversion of the building to residential use. On August 20, 2021, NHDES issued an Administrative Order alleging a violation of the Wetlands Act because the residence (Unit 1) was located over State waters, and violations of the Shoreland Protection Act because the residence was located within 50 feet of the shoreline and the two-unit condominium violated the minimum shorefront

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council
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requirements¹. The Thompsons filed a Notice of Appeal in September 2021 with the Wetlands Council.

The Wetlands Council accepted the Appeal (with the agreement of the State), and the appeal is currently stayed pending this application to the City of Portsmouth². If the City finds that an application for an Urbanized Shoreland Exemption is warranted and the application is ultimately approved, then the Thompsons plan to pull the structure back 5 feet so it is no longer over water, eliminating any Wetlands Act violation, and will be exempt from the Shoreland Protection Act requirement for the 50-foot setback for a primary residence as well as the minimum shorefront requirements for the two-Unit Condominium Association. This would also resolve the pending appeal with NHDES. Once the appeal is resolved, the Thompsons will then work diligently with the City of Portsmouth Planning and Inspections Departments to revise the permit and complete renovations of their downsized Unit 1 home.

The Thompsons conversion of Unit 1 to their home is part of an overarching retirement plan whereby the Thompsons would create the 2-unit condominium, sell their Unit 2 larger residence, “downsize” their residence into the Unit 1 structure, and use the proceeds from the sale of Unit 2 for the renovations to Unit 1 and their retirement. Prior to being notified by NHDES of the alleged violations of the Wetlands and Shoreland Acts, the Thompsons had spent in excess of \$382,000 on this project. Their plan is to remain in the same neighborhood in Portsmouth, where they have raised three children, and where they have many friends and neighbors which they have cultivated over the past 40 years, including 8 years on Pickering Street and later 32 years on Salter Street. The Thompsons are active members in the community and participated in local non-profits, including service on the Boards of the Strawberry Banke and Portsmouth Children’s Museum. They are deeply committed to remaining in Portsmouth, but currently find themselves unable to afford the purchase of a suitable alternative residence in the City.

Discussion

Pursuant to RSA 483-B:12, the City of Portsmouth may in its discretion apply for an Urbanized Shoreland Exemption for the property if it finds that “special local urbanization conditions as defined in RSA 483-B:4, XXV, exist in the protected shoreland for which the exemption is sought.” See also Env-Wq 1410.02(a).

RSA 483-B:4, XXV states that:

¹ The minimum shorefront requirements under the Shoreland Protection Act require XX feet of frontage for each residential lot. The Property has a total of YY feet of frontage.

² In fact, the NHDES suggested that the Thompsons pursue an Urbanized Shoreland Exemption for possible resolution of this matter.

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“Urbanization” means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for residential, commercial, industrial, or mixed uses such that it contributed to or constitutes the municipality’s downtown, community center, or central business district and wherein all vegetative buffers have been depleted, impervious surfaces are in excess of 50 percent, and residential uses are of at least 10 dwelling units per acre.

In support of a finding that those special local urbanization conditions exist for the grant of an Urbanized Shoreland Exemption, the City must submit evidence to the NHDES of existing and historical patterns of building and development in the protected shoreland in demonstration of the special local urbanization conditions. Such evidence shall address:

- (a) Current and past building density.
 - (b) Commercial, industrial, or residential uses.
 - (c) Municipal or other public utilities.
 - (d) Current municipal land use regulations which affect the protected shoreland.
 - (e) Designation as a downtown, community center, central business district, or urbanized area or urban cluster as delineated by the United States Census Bureau.
 - (f) Any other information which the commissioner may reasonably require.
- (a). Current and past building density, lack of vegetated buffers and impervious area.

As stated above, Unit 1 was formerly a commercial boat repair shop and later converted into an office. The property and lot are currently located within the Waterfront Business District which does not have minimum density requirements for residential uses (which are either grandfathered or allowed by variance). As shown on Attachment A, there is a historic pattern of residential development in the Waterfront Business District and vicinity of the Property including ten units within 1 acre. Most of the homes adjacent to the Property and in the area were built in the 18th and 19th centuries on small lots.

In addition, both the Property and surrounding properties were built right on the water’s edge with retaining walls, so there are no vegetative barriers between the properties and the Piscataqua River. See Attachment B and Attachment C. As of 2020, the impervious area for the Property was previously 57% of the property and that was reduced to 52% due to the improvements by the Thompsons. Even with the reduction of impervious area and improvements to stormwater runoff from the site, the Property exceeds the 50% impervious area threshold of the statute. See Attachments A and C.

A total of 33 residential homes are visible from the shoreline of the Property, along with the Naval Shipyard and 2 other dock buildings attached to nearby properties along the

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council
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Piscataqua River. Photographs of the views of these properties from the shoreline of the Property are included as Attachment B. In addition, please see photographs demonstrating the past and current condition of Unit 1 in Attachment D.

(b). Commercial, industrial or residential uses allowed.

The Waterfront District is currently zoned to accommodate and support business uses that depend upon the ocean or the Piscataqua River for transportation or resources. See City of Portsmouth Zoning Ordinance, Article 10, §10.410. As stated above, the Property has previously been used for mixed commercial and residential uses and is consistent with the mix of residential and commercial buildings in the area. In December 2018, the Thompsons did receive a variance granted by the ZBA to convert Unit 1 from a commercial to residential use. Work was also approved by the Historic District Commission on February 6, 2019.

(c). Municipal or other public utilities.

As stated above and as shown on the 2018 plans submitted to the ZBA, both Units 1 and 2 are currently served by municipal water and sewer provided by the City of Portsmouth, as well as natural gas services, electrical and telephone. See Attachment E. This is particularly relevant because there are no septic systems that could leach or discharge to the Piscataqua from use of either Unit 1 or Unit 2 on the property. The use of Unit 1 as a primary residence will have no impact to the water quality of the River.

(d). Current municipal land use regulations which affect the protected shoreland.

The Property is located at Tax Map 102, Lot 32 which is governed by the City of Portsmouth's Zoning Ordinance Article 10, as amended on January 11, 2021. A copy of the City of Portsmouth Zoning Maps are attached for your review. See Attachment F. As shown on Attachment F, the Property also falls within the Historical District subject to review under Zoning Code Article 6, Sections 630 – 637. The Property is also located within the Flood Plain District, specifically Flood Zone AE, as shown on Attachment G, subject to Zoning Code Article 6, Sections 620 – 10.629. Finally, any development at the Property and shoreland is subject to review by the Portsmouth Conservation Commission pursuant to Zoning Code Article 10, Sections 1010 – 1018 because it is situated along the Piscataqua River.

(e). Designation as a downtown, community center, central business district, or urbanized area or urban cluster as delineated by the United States Census Bureau.

The property is located within the Waterfront Business district and is also located within an urban cluster as shown on the attached Urbanized Area Reference Map, dated March 8, 2012 prepared by the United States Census Bureau, utilizing 2010 Census data. See

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Attachment H. An “urban cluster” is defined as an area of at least 2,500 and less than 50,000 people by the 2010 U.S. Census Urban and Rural Classification and Urban Areas Criteria³.

(f). Clearly Defined Map with Boundaries

Attached hereto is a copy of the City of Portsmouth’s Assessing Department Tax Map 102, Lot 32, showing the clear boundaries of the Property that the Thompsons seek for a Shoreland Exemption. See Attachment I. The Thompsons ask that the Shoreland Exemption be limited to only Lot 32 as shown on Map 102. Please also see the aerial photograph of the Property showing both Unit 1 and Unit 2 from Google Maps dated 2022. See Attachment J.

Conclusion

Because of the hardship that otherwise will befall the Thompsons, the limited nature of this request, the lack of impact to the water quality of the Piscataqua River, and the other evidence we’ve submitted, we urge the Portsmouth City Council to find that the property meets the special local urbanization conditions and is eligible for an application for an Urbanized Shoreland Exemption. We ask that you please submit this request on the agenda for consideration by the City Council at the next meeting on May 2, 2022. We plan to present these materials and answer any questions that the Council may have at that meeting.

Thank you for your consideration and attention to this request. If you have any questions, please don’t hesitate to contact me by phone or email.

Very truly yours,


Sherilyn Burnett Young

SBY/smw

³ To qualify as an urban area, the territory identified according to criteria must encompass at least 2,500 people, at least 1,500 of which reside outside institutional group quarters. The Census Bureau identifies two types of urban areas: (1) Urbanized Areas (UAs) of 50,000 or more people; and (2) Urban Clusters (UCs) of at least 2,500 and less than 50,000 people. 2010 Census Urban and Rural Classification and Urban Area Criteria.

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The Honorable Mayor Deaglan McEachern and Portsmouth City Council

Application for Urbanized Shoreland Exemption

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Enc.

Cc: Margot and Edward Thompson (via electronic mail)
Karen S. Conard, City Manager (via electronic mail)
Shanti Wolph, Chief Building Inspector (via electronic mail)
Beverly Zendt, Planning Director (via electronic mail)
Assistant City Attorney Jane Ferrini (via electronic mail)

EXHIBIT A

**Thompson Application for Urbanized Shoreland Exemption
Evidence of Urbanization**

Thompson Shoreland Urban Exemption Application

Evidence of Urbanization

1. Building Density – Analysis of the residential buildings within the Waterfront Business District adjacent to and in the vicinity of 57 Salter Street show a density of 10 residential units per 1 acre. Specifically, the following properties demonstrate a historic pattern of density where homes in the area were typically built during the 18th and 19th centuries:

<u>Residential Unit</u>	<u>Map and Lot</u>	<u>Number of Units</u>	<u>Designated Use</u>	<u>Year Built</u>	<u>Acreage*</u>
1. 57 Salter Street	Map 102, Lot 32	2	Condominium	1720	.25 acres
2. 35 Salter Street	Map 102, Lot 29	1	Single Family	1886	.13 acres
3. 41 Salter Street	Map 102, Lot 30	1	Single Family	1820	.07 acres
4. 53 Salter Street	Map 102, Lot 31	1	Single Family	1720	.12 acres
5. 56 Salter Street	Map 102, Lot 33	1	Single Family	1780	.10 acres
6. 39 Pray Street	Map 102, Lot 38	1	Single Family	1760	.12 acres
7. 43 Pray Street	Map 102, Lot 39	1	Single Family	1750	.05 acres
8. 53 Pray Street	Map 102, Lot 40	1	Single Family	1750	.10 acres
9. 39 Partridge Street	Map 101, Lot 6	1	Single Family	1900	.06 acres
	Total Units	10		Total Acreage	1.00

*Acreage per City of Portsmouth Assessing Office

2. Impervious Area – The subject parcel at 57 Salter Street contains more than 50% impervious area. Even after approved improvements to the site, the impervious area will be 52.4%. This is shown on the table below taken from a plan submitted to NHDES for the Thompson’s application for Wetlands Permit No. 2020-01252. A copy of the plan dated April 20, 2020 is also submitted with this application.

IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE) ENTIRE PROPERTY IS IN THE TIDAL BUFFER & SHORELAND ZONE		
STRUCTURE	PRE- CONSTRUCTION IMPERVIOUS (S.F.)	POST- CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	2,000	2,000
CONCRETE	43	43
SHED	216	216
BULKHEAD	30	30
PAVED DRIVE	1,431	945
DECK & PATIO	902	902
STAIRS	237	247
COBBLESTONE	372	246
STONE EDGING	23	95
GRAVEL	143	143
RETAINING WALLS	270	270
PIER (ABOVE MHW)	138	101
CURB/STONE SLAB	18	18
STONE SEAWALL	287	287
ACCESSORY STRUCTURE	352	388
TOTAL	6,462	5,931
LOT SIZE	11,327	11,327
% LOT COVERAGE	57.0%	52.4%

EXHIBIT B

**Thompson Application for Urbanized Shoreland Exemption
Photographs of Buildings Visible from the Shoreline**

Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



Photographs Demonstrating the View of Homes and Buildings from the Shoreline – 57 Salter Street, Portsmouth



EXHIBIT C

Thompson Application for Urbanized Shoreland Exemption

NHDES Permit Plan C2 – Impervious Area



200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2815

NOTES:

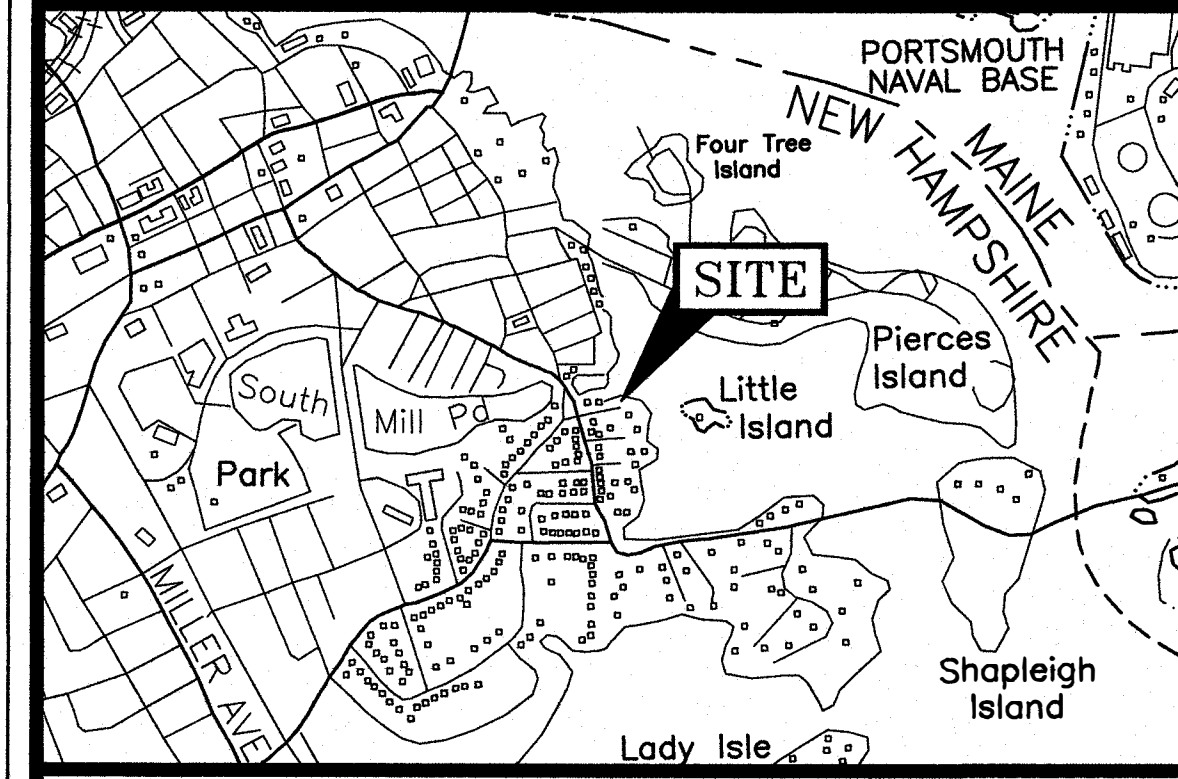
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
- 2) OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
- 3) PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
- 4) EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
- 5) PARCEL IS LOCATED IN (GRB) GENERAL RESIDENCE B AND THE HISTORIC DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 5,000 SQ. FT.
FRONTAGE: 80 FT.
SETBACKS:
FRONT 5 FT.
SIDE 10 FT.
REAR 25 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 25%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF TAX MAP 102 LOT 32.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
- 9) MEAN HIGH WATER (MHW) LINE AS SHOWN IS BASED ON NOAA TIDE STATION 8419870 - SEAVEY ISLAND, PORTSMOUTH HARBOR. MHW LINE IS AT ELEVATION 4.59.
- 10) PARCEL IS SUBJECT TO AND BENEFITS FROM "A RIGHT TO USE, IN COMMON WITH SAID SCHLEGEL THE GATEWAY ON SALTER STREET, WHICH GATEWAY IS PARTLY ON EITHER SIDE OF SAID STRAIGHTENED BOUNDARY LINE." LAND OF SAID SCHLEGEL IS NOW LAND OF MacCORMACK. SEE RCRD 676/123.
- 11) LOT IS ENTIRELY WITHIN THE 100' TIDAL BUFFER ZONE.

PLAN REFERENCES:

- 1) BOUNDARY SURVEY FOR ROBERT BYRNES & PATRICIA TOBEY, MAP 102, LOT 30 PORTSMOUTH, NH. PREPARED BY ALEX ROSS. DATED OCTOBER 13, 2004. R.C.R.D. PLAN D-32044.
- 2) SKETCH PLAN FOR KEVIN GILLIES IN PORTSMOUTH, NH. PREPARED BY SEACOAST ENGINEERING ASSOCIATES, INC. DATED NOVEMBER 2, 1988. R.C.R.D. PLAN D-19121.
- 3) BOUNDARY LINE AGREEMENT PLAN TAX MAP 102-LOTS 33 & 38, PROPERTY OF RICHARD A. PORZIO AND JEANNETTE E. HOPKINS TRUST, 39 PRAY STREET & 56 SALTER STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2007, FINAL REVISION DATE MAY 13, 2010. R.C.R.D. PLAN D-36438.
- 4) STANDARD BOUNDARY SURVEY TAX MAP 102 - LOT 38, PROPERTY OF KAVID M. KOVICK & AMY E. KOVICK, 39 PRAY STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED JANUARY 2017, FINAL REVISION DATE JANUARY 27, 2017. R.C.R.D. PLAN D-39970.

WETLAND NOTES:

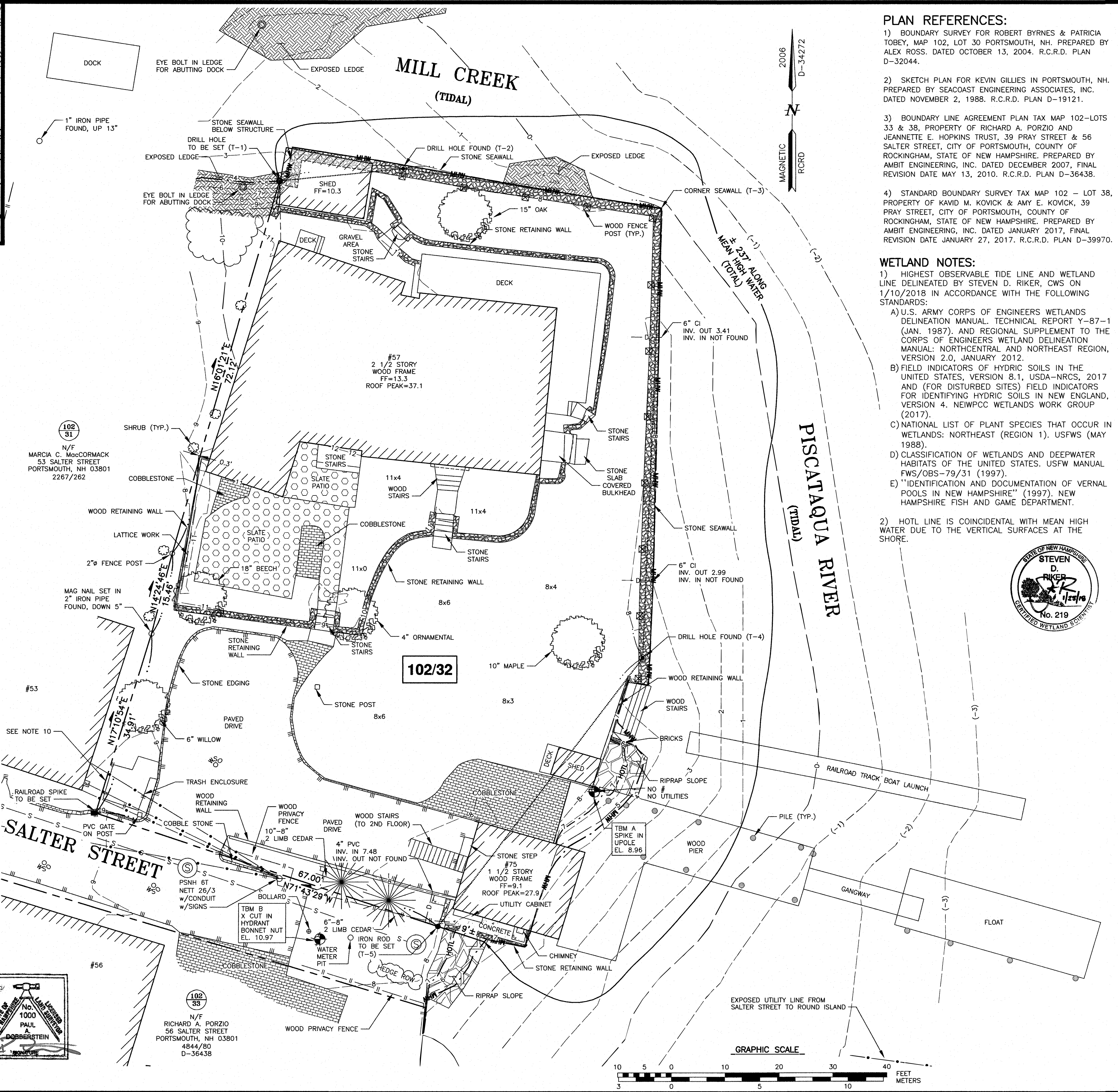
- 1) HIGHEST OBSERVABLE TIDE LINE AND WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 1/10/2018 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2017).
C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFWS MANUAL FWS/OBS-79/31 (1997).
E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) HOTL LINE IS COINCIDENTAL WITH MEAN HIGH WATER DUE TO THE VERTICAL SURFACES AT THE SHORE.



LOCATION MAP SCALE 1"=1,000'

LEGEND:

- | | | |
|-----------------|-------------|---|
| EXISTING | | NOW OR FORMERLY RECORD OF PROBATE |
| N/F | | ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21 |
| RP | | RAILROAD SPIKE FOUND/SET |
| RCRD | | IRON ROD FOUND/SET |
| (11/21) | | IRON PIPE FOUND/SET |
| (11/21) | | DRILL HOLE FOUND/SET |
| RR SPK FND | RR SPK SET | NHDOT BOUND FOUND |
| IR FND | IR SET | TOWN BOUND FOUND |
| IP FND | IP SET | BOUND w/ DRILL HOLE |
| DH FND | DH SET | STONE BOUND w/DRILL HOLE |
| NHFB FND | | HIGHEST OBSERVABLE TIDE LINE |
| TB FND | | WETLAND LINE |
| BND w/DH | BND w/DH | OVERHEAD ELECTRIC/WIRES |
| ST BND w/DH | ST BND w/DH | CONTOUR |
| | | SPOT ELEVATION |
| | | EDGE OF PAVEMENT (EP) |
| | | WOODS / TREE LINE |
| | | UTILITY POLE (w/ GUY) |
| | | HYDRANT |
| | | METER (GAS, WATER, ELECTRIC) |
| | | AIR CONDITIONER UNIT |
| | | SIGNS |
| | | EDGE OF WETLAND FLAGGING |
| | | SWAMP / MARSH |
| | | CORRUGATED METAL PIPE |
| | | POLYVINYL CHLORIDE PIPE |
| | | REINFORCED CONCRETE PIPE |
| | | ELEVATION |
| | | EDGE OF PAVEMENT |
| | | FINISHED FLOOR |
| | | INVERT |
| | | TEMPORARY BENCHMARK |
| | | TYPICAL |
| | | LANDSCAPED AREA |

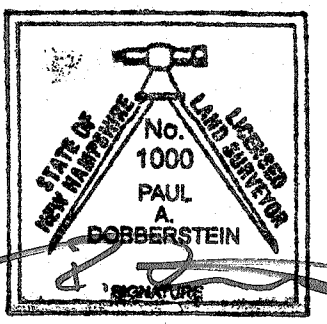


TIE LINES FOR CLOSURE- NOT BOUNDARY LINES

LINE SEGMENT	BEARING	DISTANCE
T-1 TO T-2	N84°15'47"E	23.07'
T-2 TO T-3	S81°21'44"W	48.56'
T-3 TO T-4	S02°22'38"W	83.80'
T-4 TO T-5	S37°13'44"W	62.71'

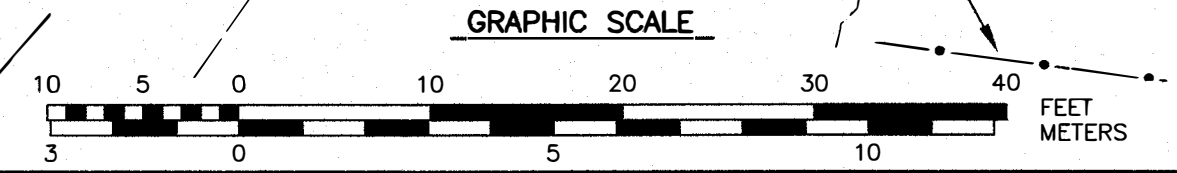
I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

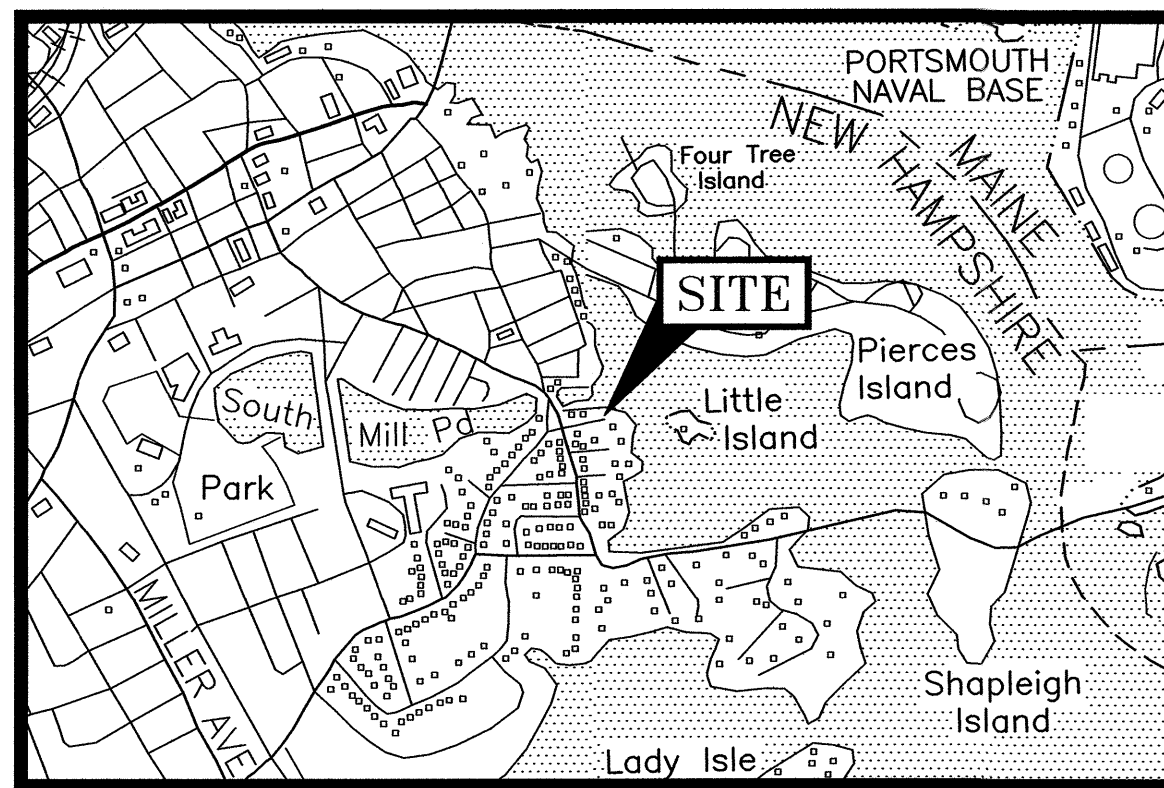


PAUL A. DOBBERSTEIN, LLS #1100
DATE 1/25/2018

N/F
RICHARD A. PORZIO
56 SALTER STREET
PORTSMOUTH, NH 03801
4844/80
D-36438



STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY
TAX MAP 102 - LOT 32
OWNER
MARGOT L. THOMPSON
57 SALTER STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



LOCATION MAP SCALE 1"=1,000'

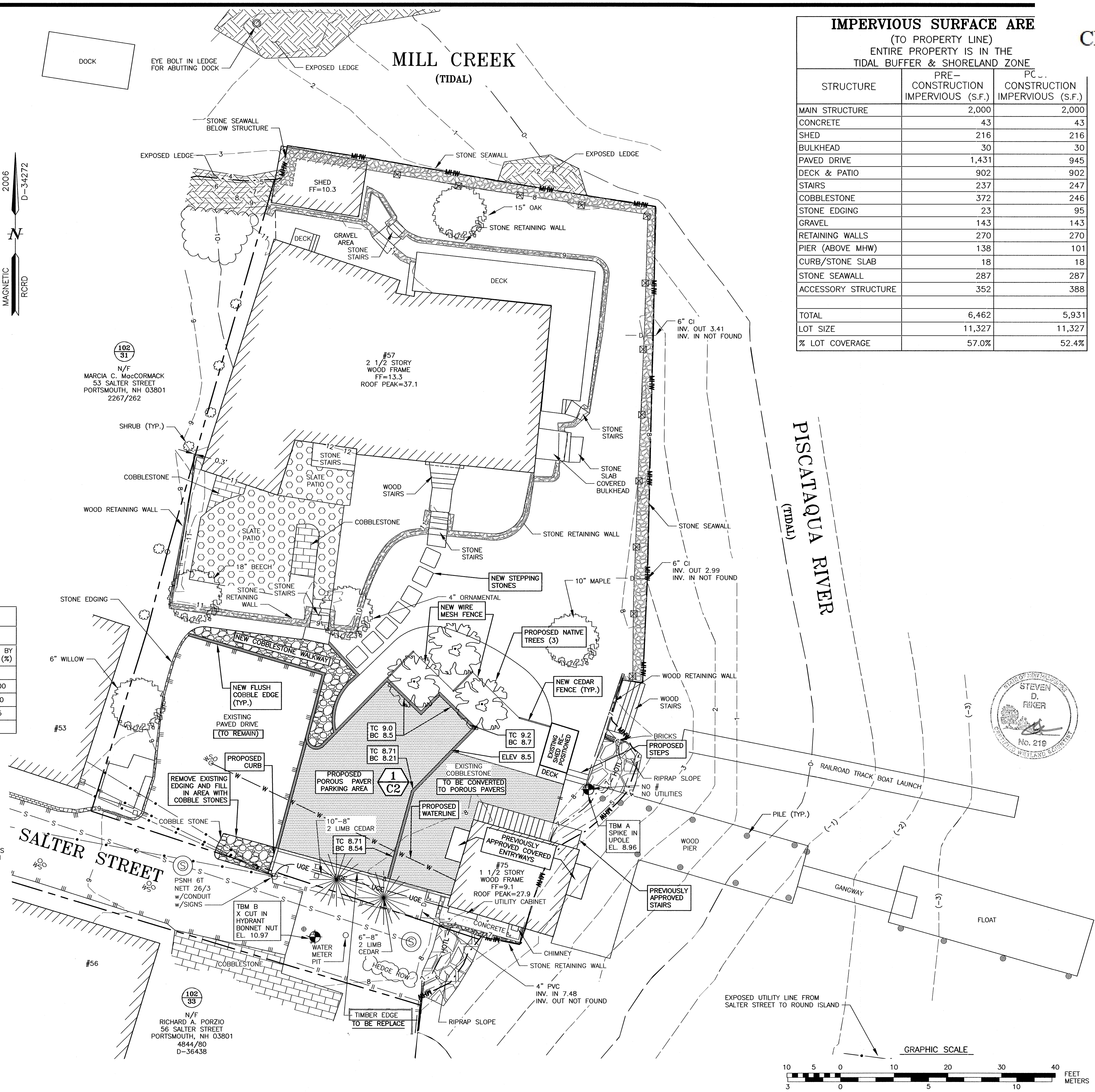
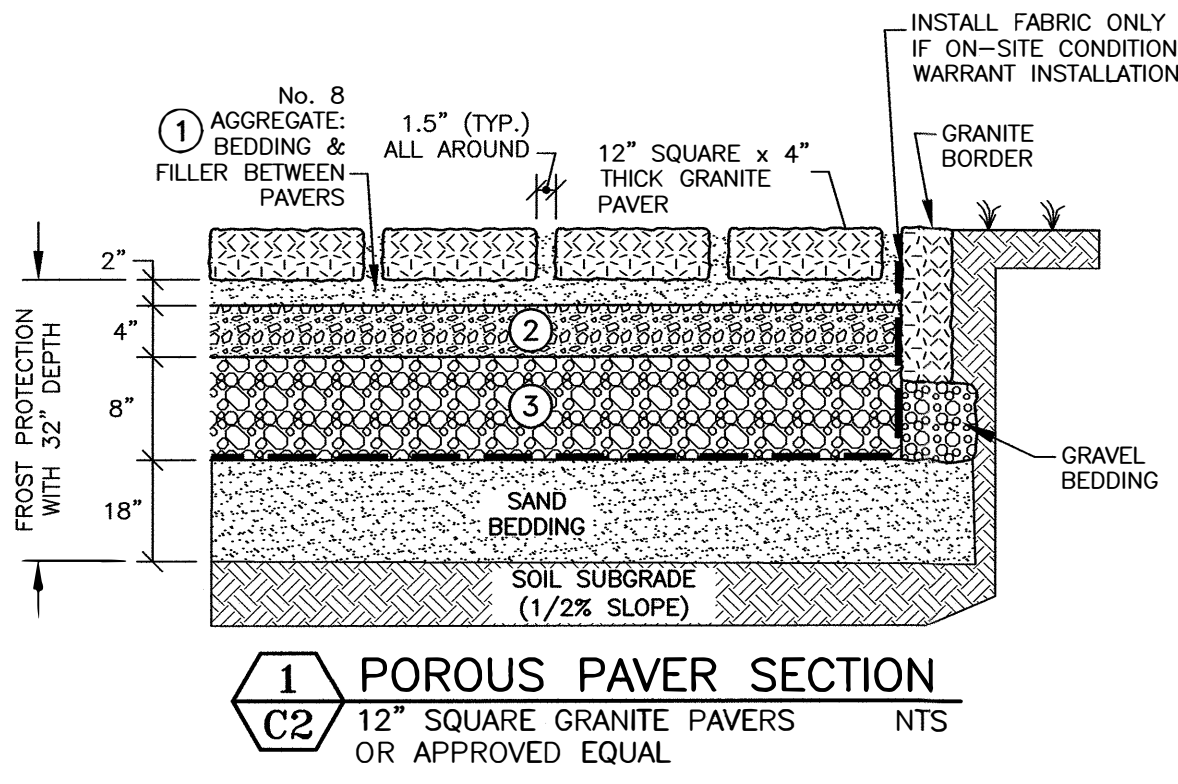
LEGEND:

- EXISTING**
- N/F RP RCRD
 - RR SPK FND
 - IR FND
 - IP FND
 - DH FND
 - NHFB FND
 - TB FND
 - BND w/DH
 - ST BND w/DH
 - UNDERGROUND ELECTRIC
 - OVERHEAD ELECTRIC/WIRES
 - CONTOUR
 - EDGE OF PAVEMENT (EP)
 - WOODS / TREE LINE
 - PHOTO LOCATIONS
 - SPOT ELEVATION
- NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21**
- RR SPK SET
 - IR SET
 - IP SET
 - DH SET
 - BND w/DH
 - ST BND w/DH
 - RAILROAD SPIKE FOUND/SET
 - IRON ROD FOUND/SET
 - IRON PIPE FOUND/SET
 - DRILL HOLE FOUND/SET
 - NHFB FOUND
 - TOWN BOUND FOUND
 - BOUND w/ DRILL HOLE
 - STONE BOUND w/DRILL HOLE

ASTM D 448 GRADATION TABLE

①		②		③	
ASTM No. 8 BEDDING & JOINT FILLER		ASTM No. 57 STONE OPEN GRADED BASE		ASTM No. 2 STONE SUBBASE	
SIEVE SIZE	PASSING BY WEIGHT (%)	SIEVE SIZE	PASSING BY WEIGHT (%)	SIEVE SIZE	PASSING BY WEIGHT (%)
1/2" (12.5mm)	100	1.5" (37.5mm)	100	3" (75mm)	100
3/8" (9.5mm)	85-100	1" (25mm)	95-100	2.5" (63mm)	90-100
No. 4 (4.75mm)	10-30	1/2" (12.5mm)	25-60	2" (50mm)	35-70
No. 8 (2.36mm)	0-10	No. 4 (4.75mm)	0-10	1.5" (37.5mm)	0-15
No. 16 (1.16mm)	0-5	No. 8 (2.36mm)	0-5	3/4" (19mm)	0-5

- NOTES:**
- PAVING SYSTEM BASE DESIGN IS SIMILAR TO BASE REQUIRED FOR THE UNI ECO-STONE PAVER. INSTALLATION SHALL FOLLOW MANUFACTURER'S INSTRUCTIONS FOR PLACEMENT OF BASE MATERIALS.
 - ALL STONE SHALL BE ANGULAR, WITH 90% FRACTURED FACES. STONE SHALL BE WASHED WITH LESS THAN 1% PASSING THE 200 SIEVE.
 - CONTRACTOR SHALL SUBMIT SIEVE ANALYSIS FOR EACH COURSE MATERIAL TO PROJECT ENGINEER FOR APPROVAL PRIOR TO PLACEMENT.



IMPERVIOUS SURFACE ARE (TO PROPERTY LINE)
ENTIRE PROPERTY IS IN THE TIDAL BUFFER & SHORELAND ZONE

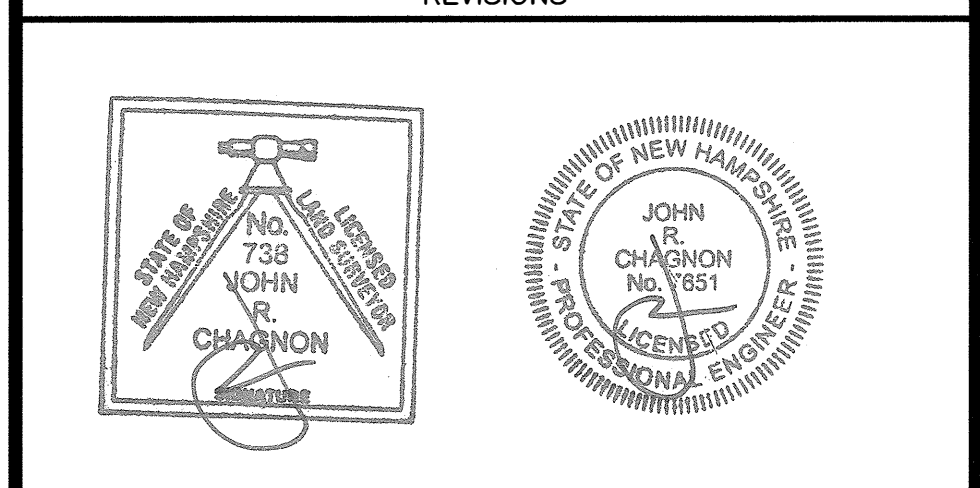
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	PC... CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	2,000	2,000
CONCRETE	43	43
SHED	216	216
BULKHEAD	30	30
PAVED DRIVE	1,431	945
DECK & PATIO	902	902
STAIRS	237	247
COBBLESTONE	372	246
STONE EDGING	23	95
GRAVEL	143	143
RETAINING WALLS	270	270
PIER (ABOVE MHW)	138	101
CURB/STONE SLAB	18	18
STONE SEAWALL	287	287
ACCESSORY STRUCTURE	352	388
TOTAL	6,462	5,931
LOT SIZE	11,327	11,327
% LOT COVERAGE	57.0%	52.4%

CM Action Item #3 **RING, INC.**
1 Surveyors

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
 - OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
 - PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
 - EXISTING LOT AREA: (TO MEAN HIGH WATER) 11,327 S.F. ± 0.2600 ACRE ±
 - PARCEL IS LOCATED IN (GRB) GENERAL RESIDENCE B AND THE HISTORIC DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 5,000 SQ. FT.
FRONTAGE: 80 FT.
SETBACKS:
FRONT 5 FT.
SIDE 10 FT.
REAR 25 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 25%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE IMPROVEMENTS ON TAX MAP 102 LOT 32.
 - THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).
 - VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
 - MEAN HIGH WATER (MHW) LINE AS SHOWN IS BASED ON NOAA TIDE STATION 8419870 - SEAVEY ISLAND, PORTSMOUTH HARBOR. MHW LINE IS AT ELEVATION 4.59.

THOMPSON RESIDENCE
57 SALTER STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
2	REVISED UTILITIES	4/29/20
1	ISSUED FOR PERMITTING	4/10/20
0	ISSUED FOR APPROVAL	3/5/20



SCALE: 1"=10' MARCH 2020

NHDES PERMIT PLAN

C2

D:\JOB52\142809 s\N 2859 A\12 98 V207 Accessory Dwelling Unit Plans & Specs\Site\2859 SITE 2018.dwg C2

EXHIBIT D

Thompson Application for Urbanized Shoreland Exemption

Photographs of Unit 1 – Past and Current Conditions

Pictures of Unit 1 at Salter Street – Circa 1990







Picture of Unit 1 at Salter Street – Circa 1994



Picture of Unit 1 at Salter Street – Circa 2021



Picture of 57 Salter Street – Units 1 and 2 – Circa 2021



Picture of Unit 2 – 57 Salter Street – Circa 2021



EXHIBIT E

Thompson Application for Urbanized Shoreland Exemption

November 28, 2018 Variance Application Plans

AMBIT ENGINEERING, INC.

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

PLAN REFERENCES:

- BOUNDARY SURVEY FOR ROBERT BYRNES & PATRICIA TOBEY, MAP 102, LOT 30 PORTSMOUTH, NH. PREPARED BY ALEX ROSS. DATED OCTOBER 13, 2004. R.C.R.D. PLAN D-32044.
- SKETCH PLAN FOR KEVIN GILLIES IN PORTSMOUTH, NH. PREPARED BY SEACOAST ENGINEERING ASSOCIATES, INC. DATED NOVEMBER 2, 1988. R.C.R.D. PLAN D-19121.
- BOUNDARY LINE AGREEMENT PLAN TAX MAP 102-LOTS 33 & 38, PROPERTY OF RICHARD A. PORZIO AND JEANNETTE E. HOPKINS TRUST, 39 PRAY STREET & 56 SALTER STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2007, FINAL REVISION DATE MAY 13, 2010. R.C.R.D. PLAN D-36438.
- STANDARD BOUNDARY SURVEY TAX MAP 102 - LOT 38, PROPERTY OF KAVID M. KOVICK & AMY E. KOVICK, 39 PRAY STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED JANUARY 2017, FINAL REVISION DATE JANUARY 27, 2017. R.C.R.D. PLAN D-39970.

NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
- OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
- PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
- EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
- PARCEL IS LOCATED IN THE WATERFRONT BUSINESS (WB) AND THE HISTORIC DISTRICT.
- DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 SQ. FT.
FRONTAGE: 100 FT.
SETBACKS:
FRONT 30 FT.
SIDE 30 FT.
REAR 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF TAX MAP 102 LOT 32.
- VERTICAL DATUM IS MEAN SEA LEVEL NGVD 1929. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS (±0.2').
- MEAN HIGH WATER (MHW) LINE AS SHOWN IS BASED ON NOAA TIDE STATION 8419870 - SEAVEY ISLAND, PORTSMOUTH HARBOR. MHW LINE IS AT ELEVATION 4.59.
- PARCEL IS SUBJECT TO AND BENEFITS FROM "A RIGHT TO USE, IN COMMON WITH SAID SCHLEGEL THE GATEWAY ON SALTER STREET, WHICH GATEWAY IS PARTLY ON EITHER SIDE OF SAID STRAIGHTENED BOUNDARY LINE." LAND OF SCHLEGEL IS NOW LAND OF McCORMACK. SEE RCRD 676/123.
- LOT IS ENTIRELY WITHIN THE 100' TIDAL BUFFER ZONE.

**BUILDING RENOVATION
THOMPSON RESIDENCE
57 SALTER STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	REVISED PER COMMENTS	11/28/18
0	ISSUED FOR COMMENT	11/27/18

SCALE 1"=10' NOVEMBER 2018

**EXISTING CONDITIONS
PLAN**

C1

LOCATION MAP

SCALE 1"=1,000'

LEGEND:

EXISTING

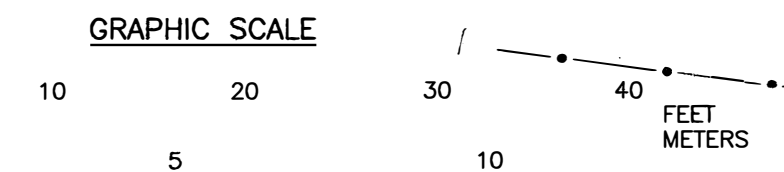
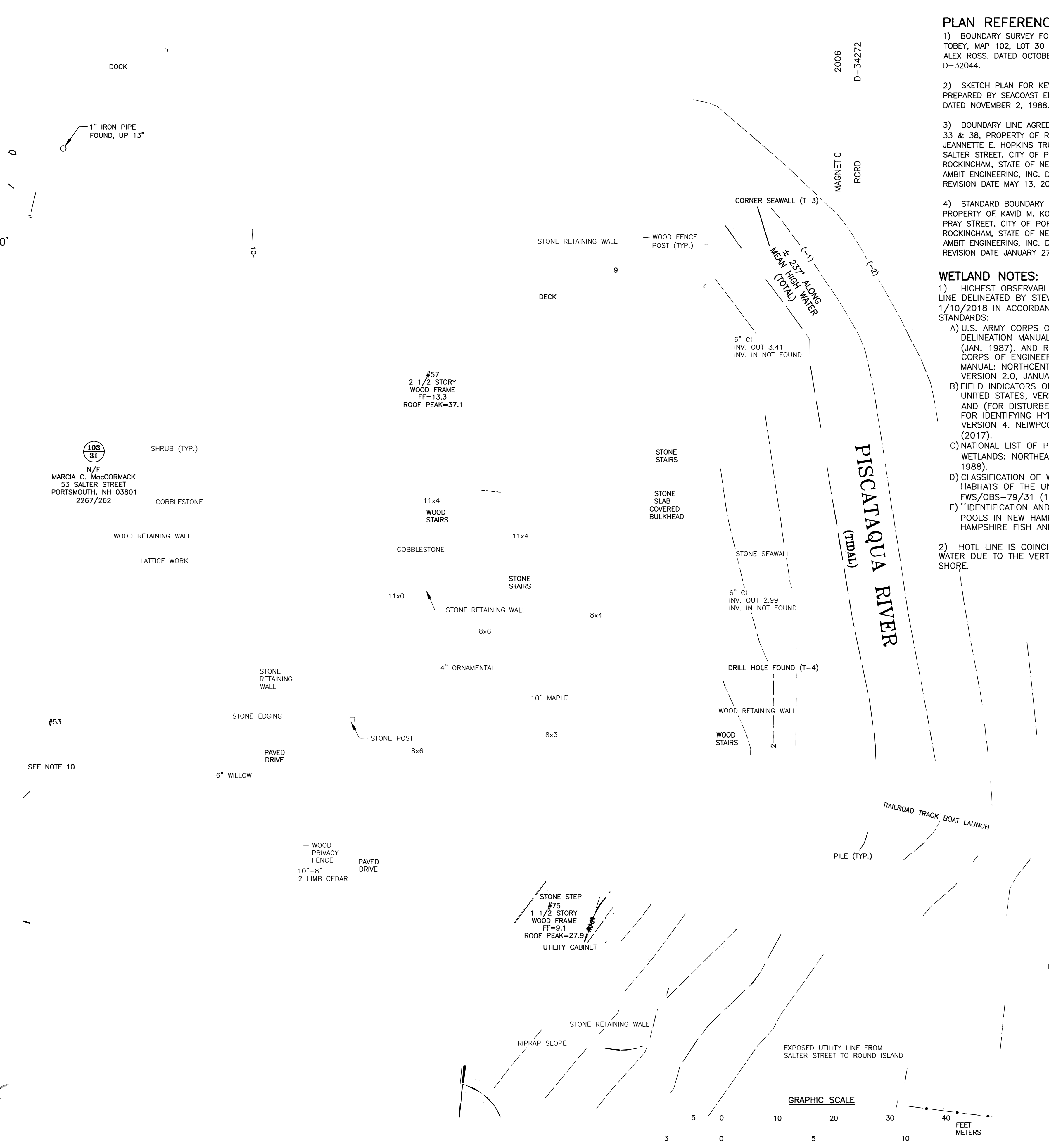
- N/F
- RP
- RCRD
- (11/21)
- RR SPK FND
- IR FND
- IP FND
- DH FND
- NHHB FND
- TB FND
- BND w/DH
- ST BND w/DH
- HOTL
- 100
- 97x3
- HYD
- HYD
- CMP
- PVC
- RCP
- EL
- EP
- F.F.
- INV.
- TBM
- TYP.
- LSA
- RR SPK SET
- IR SET
- IP SET
- DH SET
- BND w/DH
- ST BND w/DH
- NOW OR FORMERLY RECORD OF PROBATE ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
- RAILROAD SPIKE FOUND/SET
- IRON ROD FOUND/SET
- IRON PIPE FOUND/SET
- DRILL HOLE FOUND/SET
- NHDOT BOUND FOUND
- TOWN BOUND FOUND
- BOUND w/ DRILL HOLE
- STONE BOUND w/DRILL HOLE
- HIGHEST OBSERVABLE TIDE LINE
- WETLAND LINE
- OVERHEAD ELECTRIC/WIRES
- CONTOUR
- SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- HYDRANT
- METER (GAS, WATER, ELECTRIC)
- AIR CONDITIONER UNIT
- SIGNS
- EDGE OF WETLAND FLAGGING
- SWAMP / MARSH
- CORRUGATED METAL PIPE
- POLYVINYL CHLORIDE PIPE
- REINFORCED CONCRETE PIPE
- ELEVATION
- EDGE OF PAVEMENT
- FINISHED FLOOR
- INVERT
- TEMPORARY BENCHMARK
- TYPICAL
- LANDSCAPED AREA

**TIE LINES FOR CLOSURE--
NOT BOUNDARY LINES**

LINE SEGMENT	BEARING	DISTANCE
T-1 TO T-2	N84°15'47"E	23.07'
T-2 TO T-3	S81°21'44"E	48.56'
T-3 TO T-4	S02°22'38"W	83.80'
T-4 TO T-5	S37°13'44"W	62.71'

I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

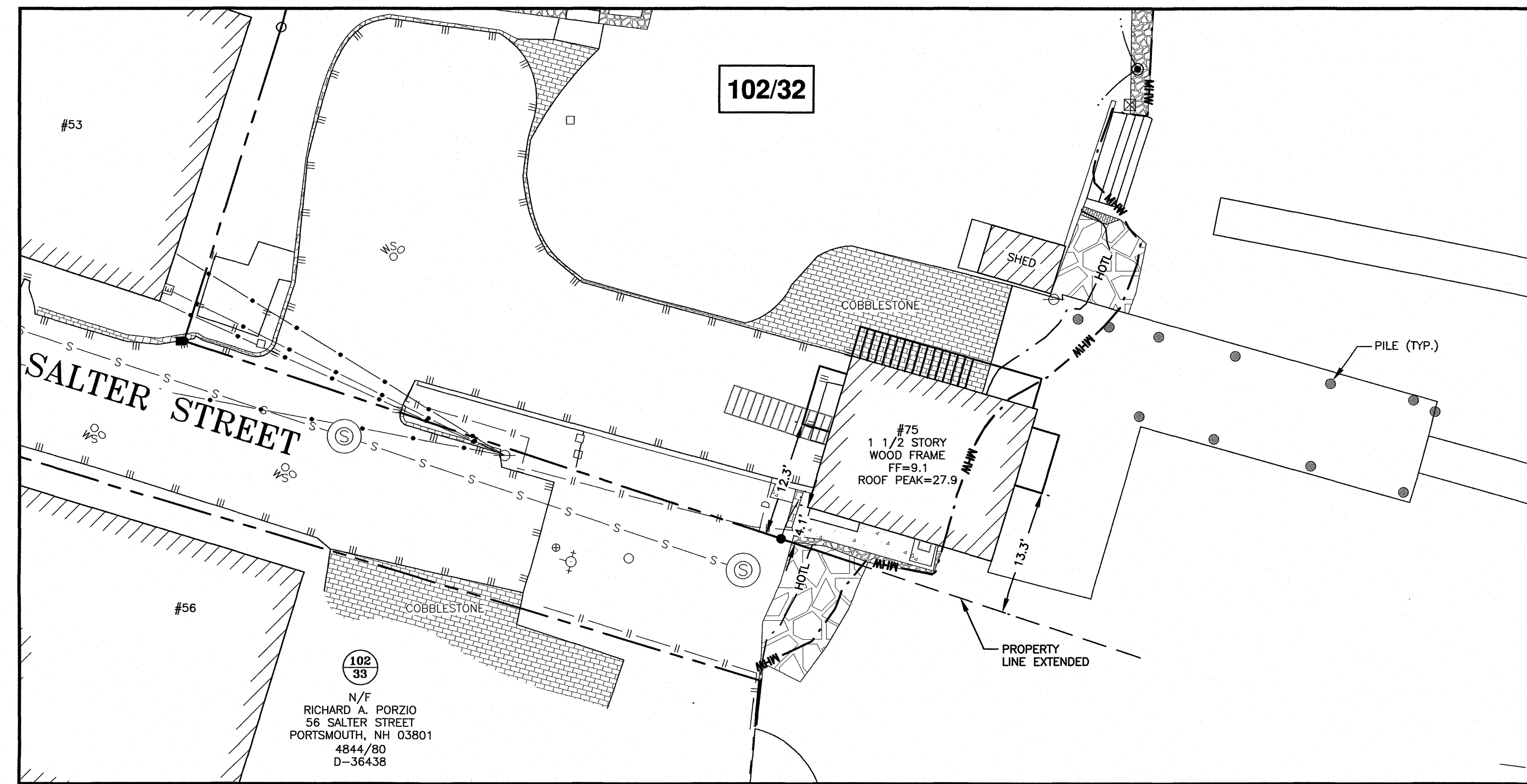
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AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-8282
 Fax (603) 436-2315

LEGEND:

EXISTING		
N/F	NOV OR FORMERLY	
RP	RECORD OF PROBATE	
RCRD	ROCKINGHAM COUNTY	
	REGISTRY OF DEEDS	
	MAP 11 / LOT 21	
	RAILROAD SPIKE FOUND/SET	
	IRON ROD FOUND/SET	
	IRON PIPE FOUND/SET	
	DRILL HOLE FOUND/SET	
	NHDOT BOUND FOUND	
	TOWN BOUND FOUND	
	BOUND w/ DRILL HOLE	
	STONE BOUND w/DRILL HOLE	
	HIGHEST OBSERVABLE TIDE LINE	
	WETLAND LINE	
	OVERHEAD ELECTRIC/WIRES	
	CONTOUR	
	SPOT ELEVATION	
	EDGE OF PAVEMENT (EP)	
	WOODS / TREE LINE	
	UTILITY POLE (w/ GUY)	
	HYDRANT	
	METER (GAS, WATER, ELECTRIC)	
	AIR CONDITIONER UNIT	
	SIGNS	
	EDGE OF WETLAND FLAGGING	
	SWAMP / MARSH	
	CORRUGATED METAL PIPE	
	POLYVINYL CHLORIDE PIPE	
	REINFORCED CONCRETE PIPE	
	ELEVATION	
	EDGE OF PAVEMENT	
	FINISHED FLOOR	
	INVERT	
	TEMPORARY BENCHMARK	
	TYPICAL	
	LANDSCAPED AREA	



SETBACK PLAN

2006
 D-34272
 MAGNETIC
 RCRD

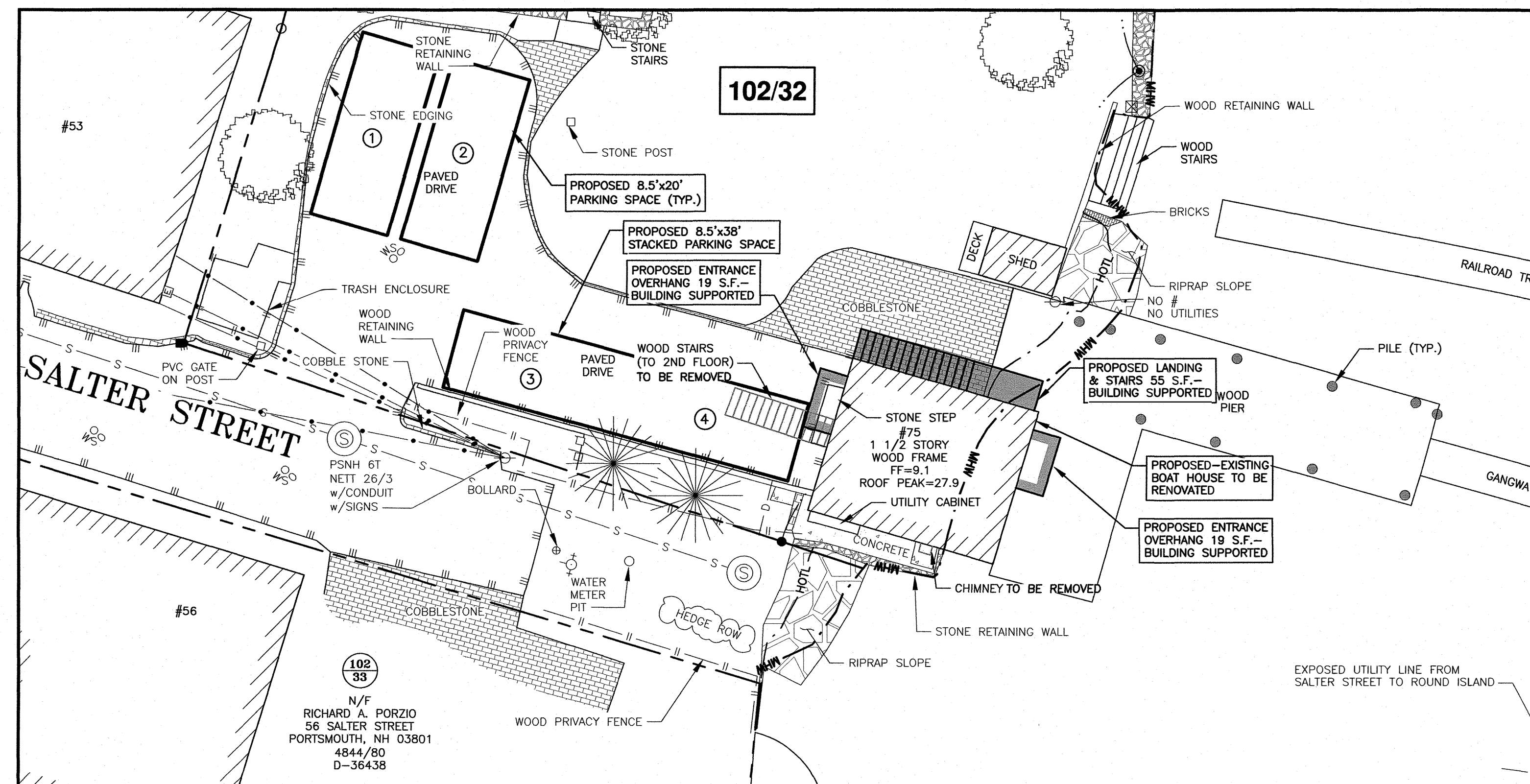
NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH, NH, ASSESSOR'S MAP 102 AS LOT 32.
- 2) OWNER OF RECORD:
MARGOT L. THOMPSON
57 SALTER STREET
PORTSMOUTH, NH 03801
2959/811
- 3) PARCEL IS IN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL. 9) AS SHOWN ON FIRM PANEL 33015C0278E. EFFECTIVE DATE MAY 17, 2005.
- 4) EXISTING LOT AREA: (TO MEAN HIGH WATER)
11,327 S.F. ±
0.2600 ACRE ±
- 5) PARCEL IS LOCATED IN THE WATERFRONT BUSINESS (WB) AND THE HISTORIC DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 20,000 SQ. FT.
FRONTAGE: 100 FT.
SETBACKS:
FRONT 30 FT.
SIDE 30 FT.
REAR 20 FT.
MAXIMUM STRUCTURE HEIGHT: 35 FT.
MAXIMUM STRUCTURE COVERAGE: 30%
MINIMUM OPEN SPACE: 20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS TO AN EXISTING BOATHOUSE.
- 8) LOT IS ENTIRELY WITHIN THE NHDES 100' TIDAL BUFFER ZONE.
- 9) EXISTING AND PROPOSED OPEN SPACE IS 41.3%. NOTE THERE IS NO PROPOSED CHANGE IN OPEN SPACE.

**STRUCTURE COVERAGE AREAS
(TO PROPERTY LINES)**

STRUCTURE	PRE-CONSTRUCTION COVERAGE (S.F.)	POST-CONSTRUCTION COVERAGE (S.F.)
MAIN STRUCTURE	2,000	2,000
BOAT HOUSE*	259	278
SHEDS	209	209
DECK & STAIRS	551	577
TOTAL	3,019	3,064
AREA OF LOT	11,327	11,327
% LOT COVERAGE	26.7%	27.1%

*THE PORTION OF THE BOAT HOUSE THAT IS OVER THE PROPERTY LINE (MEAN HIGH WATER) IS 86 S.F. TOTAL BOAT HOUSE FOOTPRINT IS 345 S.F.

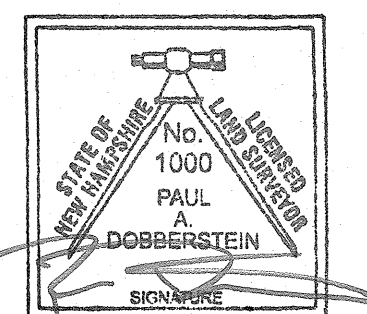


SITE PLAN

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PAUL A DOBBERSTEIN, LLS

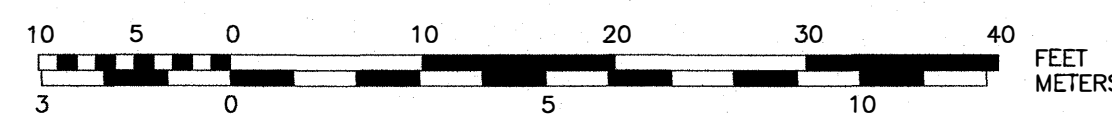
11/28/2018
DATE



APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____

GRAPHIC SCALE



**BUILDING RENOVATION
THOMPSON RESIDENCE
57 SALTER STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
1	REVISED PER COMMENTS	11/28/18
0	ISSUED FOR COMMENT	11/27/18

REVISIONS

NO.	DESCRIPTION	DATE

SCALE 1"=10' NOVEMBER 2018

VARIANCE APPLICATION PLAN

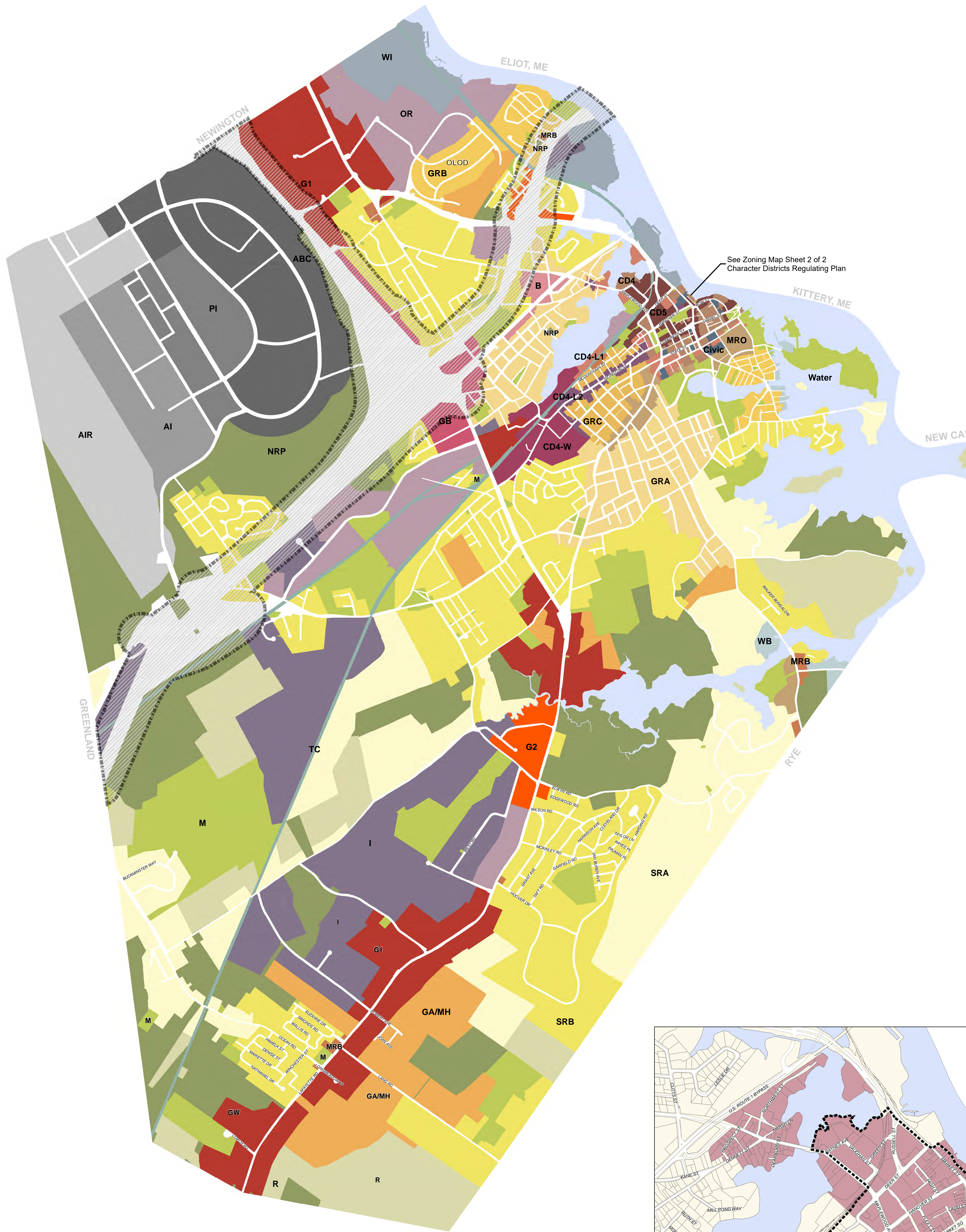
C2

EXHIBIT F

**Thompson Application for Urbanized Shoreland Exemption
City of Portsmouth Zoning Maps**

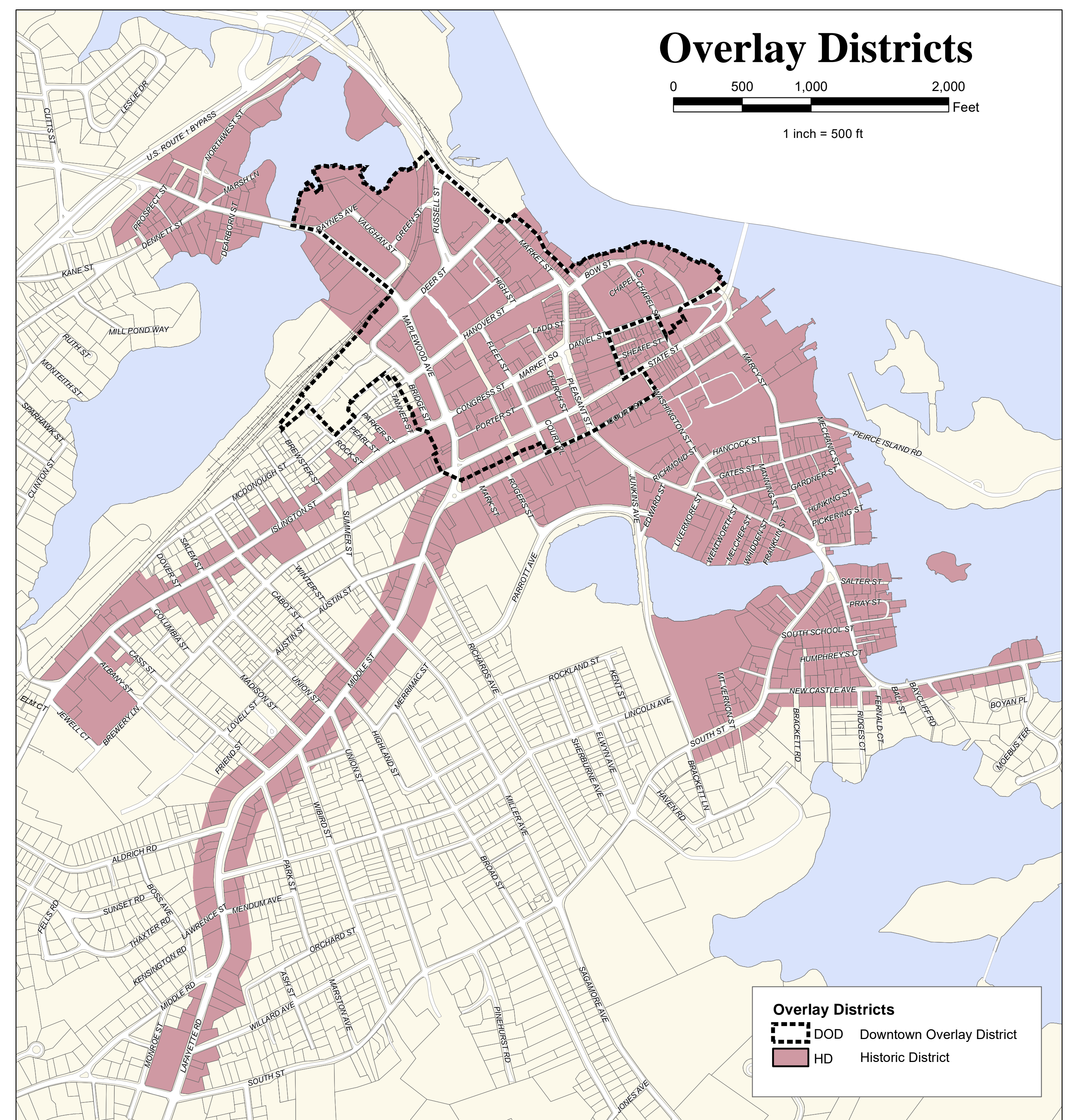
City of Portsmouth Zoning Map

Sheet 1 of 2



Legend

- Character Districts**
 - Character-Based Zoning Area (Refer to Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
- Residential Districts**
 - R Rural
 - SRA Single Residence A
 - SRB Single Residence B
 - GRA General Residence A
 - GRB General Residence B
 - GRC General Residence C
 - GAMH Garden Apartment/Mobile Home Park
- Mixed Residential Districts**
 - MRO Mixed Residential Office
 - MRB Mixed Residential Business
 - G1 Gateway Corridor
 - G2 Gateway Center
- Business Districts**
 - GB General Business
 - B Business
 - WB Waterfront Business
- Industrial Districts**
 - OR Office Research
 - I Industrial
 - WI Waterfront Industrial
- Airport Districts**
 - AIR Airport
 - AI Airport Industrial
 - PI Pease Industrial
 - ABC Airport Business Commercial
- Other Districts**
 - M Municipal
 - NRP Natural Resource Protection
 - TC Transportation Corridor
- Overlay Districts**
 - OLOD Osprey Landing Overlay District
 - HNOD Highway Noise Overlay District
 - DOD Downtown Overlay District (See Inset Map and Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
 - HD Historic District (See Inset Map)
 - FP Flood Plain District (See FEMA Flood Insurance Rate Map)



Amendments

1. June 21, 2010 - Rezone Assessor's Map 201, Lots 3-8 (1-8 Sagamore Grove) from Waterfront Business (WB) to Single Residence B (SRB)
2. October 18, 2010 - Rezone Assessor's Map 285, Lot 12 (2700 Lafayette Road) from Municipal (M) to Gateway (GW)
3. June 6, 2011 - Rezone a portion of Assessor's Map 116, Lot 44 (54 Rogers Street) from Municipal (M) to Mixed Residence Office (MRO)
4. November 13, 2012 - Rezone Assessor's Map 105, Lot 19 (143 Daniel Street) from Municipal (M) to Central Business B (CBB) and to place that property in the Downtown Overlay District (DOD)
5. April 21, 2014 - Adoption of Character Based Zoning Districts as shown on Maps 10.5A21A-C
6. July 20, 2015 - Rezone the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW): Assessor's Map 163, Lots 33, 34 and 37; Assessor's Map 165, Lots 1, 2 and 14; Assessor's Map 172, Lots 1 and 2; and Assessor's Map 173, Lots 2 and 10
7. August 17, 2015 - Expansion of Character Based Zoning Districts as shown on Maps 10.5A21A-C
8. December 21, 2015 - Portion of Map 201, Lot 1 rezoned from Waterfront Business to Single Residence B
9. April 25, 2016 - Rezone to following lots or parts thereof to the Transportation Corridor District: Assessor's Map 165, Lot 4; Assessor's Map 234, Lot 2A; Part of Assessor's Map 124, Lot 4; Assessor's Map 125, Lot 20; Assessor's Map 124, Lot 13; Assessor's Map 119, Lot 3; and Part of Assessor's Map 119, Lot 5
10. July 11, 2016 - Expansion of Character Based Zoning Districts as shown on Maps 10.5A21A-C
11. July 11, 2016 - Rezone the following lots from Character District 4.1, Mixed Residence Business, Business and Central Business B to General Residence C: Assessor's Map 139, Lots 2, 3, 4, 5 and 6; Assessor's Map 144, Lot 40; Assessor's Map 145, Lots 14, 19, 20, 21, 29 and 30; Assessor's Map 146, Lots 19, 20, 21, 22 and 23; Assessor's Map 147, Lots 22, 23, 24, 25, 26, 27, 28, 29, 30 and 30A; Assessor's Map 156, Lots 24 and 35; Assessor's Map 157, Lots 10, 11, 12, 13 and 14
12. December 4, 2017 - Adoption of Gateway Mixed Use Districts, Gateway Corridor (G1) and Gateway Center (G2) including the following: Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G1) that are located south of Campus Drive to the Portsmouth/Rye border. Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G1) that are located south of Middle Road and north of Sagamore Creek. Rezone the following lots from Gateway to Gateway Neighborhood Mixed Use Corridor (G1): Assessor's Map 163 Lot 33, Map 163 Lot 34, Map 163 Lot 37, Map 165 Lot 2, Map 172 Lot 1, Map 172 Lot 2, Map 173 Lot 2, and Map 173 Lot 10. Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G2) that are located south of Sagamore Creek and north of Wilson Road. Rezone the following lots from General Business to Gateway Neighborhood Mixed Use Corridor (G1) that are located along Spaulding Turnpike west of Echo Avenue to the Newington border and from the intersection of Woodbury Ave and Market St west to the Newington border along Woodbury Ave. Rezone a portion of the following lots from General Business to Gateway Neighborhood Mixed Use Corridor (G1): Assessor's Map 217 Lot 1, Map 217 Lot 2A. Rezone the following lots from General Business to Gateway Neighborhood Mixed Use Center (G2): Assessor's Map 218 Lot 22, Map 218 Lot 24, Map 218 Lot 25, Map 218 Lot 28, Map 218 Lot 29, Map 218 Lot 30, Map 218 Lot 32, Map 218 Lot 33, Map 218 Lot 34, Map 218 Lot 38, and Map 218 Lot 39. Rezone the following lots from Single Residence B to Gateway Neighborhood Mixed Use Center (G2): Assessor's Map 210 Lot 2, Map 210 Lot 3, Map 210 Lot 4, and Map 210 Lot 5. Rezone the following lots from Garden Apartment / Mobile Home to Gateway Neighborhood Mixed Use Corridor (G1): Assessor's Map 239 Lot 12. Rezone the following lots from Single Residence A to Gateway Neighborhood Mixed Use Corridor (G1): A portion of Assessor's Map 239 Lot 8
13. August 20, 2018 - Rezone the following lots from Office Research (OR) to Character District 4 West End (CD4-W): Assessor's Map 157, Lots 1 and 2. Rezone a portion of N11-16, except land subject to the land use regulations of the Pease Development Authority, to the Transportation Corridor (TC) to CD4-W. Add new building height standards to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add New Building Height Standards for Tax Map 157 Lots 1 and 2 and a Portion of Tax Map 164 Lot 4.
14. October 15, 2018 (effective January 1, 2019) - Adoption of Highway Noise Overlay District (HNOD) which includes all land within 500 feet of the centerline of N15 or N11-16, except land subject to the land use regulations of the Pease Development Authority.
15. February 4, 2019 - Rezone Assessor's Map 213 Lot 1 from Waterfront Industrial (WI) to Office Research (OR).

Adopted by City Council: December 21, 2009
Effective date: January 1, 2010

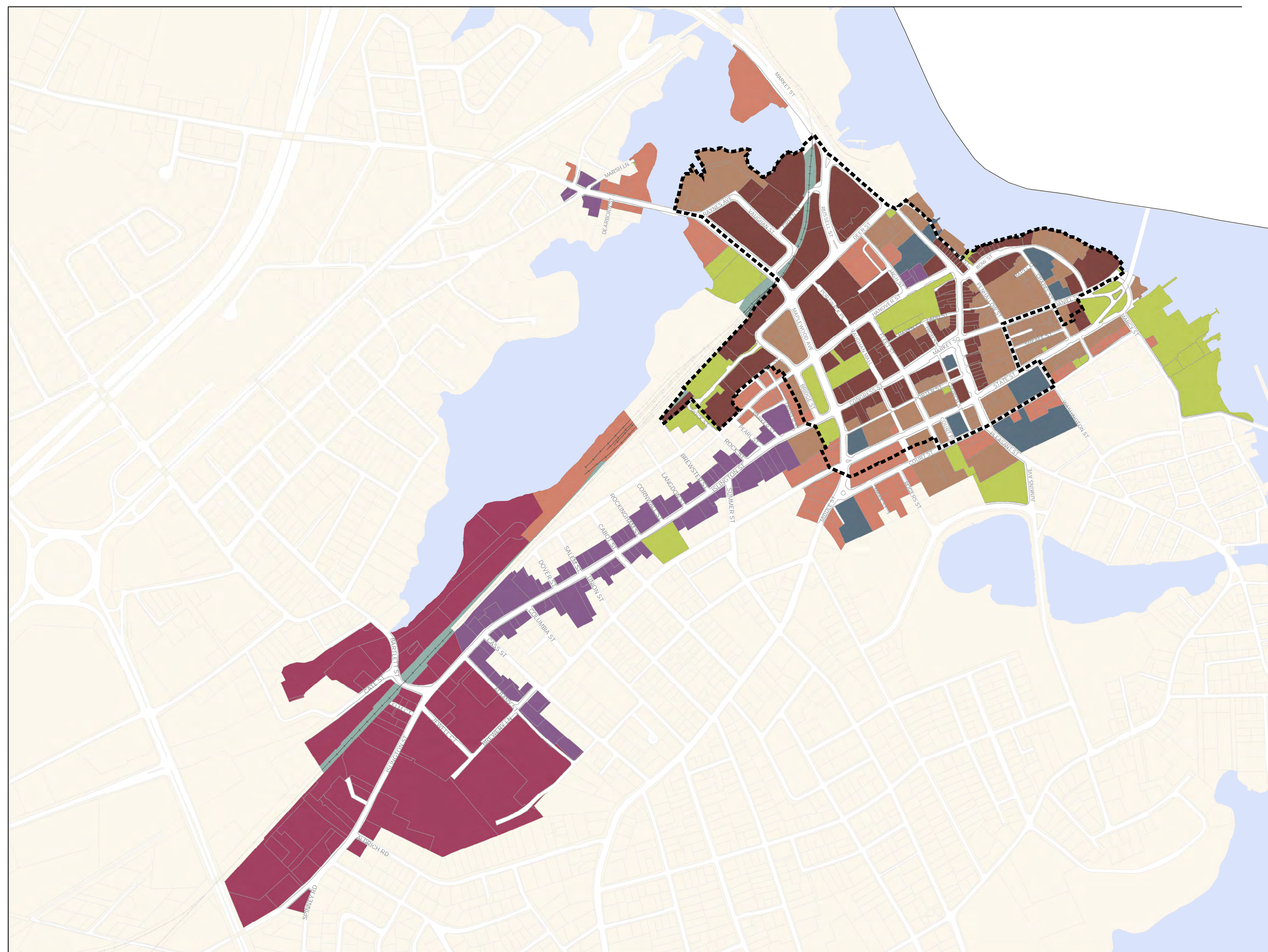
As Amended Through: February 4, 2019



Map prepared by Portsmouth Planning Department 3/1/2019

City of Portsmouth Zoning Map

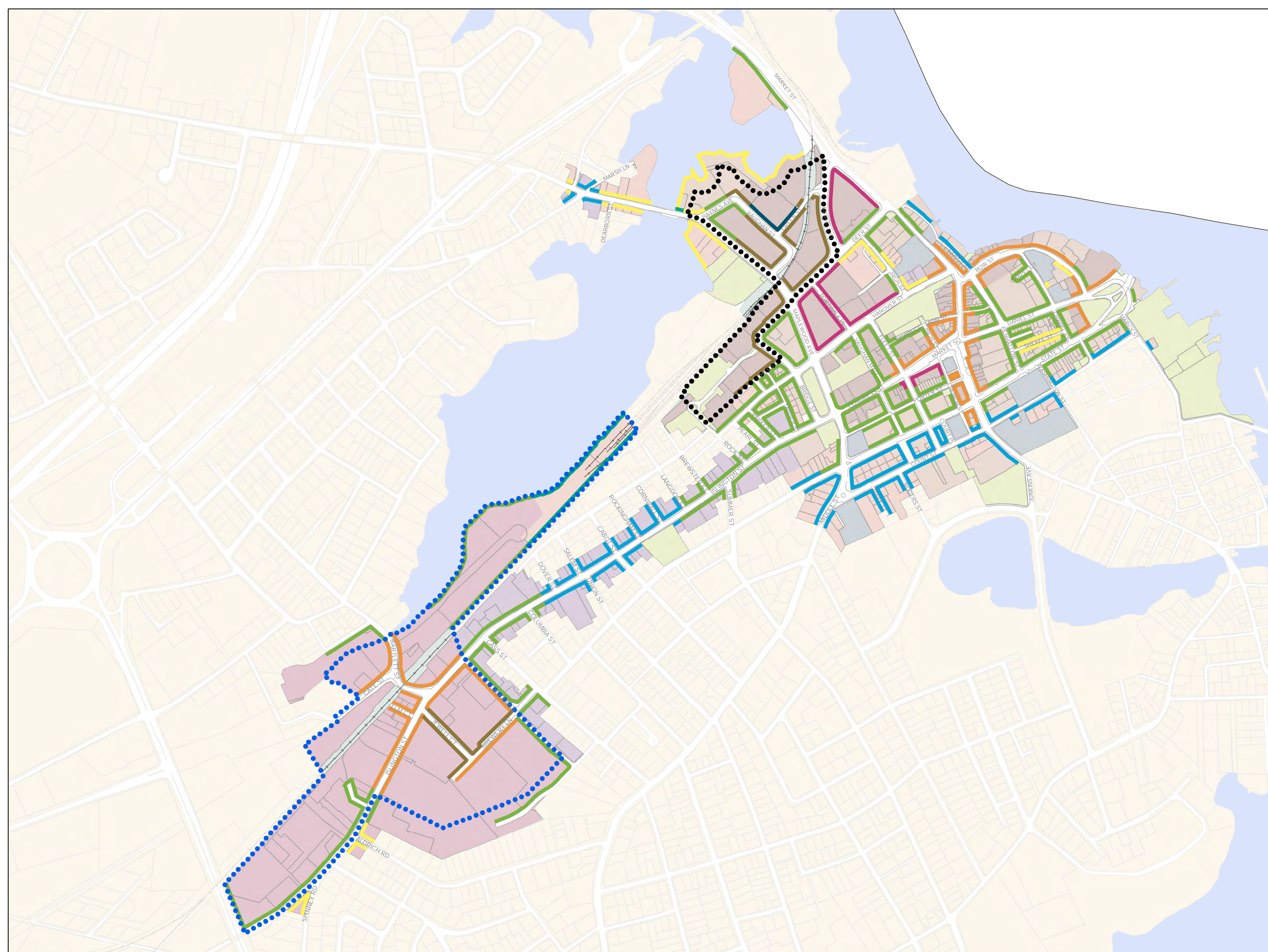
Sheet 2 of 2 Character Districts Regulating Plan



Map 10.5A21A
Character Districts
and Civic Districts

Legend

- DOD Downtown Overlay District
- HD Historic District
- Character Districts**
- CD5 Character District 5
- CD4 Character District 4
- CD4-W Character District 4-B
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2
- Civic District**
- CIVIC Civic District
- Other Districts**
- M Municipal District
- TC Transportation Corridor



Map 10.5A21B
Building Height
Standards

Legend

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd*)	35'
2-3 Stories	40'
2-3 Stories (short 4th*)	45'
2-4 Stories	50'
2-4 Stories (short 5th*)	60'
2-5 Stories	60'

*Penthouse Levels may exceed the building height by 2 feet.

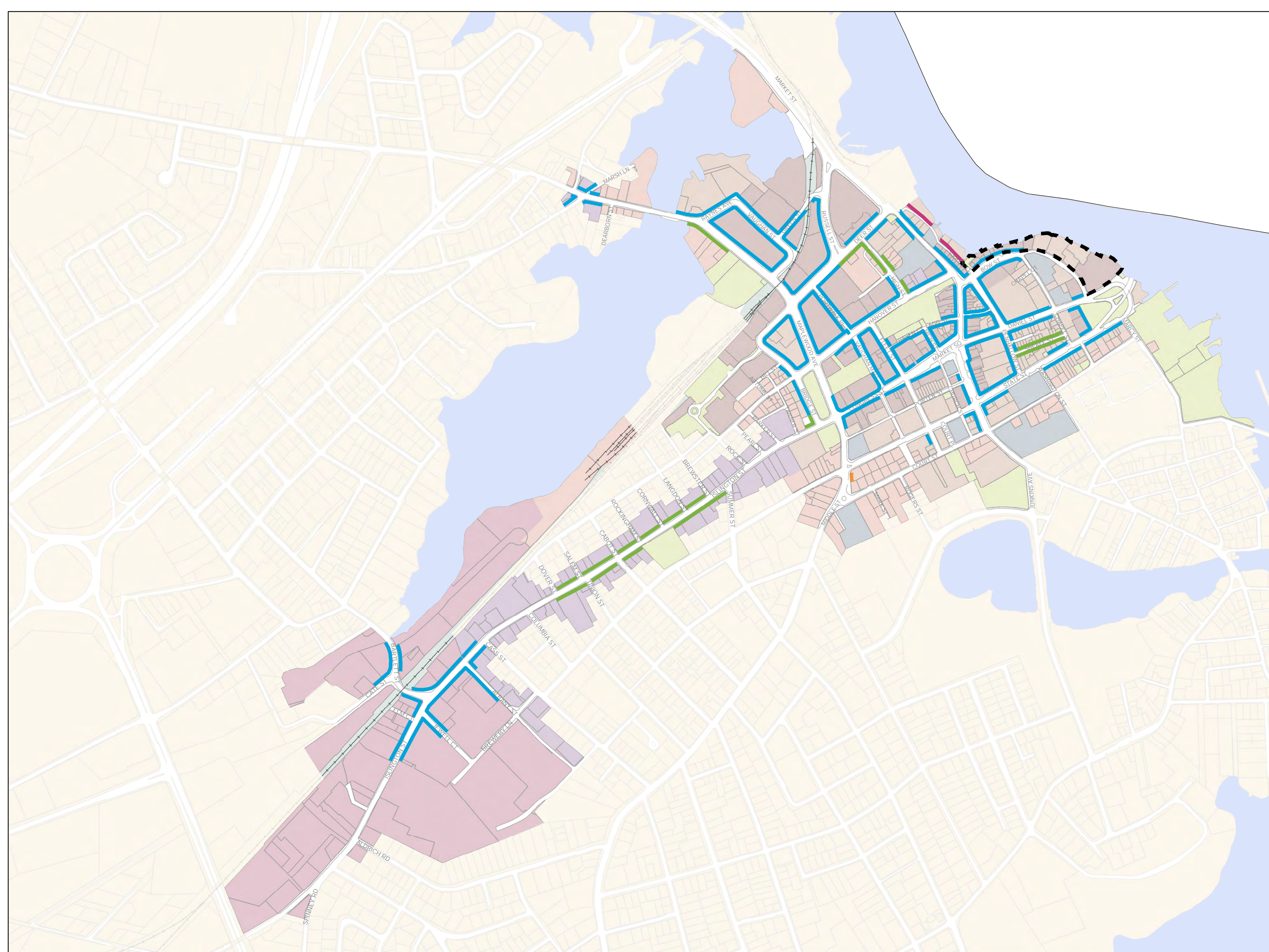
1. A short story includes either: 1) use of a top story below the cornice line of a sloped roof that is at least 20% shorter in height than the story below; or 2) a story within a mansard roof with a pitch no greater than 30:12.

2. When a lot is assigned to more than one height requirement standard refer to the requirements listed in Section 10.5A21.22.

3. Attic space within either a gable, gambrel, hip or hip-top mansard roof or a penthouse level on a flat roof is not considered a story. Attic space is permitted above the top story provided the proposed building is no greater than the maximum building height.

Incentive Overlay Districts
Within the Incentive Overlay Districts, certain specified development standards, including height, density and parking, may be modified pursuant to Section 10.5A47.

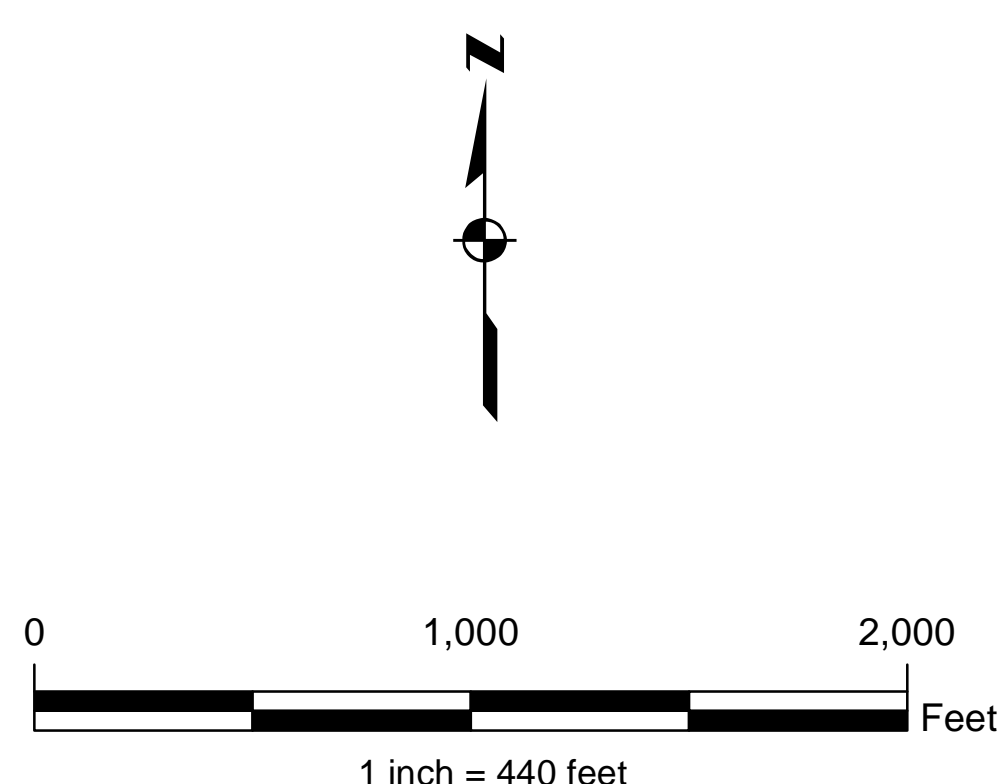
- North End Incentive Overlay District
Between Maplewood Avenue and Russell Street, the boundary of the North End Incentive Overlay District is established at 100 feet from the mean high water line.
- West End Incentive Overlay District
The boundary of the West End Incentive Overlay District is established at 200 feet from the rear lot lines of the abutting Aldrich Road lots and/or 100 feet from the rear lot lines of lots that abut the public or private portions of Chevrolet Avenue, whichever is greater.



Map 10.5A21C
Special Requirements for
Façade Types, Front Lot
Line Buildout, and Uses

Legend

- Required Façade Types**
- Shopfront façade type
- Step, stoop or recessed entry façade type
- Officefront façade type
- Waterfront Lots**
- Waterfront Use Overlay
In addition to the uses permitted in the underlying Character districts, lots in the Waterfront Use Overlay shall also permit uses 9.60, 12.20, 12.22, and 12.40 as set forth in Section 10.440 (Table of Uses). (Section 10.5A34).
- Waterfront lots on Ceres Street
For waterfront lots on Ceres Street, the maximum front lot line buildout shall be 50%, and buildings shall have a wood-sided appearance (Section 10.5A21.30).
- In addition to the uses permitted in Character District 4, waterfront lots on Ceres Street shall also permit the uses permitted in the Waterfront Industrial district as set forth in Section 10.440 (Section 10.5A35).



Adopted by City Council April 21, 2014
As Amended Through: February 4, 2019

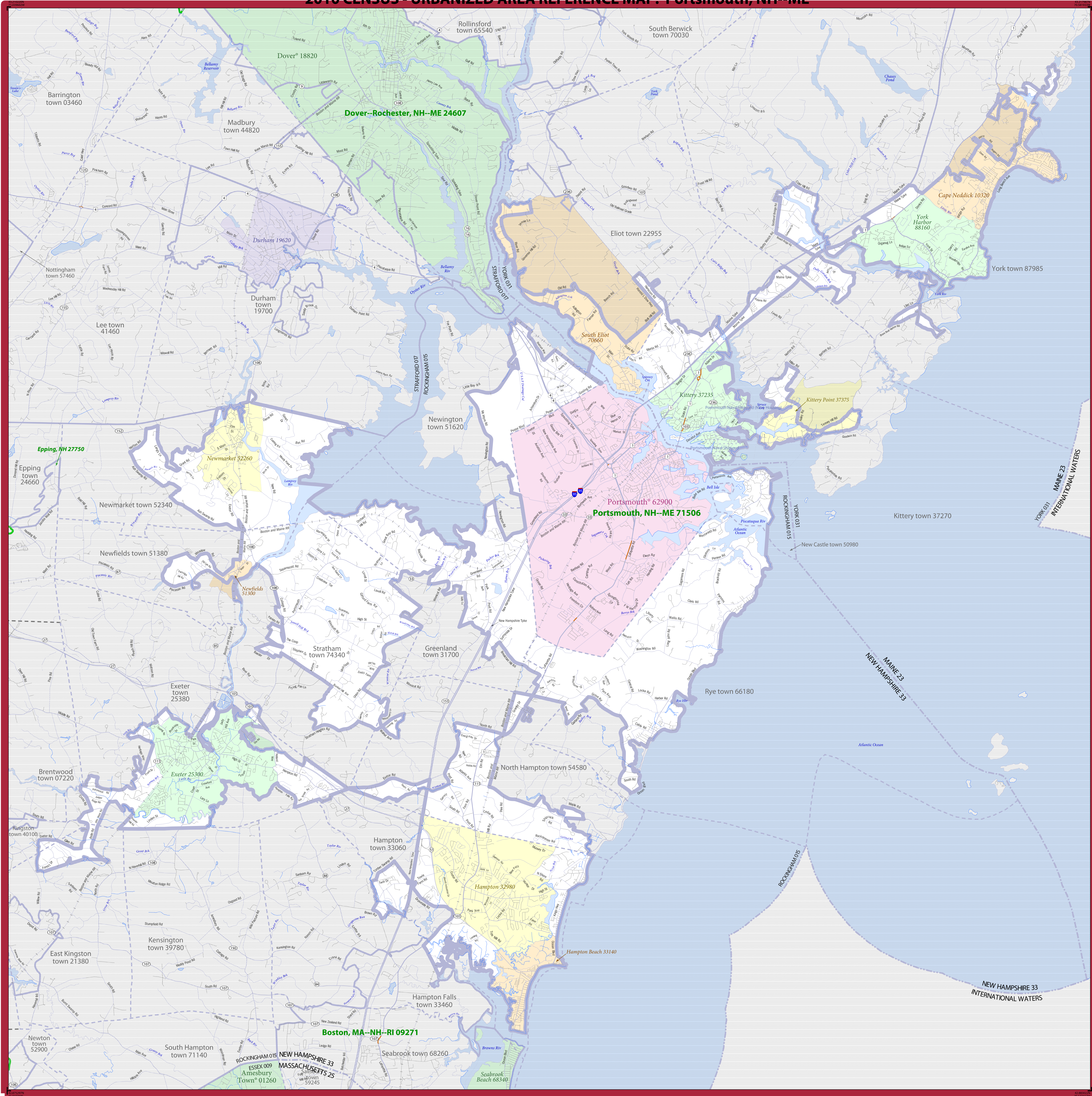


EXHIBIT G

Thompson Application for Urbanized Shoreland Exemption

2010 US Census Bureau – Urbanized Area Reference Map – Portsmouth, NH

2010 CENSUS - URBANIZED AREA REFERENCE MAP: Portsmouth, NH-ME



LEGEND

SYMBOL DESCRIPTION	SYMBOL	LABEL STYLE
International	--- ---	CANADA
Federal American Indian Reservation	L'ANSE RES 1880
Off-Reservation Trust Land	T1880
Urbanized Area	█	Dover, DE 24580
Urban Cluster	█	Toole, VT 88057
State (or statistically equivalent entity)	--- ---	NEW YORK 36
County (or statistically equivalent entity)	---	ERIE 029
Minor Civil Division (MCD) ^{1,2}	---	Bristol town 07485
Consolidated City	MILFORD 47500
Incorporated Place ³	Davis 18100
Census Designated Place (CDP) ³	Incline Village 35100

DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL
Interstate	— —	Water Body	Blue Area
U.S. Highway	— —	Military	Blue Box
State Highway	— —	Outside Subject Area	Grey Area
Other Road	— —		
Railroad	— —		
Perennial Stream	— —		
Intermittent Stream	— —		

Where international, state, county, and/or MCD boundaries coincide, the map shows the boundary symbol for only the highest-ranking of these boundaries.

1 A ** following an MCD name denotes a false MCD. A *** following a place name indicates that a false MCD exists with the same name and FIPS code as the place; the false MCD label is not shown.

2 MCD boundaries are shown in the following states in which some or all MCDs function as general-purpose governmental units: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. (Note that Illinois and Nebraska have some counties covered by nongovernmental precincts and Missouri has most counties covered by nongovernmental townships.)

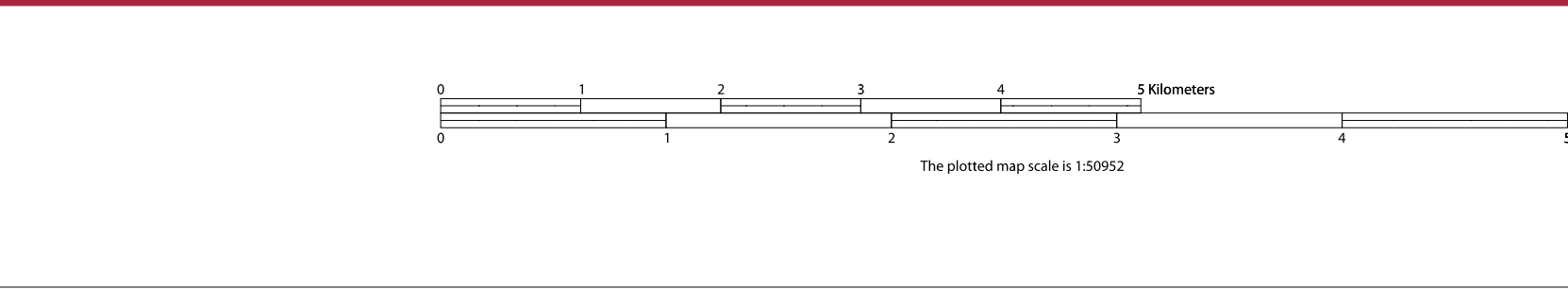
3 Place label color corresponds to the place fill color.
Label colors: Davis Davis Davis Davis Davis

SUBJECT AREA COUNTIES ON MAP SHEET
 23031 York
 33013 Rockingham
 33017 Strafford

All legal boundaries and names are as of January 1, 2010. Urban areas are based on results from the 2010 Decennial Census. The boundaries shown on this map are for Census Bureau statistical data collection and tabulation purposes only; their depiction and designation for statistical purposes does not constitute a determination of jurisdictional authority or rights of ownership or entitlement.

Geographic Vintage: 2010 Census (reference date: January 1, 2010)
 Data Source: U.S. Census Bureau's MA/TIGER database (TAB10)
 Map Created by Geography Division: March 08, 2012

Projection: Albers Equal Area Conic
 Datum: NAD 83
 Spheroid: GRS 80
 1st Standard Parallel: 43 40 26
 2nd Standard Parallel: 46 42 09
 Central Meridian: -68 56 15
 Latitude of Projection's Origin: 42 55 01
 False Easting: 0
 False Northing: 0



PARENT SHEET 1
 Total Sheets: 1
 Index Sheets: 0
 Parent Sheets: 1

UA NAME: Portsmouth, NH-ME
 UA CODE: 71506
 ENTITY TYPE: Urbanized Area (UA)
 ST: Maine (23), New Hampshire (33)

EXHIBIT H

**Thompson Application for Urbanized Shoreland Exemption
NH Flood Hazard Maps – 57 Salter Street, Portsmouth, NH**

New Hampshire Flood Hazard Map – 57 Salter Street, Portsmouth, NH

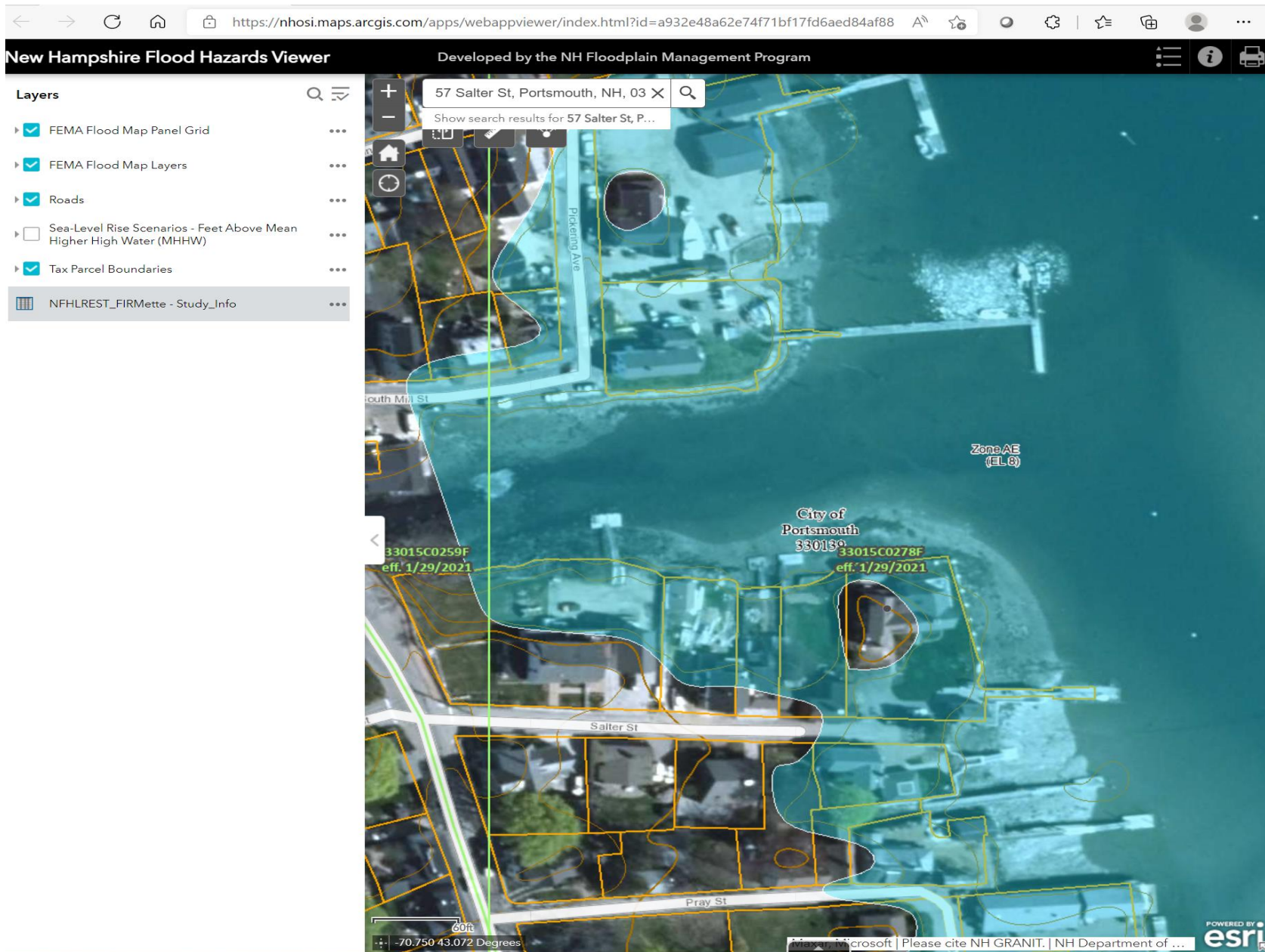


EXHIBIT I

Thompson Application for Urbanized Shoreland Exemption

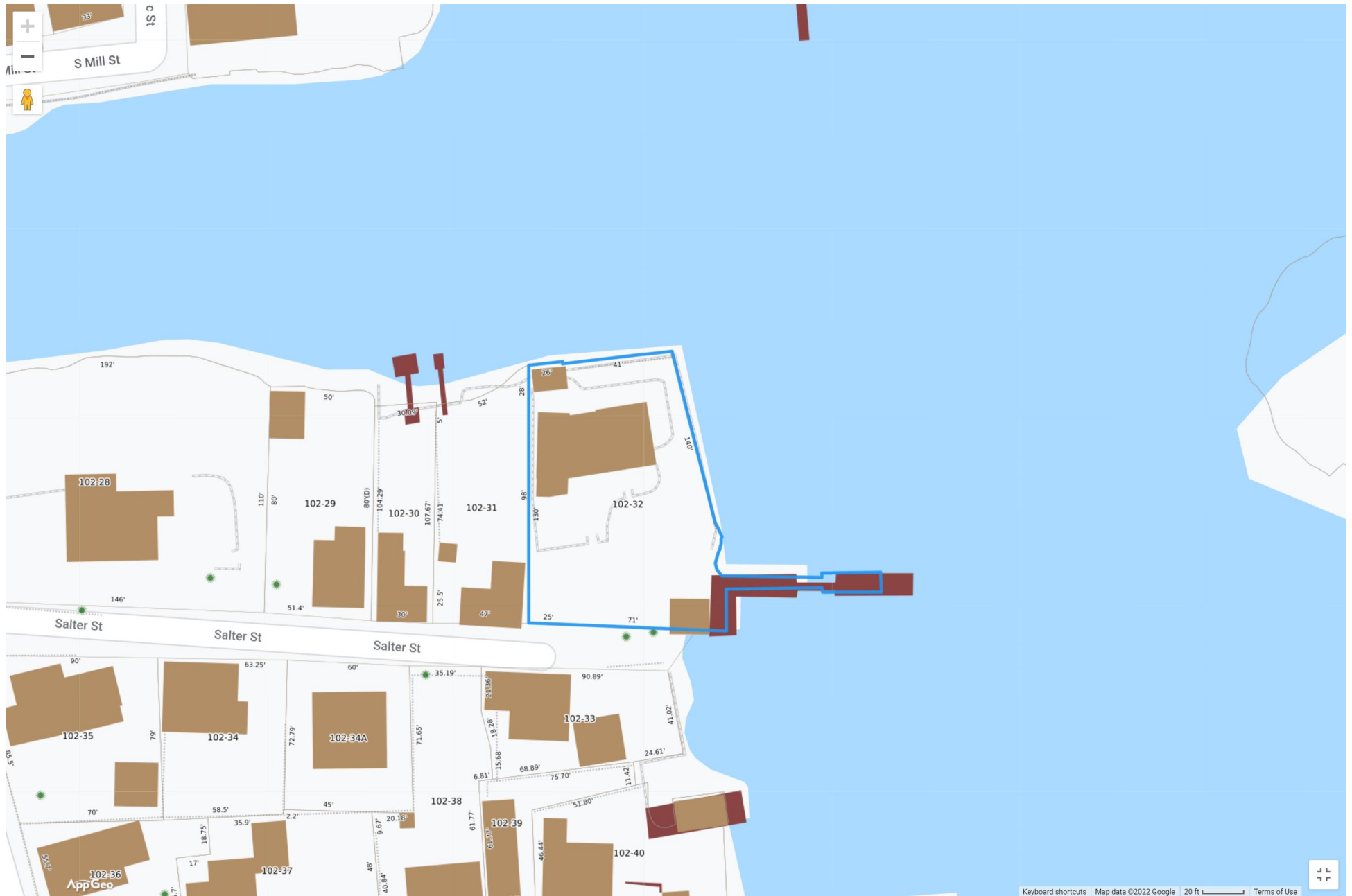
Aerial Photograph – 57 Salter Street, Portsmouth, NH



EXHIBIT J

**Thompson Application for Urbanized Shoreland Exemption
City of Portsmouth Assessing Tax Maps – 57 Salter Street
Map 102, Lot 0032**

City of Portsmouth Tax Maps – 57 Salter Street – Map 102, Lot 0032



City of Portsmouth Tax Maps – 57 Salter Street – Map 102, Lot 0032



City of Portsmouth Tax Maps – 57 Salter Street – Map 102, Lot 0032



Margot and Edward Thompson**Application to the City of Portsmouth for an Urbanized Shoreland Exemption****57 Salter Street, Tax Map #102, Lot #32**

1. Project Information and Location: The project is the renovation of a building located at 57 Salter Street, Portsmouth, Tax Map #102, Lot #32. The building is Unit 1 of the Point of View Condominium. Grant of the Urbanized Shoreland Exemption will provide relief from certain requirements of the Shoreland Water Quality Protection Act and allow the Thompsons to resolve an outstanding appeal pending with the Wetlands Council. Application for this exemption is being done at the recommendation of NHDES. An application was made to the Portsmouth City Council on April 25, 2022. The full application was sent to the City Council with copy to the Planning Board. On May 2, 2022 the Council subsequently referred this matter to the Portsmouth Planning Board for a recommendation.

2. Building and Permitting History:

There are two buildings on the Property – a larger residence once the primary home of the Thompsons for over 32 years, and a smaller building formerly used for commercial use. The smaller commercial building was constructed in 1963 as a shop to build and repair lobster and fishing boats. The building is a two-story building consisting of approximately 640 square feet, cantilevered approximately 5 feet over the water with the majority of the building located on land, containing at the time electricity, water, wood heat and a telephone (hereinafter “Unit 1”). On June 27, 1990, the Thompsons purchased the Property, which also contained the larger residential structure they used as their primary residence (now Unit 2). In February 1991 the Thompsons appeared before the City of Portsmouth Historic District Commission (“HDC”) to request permission to remediate and renovate Unit 1, and modify its use from a boat repair shop to office space. The City of Portsmouth granted that approval, and Unit 1 was renovated to add a city sanitary sewer connection. The building had existing city water, natural gas, electric and telephone service connections. At that time, Unit 1 was zoned for Waterfront Business use by the City, and there was no change in zoning use with the 1991 approval. In November 2018, the Thompsons submitted an application to the City of Portsmouth’s Zoning Board of Adjustment (“ZBA”) to renovate Unit 1 to convert it to residential use. The renovation included the relocation of stairs to the second level, the addition of a dormer and two 19 square foot entrance overhangs, and a change of use for the building from Waterfront Business to Residential Use. On December 18, 2018, the ZBA approved the application for these changes, including the change in use to residential. The Thompsons also received two wetlands permits issued by NHDES for the proposed renovations to Unit 1 in July 2019 (2019-01730) and July 2020 (2020-1252).

Relevant Permits:

1. Building Permit No. 4459 – April 18, 1991
2. Portsmouth Certificate of Occupancy – August 30, 1991
3. Zoning Board of Adjustment Decision Change of Use – December 18, 2018
3. Building Permit No. 35117 – August 20, 2019
4. NHDES Wetlands and Non-Site Specific Permit 2019-01730 – July 10, 2019
5. NHDES Wetlands and Non-Site Specific Permit 2020-01252 – July 20, 2020

3. Applicable State Regulations Related to the Project:

RSA 483-B:12 – Urbanized Shoreland Exemption – RSA 483-B:12, the City of Portsmouth may in its discretion apply for an Urbanized Shoreland Exemption for the property if it finds that “special local urbanization conditions as defined in RSA 483-B:4, XXV, exist in the protected shoreland for which the exemption is sought.” See also Env-Wq 1410.02(a).

RSA 483-B:4, XXV – Definition of “Urbanization” - means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for residential, commercial, industrial, or mixed uses such that it contributed to or constitutes the municipality’s downtown, community center, or central business district and wherein all vegetative buffers have been depleted, impervious surfaces are in excess of 50 percent, and residential uses are of at least 10 dwelling units per acre.

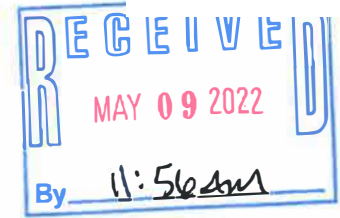
RSA 482-B:26 – prohibitions on buildings over water.

RSA 483-B:9, II(b) – primary structure 50’ setback from the reference line.

RSA 483-B:9, V(e) – minimum lot requirements for shoreland properties.

4. **Specific Request** - That the Planning Board recommend to the City Council to apply for an Urbanized Shoreland Exemption for Lot 32, Tax Map 102 (57 Salter Street) which will provide the Thompsons relief from the Shoreland Water Quality Protection Act allowing them to complete renovation of the building maintenance of the building as a primary residence (RSA 483-B:9 and 483-B:9). Because of the hardship that otherwise will befall the Thompsons if the application is not forwarded, the limited nature of this request, the lack of impact to the water quality of the Piscataqua River, and the other evidence submitted with the application showing the property meets the definition of urbanization, we urge the Portsmouth Planning Board to favorably recommend that the City Council approve the request and apply for an urbanized shoreland exemption for 57 Salter Street. The application is made to the NH Office of Strategic Initiatives which makes a recommendation to the Commissioner of the NH Department of Environmental Services. The Commissioner then makes a recommendation to the Governor and Governor’s Executive Council which ultimately approves the exemption. Upon grant of an exemption, the Thompsons would work with NHDES to resolve the appeal and relocate the building approximately 5 feet so it is no longer located over the Piscataqua River and would resolve any conflicts with RSA 483-A:26.

Daniel Posternak
57 Salter Street
Portsmouth, NH 03801



VIA ELECTRONIC MAIL

May 3, 2022

City of Portsmouth Planning Board
C/O: Beverly M. Zendt, Planning Director
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth, NH 03801

RE: Margot Thompson and Edward Thompson -
Application for Urbanized Shoreland Exemption – 57
Salter Street, Tax Map #102, Lot #32
May 19, 2022 Planning Board Meeting

Dear Planning Board Members:

My wife and I are owners of Unit 2 of the Point of View Condominium Association located at 57 Salter Street, Tax Map #102, Lot #32 in the City of Portsmouth. We have owned and resided in our home since October 2020, which is located on the same lot as the Thompsons' Unit 1 building. We reviewed the application and discussed this matter with the Thompsons. We understand that the Thompsons' application was referred by the City Council on May 2, 2022 to the Planning Board for consideration at the May 19, 2022 meeting.

We support their Application for Urbanized Shoreland Exemption and ask that the Portsmouth Planning Board favorably recommend that the City Council submit an Application for Urbanized Shoreland Exemption to the NH Office of Strategic Initiatives for 57 Salter Street. We believe a favorable recommendation, submission of an application by the City and eventual grant of the exemption will allow the Thompsons to resolve an outstanding appeal with NHDES. Once resolved, the Thompsons can then take the necessary steps to complete renovations of Unit 1 for their use and enjoyment.

If you have any questions, I can be reached at dan@roundaboutdiner.com. Thank you for your time and consideration.

CM Action Item #3

Sincerely,

A handwritten signature in purple ink, appearing to read "Dan Posternak". The signature is stylized and written over the printed name.

Daniel Posternak

From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: Margot & Ed Thompson
Date: Tuesday, May 17, 2022 1:10:39 PM

From: Glenn Normandeau [<mailto:glennnormandeau@gmail.com>]
Sent: Monday, May 16, 2022 3:25 PM
To: Beverly M. Zendt <bmzendt@cityofportsmouth.com>
Subject: Margot & Ed Thompson

Dear Ms. Zendt,

This is a quick note in support of Margot & Ned Thompson's request for an Urbanized Shoreland Exemption. I have know them for many years and their property clearly visible to me across the water from mine at 7,9, & 15 Pickering Avenue. I hope this process can be carried expeditiously as they have been trying to this project for a considerable time and at considerable cost. Thank you for your consideration. I am happy to discuss this further if you have any questions.

Glenn Normandeau
15 Pickering Avenue
Portsmouth, NH 03801

603-235-3212

glennnormandeau@gmail.com



CITY OF PORTSMOUTH

CITY COUNCIL POLICY No. 2010 - 02

POLICY REGARDING SIDEWALKS AND DRIVEWAY APRONS

WHEREAS, there are aesthetic and cost concerns regarding any municipal decision to construct, repair or replace sidewalks using either brick or concrete; and

WHEREAS, the determination of the materials to be used in sidewalk construction repair and replacement must be made early in the design and engineering process in order to accommodate the City's bidding and contractual policies; and

WHEREAS, a request for a variance from this sidewalk policy regarding standard materials and typical sidewalk and driveway details (Exhibit B) will be made to the Director of Public Works; and

WHEREAS, there may be additional costs for variances from this policy that will be paid by the benefiting parties.

NOW THEREFORE, the City Council adopts the following policy:

- A. Whenever sidewalks are constructed, repaired or replaced in the City the following shall apply:
1. Sidewalks within the Historic District will be brick, with the exception of the following streets which will be concrete:
 - a. Islington Street,
 - b. New Castle Avenue east of Marcy Street,
 - c. Middle Street and Lafayette Road south of Aldrich Road; and
 - d. All streets west of the easterly shore of the North Mill Pond, with the exception of Nobles Island.

(All as shown on Exhibit A attached hereto.)
 2. Sidewalk material for sidewalks located outside the Historic District which have historically been brick will be determined by vote of the City Council.
 3. Where a sidewalk is located both within the Historic District and outside of the Historic District, the relative portion of the sidewalk that is greater in length shall determine whether the sidewalk shall be brick or concrete.

4. The preferred standard material for all other sidewalks will be concrete.
5. Driveway aprons in the City shall be continuous bituminous asphalt from the edge of road to property line. Sidewalks, if any, shall terminate on either side of driveway apron.

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

Adopted by the Portsmouth City Council on **May 17, 2010**.
Ratified by the Portsmouth City Council on January 17, 2012.
Ratified by the Portsmouth City Council on January 13, 2014.
Amended by the Portsmouth City Council on January 20, 2015.
Ratified by the Portsmouth City Council on January 11, 2016.
Ratified by the Portsmouth City Council on January 16, 2018.
Ratified by the Portsmouth City Council on January 8, 2020.
Ratified by the Portsmouth City Council on January 24, 2022.

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

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

RESOLUTION # XX – 2022

**A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR
NOTES OF UP TO THREE MILLION ONE HUNDRED
THOUSAND DOLLARS (\$3,100,000) FOR COSTS RELATED TO
SCHOOL FACILITIES IMPROVEMENTS AND ELEMENTARY
SCHOOL UPGRADES.**

RESOLVED:

THAT, the sum of up to **Three Million One Hundred Thousand Dollars (\$3,100,000)** is appropriated for School Facilities Improvements and Elementary School Upgrades, including the payment of costs incidental or related thereto.

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Three Million One Hundred Thousand Dollars (\$3,100,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least twenty (20) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

BI-07-SC-11: School Facilities Capital Improvements

Department	School Department
Project Location	District Wide
Project Type	Rehabilitation of Existing Facilities
Commence FY	Ongoing
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Minimal (\$5,002 to \$50,000)



Description: The Portsmouth School Department has maintenance responsibilities for seven (7) buildings and the grounds that accompany them. These appropriations are used for buildings and grounds improvement projects including paving, roofing, energy efficiency improvements, infrastructure replacement, and security improvements.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- [Portsmouth School Department Homepage](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

- 1) Removes \$2.5 million from FY23 for Sherburne School and introduces that as a separate project with need in FY25
- 2) Escalates \$800,000 from FY25 to FY23 for replacement of artificial turf at Portsmouth High School
- 3) Adds additional \$800,000 in FY23 for replacement of tennis courts at Portsmouth High School

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,600,000	\$1,000,000			\$1,000,000		\$3,600,000	\$1,500,000	\$5,100,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$1,600,000	\$1,000,000	\$0	\$0	\$1,000,000	\$0	\$3,600,000	\$1,500,000	\$5,100,000

BI-07-SC-11: SCHOOL FACILITIES CAPITAL IMPROVEMENTS

Facility/School	Improvement Project	FY23	FY24	FY25	FY26	FY27	FY28	Totals
District Wide	Paving and Playground Work					\$350,000		\$350,000
District Wide	Roof Replacement					\$300,000		\$300,000
High School	Athletic Complex Upgrades (Irrigation, Infrastructure)					\$200,000		\$200,000
High School	Mechanical Infrastructure Upgrades		\$500,000					\$500,000
District Wide	Flooring Replacement					\$50,000		\$50,000
District Wide	Energy Efficiency Upgrades Lighting/Mechanical		\$500,000			\$100,000		\$600,000
R.J. Lister Academy	Life Safety, Security and Mechanical Infrastructure							\$0
High School	Artificial Turf Field Surface Replacement	\$800,000						\$800,000
High School	Tennis Court Replacement	\$800,000						\$800,000
Total District Wide City Capital Improvement		\$0	\$500,000	\$0	\$0	\$800,000	\$0	\$1,300,000
Total High School Capital Improvement		\$1,600,000	\$500,000	\$0	\$0	\$200,000	\$0	\$2,300,000
Total R.J. Lister Academy Capital Improvement		\$0	\$0	\$0	\$0	\$0	\$0	\$0
TOTAL IMPROVEMENTS		\$1,600,000	\$1,000,000	\$0	\$0	\$1,000,000	\$0	\$3,600,000

BI-08-SC-12: Elementary Schools Upgrade

Department	School Department
Project Location	Elementary Schools
Project Type	Rehabilitation of an Existing Facilities
Commence FY	2016
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,002 to \$50,000)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This appropriation continues upgrading of the infrastructure of our Elementary Schools. Work in 2023 will focus on repair and replacement of exterior windows at Dondero and Little Harbour Elementary Schools. Comprehensive renovation of the New Franklin interior is projected for 2026 and will also address accessibility issues, upgrades to entrance security, and building storage needs.

Studies Identified & Useful Website Links:

- [Portsmouth School Department Homepage](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	1%							\$0	\$200,000	\$200,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	99%	\$1,500,000			\$5,000,000			\$6,500,000	\$18,100,000	\$24,600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,500,000	\$0	\$0	\$5,000,000	\$0	\$0	\$6,500,000	\$18,300,000	\$24,800,000

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

RESOLUTION # – 2022

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF UP TO NINE MILLION FIVE HUNDRED FIVE THOUSAND DOLLARS (\$9,505,000) FOR COSTS RELATED TO POLICE FACILITY DEFICIENCIES IMPROVEMENTS, OUTDOOR POOL AQUATICS UPGRADE AND POOL HOUSE, CITYWIDE FUEL STATION UPGRADES, GREENLAND ROAD RECREATION FACILITY (SKATEBOARD PARK), CITYWIDE FACILITIES, AERIAL UTILITIES UNDERGROUNDING AND BARLETT STREET IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to **Nine Million Five Hundred Five Thousand Dollars (\$9,505,000)** is appropriated for Police Facility Deficiencies Improvements, Outdoor Pool Aquatics Upgrade and Pool House, Citywide Fuel Station Upgrades, Greenland Road Recreation Facility (Skateboard Park) , Citywide Facilities, Aerial Utilities Undergrounding and Bartlett Street Improvements, including the payment of costs incidental or related thereto;

THAT, to meet this appropriation, the City Treasurer, with the approval of the City Manager, is authorized to borrow, on a competitive or negotiated basis, up to **Nine Million Five Hundred Five Thousand Dollars (\$9,505,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act;

THAT, the expected useful life of the projects is determined to be at least twenty (20) years, and;

THAT, this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

BI-21-PD-10: Police Deficiencies & Repair Project

Department	Police Department
Project Location	Police Department
Project Type	Rehabilitation of a Facility
Commence FY	2021
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: A 2014 space needs study of the police facility identified deficiencies in space allocated to the police department as well as deficiencies in function. In addition, a 2018 public presentation provided insight into some of the unique needs and requirements of a police facility. Although a funding request for a new facility has been included in the CIP plan since the space needs study was completed, other citywide projects have had to be prioritized. A new police facility is still the goal. Over the years, the current facility has fallen into disrepair, and the space needed for staff and police functions is overcrowded, insufficient, and inefficient. Major overhauls of multiple areas are needed including, but not limited to: security, ADA compliance, IT infrastructure and control room, evidence processing and submittal areas, restructure and renovation of detectives, restructure and renovation of all locker rooms, temperature and humidity control in specified areas, equipment storage, archive space upgrades, additional garage/vehicle evidence bays, upgrades to walls, lighting and flooring-to include asbestos abatement and paint, electrical, and plumbing upgrades. Although space and operational efficiencies will still be a major issue, as defined in the space needs study, this project addresses immediate facility deficiencies until a new police facility is approved. The police were allocated 400K in FY21 and in FY22 to begin addressing these issues. However, due to the mold and asbestos remediation of the police facility and city hall building HVAC issues, including in the police department, the focus on the deficiencies detailed in FY21 and FY22 have only been partially addressed, with most of the projects delayed to FY23. The 400K in FY23 will focus on ADA, IT Control Room, Locker Rooms, security, and storage issues.

Studies Identified & Useful Website Links:

- [Police Department Facility Study](#)
- [Portsmouth Police Department Homepage](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$400,000	\$400,000	\$400,000	\$400,000			\$1,600,000	\$800,000	\$2,400,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$400,000	\$400,000	\$400,000	\$400,000	\$0	\$0	\$1,600,000	\$800,000	\$2,400,000

BI-20-RC-25: Greenland Road Recreation Facility

Department	Recreation Department
Project Location	Route 33
Project Type	Construction or expansion of a public facility, street or utility
Commence FY	2023
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Moderate (\$50,001 to \$100,000)



Description: Project will be a phased build out of the Stump Dump lot Master Plan. Phase I would include a skatepark, pump track, parking and field. This would also be the main access point to the NH Seacoast Greenway Route (Rail Trail). Additional phases to include walking paths, playground, additional parking, lighting and field upgrades.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

- Studies Identified & Useful Website Links:
- [Skatepark/ Stump Dump Site Design](#)
 - [Comprehensive Recreation Needs Study 2010](#)
 - 2015 Recreation Field Report
 - [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

Funding moved forward due to City Council motion to build skatepark and field and feasibility work started. Originally - monies in FY25 @ \$500,000 Project was formerly funded under the PW Department (PY number BI-12-PW-23)

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	2%	\$200,000						\$200,000	\$0	\$200,000
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	95%		\$1,805,000				\$6,200,000	\$8,005,000	\$0	\$8,005,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP (Donations)	2%		\$195,000					\$195,000	\$0	\$195,000
Totals		\$200,000	\$2,000,000	\$0	\$0	\$0	\$6,200,000	\$8,400,000	\$0	\$8,400,000

BI-15-RC-28: Outdoor Pool Aquatics Upgrade and Pool House

Department	Recreation Department
Project Location	99 Pierce Island Road
Project Type	Rehabilitation of a Facility
Commence FY	2019
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Minimal (\$5,001 to \$50,000)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project will be constructed in several phases. The first phase will include upgrades to the pool filter, liner, and pump house. The next phase will include the construction of a new pool house.

Studies Identified & Useful Website Links:

- [Outdoor Pool Page](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

In previous years, funding was directed for maintenance and upgrades to the pool itself. In FY22, this project was mainly for the construction of a new pool house. It is being changed to reflect the immediate need for aquatics upgrade in FY23.

The new pool house may / may not be constructed in future years depending on available funding.

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$2,000,000					\$2,500,000	\$4,500,000	\$3,100,000	\$7,600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$2,000,000	\$0	\$0	\$0	\$0	\$2,500,000	\$4,500,000	\$3,100,000	\$7,600,000

BI-23-PW-35: City Fuel Station Upgrades

Department	Public Works Department
Project Location	680 Peverly Hill Road
Project Type	Rehabilitation of an Existing Facilities
Commence FY	2022
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	



Description: Replacement of the fuel station at the DPW including replacement of the underground fuel storage tanks, fuel dispenser island, fuel dispensers, canopy, and telemetry system. Existing fuel tanks have reached the end of their useful lifespan.

Studies Identified & Useful Website Links:

- Conceptual Design Report DPW Fuel Station Upgrade

Notes of Changes in Funding Plan from FY22-27 CIP:

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 22-27	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,000,000						\$1,000,000	\$0	\$1,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,000,000	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$0	\$1,000,000

BI-01-PW-42: Citywide Facilities Capital Improvements

Department	Public Works Department
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: The Public Works Department is responsible for maintaining all General Fund municipal facilities. These facilities serve multiple uses. Many facilities need to be updated due to age and usage. A backlog of projects is shown on the next page.

Studies Identified & Useful Website Links:

- [Facility Condition Assessment 2015](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

Funding increased because of high priority needs. See listing attached.

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$1,000,000	\$500,000	\$500,000	\$1,000,000	\$500,000	\$500,000	\$4,000,000	\$2,000,000	\$6,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$1,000,000	\$500,000	\$500,000	\$1,000,000	\$500,000	\$500,000	\$4,000,000	\$2,000,000	\$6,000,000

BI-01-PW-42 : Citywide Facilities Capital Improvements

- Police Station Renovations And Abatement
- 95 Mechanic Street
- City Hall Archive
- City Hall Dept. Renovations
- City Hall Masonry Repointing And Sealing
- City Hall Slate Roof Repairs/Replacement
- City Hall New Carpet Throughout
- City Hall New Paint Throughout
- DPW Complex
- Cottage Basement / Drainage Project
- Library HVAC Controls
- South Meeting House
- Facilities Safety Inspection Action Items

BI-21-PW-43: Downtown Aerial Utilities Undergrounding

Department	Public Works Department
Project Location	Various
Project Type	Rehabilitation of a Facility
Commence FY	2023
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	Y
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: Opportunities to bury overhead utilities were identified with Eversource, the local utility company, during a citywide reliability and needs assessment meeting. These projects will bury overhead utilities from Fleet St at Hanover St to State St, as well as, Deer St at Market St to Bow St, Penhallow St, Daniel St to Market Square. In addition, these steps will enable the eventual removal of the power lines over North Mill Pond.

Studies Identified & Useful Website Links:

- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

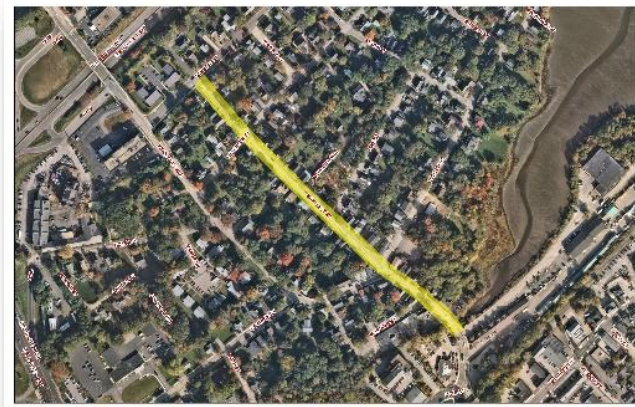
Notes of Changes in Funding Plan from FY22-27 CIP:

More money was added to this project because it will be in conjunction with Fleet Street project (COMBO).

		FY23	FY24	FY25	FY26	FY27	FY28	28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	67%	\$2,500,000			\$2,500,000			\$5,000,000	\$0	\$5,000,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	33%				\$2,500,000			\$2,500,000	\$0	\$2,500,000
	Totals	\$2,500,000	\$0	\$0	\$5,000,000	\$0	\$0	\$7,500,000	\$0	\$7,500,000

COM-23-PW-93: Bartlett Street

Department	Public Works Department
Project Location	Bartlett Street from Morning Street to Dennett Street
Project Type	Construction or expansion of a new public facility or public infrastructure
Commence FY	2023
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: This project includes reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway reconstruction, sidewalk replacement and replacement water and sewer mains.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

Notes of Changes in Funding Plan from FY22-27 CIP:

COM-23-PW-93: Bartlett Street

			FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Total Water Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Total Sewer Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Totals			\$2,400,000	\$0	\$0	\$0	\$0	\$0	\$2,400,000	\$0	\$2,400,000

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

RESOLUTION # XX-2022

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO TWO MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$2,150,000) RELATED TO WELL STATION IMPROVEMENTS, WATER STORAGE TANKS PAINTING, AND BARTLETT STREET IMPROVEMENTS.

RESOLVED:

THAT, the sum of up to **Two Million One Hundred Fifty Thousand Dollars (\$2,150,000)** is appropriated for Well Stations Improvements, Water Storage Tanks Painting, and Bartlett Street Improvements, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Two Million One Hundred Fifty Thousand Dollars (\$2,150,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

THAT the expected useful life of this project is determined to be at least thirty (30) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

EF-08-WD-78: Well Stations Improvements

Department	Public Works – Water Division
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Description: This project involves upgrades to existing well pump stations. Improvements include upgrades to premium efficiency motors, variable frequency drives, the radio telemetry and SCADA system. It also includes an evaluation of options to improve the efficiency of Collins Well and structural upgrades to the building.

Studies Identified & Useful Website Links:

- [Water System Master Plan 2013](#)
 - [Water Department](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	77%	\$1,000,000			\$700,000			\$1,700,000	\$0	\$1,700,000
Other	0%							\$0	\$0	\$0
Revenues	23%							\$0	\$500,000	\$500,000
PPP	0%							\$0	\$0	\$0
Totals		\$1,000,000	\$0	\$0	\$700,000	\$0	\$0	\$1,700,000	\$500,000	\$2,200,000

EF-20-WD-81: Water Storage Tanks Painting

Department	Public Works – Water Division
Project Location	Citywide
Project Type	Rehabilitation of a Facility
Commence FY	2021
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	



Description: The City owns and operates four water storage tanks. These facilities are inspected routinely for the condition of the interior and exterior finishes. Funding covers the costs to repaint the tanks when needed. FY23 funds will be used to repaint the Spinney Road tank.

Studies Identified & Useful Website Links:

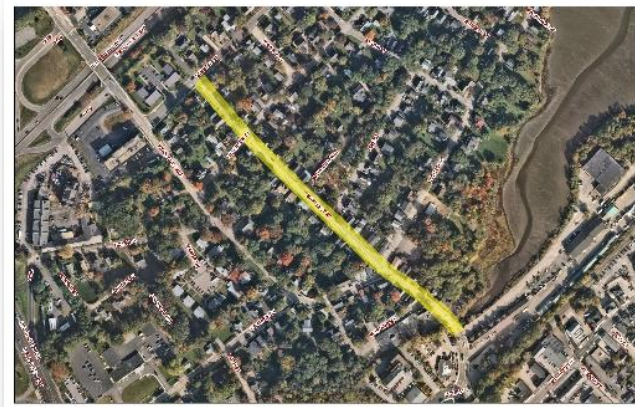
- [Water Department](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$350,000						\$350,000	\$850,000	\$1,200,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
	Totals	\$350,000	\$0	\$0	\$0	\$0	\$0	\$350,000	\$850,000	\$1,200,000

COM-23-PW-93: Bartlett Street

Department	Public Works Department
Project Location	Bartlett Street from Morning Street to Dennett Street
Project Type	Construction or expansion of a new public facility or public infrastructure
Commence FY	2023
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: This project includes reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway reconstruction, sidewalk replacement and replacement water and sewer mains.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

Notes of Changes in Funding Plan from FY22-27 CIP:

COM-23-PW-93: Bartlett Street

			FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Total Water Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Total Sewer Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Totals			\$2,400,000	\$0	\$0	\$0	\$0	\$0	\$2,400,000	\$0	\$2,400,000

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

RESOLUTION# - 2022

A RESOLUTION AUTHORIZING A BOND ISSUE AND/OR NOTES OF THE CITY UNDER THE MUNICIPAL FINANCE ACT AND/OR PARTICIPATION IN THE STATE REVOLVING FUND (SRF) LOAN OF UP TO SEVEN MILLION THREE HUNDRED FIFTY THOUSAND DOLLARS (\$7,350,000) FOR COSTS RELATED TO ANNUAL SEWER LINE REPLACEMENTS, PEASE WASTEWATER TREATMENT FACILITY, WASTEWATER PUMPING STATION IMPROVEMENTS, SEWER MAIN FOR SAGAMORE AVENUE AREA SEWER EXTENSION, BARTLETT STREET UPGRADES AND FLEET STREET UTILITIES UPGRADES.

RESOLVED:

THAT that the sum of up to **Seven Million Three Hundred Fifty Thousand Dollars (\$7,350,000)** is appropriated for Annual Sewerline Replacements, Pease Wastewater Treatment Facility, Wastewater Pumping Station, Sewer Main for Sagamore Avenue Sewer Extension, Bartlett Street Upgrades and Fleet Street Utilities Upgrade and Streetscape, including the payment of costs incidental or related thereto;

To meet this appropriation, the City Treasurer, with the approval of the City Manager is authorized to borrow, on a competitive or negotiated basis, up to **Seven Million Three Hundred Fifty Thousand Dollars (\$7,350,000)** through the issuance of bonds and/or notes of the City under the Municipal Finance Act and/or a loan program offered through the State of New Hampshire Department of Environmental Services, identified as the State Revolving Fund Loan.

THAT the expected useful life of the project is determined to be at least thirty (30) years, and;

THAT this Resolution shall take effect upon its passage.

APPROVED:

DEAGLAN MCEACHERN, MAYOR

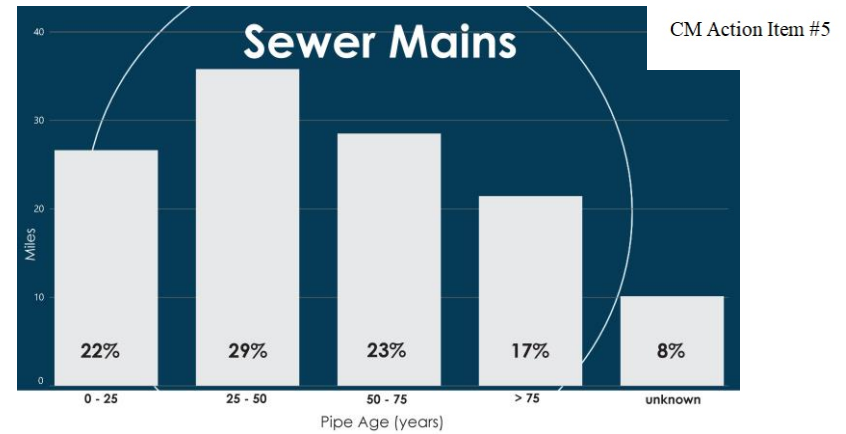
ADOPTED BY CITY COUNCIL

**KELLI BARNABY, CMC/CNHMC
CITY CLERK**

EF-12-SD-84: Annual Sewer Line Replacement

Department	Public Works – Sewer Division
Project Location	Citywide
Project Type	Upgrade of Existing Facilities
Commence FY	Ongoing
Priority	O (Ongoing or Programmatic)
Impact on Operating Budget	Negligible (<\$5,001)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	Y
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	



Description: The wastewater collection system consists of more than 120 miles of pipe. Many of the older pipes are 50 to 100 years old, undersized and at the end of their design life. Pipes are replaced programmatically as part of sewer specific capital projects, roadway reconstruction and prior to annual paving. This item will fund the purchase of pipes and associated materials used to replace those pipes.

Studies Identified & Useful Website Links:

- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

Added \$500,000 in FY23 to reduce the projected funding gap for projects.

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	88%	\$500,000	\$1,000,000		\$1,000,000		\$1,000,000	\$3,500,000	\$7,500,000	\$11,000,000
Other	0%							\$0	\$0	\$0
Revenues	12%							\$0	\$1,500,000	\$1,500,000
PPP	0%							\$0	\$0	\$0
Totals		\$500,000	\$1,000,000	\$0	\$1,000,000	\$0	\$1,000,000	\$3,500,000	\$9,000,000	\$12,500,000

EF-12-SD-85: Pease Wastewater Treatment Facility

Department	Public Works – Sewer Division
Project Location	Pease WWTF at Corporate Dr
Project Type	Upgrade of Existing Facilities
Commence FY	2022
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	High (\$100,000 or more)

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	Y
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	Y

Description: The Pease treatment facility was original cons CM Action Item #5 1950's and was upgraded in the 1990's. Selected upgrades completed since the 1990's with the Headworks and primary clarifier project completed in 2021, but much of the facility has exceeded its useful lifespan and is in need of replacement. The City is also planning for a potential increase in design flow rate from 1.2 million gallons per day to 1.77 million gallons per day. This increase in flow rate at the treatment facility will support the build out of the Pease International Tradeport and provide capacity at the treatment facility for Tradeport tenants including Lonza Biologics' proposed expansion. Planning for this upgrade has begun but full design and construction will not take place until the details of an updated permit are provided by the EPA. The costs and timing of this work is dependent upon the issuance of that permit and future policy decisions regarding cost apportionment. Cost provided in the previous FY22 element sheet was a placeholder and have been updated based on similar projects of this size, scope and recent cost increases. Funding under the bond category represent the costs to design and construct replacement for aged equipment and other upgrades for the existing facility. Funding under the PPP category represent costs for an increase in capacity. Costs are conceptual and will be refined as studies and design moves forward. Updated information will be presented to City Council before any decisions are made.

Studies Identified & Useful Website Links:

- [Pease Wastewater Facility NPDES Permit Renewal 2019](#)
 - [Pease Wastewater Treatment Facility](#)
 - [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

Project costs updated based on costs for upgrades at similar facilities.

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	4%		\$2,500,000					\$2,500,000	\$0	\$2,500,000
Bond/ Lease	47%	\$550,000	\$19,800,000					\$20,350,000	\$9,250,000	\$29,600,000
Other	0%							\$0	\$0	\$0
Revenues	1%							\$0	\$850,000	\$850,000
PPP	48%	\$3,000,000	\$27,200,000					\$30,200,000	\$0	\$30,200,000
	Totals	\$3,550,000	\$49,500,000	\$0	\$0	\$0	\$0	\$53,050,000	\$10,100,000	\$63,150,000

EF-17-SD-88: Wastewater Pumping Station Improvements

Department	Public Works – Sewer Division
Project Location	Citywide
Project Type	Rehabilitation of Existing Facility
Commence FY	Ongoing
Priority	O (ongoing or programmatic)
Impact on Operating Budget	Negligible (<\$5,001)



Description: The City owns and operates twenty (20) wastewater pumping stations. The projected life span of a pumping station is twenty (20) years. This project plans for the replacement or major rehabilitation of pumping stations and/or force mains that have not been included as separate projects in the CIP. The work will generally follow the recommendations detailed in the Wastewater Pumping Station Master Plan dated 2019.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

- [Wastewater Pump Station Master Plan 2019](#)
- [Projects Page – Department of Public Works](#)
 - [Wastewater Pumping Stations Page](#)
 - [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	96%	\$800,000		\$500,000		\$500,000		\$1,800,000	\$4,600,000	\$6,400,000
Other	0%							\$0	\$0	\$0
Revenues	4%							\$0	\$250,000	\$250,000
PPP	0%							\$0	\$0	\$0
	Totals	\$800,000	\$0	\$500,000	\$0	\$500,000	\$0	\$1,800,000	\$4,850,000	\$6,650,000

EF-23-SD-90: Sewer Main for Sagamore Avenue Area Sewer Extension

Department	Public Works – Sewer Division
Project Location	Sagamore Avenue Area
Project Type	Construction or Expansion of a Public Facility, Street, or Utility
Commence FY	2023
Priority	A (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,000)



Description: The Sagamore Avenue Area Sewer Project was previously funded in the amount of \$4.4M under CIP Item EF-18-SD-93 titled Consent Decree Mitigation. The project is required as part of the Second Modification of the City's 2009 Consent Decree with the EPA. After receiving bids in August 2021 it was determined the project did not have adequate funding. The project was re-packaged (base bid for sewer mains north of Sagamore Creek) and re-bid in 2021 to advance the project within the limits of the original funding. This item funds the additional costs for the project so that the sewer main can be constructed within the project area south of Sagamore Creek.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	Y
Responds to a Citywide Goal or Submitted Resident Request	

- Studies Identified & Useful Website Links:
- Consent Decree Second Modification.

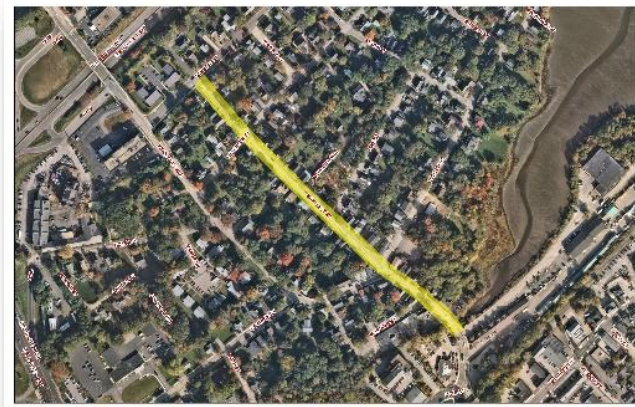
Notes of Changes in Funding Plan from FY22-27 CIP:
 Adds funds to the project to cover cost deficit determined after the project was originally bid August 2021.

		FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
GF	0%							\$0	\$0	\$0
Fed/ State	0%							\$0	\$0	\$0
Bond/ Lease	100%	\$2,200,000						\$2,200,000	\$4,400,000	\$6,600,000
Other	0%							\$0	\$0	\$0
Revenues	0%							\$0	\$0	\$0
PPP	0%							\$0	\$0	\$0
Totals		\$2,200,000	\$0	\$0	\$0	\$0	\$0	\$2,200,000	\$4,400,000	\$6,600,000

FY23 Request updated to \$2,500,000

COM-23-PW-93: Bartlett Street

Department	Public Works Department
Project Location	Bartlett Street from Morning Street to Dennett Street
Project Type	Construction or expansion of a new public facility or public infrastructure
Commence FY	2023
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Description: This project includes reconstruction of Bartlett Street from Cate Street to Dennett Street and Morning Street. Work will include roadway reconstruction, sidewalk replacement and replacement water and sewer mains.

Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	
Addresses Public Health or Safety Need	Y
Alleviates Substandard Conditions or Deficiencies	Y
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	Y
Provides Incentive to Economic Development	
Responds to a Citywide Goal or Submitted Resident Request	

Studies Identified & Useful Website Links:

Notes of Changes in Funding Plan from FY22-27 CIP:

COM-23-PW-93: Bartlett Street

			FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	33%	\$800,000						\$800,000	\$0	\$800,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Total Water Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Total Sewer Fund		33%	\$800,000	\$0	\$0	\$0	\$0	\$0	\$800,000	\$0	\$800,000
Totals			\$2,400,000	\$0	\$0	\$0	\$0	\$0	\$2,400,000	\$0	\$2,400,000

COM-20-PW-94: Fleet Street Utilities Upgrade and Streetscape

Department	Public Works Department
Project Location	Fleet Street
Project Type	Rehabilitation of a Facility
Commence FY	2020
Priority	A (needed (needed within 0 to 3 years)
Impact on Operating Budget	Negligible (<\$5,001)



Evaluation Criteria	Qualify?
Responds to Federal or State Requirement	Y
Addresses Public Health or Safety Need	
Alleviates Substandard Conditions or Deficiencies	
Eligible for Matching Funds with Limited Availability	
Timing or Location Coordinate with Synergistic Project	
Identified in Planning Document or Study	Y
Improves Quality of or Provides Added Capacity to Existing Services	Y
Reduces Long-Term Operating Costs	
Provides Incentive to Economic Development	Y
Responds to a Citywide Goal or Submitted Resident Request	

Description: The City is moving forward with a sewer separation project on Fleet Street. It is required through the City's Long Term Control Plan and Supplemental Compliance Plan. The project includes water, sewer, drainage upgrades along with full streetscape rework and other pedestrian enhancements. Funding for this work will come from the water and sewer enterprise funds and the general fund (property taxes).

FY24 funding is for construction of the improvements on Fleet Street from Hanover Street to Court Street as well as a potential expansion of the project limits as determined during the design. The expansion could include portions of Congress Street, State Street and Vaughn Mall. Downtown Aerial Utilities Underground (BI-21-PW-43) project is funded to bury the Fleet Street overhead utilities. Market Square Upgrade project (TSM-15-PW-61) will be coordinated with this project.

Studies Identified & Useful Website Links:

- [Long Term Control Plan Update 2010;](#)
- [CSO Supplemental Compliance Plan 2017Public Works Department](#)
- [FY22-FY27 CIP \(Prior Year\) Project Sheet](#)

Notes of Changes in Funding Plan from FY22-27 CIP:

Added funding to FY23 in order to design and construct a new drainage outfall to North Mill Pond, that is needed to accommodate separate drainage.

COM-20-PW-94: Fleet Street Utilities Upgrade and Streetscape

			FY23	FY24	FY25	FY26	FY27	FY28	Totals 23-28	6 PY's Funding	Totals
General Fund	Fed/ State	0%							\$0	\$0	\$0
	GF-Capital Outlay	0%							\$0	\$0	\$0
	GF-Bond/ Lease	23%		\$2,000,000					\$2,000,000	\$0	\$2,000,000
	Other	0%							\$0	\$0	\$0
	PPP	0%							\$0	\$0	\$0
Water	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	23%		\$2,000,000					\$2,000,000	\$0	\$2,000,000
	PPP	0%							\$0	\$0	\$0
Sewer	Revenues	0%							\$0	\$0	\$0
	Bond/Lease	53%	\$2,200,000	\$2,400,000					\$4,600,000	\$0	\$4,600,000
	PPP	0%							\$0	\$0	\$0
Total General Fund		23%	\$0	\$2,000,000	\$0	\$0	\$0	\$0	\$2,000,000	\$0	\$2,000,000
Total Water Fund		23%	\$0	\$2,000,000	\$0	\$0	\$0	\$0	\$2,000,000	\$0	\$2,000,000
Total Sewer Fund		53%	\$2,200,000	\$2,400,000	\$0	\$0	\$0	\$0	\$4,600,000	\$0	\$4,600,000
Totals			\$2,200,000	\$6,400,000	\$0	\$0	\$0	\$0	\$8,600,000	\$0	\$8,600,000

June 16, 2022

City Of Portsmouth
c/o City of Portsmouth Planning Department
Attention: Honorable Mayor McEachern
City of Portsmouth City Council
Portsmouth, NH 03801

Re: License Agreement 60 Penhallow Street
ENCM-20-21 Extension of License Agreement

Dear Honorable Mayor McEachern & City Council Members:

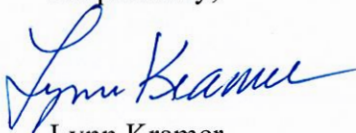
We hereby request an extension of the license agreement executed on July 20, 2020. This agreement was extended on February 22, 2021, August 2, 2021, and January 25, 2022, allowing McNabb Properties to utilize 1,740 square feet of sidewalk that abuts the Subject Property along Daniel Street and Penhallow Street, previously referred to as License Area 1 in the former agreement (less parking spaces). **General note:** The brickwork for the sidewalks along Daniel St and Penhallow St will be completed by July 3, 2022, which will allow these sidewalks to be open for public use. Long term parking along Daniel St and Penhallow St will not be required. No parking spots are included in this license extension. We are now requesting the following:

Area A Sidewalk along Penhallow (~800 SF): Area will have scaffolding erected to allow copper finishes to be applied to the building façade. This pass thru scaffolding will be erected to allow pedestrians to walk underneath, which will allow sidewalk to be opened for public use. Scaffolding within this area will be completed in sections. Total duration of scaffolding will be from July 4 thru August 26, 2022.

Area B Sidewalk along Daniel St (~940 SF): A section of this sidewalk will have scaffolding erected to allow for copper finishes to be applied to the building façade. This pass thru scaffolding will be erected to allow pedestrians to walk underneath, which will allow the sidewalk to be open for public use. Total duration of scaffolding will be from July 4 thru August 26, 2022.

All future disruptions for deliveries and minor work will be managed through flagging permits and or encumbrance permits per City of Portsmouth guidelines. A CMMP map outlining the areas defined above is included for your review and use. Should you have any questions concerning this above request, please do not hesitate to call.

Respectfully,



Lynn Kramer
Executive Vice President
McNabb Properties Ltd

Cc: File

Area A: 800 SF of City sidewalk

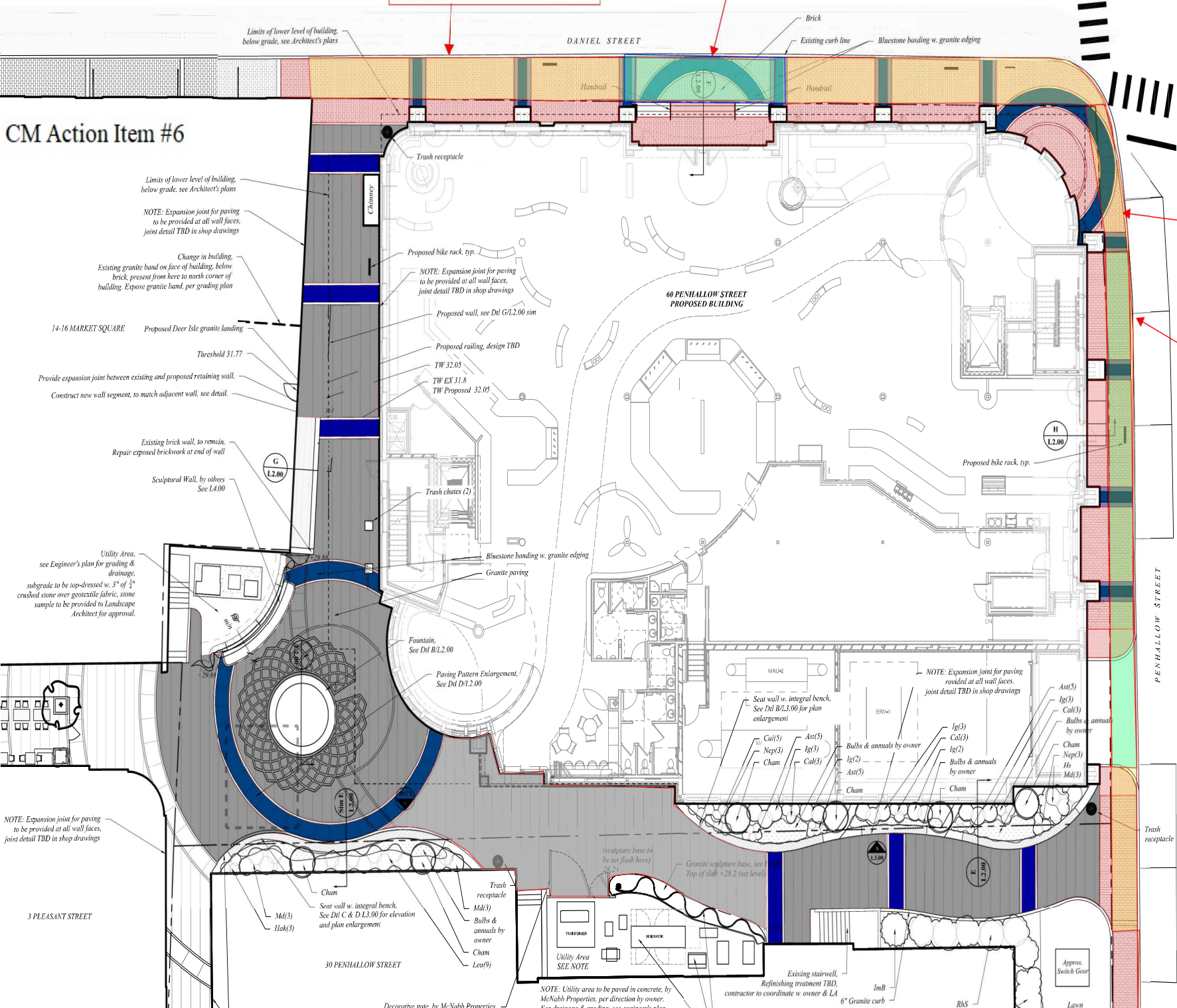
Scaffolding within Area A: 400 SF

Brick Market
60 PENHALLOW STREET LANDSCAPE PLAN
 Portsmouth, New Hampshire

Area B: 940 SF of City sidewalk

Scaffolding within Area B: 250 SF

CM Action Item #6



Limits of lower level of building, below grade, see Architect's plans
 NOTE: Expansion joint for paving to be provided at all wall faces, joint detail TBD in shop drawings

Change in building, Existing granite band on face of building, below brick, present from here to north corner of building. Expose granite band, per grading plan

14-16 MARKET SQUARE Proposed Deer Isle granite landing
 Threshold 31.77

Provide expansion joint between existing and proposed retaining wall.
 Construct new wall segment, to match adjacent wall, see detail.

Existing brick wall, to remain. Repair exposed brickwork at end of wall

Sculptural Wall, by others See L4.00

Utility Area, see Engineer's plan for grading & drainage, subgrade to be top-dressed w. 3" of 3/4" crushed stone over geotextile fabric, stone sample to be provided to Landscape Architect for approval.

NOTE: Expansion joint for paving to be provided at all wall faces, joint detail TBD in shop drawings

3 PLEASANT STREET
 Mid(5)
 Hak(3)

30 PENHALLOW STREET
 Cham
 Seat wall w. integral bench, See Dtl C & D.L3.00 for elevation and plan enlargement
 Trash receptacle
 Mh(3)
 Bulbs & annuals by owner
 Cham
 Leu(9)

Decorative gate, by McNabb Properties.

Trash receptacle

Proposed bike rack, typ.

NOTE: Expansion joint for paving to be provided at all wall faces, joint detail TBD in shop drawings

Proposed wall, see Dtl G/L2.00 sim

Proposed railing, design TBD
 TW 32.05
 TW EX 31.8
 TW Proposed 32.05

Trash chutes (2)

Bluestone banding w. granite edging
 Granite paving

Fountain, See Dtl B/L2.00

Paving Pattern Enlargement, See Dtl D/L2.00

Seat wall w. integral bench, See Dtl B/L3.00 for plan enlargement

Cal(5)
 Nep(3)
 Cham

Ast(5)
 Ig(3)
 Cal(5)

Bulbs & annuals by owner
 Ig(2)
 Bulbs & annuals by owner
 Ast(5)
 Cham

Trash receptacle
 Utility Area SEE NOTE

NOTE: Utility area to be paved in concrete, by McNabb Properties, per direction by owner. For drainage & grading, see engineer's plan.

Existing stairwell, Refinishing treatment TBD, contractor to coordinate w. owner & LA
 6" Granite curb
 imB
 BAS

Approx. Switch Gear
 Lawn

DANIEL STREET

Brick
 Existing curb line
 Bluestone banding w. granite edging

Handrail

60 PENHALLOW STREET PROPOSED BUILDING

Proposed bike rack, typ.

H L2.00

Penhallow Street

Trash receptacle

NOTE: Expansion joint for paving provided at all wall faces, joint detail TBD in shop drawings

ERV4

Cal(5)
 Nep(3)
 Cham

Ast(5)
 Ig(3)
 Cal(3)

Bulbs & annuals by owner
 Ig(2)
 Bulbs & annuals by owner
 Ast(5)
 Cham

Trash receptacle
 Utility Area SEE NOTE

NOTE: Utility area to be paved in concrete, by McNabb Properties, per direction by owner. For drainage & grading, see engineer's plan.

Existing stairwell, Refinishing treatment TBD, contractor to coordinate w. owner & LA
 6" Granite curb
 imB
 BAS

Approx. Switch Gear
 Lawn

DANIEL STREET

Brick
 Existing curb line
 Bluestone banding w. granite edging

Handrail

60 PENHALLOW STREET PROPOSED BUILDING

Proposed bike rack, typ.

H L2.00

Penhallow Street

Trash receptacle

NOTE: Expansion joint for paving provided at all wall faces, joint detail TBD in shop drawings

ERV4

Cal(5)
 Nep(3)
 Cham

Ast(5)
 Ig(3)
 Cal(3)

Bulbs & annuals by owner
 Ig(2)
 Bulbs & annuals by owner
 Ast(5)
 Cham

Trash receptacle
 Utility Area SEE NOTE

NOTE: Utility area to be paved in concrete, by McNabb Properties, per direction by owner. For drainage & grading, see engineer's plan.

Existing stairwell, Refinishing treatment TBD, contractor to coordinate w. owner & LA
 6" Granite curb
 imB
 BAS

Approx. Switch Gear
 Lawn

DANIEL STREET

Brick
 Existing curb line
 Bluestone banding w. granite edging

Handrail

60 PENHALLOW STREET PROPOSED BUILDING

Proposed bike rack, typ.

H L2.00

Penhallow Street

Trash receptacle

NOTE: Expansion joint for paving provided at all wall faces, joint detail TBD in shop drawings

ERV4

Cal(5)
 Nep(3)
 Cham

Ast(5)
 Ig(3)
 Cal(3)

Bulbs & annuals by owner
 Ig(2)
 Bulbs & annuals by owner
 Ast(5)
 Cham

Trash receptacle
 Utility Area SEE NOTE

NOTE: Utility area to be paved in concrete, by McNabb Properties, per direction by owner. For drainage & grading, see engineer's plan.

Existing stairwell, Refinishing treatment TBD, contractor to coordinate w. owner & LA
 6" Granite curb
 imB
 BAS

Approx. Switch Gear
 Lawn

LICENSE AGREEMENT
DAGNY TAGGART, LLC

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

1. **Areas of License and Use:** The Owner owns the land, with buildings and other improvements thereon, in the City of Portsmouth, Rockingham County, State of New Hampshire, located at 60 Penhallow Street, shown on the City of Portsmouth's Assessor's Map as Tax Map 0107-0027-000 ("Subject Property"). For the Owner's title to the Subject Property, see Rockingham County Registry of Deeds at Book 5990 Page 1703.

License Area A: The City authorizes Licensee to temporarily use 800 square feet of sidewalk that abuts the Subject Property along Penhallow Street more particularly described in the attached Exhibit A.

License Area B: The City authorizes Licensee to temporarily use 940 square feet of sidewalk that abuts the Subject Property along Daniel Street more particularly described in the attached Exhibit A.

2. **Use:** Licensee shall make use of the License Area for the purpose of facilitating the Licensee's construction of a four story building.

3. **Term:**

License Area A: The license for License Area A shall be for 54 consecutive days beginning July 4, 2022 and ending August 26, 2022.

License Area B: The license for License Area B shall be for 54 consecutive days beginning July 4, 2022 and ending August 26, 2022.

Licensee may terminate this License prior to the end of the term by returning License Area to safe and effective use by the public prior to the expiration of the term of this License. The Licensee shall contact the Director of Public Works for a determination that the License Area has

been temporarily returned to safe and effective use. Failure to remove all vehicles, barriers, materials and equipment and to return the License Area to the City in the manner prescribed under this License at the end of the term may result in enforcement action by the City.

4. **Notice:** Licensee shall provide notice to the City's Director of Public Works when Licensee assumes control and use of the License Area and again when it returns the License Area to the City's control and use.
5. **License Fees:** The Owner shall pay to the City license fees in accordance with City Council Policy No. 2018-02 entitled "License Fee for Encumbrance of City Property". The License Fee Policy provides that the Owner will be charged a daily fee of \$0.05 per square foot of encumbered sidewalk and \$50 per day per encumbered parking space.

License Area A: The License Area includes 800 square feet of sidewalks that abut the Subject Property along Penhallow Street. The fee of \$0.05 per 800 square feet per day is \$40. The total fee for 54 days is **\$2,160**.

Pass through staging will be erected over the sidewalk. When the public has access to License Area through pass through staging, license fees are typically waived.

License Area B: The License Area includes 940 square feet of sidewalks that abut the Subject Property along Daniel Street. The fee of \$0.05 per 940 square feet per day is \$47. The total fee for 54 days is **\$2,538**.

Pass through staging will be erected over the sidewalk. When the public has access to License Area through pass through staging, license fees are typically waived.

The total License Fees for License Areas A and B is **\$4,698**. If the Council votes to waive the License Fee for License Area A and B due to pass through staging, the total License Fee shall be **\$0**. The total License Fee shall be paid in full to the City in advance of the commencement of the term of this Agreement.

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

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

Owner is required to apply for separate Flagging Permits that are outside the scope of this License when closing roads that abut the Subject Property and shall advise abutters of all Flagging Permit applications in advance. Owner is also required to provide weekly updates to abutters regarding construction activity for the following week until the project is complete.
9. **Damage:** Licensee agrees to remedy any damage to the License Area caused by the Licensee's activities. The work will be performed by Licensee to City specifications and survive the terms of this License Agreement. The City may elect to accept reasonable reimbursement from the Licensee in lieu of remedy.
10. **Compliance with Other Laws:** This Agreement does not relieve Licensee from compliance with any other local, state or federal laws or regulations or conditions imposed by any local board. Failure to abide by any local, state or federal laws or regulations or any condition of site plan and may at the City's discretion, result in revocation.
11. **Revocation:** The City may terminate this Agreement or any provision contained in this agreement on 72 hours written notice if Licensee fails to meet the terms and conditions of this License or if the public interest requires such termination. No 72 hour written notification is required by the City if it is an emergency.
12. **Contractor and Subcontractor Parking:** Licensee understands and agrees that its contractors and subcontractors for the project shall not use

on-street parking. Contractors and subcontractors are prohibited from parking on Penhallow and Daniel Street for the duration of this construction project. It is the responsibility of Licensee to advise all contractors and subcontractors of this parking prohibition on Penhallow and Daniel Street. Language will be inserted in Licensee's vendors and suppliers Purchase Orders and Trade Subcontracts will make the prohibition mandatory against parking on City streets, specifically Penhallow and Daniel Street. The City will take action against contractors and subcontractors that violate this provision by parking on Penhallow and Daniel Street, including but not limited to parking enforcement actions and any and all remedies permitted by law. Contractor shall limit/ manage construction vehicles and deliveries to avoid disruption to businesses, particularly during the holiday season. Contractor may use loading zones for active loading and unloading of materials, equipment and tools. This provision survives the term of this License.

Dated this _____ day of _____, 2022

City of Portsmouth

By: _____
Karen Conard
City Manager

Pursuant to vote of the City Council
of _____

Dated this _____ day of _____, 2022.

Dagny Taggart, LLC

By: _____

GREENLAND RD

DWORTH AVE

PEVERLY HILL

A. Proposed Sage Lane

I. 3' wide right-of-way maintenance & utility easement for roadway maintenance & future utilities for the benefit of the City of Portsmouth

L. Retaining wall maintenance easement

K. Roadside vegetated buffer easement

J. Slope Easement for the benefit of the City of Portsmouth

G. Drainage Easement #1 for the benefit of the City of Portsmouth

H. Drainage Easement #2 for the benefit of the City of Portsmouth

E. Conservation Easement #1 for the benefit of the City of Portsmouth

D. Access & Drainage Easement #2 for the benefit of the City of Portsmouth

B. Public Pocket Park & Path Easement for the benefit of the Public

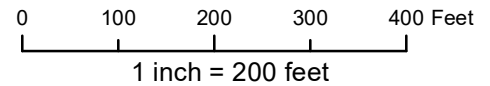
C. Access & Drainage Easement Area #1 for the benefit of the City of Portsmouth

F. Conservation Easement Area #2 for the benefit of the City of Portsmouth (71.04 AC in total)

LOCUS MAP

F. Conservation Easement Area #2 for the benefit of the City of Portsmouth (71.04 AC in total)

DISCLAIMER: The City of Portsmouth provides these Geographic Information System maps and data as a public information service. The maps and data provided are intended for informational purposes only. No guarantee or promise is made as to the accuracy of the maps and data and they should not be relied upon for any purpose other than general information.



Parson Woods Easment Plan

Map prepared by Portsmouth Department of Public Works

Printed: 6/15/2022

After recording return to:
City of Portsmouth
Planning Department
1 Junkins Ave
Portsmouth, NH 03801



EASEMENT FOR PUBLIC ACCESS AND USE OF COMMUNITY SPACE

THIS EASEMENT HEREIN IS GRANTED this ____ day of _____, 2022 by **PARSON WOODS INVESTMENTS, LLC**, a New Hampshire limited liability company having an address of 11 Lafayette Road, North Hampton, New Hampshire 03862 (the “Grantor”) and for consideration of One Dollar (\$1.00) paid by the City, and other good and valuable consideration, receipt of which is acknowledged by Grantor, grants unto the City of Portsmouth, a municipal corporation, 1 Junkins Avenue, Portsmouth, New Hampshire (the “City”) with warranty covenants, an easement for public access to and use of certain community space as set forth herein as a pedestrian path and pocket park.

WITNESSETH

WHEREAS, Grantor acquired a tract of land located at 83 Peverley Hill Road in the City of Portsmouth, County of Rockingham, State of New Hampshire (the “Property”), by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385; and

WHEREAS, reference is made to a plan entitled “Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” prepared by TFMoran, Inc., dated July 21, 2021 as revised, and recorded herewith at the Rockingham County Registry of Deeds (the “Easement Plan”); and

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00), to be paid by the City, and other good and valuable consideration, the receipt of which is hereby acknowledged by the Grantor, Grantor conveys the easement as follows, located in the City of Portsmouth, County of Rockingham, State of New Hampshire (the “Easement”):

The Grantor hereby grants to the City and declares for the benefit of the public a permanent right to use and enjoy, as identified on the Easement Plan as a “Public Pocket Park & Path Easement.”

The Easement granted herein shall be subject to the following terms and conditions:

1. **Terms of Public Use:** The Public Use permitted by the Easements shall be governed and determined at the sole discretion of the City, as expressed by the City Manager or the highest ranking administrative officer of the City, subject to the terms and conditions of these easement. The City shall provide reasonable notice to the Grantor of an extraordinary event to be scheduled for the easement areas but failure to do so shall not be a breach of these easements.
2. **Rights to Private Property:** This easement does not convey any right to the public to access or utilize the private property of the Grantor outside the easement areas. Grantor's use of the Easements shall be subject to and regulated through the City of Portsmouth's rules and ordinances governing public sidewalks.
3. **Maintenance:** Maintenance of the easement areas shall be the sole responsibility of the Grantor, its successors or assigns. The City shall have the right, but not the obligation, to access the easement areas for the purpose of maintenance, repair or replacement, after providing reasonable notice to the Grantor of the scope and cost of such work, all as reasonably determined by the City. Such maintenance costs incurred by the City shall be at the sole expense of the Grantor, its successors or assigns.
4. **Encroachments:** The Easements are subject to all existing encroachments of utilities and improvements on, over and under the Easements.
5. **Covenants Run with the Land:** The Easements granted herein shall be perpetual in nature, shall run with the land and shall benefit and be binding upon the Grantor, its successors and assigns. The Easements shall be recorded in the Rockingham County Registry of Deeds.
6. **City Ordinance Application:** Any use, public or private, of the Easements shall be subject to and comply with the City Ordinances of the City of Portsmouth.
7. **Notices:** Any notice, demand, request, or other communication that either party desires or is required to give to the other under this Easement shall be in writing and either served personally or sent by United States mail, postage prepaid, certified, return receipt requested, and shall be mailed to the parties at the following addresses:

To Grantor:

Parson Woods Investments, LLC
11 Lafayette Road
North Hampton, NH 03862

(or as listed and at the address shown on the City's current Tax Records)

To City:

City Manager (or the highest ranking administrative officer)
City of Portsmouth, New Hampshire
1 Junkins Avenue
Portsmouth, NH 03801

8. **Amendment:** Grantor and Grantee may mutually agree to amend or modify this Easement, provided that any such amendment or modification is approved by the City Council at a noticed public hearing, in writing and signed by both parties, and is consistent with the purpose and intent of the Zoning Ordinance. No amendment or modification of this Easement shall take effect unless and until it is recorded at the Rockingham County Registry of Deeds.
9. **Costs and Liabilities:** Grantor agrees to bear all costs and liabilities of any kind related to the operation, upkeep, and maintenance of the Property, and to defend, indemnify, hold harmless and release the City of Portsmouth, from and against any and all actions, claims, damages, liabilities, or expenses that may be asserted by any person or entity, including Grantor, relating thereto. Without limiting the foregoing, the City of Portsmouth shall not be liable to Grantor or any other person or entity in connection with any entry upon the Property pursuant to this Easement, or on account of any claim, liability, damage, or expense suffered or incurred by or threaten against Grantor or any other person or entity, except as such claim, liability, damage, or expense is the result of the City of Portsmouth's, its agents or employee's negligence or willful misconduct.
10. **Applicable Law:** These Easements shall be construed and interpreted according to the substantive law of the State of New Hampshire.
11. **Community Space Easement to Bind Successors:** The provisions of these Easements shall be binding upon and insure to the benefit of Grantor and its successors and assigns. The Easements shall be appurtenant to, and for the benefit of, Grantee and shall run with title to the Property and shall continue in perpetuity.

Meaning and intending to convey an easement over a portion of the Property conveyed to the Grantor by Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer pursuant to RSA 78-B:2(I).

IN WITNESS WHEREOF, Grantor and City have executed this Community Space Easement as set forth, below.

PARSON WOODS INVESTMENTS, LLC

By: _____
Richard W. Green, Manager

City of Portsmouth, New Hampshire

By: _____
Karen Conard, City Manager

Per vote of the City Council on _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on _____, 2022, by Richard W. Green, Manager of Parson Woods Investments, LLC.

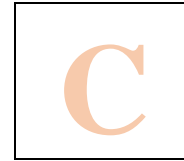
Notary Public:
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this ____ day of _____, 2022, before: me, the undersigned notary public, personally appeared Karen Conard, Manager of the City of Portsmouth New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as stated therein and voluntarily for its stated purpose.

Notary Public:
My Commission Expires:

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801



DRAINAGE EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the northwesterly side of Peverly Hill Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a drainage pipe, outfall and storm water flowage over the land of GRANTOR, being shown as “Access & Drainage Easement #1” on a plan entitled, “Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” dated July 21, 2021 with revision 1 dated 2/11/2022, prepared by TFMoran, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

The metes and bounds description of this easement will be determined by as-built locations following construction.

Containing 46,532 square feet more or less.

2. **Temporary Easement Area for Construction Purposes:** The Grantee shall have a temporary construction easement consisting of 5 –10 feet on either side of Easement Area as shown on the Plan for purposes of installing and maintaining a drainage pipe and outfall.
3. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a drainage pipe with its associated outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

- 4. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area and the Temporary Easement Area shall be back-filled and restored at the Grantee's expense.
- 5. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
- 6. **Personal Property.** It is agreed that the pipes and related facilities installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
- 7. **Easement to Run with Land:** All rights 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.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Drainage Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801



DRAINAGE EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the northwesterly side of Peverly Hill Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a drainage pipe, outfall and storm water flowage over the land of GRANTOR, being shown as “Access & Drainage Easement #2” on a plan entitled, “Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” dated July 21, 2021 with revision 1 dated 2/11/2022, prepared by TFMoran, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

The metes and bounds description of this easement will be determined by as-built locations following construction.

Containing 43,750 square feet more or less.

2. **Temporary Easement Area for Construction Purposes:** The Grantee shall have a temporary construction easement consisting of 5 –10 feet on either side of Easement Area as shown on the Plan for purposes of installing and maintaining a drainage pipe and outfall.
3. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a drainage pipe with its associated outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

- 4. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area and the Temporary Easement Area shall be back-filled and restored at the Grantee's expense.
- 5. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
- 6. **Personal Property.** It is agreed that the pipes and related facilities installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
- 7. **Easement to Run with Land:** All rights 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.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Drainage Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

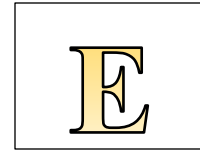
By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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



After recording return to:
City of Portsmouth
Planning Department
1 Junkins Avenue
Portsmouth, NH 03801

CONSERVATION EASEMENT DEED #1

Parson Woods Investments, LLC, a New Hampshire Limited Liability Company with a principal place of business at 11 Lafayette Road, North Hampton, New Hampshire 03862, (the "Grantor," which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs, successors and assigns), for consideration paid, with WARRANTY covenants, grants in perpetuity to **City of Portsmouth**, a municipal corporation having an address of 1 Junkins Avenue, Portsmouth, New Hampshire, (the "Grantee" which shall, unless the context clearly indicates otherwise, include the Grantee's successors and assigns), the Conservation Easement (the "Easement") hereinafter described with respect to that certain parcel of land (the "Property") with any and all buildings, structures, and improvements thereon being situated on Peverly Hill Road in the City of Portsmouth, County of Rockingham, State of New Hampshire, with said Property and Easement more particularly bounded and described in Appendix "A" attached hereto and made a part hereof.

1. CONSERVATION PURPOSES

The Easement hereby granted is pursuant to NH RSA 477:45-47, exclusively for the following conservation purposes:

A. To preserve and protect in perpetuity the natural vegetation, soils, hydrology, natural habitat and the scenic and aesthetic character of the Property so that the Property retains its natural qualities and functions; and

B. The conservation easement area is depicted as "Conservation Easement Area #2 for the Benefit of the City of Portsmouth" on a plan entitled "Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by

Parson Woods Investments, LLC” prepared by TF Moran dated July 21, 2021 (the “Plan”).

2. USE LIMITATIONS

A. The Property shall be maintained in perpetuity in an undeveloped and natural condition without there being conducted thereon any industrial or commercial activities, except as described below, and provided that such uses shall not degrade the conservation purposes of this Easement. No use shall be made of the Property, and no activity shall be permitted thereon, which is inconsistent with the intent of this Easement, that being the perpetual protection and preservation of the Property, as more particularly described in Section 1 herein.

B. The Property shall not be subdivided and none of the individual tracts that together comprise the Property shall be conveyed separately from one another.

C. No structure or improvement, including, but not limited to, a dwelling, any portion of a septic system, tennis court, swimming pool, tower, commercial facility, conduit or utility line, billboard or other means of advertising display, driveway or road made of asphalt or other impervious surface, or other temporary or permanent structure or improvement, shall be constructed, placed, or introduced onto the Property. However, with the written approval of the Planning Director for the City ancillary structures and improvements, including but not limited to monitoring wells, may be constructed, placed, or introduced onto the Property only as necessary in the accomplishment of the agricultural, forestry, green energy, conservation, or noncommercial outdoor recreational uses of the Property and provided that they are not detrimental to the scenic, agricultural, historic, recreational, wildlife habitat protection purposes of this Easement. Any such ancillary structure or improvement shall be constructed in a manner least detrimental to the conservation purposes of this Easement. The parties further recognize this provision shall not apply to any preexisting utility easements.

D. Nothing herein shall be construed to relieve the Grantor from compliance with any federal, state or local law, ordinance, regulation or rule.

D. There shall be no dumping, injection, burning, or burial of refuse, trash, rubbish, debris, junk, waste, man-made materials or materials then known to be environmentally hazardous, including vehicle bodies or parts, or other similar substances.

3. BENEFITS, BURDENS, AND ACCESS

A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

B. The Grantee shall have access to the Property and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement.

4. LEGAL REMEDIES OF GRANTEE

A. When a breach of this Easement, or conduct by anyone inconsistent with this Easement, comes to the attention of the Grantee, it shall notify the Grantor in writing of such breach or conduct, delivered in hand or by certified mail, return receipt requested.

B. The Grantor shall, after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, including restoration, which are reasonably calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Grantor shall promptly notify the Grantee of its actions taken under this section.

C. If the Grantor fails to take such proper action under the preceding paragraph, the Grantee shall, as appropriate to the purposes of this Easement, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Grantor's name or to terminate such conduct. The cost thereof, including, but not limited to, the Grantee's reasonable expenses, expert fees, court costs, and legal fees, shall be paid by the Grantor, provided that the Grantor is directly or primarily responsible for the breach.

D. Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Property resulting from causes beyond the Grantor's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. The Grantee and the Grantor reserve the right, separately or collectively, to pursue all legal remedies against any third party responsible for any actions detrimental to the conservation purposes of this Easement.

F. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair Grantee's rights or remedies or be construed as a waiver.

G. Grantee shall have the right to enforce this Easement by appropriate legal means and to obtain injunctive and other equitable relief against any violations, including without limitation, relief requiring restoration of the Property to its condition prior to the time of the violation, and shall be in addition to, and not limitation of, any other rights and remedies available to the Grantee.

H. Grantee, by its acceptance of this Easement, does not undertake any liability or obligation relating to the condition of the Property.

5. COVENANTS TO "RUN WITH THE LAND"

A. The terms and conditions of this Easement shall run with the Property in perpetuity and shall be enforceable against the Grantor or any other person or entity holding any interest in the Property.

B. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Easement. The Grantor agrees to execute any such instrument upon the Grantee's request.

6. NOTICES

All notices, requests and other communications, required or permitted to be given under this Easement shall be in writing, except as otherwise provided herein, and shall be delivered in hand or sent by certified mail, postage prepaid, return receipt requested to the appropriate address set forth above or at such other address as the Grantor or the Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

7. SEVERABILITY

If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

8. SEPARATE PARCEL

The Grantor agrees that for the purpose of determining compliance with any present or future bylaw, order, ordinance, or regulation (within this section referred to as "legal requirements") of the City of Portsmouth, the State of New Hampshire or any other governmental unit, the Property shall be deemed a separate parcel of land and shall not be taken into account in determining whether any land of the Grantor, other than the Property, complies with any said legal requirements. The Property shall not be taken into account to satisfy in whole or in part any of said legal requirements or any area, density, setback or other dimensional standard applicable to such land.

9. MERGER

The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assign shall be deemed to eliminate the Easement, or any portion thereof, granted hereunder under the doctrine of merger or any other legal doctrine.

The Grantee, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

This is a conveyance to the City of Portsmouth, New Hampshire pursuant to NH RSA 78-B:2 and is exempt from the New Hampshire Real Estate Transfer Tax.

IN WITNESS WHEREOF, Grantor and City have executed this Conservation Easement as set forth below.

PARSON WOODS INVESTMENTS, LLC

Witness

By: _____
Richard W. Green, Manager
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on _____ by Richard W. Green, duly authorized Manager of Parson Woods Investments, LLC.

Notary Public:
My Commission Expires:

City of Portsmouth, New Hampshire

By: _____
Karen S. Conard, City Manager

As authorized by vote of the Portsmouth City Council taken on _____.

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this _____ day of _____, 2022, before: me, the undersigned notary public, personally appeared Karen S. Conard, City Manager of the City of Portsmouth, New Hampshire, proved to me through satisfactory evidence of identification, which was a valid driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it in her capacity as stated therein and voluntarily for its stated purpose.

Notary Public

APPENDIX A

Being a 289,617± square foot (6.6487± acre) Conservation Easement located southeasterly of “Proposed Sage Lane” off the northwesterly side of Peverly Hill Road in the City of Portsmouth, County of Rockingham, State of New Hampshire. Said easement being shown as “Conservation Easement Area #1” on a plan entitled “Tax Map 242 Lot 4, Overall Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” prepared by TFMoran, Inc., dated July 21, 2021 with revision 2 dated 4/06/2022 and recorded at the Rockingham County Registry of Deeds as Plan # . Said easement is located within land now or formerly of Parson Woods Investments, LLC (Parson Woods) recorded in Deed Book 6372 Page 1385, bounded easterly by the northwesterly sideline of Peverly Hill Road, southerly by land now or formerly of the New Hope Baptist Church recorded in Deed Book 2269 Page 663 and is more particularly described as follows:

BEGINNING at a point at the intersection of the said sideline of Peverly Hill Road and the edge of wetlands as shown on the aforementioned plan, said point being located S 33°28'11" E a distance of 242.44 feet from an iron rod; thence along said sideline of Peverly Hill Road the following ten courses:

S 33°28'11" E a distance of 11.04 feet to a point at the end of a stone wall; thence along said stone wall

S 30°43'03" E a distance of 25.87 feet to a point; thence

S 34°50'10" E a distance of 64.05 feet to a point; thence

S 32°23'37" E a distance of 59.65 feet to a point; thence

S 32°36'14" E a distance of 75.31 feet to a point; thence

S 32°30'33" E a distance of 44.57 feet to a point; thence

S 31°38'38" E a distance of 14.39 feet to a point; thence

S 33°17'28" E a distance of 36.28 feet to a point; thence

S 33°32'47" E a distance of 33.10 feet to a point; thence

S 32°28'55" E a distance of 58.19 feet to a point; thence along said land of New Hope Baptist Church the following three courses:

S 65°32'22" W a distance of 961.06 feet to a point at a stone wall; thence along said stone wall

S 69°39'32" W a distance of 39.37 feet to a drill hole at the end of said stone wall; thence

S 66°43'10" W a distance of 14.98 feet to a point at the intersection of the edge of wetlands as shown on the aforementioned plan, said point being located N 66°43'10" E a distance of 684.71 feet from a monument to be set; thence through said land of Parson Woods and thence following the coordinates defined in the table entitled "Coordinates Along the Edge of Wetlands of Conservation Easement #1" on the aforementioned plan in a generally northeasterly direction 1,245± feet to the point of **BEGINNING** (closure tie line: N 42°10'52" E a distance of 1,039.64 feet)...containing 289,617± square feet (6.6487± acre), more or less.



After recording return to:
City of Portsmouth
Planning Department
1 Junkins Avenue
Portsmouth, NH 03801

CONSERVATION EASEMENT DEED #2

NOW COMES PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company having principal office address of 11 Lafayette Road, North Hampton, New Hampshire 03862 (the "Grantor"), for consideration paid, grants to **THE CITY OF PORTSMOUTH**, a municipality whose address is 1 Junkins Way, Portsmouth, New Hampshire 03801 (the "Grantee"), with Quitclaim Covenants:

1. **A CONSERVATION EASEMENT** over certain land of the Grantor in Portsmouth, County of Rockingham, State of New Hampshire, said easement area a 3,094,349± square foot (71.0365± acre) Conservation Easement located southwesterly of "Proposed Sage Lane" off the northwesterly side of Peverly Hill Road in the City of Portsmouth, County of Rockingham, State of New Hampshire. Said easement being shown as "Conservation Easement Area #2" on a plan entitled "Tax Map 242 Lot 4, Overall Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC" prepared by TFMoran, Inc., dated July 21, 2021 with revision 1 dated 2/11/2022 and recorded at the Rockingham County Registry of Deeds as Plan # [REDACTED] (the "Plan"). The said easement is more particularly bounded and described on the Plan as follows:

Being a 3,094,349± square foot (71.0365± acre) Conservation Easement located southwesterly of "Proposed Sage Lane" off the northwesterly side of Peverly Hill Road in the City of Portsmouth, County of Rockingham, State of New Hampshire. Said easement being shown as "Conservation Easement Area #2" on a plan entitled "Tax Map 242 Lot 4, Overall Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC"

prepared by TFMoran, Inc., dated July 21, 2021 with revision 2 dated 4/6/2022 and recorded at the Rockingham County Registry of Deeds as Plan # [REDACTED]. Said easement is located within land now or formerly of Parson Woods Investments, LLC (Parson Woods) recorded in Deed Book 6372 Page 1385, bounded northeasterly by land now or formerly of the New Hope Baptist Church recorded in Deed Book 2269 Page 663 and land now or formerly of Merrimack Valley Homes, Inc. recorded in Deed Book 5881 Page 981, easterly by land now or formerly of Thomas E. & Marybeth B. Reis and James B. & Meegan C. Reis (Reis) recorded in Deed Book 5560 Page 2148, southeasterly by land now or formerly of the Swift Water Girl Scout Council, southwesterly by land now or formerly of David W. Ecker (Ecker) recorded in Deed Book 6091 Page 374, land now or formerly of Lee Ann & Richard M. Riley (Riley) recorded in Deed 3491 Page 2344, land now or formerly of the Apostolic Church of J Christ recorded in Deed Book 2739 Page 43, land now or formerly of Mark H. Ordiorne (Ordiorne) recorded in Deed Book 3353 Page 2213, land now or formerly of the City of Portsmouth DPW recorded in Deed Book 2413 Page 222 and land now or formerly of the City of Portsmouth recorded in Deed Book 5077 Page 1943, westerly by land now or formerly of the Boston & Maine Corporation, northwesterly by land now or formerly of the State of New Hampshire Fish & Game Dept recorded in Deed Book 5248 Page 739 and is more particularly described as follows:

BEGINNING at a point at the intersection of said land of New Hope Baptist Church and the edge of wetlands as shown on the aforementioned plan, said point being located S 20°39'30" E a distance of 4.17 feet from a point at the end of a stone wall; thence along said land of New Hope Baptist Church and said Merrimack Valley Homes, Inc. the following five courses:

S 20°39'30" E a distance of 388.05 feet to a drill hole in the beginning of a stone wall; thence along said stone wall

S 24°19'08" E a distance of 65.84 feet to a point; thence

S 22°34'53" E a distance of 52.86 feet to a point; thence

S 23°02'43" E a distance of 111.50 feet to a point; thence

S 22°45'01" E a distance of 171.93 feet to a point at the intersection of stone walls; thence along said stone wall and said land of Reis and Swift Water Girl Scout Council the following thirty-nine courses:

S 67°19'43" W a distance of 152.24 feet to a point; thence

S 69°35'00" W a distance of 360.76 feet to a point; thence

S 71°11'01" W a distance of 41.19 feet to a drill hole; thence

S 69°52'05" W a distance of 74.38 feet to a point; thence

S 68°05'19" W a distance of 38.26 feet to a point; thence

S 69°37'42" W a distance of 88.49 feet to a point; thence

S 69°05'04" W a distance of 85.94 feet to a point; thence

S 68°46'51" W a distance of 56.81 feet to a point; thence

S 67°27'31" W a distance of 81.81 feet to a point; thence

S 67°26'04" W a distance of 87.58 feet to a drill hole; thence

S 68°24'11" W a distance of 247.91 feet to a drill hole; thence

S 70°35'06" W a distance of 20.09 feet to a point; thence

S 02°20'46" W a distance of 96.94 feet to a point; thence

S 04°10'09" W a distance of 71.99 feet to a point; thence

S 02°55'30" W a distance of 60.89 feet to a point; thence
 S 04°46'48" W a distance of 64.75 feet to a point; thence
 S 04°06'17" W a distance of 73.30 feet to a point; thence
 S 02°44'38" W a distance of 55.33 feet to a point; thence
 S 30°51'45" W a distance of 36.06 feet to a point; thence
 S 29°37'18" W a distance of 72.38 feet to a point; thence
 S 30°17'36" W a distance of 108.68 feet to a drill hole; thence
 S 29°36'04" W a distance of 113.60 feet to a point; thence
 S 29°36'07" W a distance of 62.04 feet to a point; thence
 S 30°55'15" W a distance of 107.77 feet to a point; thence
 S 27°41'10" W a distance of 68.75 feet to a point; thence
 S 30°19'04" W a distance of 62.95 feet to a point; thence
 S 28°10'44" W a distance of 90.88 feet to a point; thence
 S 27°46'33" W a distance of 84.72 feet to a point; thence
 S 28°09'12" W a distance of 63.04 feet to a point; thence
 S 29°23'48" W a distance of 74.83 feet to a point; thence
 S 29°32'16" W a distance of 94.54 feet to a point; thence
 S 29°00'39" W a distance of 86.86 feet to a point; thence
 S 28°38'51" W a distance of 79.24 feet to a drill hole; thence
 S 15°03'54" E a distance of 206.01 feet to a point; thence
 S 15°34'48" E a distance of 56.79 feet to a point; thence
 S 16°34'18" E a distance of 55.67 feet to a point; thence
 S 14°35'44" E a distance of 35.23 feet to a point; thence
 S 15°16'42" E a distance of 66.01 feet to a point; thence
 S 16°55'11" E a distance of 94.64 feet to a point; thence
 S 15°41'57" E a distance of 93.63 feet to a drill hole; thence along said land of Ecker, Riley, Apostolic Church of J Christ, Ordiorne, City of Portsmouth DPW and City of Portsmouth the following four courses:
 S 62°33'20" W a distance of 210.79 feet to a point; thence
 S 60°22'36" W a distance of 85.15 feet to a drill hole; thence
 S 60°02'43" W a distance of 125.36 feet to a point at the end of said stone wall; thence
 S 61°36'13" W a distance of 1,100.89 feet to a point; thence along said land of Boston & Maine Corporation:
 N 22°55'14" E a distance of 3,930.00 feet to a point; thence along said land of the State of New Hampshire Fish & Game Dept the following two courses:
 N 78°08'44" E a distance of 85.87 feet to an iron rod; thence
 Along a curve to the left having a radius of 400.00 feet, an arc length of 184.76 feet, a chord bearing of N 64°52'18" E and chord distance of 183.12 feet to an iron rod, said iron rod being located S 51°37'18" W a distance of 544.02 feet from an iron rod; thence through said land of Parson Woods S 43°56'08" E a distance of 128.95 feet to a point at the end of a stone wall, thence following the coordinates defined in the table entitled "Coordinates Along the Edge of Wetlands of Conservation Easement #2" on the aforementioned plan, in a generally northeasterly direction a distance of 1,377± feet to the point of **BEGINNING** (closure tie line: N 66°31'30" E a distance of 949.73 feet)....containing 3,094,349± square feet (71.0365± acre), more or less.

2. This **CONSERVATION EASEMENT** is granted pursuant to NH RSA 477:45-47, exclusively for the following purposes:

- A. The protection of the natural habitat at Parsons Woods, including all common open space, wetland and upland areas up to the wetland edge of the 100' buffer surrounding the limited common areas; and
- B. To preserve and protect in perpetuity the natural vegetation, soils, hydrology, natural habitat and the scenic and aesthetic character of the Property so that the Property retains its natural qualities and functions; and
- C. The Open Space Limitations contained in Article 10, Section V of the Declaration of Condominium of Parson Woods Condominium shall be subject to this Conservation Easement

3. This **CONSERVATION EASEMENT** is subject to the following use limitations:

- A. The Property shall remain in perpetuity in an undeveloped and natural condition without there being conducted thereon any industrial or commercial activities, except as described below, and provided that such uses shall not degrade the conservation purposes of this Easement. No use shall be made of the Property, and no activity shall be permitted thereon, which is inconsistent with the intent of this Easement, that being the perpetual protection and preservation of the Property, as more particularly described in Section 1 herein.
- B. The Property shall not be subdivided and none of the individual tracts that together comprise the Property shall be conveyed separately from one another.
- C. No structure or improvement, including, but not limited to, a dwelling, tennis court, swimming pool, dock, tower, commercial facility, conduit or utility line, billboard or other means of advertising display, driveway or road made of asphalt or other impervious surface, or other temporary or permanent structure or improvement, shall be constructed, placed, or introduced onto the Property. However, with the written approval of the Planning Director for the City ancillary structures and improvements including, but not limited to, a road, dam, fence, bridge, culvert, barn, maple sugar house, monitoring well, or shed may be constructed, placed, or introduced onto the Property only as necessary in the accomplishment of the agricultural, forestry, conservation, green energy or noncommercial outdoor recreational uses of the Property and provided that they are not detrimental to the scenic, agricultural, historic, recreational, wildlife habitat protection purposes of this Easement. Any such ancillary structure or improvement shall be constructed in a manner least detrimental to the conservation purposes of this Easement. The parties further recognize this provision shall not apply to any preexisting utility easements.
- D. Nothing described herein shall be construed to relieve the Grantor of the obligation to comply with any other federal, state or local law, ordinance or regulation.
- E. There shall be no dumping, injection, burning, or burial of refuse, trash, rubbish, debris, junk, waste, man-made materials or materials then known to be environmentally hazardous, including vehicle bodies or parts, or other similar substances.

4. This **CONSERVATION EASEMENT** is subject to the following benefits, burdens and access:

A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity; the benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

B. The Grantee shall have access to the Property and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement.

C. Public Access: The Grantor shall ensure the unencumbered right for non-vehicular, recreational pedestrian access to the Conservation Easement Area in perpetuity. The Grantee shall have the right, but not the obligation, to construct and maintain pedestrian walking paths within the Conservation Easement Area with reasonable notice to the Grantor.

5. This **CONSERVATION EASEMENT** is subject to the following legal remedies in favor of the Grantee:

A. When a breach of this Easement, or conduct by anyone inconsistent with this Easement, comes to the attention of the Grantee, it shall notify the Grantor in writing of such breach or conduct, delivered in hand or by certified mail, return receipt requested.

B. The Grantor shall, after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, including restoration, which are reasonably calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Grantor shall promptly notify the Grantee of its actions taken under this section.

C. If the Grantor fails to take such proper action under the preceding paragraph, the Grantee shall, as appropriate to the purposes of this Easement, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Grantor's name or to terminate such conduct. The cost thereof, including, but not limited to, the Grantee's reasonable expenses, expert fees, court costs, and legal fees, shall be paid by the Grantor, provided that the Grantor is directly or primarily responsible for the breach.

D. Nothing contained in this Easement shall be construed to entitle the Grantee to bring any action against the Grantor for any injury to or change in the Property resulting from causes beyond the Grantor's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, and earth movement, or from any prudent action taken by the Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. The Grantee and the Grantor reserve the right, separately or collectively, to pursue all legal remedies against any third party responsible for any actions detrimental to the conservation purposes of this Easement.

F. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair Grantee's rights or remedies or be construed as a waiver.

G. Grantee shall have the right to enforce this Easement by appropriate legal means and to obtain injunctive and other equitable relief against any violations, including without limitation, relief requiring restoration of the Property to its condition prior to the time of the violation, and shall be in addition to, and not limitation of, any other rights and remedies available to the Grantee.

H. Grantee, by its acceptance of this Easement, does not undertake any liability or obligation relating to the condition of the Property.

6. COVENANTS TO "RUN WITH THE LAND"

A. The terms and conditions of this Easement shall run with the Property in perpetuity and shall be enforceable against the Grantor or any other person or entity holding any interest in the Property.

B. The Grantee is authorized to record or file any notices or instruments appropriate to assuring the perpetual enforceability of this Easement. The Grantor agrees to execute any such instrument upon the Grantee's request.

7. NOTICES

All notices, requests and other communications, required or permitted to be given under this Easement shall be in writing, except as otherwise provided herein, and shall be delivered in hand or sent by certified mail, postage prepaid, return receipt requested to the appropriate address set forth above or at such other address as the Grantor or the Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

8. SEVERABILITY

If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

9. SEPARATE PARCEL

The Grantor agrees that for the purpose of determining compliance with any present or future bylaw, order, ordinance, or regulation (within this section referred to as "legal requirements") of the City of Portsmouth, the State of New Hampshire or any other governmental unit, the Property shall be deemed a separate parcel of land and shall not be taken into account in determining whether any land of the Grantor, other than the Property, complies with any said legal requirements. The Property shall not be taken into account to satisfy in whole or in part any of

said legal requirements or any area, density, setback or other dimensional standard applicable to such land.

10. MERGER

The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assign shall be deemed to eliminate the Easement, or any portion thereof, granted hereunder under the doctrine of merger or any other legal doctrine.

The Grantee, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

This is a conveyance to the City of Portsmouth, New Hampshire pursuant to NH RSA 78-B:2 and is exempt from the New Hampshire Real Estate Transfer Tax.

For reference to the Grantor's title, see Deed recorded at the Rockingham County Registry of Deeds at Book 6372 Page 1385.

IN WITNESS WHEREOF, Grantor and City have executed this Conservation Easement as set forth below

Signed this _____ day of _____ 2022.

Parson Woods Investments LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on _____, 2022, by Richard W. Green, Manager of Parson Woods Investments LLC.

Before me,

Notary Public
My commission expires:

Return To:
 Legal Department
 City Hall
 1 Junkins Ave.
 Portsmouth, NH 03801



DRAINAGE EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the northwesterly side of Peverly Hill Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a drainage pipe, outfall and storm water flowage over the land of GRANTOR, being shown as “Drainage Easement #1” on a plan entitled, “Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” dated July 21, 2021 with revision 1 dated 2/11/2022, prepared by TFMoran, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

Beginning at a point, said point being located S 32°36'14" E a distance of 40.73 feet from a monument to be set; thence along said sideline of Peverly Hill Road S 32°36'14" E a distance of 10.01 feet to a point, said point being located N 32°36'14" W a distance of 24.57 feet from a monument to be set; thence through said land of Parson Woods the following three courses: S 55°07'47" W a distance of 15.00 feet to a point; Thence N 32°36'14" W a distance of 10.01 feet to a point; thence N 55°07'59" E a distance of 15.00 feet to the point of beginning.

Containing 150 square feet more or less.

2. **Temporary Easement Area for Construction Purposes:** The Grantee shall have a temporary construction easement consisting of 5 –10 feet on either side of Easement Area as shown on the Plan for purposes of installing and maintaining a drainage pipe and outfall.
3. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a drainage pipe

with its associated outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

4. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area and the Temporary Easement Area shall be back-filled and restored at the Grantee's expense.
5. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
6. **Personal Property.** It is agreed that the pipes and related facilities installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
7. **Easement to Run with Land:** All rights 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.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022
by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Drainage Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

By: _____
Name: _____
Title: _____

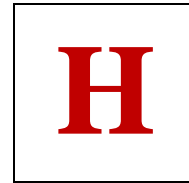
STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801



DRAINAGE EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the northwesterly side of Peverly Hill Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent easement for the purpose of a drainage pipe, outfall and storm water flowage over the land of GRANTOR, being shown as “Drainage Easement #2” on a plan entitled, “Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” dated July 21, 2021 with revision 1 dated 2/11/2022, prepared by TFMoran, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

Beginning at said point being located S 32°28'55" E a distance of 14.07 feet from a monument to be set; thence along said sideline of Peverly Hill Road S 32°28'55" E a distance of 10.00 feet to a point, said point being located N 32°28'55" W a distance of 34.12 feet from a monument to be set; thence through said land of Parson Woods the following three courses: S 56°48'40" W a distance of 10.11 feet to a point; Thence N 33°21'02" W a distance of 10.00 feet to a point; Thence N 56°48'35" E a distance of 10.26 feet to the point of beginning.

Containing 102 square feet more or less.

2. **Temporary Easement Area for Construction Purposes:** The Grantee shall have a temporary construction easement consisting of 5 –10 feet on either side of Easement Area as shown on the Plan for purposes of installing and maintaining a drainage pipe and outfall.
3. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing a drainage pipe

with its associated outfall, swales and storm water flow. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

- 4. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area and the Temporary Easement Area shall be back-filled and restored at the Grantee's expense.
- 5. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
- 6. **Personal Property.** It is agreed that the pipes and related facilities installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
- 7. **Easement to Run with Land:** All rights 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.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022
by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Drainage Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

By: _____
Name: _____
Title: _____

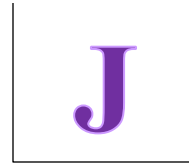
STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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

Return To:
Legal Department
City Hall
1 Junkins Ave.
Portsmouth, NH 03801



SLOPE EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to

Grantor's real property situate on the northwesterly side of Peverly Hill Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent slope easement over the land of GRANTOR, being shown as "Slope Easement for the Benefit of The City of Portsmouth" on a plan entitled, "Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC" dated July 21, 2021, prepared by TFMoran, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

Beginning at a point in the southeasterly sideline of said "Proposed Sage Lane" thence along said sideline of "Proposed Sage Lane" the following two courses:
Along a curve to the left having a radius of 216.50 feet, an arc length of 45.78 feet, a chord bearing of N 52°09'57" E and chord distance of 45.69 feet to a point;
Thence N 46°06'30" E a distance of 5.10 feet to a point, said point being located S 04°49'31" E a distance of 142.13 feet from an iron rod;

Thence through said land of Parson Woods the following four courses:
S 28°28'04" E a distance of 126.04 feet to a point, said point being located S 58°50'31" W a distance of 79.19 feet from a monument to be set;
Thence S 09°16'14" W a distance of 18.54 feet to a point;
Thence S 82°33'53" W a distance of 41.41 feet to a point;
Thence N 28°28'04" W a distance of 117.04 feet to the point of beginning.

Containing 6,396 square feet (0.1468 acres) more or less.

- 2. **Purpose and Rights:** The purpose of this easement is to provide an easement to the Grantee for the maintenance of a slope on the above-described Permanent Easement Area, for the benefit of the Grantee. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

- 3. **Grantor’s Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.

- 7. **Easement to Run with Land:** All rights 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.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Drainage Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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

K

Return To:
 Legal Department
 City Hall
 1 Junkins Ave.
 Portsmouth, NH 03801

ROADSIDE VEGETIVE BUFFER EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter "Grantor," for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the northwesterly side of Peverly Hill Road in the City of Portsmouth, State of New Hampshire :

1. **Permanent Easement Area:** A permanent vegetated buffer easement over the land of GRANTOR, being shown as "Roadside Vegetated Buffer Easement" on a plan entitled, "Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC" dated July 21, 2021, prepared by TFMoran, Inc. (hereinafter "the Plan"). The Plan to be recorded herewith.

Beginning at a point in the southeasterly sideline of said "Proposed Sage Lane" thence along said sideline of "Proposed Sage Lane" the following two courses:

Along a curve to the left having a radius of 216.50 feet, an arc length of 45.78 feet, a chord bearing of N 52°09'57" E and chord distance of 45.69 feet to a point;

Thence N 46°06'30" E a distance of 5.10 feet to a point, said point being located S 04°49'31" E a distance of 142.13 feet from an iron rod;

Thence through said land of Parson Woods the following four courses:

S 28°28'04" E a distance of 126.04 feet to a point, said point being located S 58°50'31" W a distance of 79.19 feet from a monument to be set;

Thence S 09°16'14" W a distance of 18.54 feet to a point;

Thence S 82°33'53" W a distance of 41.41 feet to a point;

Thence N 28°28'04" W a distance of 117.04 feet to the point of beginning.

Containing 6,396 square feet (0.1468 acres) more or less.

2. **Purpose and Rights:** The purpose of this easement is to provide a vegetated buffer over the above-described Permanent Easement Area, for the benefit of the Grantee. The

Grantee shall have the right to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.

- 3. **Grantor’s Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area and the Temporary Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, clear any vegetation, mow, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
- 4. **Easement to Run with Land:** All rights 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.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Drainage Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

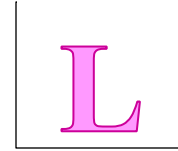
By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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



Return To:
 Legal Department
 City Hall
 1 Junkins Ave.
 Portsmouth, NH 03801

RETAINING WALL MAINTENANCE EASEMENT DEED

PARSON WOODS INVESTMENTS, LLC, a New Hampshire limited liability company with a mailing address of 11 Lafayette Road, North Hampton, County of Rockingham, State of New Hampshire 03862, hereinafter “Grantor,” for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, hereinafter, "Grantee," with QUITCLAIM COVENANTS, the following easements with respect to Grantor's real property situate on the northwesterly side of Pevery Hill Road in the City of Portsmouth, State of New Hampshire :

Permanent Easement Area:

Being a 12,631 square foot (0.2900 acres) 20’ wide Retaining Wall Maintenance Easement located on the southeasterly side of the “Proposed Sage Lane” in the City of Portsmouth, County of Rockingham, State of New Hampshire. Said easement being shown as “Retaining Wall Maintenance Easement” on a plan entitled “Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Pevery Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC” prepared by TFMoran, Inc., dated July 21, 2021 with revision 2 dated 4/6/2022 and recorded at the Rockingham County Registry of Deeds as Plan # . Said easement is located within land now or formerly of Parson Woods Investments, LLC (Parson Woods) recorded in Deed Book 6372 Page 1385, and located near the intersection of Sage Lane and Pevery Hill Road and is more particularly described as follows:

BEGINNING at a point on the southerly side of Sage Lane, said point being located S 15°22’17” E a distance of 125.59 feet from a found iron rod; thence S 43°53’30” E a distance of 20.00 feet to a point; thence S 46°06’30” W a distance of 34.71 feet to a point; thence Along a curve to the right having a radius of 236.50 feet, an arc length of 81.01 feet, a chord bearing of S 55°55’16” W and chord distance of 80.61 feet to a point; thence S 65°44’02” W a distance of 343.37 feet to a point; thence Along a curve to the left having a radius of 163.50 feet, an arc length of 165.74 feet, a chord bearing of S 36°41’40” W and chord distance of 158.73 feet to a point; thence N 82°20’43” W a distance of 20.00 feet to a point in the southeasterly side of said Sage Lane; thence along the southerly side of said Sage Lane the following four courses: Along a curve to the right having a radius of 183.50 feet, an arc length of 186.01 feet, a chord bearing of N 36°41’40” E and chord distance of 178.15 feet to a point; thence

N 65°44'02" E a distance of 343.37 feet to a point; thence
Along a curve to the left having a radius of 216.50 feet, an arc length of 74.16 feet, a chord bearing
of N 55°55'16" E and chord distance of 73.80 feet to a point; thence
N 46°06'30" E a distance of 34.71 feet to the point of **BEGINNING**....containing 12,631 square
feet (0.2900 acres), more or less.

1. **Purpose and Rights:** The Grantee shall have a permanent and non-exclusive easement and right of way in, under, across and over the Permanent Easement Area for the purpose of maintaining, inspecting, removing, repairing, and replacing a retaining wall. The Grantee shall have the right to remove trees, bushes, undergrowth and other obstructions interfering with the activities authorized herein and to take such other actions as may be necessary, useful or convenient for the enjoyment of the easement rights herein granted.
2. **Grantee's Responsibility to Restore:** Disturbed areas within the Permanent Easement Area shall be back-filled and restored at the Grantee's expense.
3. **Grantor's Retained Rights:** Grantor retains the right to freely use and enjoy its interest in the Permanent Easement Area insofar as the exercise thereof does not endanger or interfere with the purpose of this instrument. Grantor shall not, however, erect any building, shed, deck or other structure within the Permanent Easement Area, substantially change the grade or slope, install any pipes, or pave or asphalt the Permanent Easement Area without prior written consent of the Grantee.
4. **Personal Property.** It is agreed that the materials installed within the Permanent Easement Area, whether fixed to the realty or not, shall be and remain the property of the Grantee.
7. **Easement to Run with Land:** All rights 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 property and shall run with the land.

MEANING AND INTENDING to convey an easement over a portion of the premises conveyed to the within Grantor by Warranty Deed of Philip J. Stokel, Stella B. Stokel and Stella B. Stokel, Trustee of the Stella B. Stokel 1993 Trust, said deed being dated January 7, 2022, and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1385.

This is an exempt transfer per RSA 78-B:2(I).

DATED this _____ day of _____, 2022.

PARSON WOODS INVESTMENTS, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 2022
by Richard W. Green, Manager of Parson Woods Investments, LLC.

Justice of the Peace/Notary Public
My Commission Expires:

SUBORDINATION OF MORTGAGE

Pentucket Bank, a mutual savings bank with an address of 1 Merrimack Street, Haverhill, Massachusetts 01830, being the holder of three mortgages given by Parson Woods Investments, LLC, which mortgages are all dated January 7, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6372, Page 1389 and Book 6372, Page 1402, and Book 6372, Page 1415, does hereby subordinate the mortgages to the easement conveyed by Parson Woods Investments, LLC, to THE CITY OF PORTSTMOUTH, pursuant to the foregoing Easement Deed.

Except as subordinated herein, the mortgage shall remain in full force and effect.

Pentucket Bank

By: _____
Name: _____
Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2022, by _____ as _____, of Pentucket Bank, a mutual savings bank, on behalf of the said bank.

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



DECLARATION OF RESTRICTIONS

NOW COMES Parson Woods Investments, LLC, a New Hampshire limited liability company having principal office address of 11 Lafayette Road, North Hampton, New Hampshire 03862 (the "Declarant"), and as says as follows:

WHEREAS, the Declarant is the owner of certain property on the northwesterly side of Peverly Hill Road in Portsmouth, Rockingham County, New Hampshire, a more particularly description of which can be found in the Deed recorded at the Rockingham County Registry of Deeds at Book 6372 Page 1385 (the "Property"); and

WHEREAS, the City of Portsmouth Planning Board approved the development of this Property pursuant to a written decision dated October 26, 2021, that provided for certain conditions of approval;

WHEREAS, the Declarant desires to impose certain covenants, conditions and restrictions on that portion of the Property depicted as "Roadside Vegetated Buffer Easement" (hereinafter referred to as the "Restricted Property") on a plan (the "Plan") entitled "Tax Map 242 Lot 4, Easement Plan, Parson Woods Condominium, 83 Peverly Hill Road, Portsmouth, New Hampshire, County of Rockingham, Owned by Parson Woods Investments, LLC" prepared by TFMoran, Inc., dated July 21, 2021 with revision 1 dated 2/11/2022 and recorded at the Rockingham County Registry of Deeds as Plan # ; and

WHEREAS, the purpose of the covenants, conditions and restrictions is to provide for the common use and enjoyment of the owner and occupants of the Property, and successors-in-title to the Property, in order to provide for the stormwater treatment and to further meet the requirements of a certain permit issued by the New Hampshire Department of Environmental Services for the alteration of terrain permit as to the Property pursuant to NH RSA 485:A-17; and to provide for enforcement of the conditions of approval, including all conditions subsequent, by the City of Portsmouth; and

NOW, THEREFORE, in consideration of the mutual benefits granted herein with respect to the Property and in consideration of the benefits reserved hereby or anticipated by the Declarant, the Declarant hereby covenants for itself and its successors and assigns and establishes and makes applicable to the Property and any subsequent subdivision

thereof, the following covenants, conditions and restrictions which shall run with the land of the Property in perpetuity and be binding upon all of the parties having any right, title or interest in the described Property or any part thereof, their heirs, successors and assigns:

1. No structure or improvement, including, but not limited to, a dwelling, any portion of a septic system, detention basins and/or swales, educational building, tennis court, swimming pool, dock, athletic field, pavilion, shooting range, aircraft landing strip, tower, including cell towers, mobile home, or wind powered generator or similar development, shall be constructed, placed, or introduced onto the Restricted Property.
2. Removal of vegetation is prohibited, except for removal of dead, diseased, or invasive species.
3. The Association will own all stormwater facilities, drainage pipes and outfalls outside the roadway and shall also be responsible for the exclusive management, control and compliance with all obligations set forth in the Stormwater Management Operation and Maintenance Manual which is incorporated herein by reference. This shall include the obligation for annual stormwater inspection and maintenance report by a New Hampshire professional engineer and a report shall be submitted to the City of Portsmouth Planning Department and Department of Public Works.
4. The use of salt and/or sodium chloride will be restricted on private walkways and driveways. The Board of Directors shall utilize Northeast Organic Farming Association (“NOFA”) approved practices (or comparable equivalent) for the maintenance of all landscaped areas. The Board of Directors and the Planning Director for the City of Portsmouth may, upon mutual agreement, amend this requirement to include a more recent version of these requirements.
5. The Declarant will be responsible to install way finding signs at the entrance to the public right of way and trail in order to support public access to the public recreation area.

This covenant is made by the Declarant as the owner of the Property and is a restriction upon use of the Property by any subsequent owner and owners of the Property or any subdivision thereof by acceptance of a deed for said Property and portion thereof, whether or not it shall be so expressed in any such deed. The restrictions above represent enforceable conditions established by the Department of Environmental Services in Alteration of Terrain Permit # . Invalidation of any one element of the covenants or restrictions set forth herein by a court of law shall in no way affect any other provisions which shall remain in full force and effect.

LEGAL REMEDIES

A. When a breach of this Declaration or conduct by anyone inconsistent with this Declaration comes to the attention of the City of Portsmouth, it shall notify the Declarant and/or Association as the case may be, in writing of such breach or conduct, delivered in hand or by certified mail, return receipt requested.

B. The Declarant and/or Association shall, after receipt of such notice or after otherwise learning of such breach or conduct, undertake those actions, which are reasonably calculated to cure swiftly said breach, or to terminate said conduct, and to repair any damage. The Declarant and/or Association shall promptly notify the City of Portsmouth of its actions taken under this section.

C. If the Declarant and/or Association fails to take such proper action under the preceding paragraph, the City of Portsmouth shall, as appropriate to the purposes of this Declaration, undertake any actions that are reasonably necessary to cure such breach or to repair any damage in the Declarant and/or Association's name or to terminate such conduct. The cost thereof, including, but not limited to, the City of Portsmouth's reasonable expenses, including court costs, and legal fees, shall be paid by the Declarant and/or Association as the case may be, provided that the Declarant and/or Association is directly or primarily responsible for the breach.

D. Nothing contained in this Declaration shall be construed to entitle the City of Portsmouth to bring any action against the Declarant and/or Association for any injury to or change in the Property resulting from causes beyond the Declarant and/or Association's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, and earth movement, or from any prudent action taken by the Declarant and/or Association under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes.

E. No delay or omission by City of Portsmouth in the exercise of any right or remedy upon any breach by Declarant and/or the Association shall impair the City of Portsmouth's rights or remedies or be construed as a waiver.

G. The City of Portsmouth shall have the right to enforce this Declaration by appropriate legal means and to obtain injunctive and other equitable relief against any violations, and shall be in addition to, and not limitation of, any other rights and remedies available to the Grantee.

H. The City of Portsmouth does not undertake any liability or obligation relating to the condition of the Property.

The covenants and restrictions herein are intended to supplement and shall be in addition to any vegetated buffer restriction or other covenant or restriction identified on the Plan and/or set forth in that certain Declaration of Covenants, Easements and Restrictions of Parson Woods Condominium Homeowners Association dated and recorded in the Registry at Book , Page .

For source of Declarant's title refer to Rockingham County Registry of Deeds Book 6372 Page 1385.

Signed this _____ day of _____ 2022.

Parson Woods Investments, LLC

By: _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

The foregoing instrument was acknowledged before me on _____, 2022, by
Richard W. Green, Manager of Parson Woods Investments, LLC.

Before me,

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: 04/19/2022

SUBJECT: PSNH Petition #: 63-0648, Pierce Island Rd, 53/5Y

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 53/5y. The Department of Public Works reviewed the utility plan provided by Eversource for the Pierce Island 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 the attachment titled The Pole Location Plan along with site pictures.

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

February 23, 2017

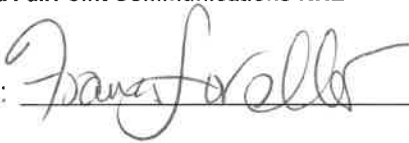
To the City Council of **the City of Portsmouth** New Hampshire.


PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE EVERGY and Northern New England Telephone Operations LLC, dba FairPoint 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 one (1) pole(s), 53/5Y located on Pierce Island Road in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY: 

BY: 
Alaina Bailey, PSNH CO Support/ Licensing

LICENSE

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

ORDERED

This 23rd day of February, 2017, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint 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 FairPoint Communications-NNE No. 63-0648, dated 2/23/2017, 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 FairPoint Communications-NNE

DATE 02/23/2017
 MUNICIPALITY: Portsmouth
 STREET / ROAD: Pierce Island Road
 PSNH OFFICE: Portsmouth
 PSNH ENGINEER: Nick Kosko
 TELCO ENGINEER: Joe Considine

LICENSE NO. 63-0648
 STATE HWY. DIV. NO. 6
 STATE LICENSE NO. _____
 WORK REQUEST# 2793609
 WORK FINANCIAL # 9P620704
 TELCO PROJECT # _____

INDICATE NORTH WITH AN ARROW

Pole Numbers		Pole	Eq	INSTALL	REMOVE	REF	100% LTS	JO	100 % TEL	Span	Dist. from:	Remarks	DOC REQ	
LTS	TEL	Sz-CI	BH	POLE	PB									
53 6		50-2	LTS									Inst New LTS pole 43.07466, -70.74430	M	
53 5Y	168 19	50-2	E10							200		Inst/Rmv JO Pole and ancs 43.07430, -70.74468	M	
53 5	168 18	45-2 40-3	E5 JO							195		Inst/Rmv JO Pole 43.07406, -70.74536	M	

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:

53/5Y

65T

04 18 2022



04 18 2022

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0656, Rockland St, 86/1a

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 86/1a. The Department of Public Works reviewed the utility plan provided by Eversource for the Rockland St. 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 the attachment titled The Pole Location Plan along with site pictures.

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

**PETITION AND POLE LICENSE
PETITION**

Manchester, New Hampshire

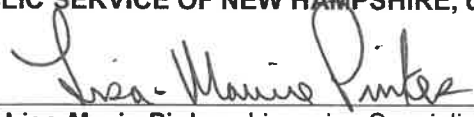
August 1, 2017

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests 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 one (1) pole(s), 86/1A on Rockland Street in the City of Portsmouth.

PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY

BY: 
Lisa-Marie Pinkes, Licensing Specialist

LICENSE

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

ORDERED

This 1st day of August, 2017, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be 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 No. 63-0656, dated 8/1/2017, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____

Town Clerk

POLE LOCATION PLAN

EVERSOURCE

DATE	<u>08/01/2017</u>	LICENSE NO.	<u>63-0656, EON: 63-011-17</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE HWY. DIV. NO.	<u>6</u>
STREET / ROAD:	<u>Rockland Street</u>	STATE LICENSE NO.	
PSNH OFFICE:	<u>Portsmouth</u>	WORK REQUEST#	<u>2736777</u>
PSNH ENGINEER:	<u>Mark Collins</u>	WORK FINANCIAL #	<u>9p620415</u>
TELCO ENGINEER:		TELCO PROJECT #	

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL POLE PB	REMOVE	REF	100% LTS	J/O	100% TEL	Span	DIST. FROM	Remarks	DOC REQ
LTS	TEL												
86 1AT1												REMOVE CUST OWNED XFMR FROM MAP	
86 1AT1												Install new pad xfmr 150kva--277/480 replace old pole, abandon old cable, install new to new pad xfmr 150kva--277/480	
86 1A		45'2	F										
86 1												Remove primary metering Existing pole	

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:

PS
NH
86 / 1A

04 18 2022



04 18 2022

City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0682, Union St. Pole number 51/10a

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 51/10a. The Department of Public Works reviewed the utility plan provided by Eversource for the Union St. 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 the attachment titled The Pole Location Plan along with site pictures.

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

May 7, 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 one (1) pole(s), 51/10A located on Union St 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 May, 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. 63-0682, dated 4/2/2018, 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 04/02/2018 LICENSE NO. 63-0682, EON: 63-018-18

MUNICIPALITY: Portsmouth STATE HWY. DIV. NO. 6

STREET / ROAD: Union St STATE LICENSE NO. _____

PSNH OFFICE: Portsmouth WORK REQUEST# 2712387

PSNH ENGINEER: Mark Collins WORK FINANCIAL # 9P620274

TELCO ENGINEER: Considine TELCO PROJECT # NA

INDICATE NORTH WITH AN ARROW

Pole Numbers		Pole Sz-CI	Eq BH	INSTALL	REMOVE	REF	100% LTS	JAO	100% TEL	Span	DIST. FROM	Remarks	OCC REQ
LTS	TEL			POLE	PB								
51	82	40-2								60'	51	Replace 35' pole with 40' new service to building	M
10A	3									10'			
51		45-2											
10													



Union St

43.07055
-70.76457

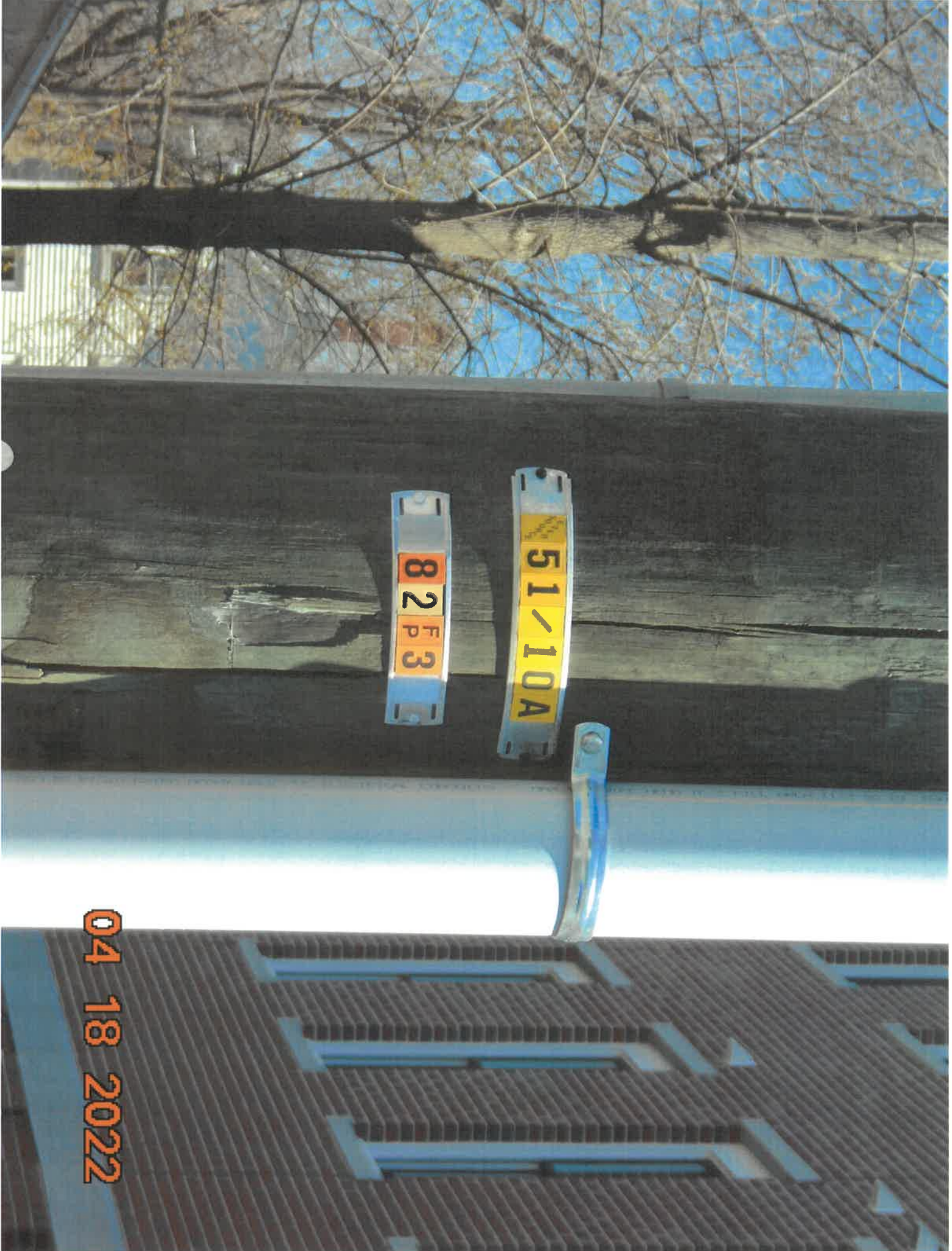
Middle St

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:



04 18 2022



04 18 2022

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/26/2022

SUBJECT: PSNH Petition: 63-0693, Commerce Way, 367A/4, 367A/5, 367A/6, 316/Y

STATUS: Recommend: Approval

The attached documentation is a request for license for utility poles marked 367A/4, 367A/5, 367A/6, 316/Y. The Department of Public Works reviewed the utility plan provided by Eversource for the sites on Commerce Way. The four poles are within the City Right of Way. After reviewing the location, it was determined that these installations posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

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

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 four (4) pole(s), 367A/4, 316/Y, 367A/5, 367A/6 located on Commerce Way 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 Lovells

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. 63-0693, dated 10/26/2016, 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 10/26/2016

LICENSE NO. 63-0693, EON: 63-072-18

MUNICIPALITY: Portsmouth

STATE HWY. DIV. NO. 6

STREET / ROAD: Commerce Way

STATE LICENSE NO. _____

PSNH OFFICE: Portsmouth

WORK REQUEST# 3064795

PSNH ENGINEER: Jim Osburn

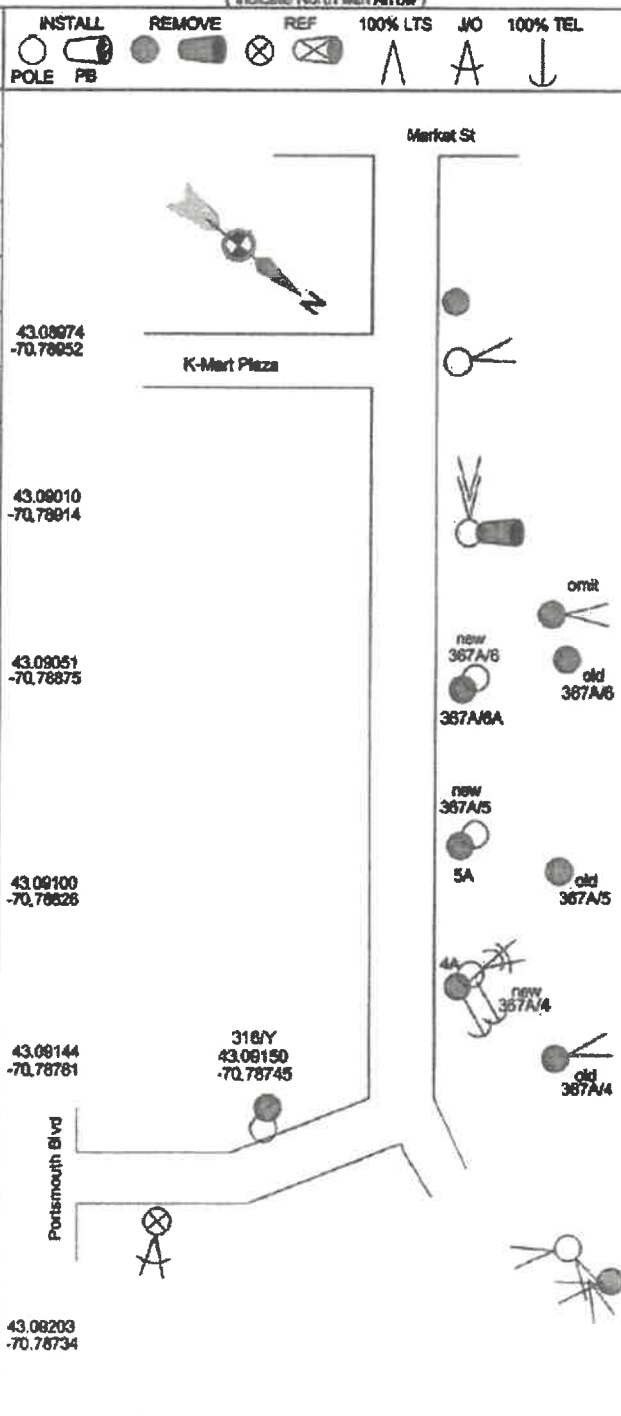
WORK FINANCIAL # 9P820079

TELCO ENGINEER: Joe Considine

TELCO PROJECT # _____

(Indicate North with Arrow)

Pole Numbers		Pole	Eq	INSTALL	REMOVE	REF	100% LTS	JO	100% TEL	Span	Dist. from:	Remarks	DOC REQ
LTS	TEL	Sz-CI	BH	POLE	PB								
367A/9	940/2	50/2										inst/rmv JO pole install Lts anchor	M
367A/8PB												remove Lts PB pole	
367A/8	940/3	55/1								210'		inst/rmv JO pole inst Lts anc's	
367A/7	N/A											remove & omit pole	
367A/6	new 940/4	50/2								210'		Install JO pole rmv Lts pole	M
367A/6A	940/4											rmv JO pole	
367/5A	940/5											rmv JO pole	
367A/5	new 940/5	50/2								215'		install JO pole rmv Lts pole	M
367A/4A	940/6											rmv JO pole	
367A/4	new 940/6	50/2								250'		inst JO pole/anc/FP anc rmv Lts pole	M
316/Y	940/6.5	50/2								120'		Lts install JO pole FP rmv FP pole	M
316/1	940/7									120'		reference pole	
367A/3	N/A	50/1										inst/rmv Lts pole/anc	P



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:

6
CC-

50T

367A/4





367A/5

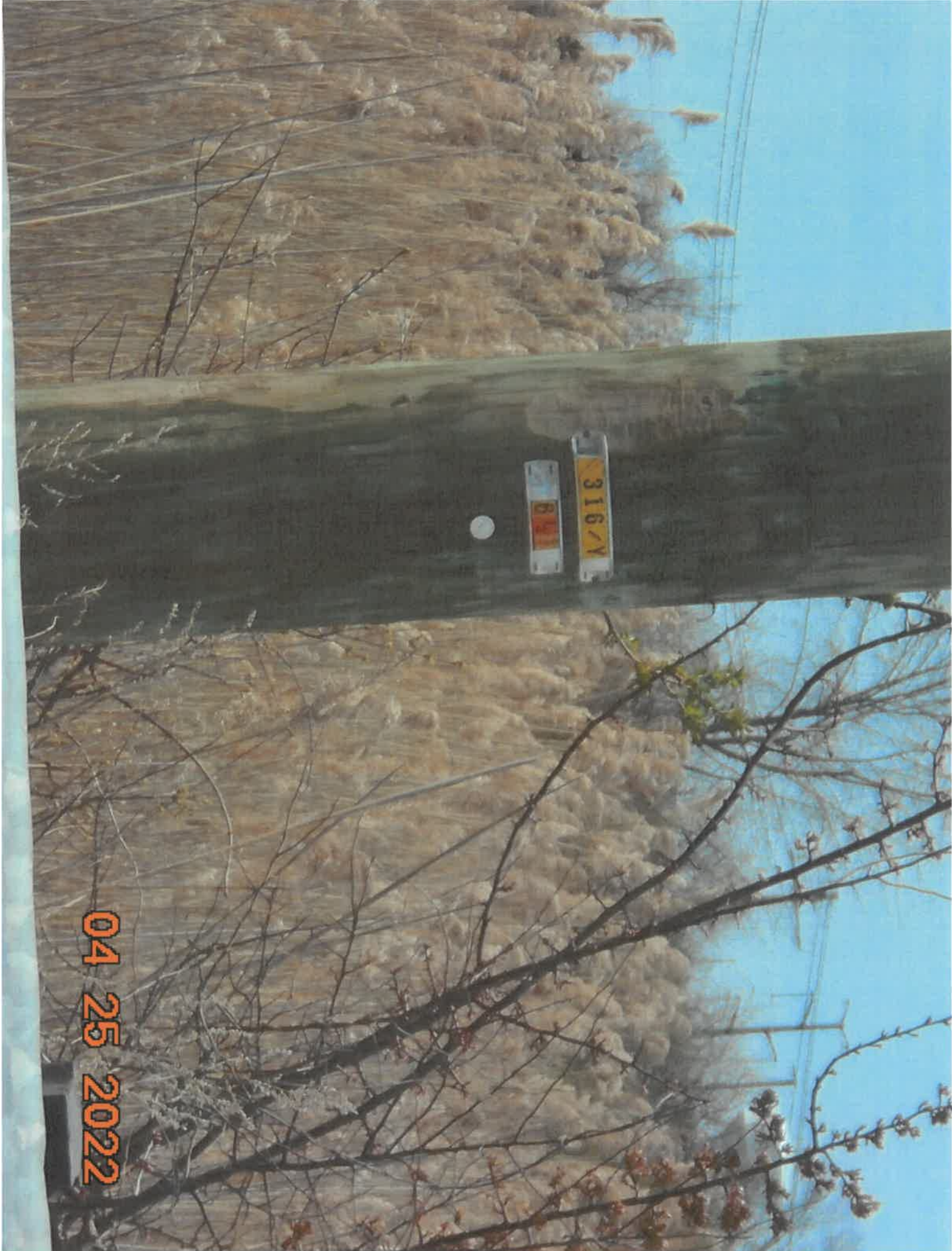






367A/B





04 25 2022



City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: May 3, 2022

SUBJECT: PSNH Pole Petition #: 63-715, Gates St, 54/13

The attached documentation is a request for license for utility pole marked 54/13. The Department of Public Works reviewed the utility plan provided by Eversource for the site on Gates St. During the review of the location, the pole was found to be positioned on City owned property at 95 Mechanic St. It was determined that these installations posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

August 13, 2019

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC, 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 one (1) pole(s), 54/13 located on Gates St in the City of Portsmouth.

Consolidated Communications of Northern New England Company, LLC

Public Service Company of New Hampshire, dba Eversource Energy

BY: _____ *Kimberley Burgess* _____

BY: _____ *Gabrielle Miller* _____
Gabrielle Miller, Licensing Specialist

LICENSE

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

ORDERED

This 7th day of August, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC 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 Consolidated Communications of Northern New England Company, LLC No. 63-0715, dated 8/7/2019, 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 _____

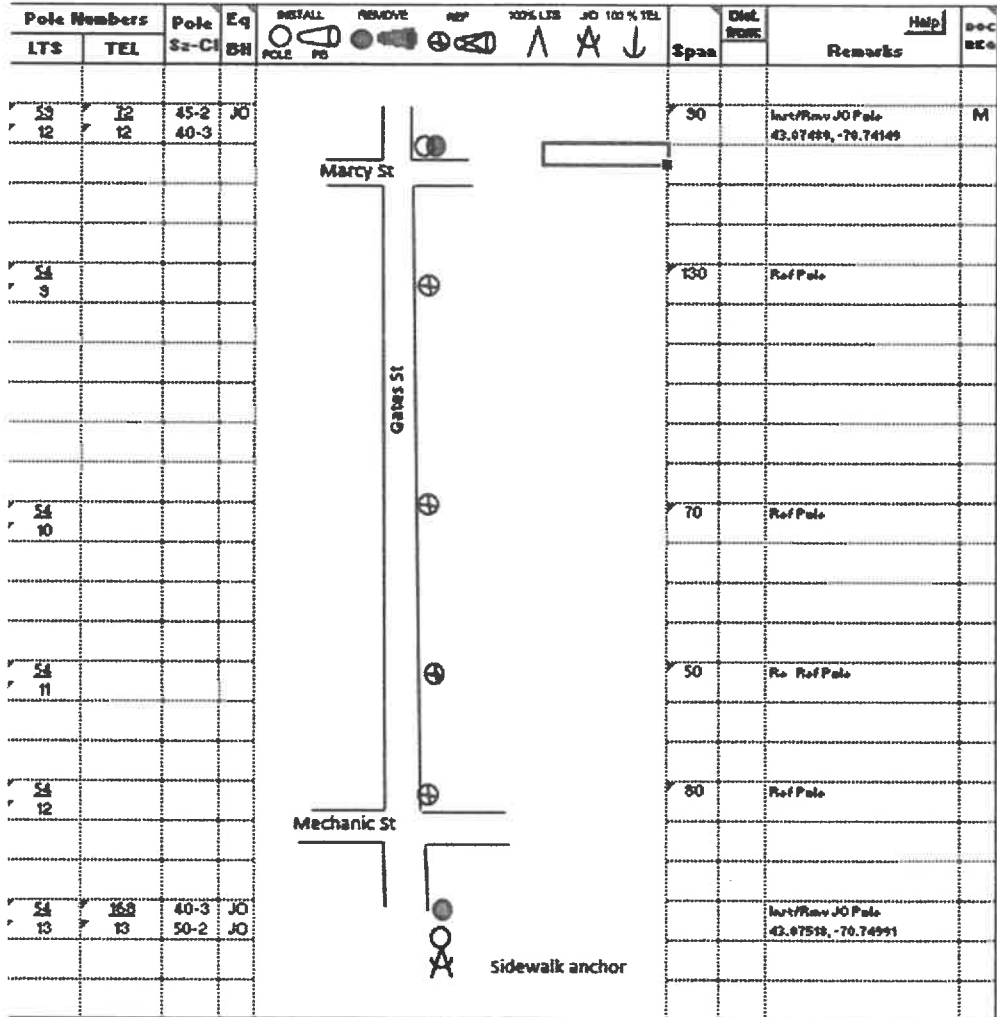
Date: _____

ATTEST: _____

Town Clerk

POLE LOCATION PLAN

EVERSOURCE and		LICENSE NO.	<u>63-0715</u>
DATE	<u>08/07/2019</u>	STATE HWY. DIV. NO.	<u>6</u>
MUNICIPALITY:	<u>Portsmouth</u>	STATE LICENSE NO.	<u></u>
STREET / ROAD:	<u>Gates St</u>	WORK REQUEST#	<u>3187803</u>
PSNH OFFICE:	<u>Portsmouth</u>	WORK FINANCIAL #	<u>9P820833</u>
PSNH ENGINEER:	<u>Nick Kosko</u>	TELCO PROJECT #	<u>n/a</u>
TELCO ENGINEER:	<u>Joe Considine</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:



54/13



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0716, Pleasant St. Pole number 65/11

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 65/11. The Department of Public Works reviewed the utility plan provided by Eversource for the Pleasant St. 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 the attachment titled The Pole Location Plan along with site pictures.

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

August 13, 2019

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC, 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 one (1) pole(s), 65/11 located on Pleasant St in the City of Portsmouth.

Consolidated Communications of Northern New England Company, LLC

Public Service Company of New Hampshire, dba Eversource Energy

BY: _____ *Kimberley Burgess* _____

BY: _____ *emilyalewis* _____
Emily Lewis, Licensing Specialist

LICENSE

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

ORDERED

This 8th day of August, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC 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 Consolidated Communications of Northern New England Company, LLC No. 63-0716, dated 8/8/2019, 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 DATE 08/08/2019

MUNICIPALITY: Portsmouth

STREET / ROAD: Pleasant St

PSNH OFFICE: Portsmouth

PSNH ENGINEER: Casey McDonald

TELCO ENGINEER: _____

LICENSE NO. 63-0716

STATE HWY. DIV. NO. 6

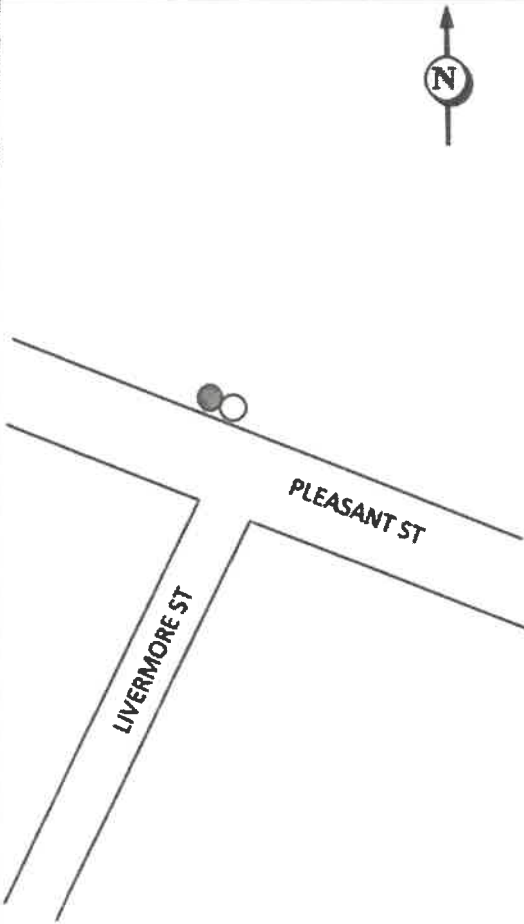
STATE LICENSE NO. _____

WORK REQUEST# 3114277

WORK FINANCIAL # 9P820381

TELCO PROJECT # _____

Pole Numbers		Pole	Eq	INSTALL	REMOVE	REF	100% LTS	JD	100% TEL	Span	Dist. from:	Remarks	Help	DOC REQ
LTS	TEL	Sz-CI	BH	POLE	PB									
<u>65/11</u>	<u>159/9</u>	<u>40/3</u>												
<u>65/11</u>	<u>159/9</u>	<u>40/2</u>												



REMOVE 40/3 JO POLE
INSTALL 40/2 JO POLE

CPS 43.074113, -70.753915

ADDENDUM PER RSA 231:163

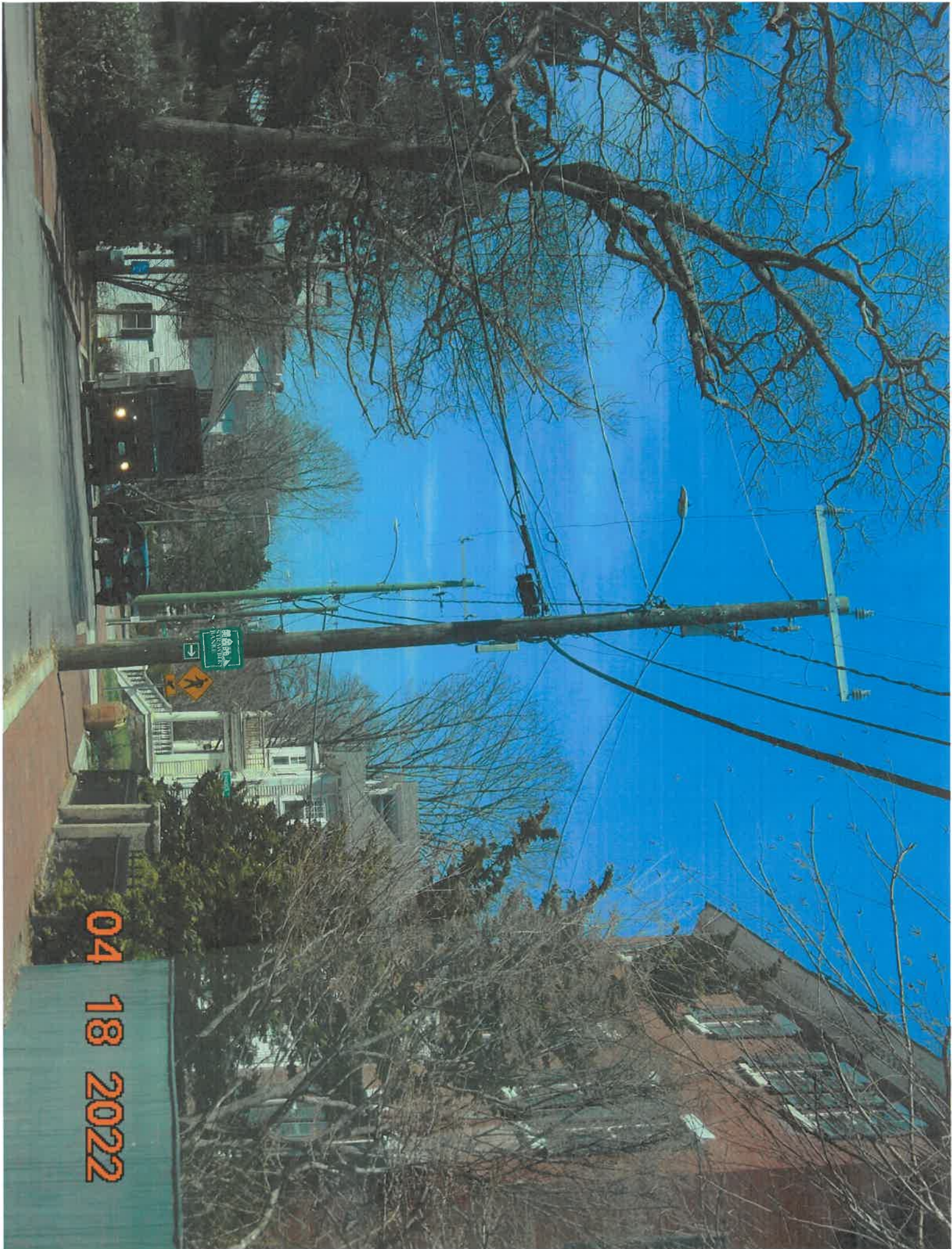
- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All 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:



04 18 2022



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0718, Lang Rd. Pole number 225/7Y.

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 225/7Y. The Department of Public Works reviewed the utility plan provided by Eversource for the Lang 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 the attachment titled The Pole Location Plan along with site pictures.

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

August 14, 2019

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC, 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 one (1) pole(s), 225/7Y located on Lang Rd in the City of Portsmouth.

Consolidated Communications of Northern New England Company, LLC

Public Service Company of New Hampshire, dba Eversource Energy

BY: _____ *Kimberley Burgess*

BY: _____ *Kathy Warren*
Kathy Warren, Licensing Specialist

LICENSE

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

ORDERED

This 12nd day of August, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Consolidated Communications of Northern New England Company, LLC 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 Consolidated Communications of Northern New England Company, LLC No. 63-0718, dated 8/12/2019, 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

ADDENDUM PER RSA 231:163

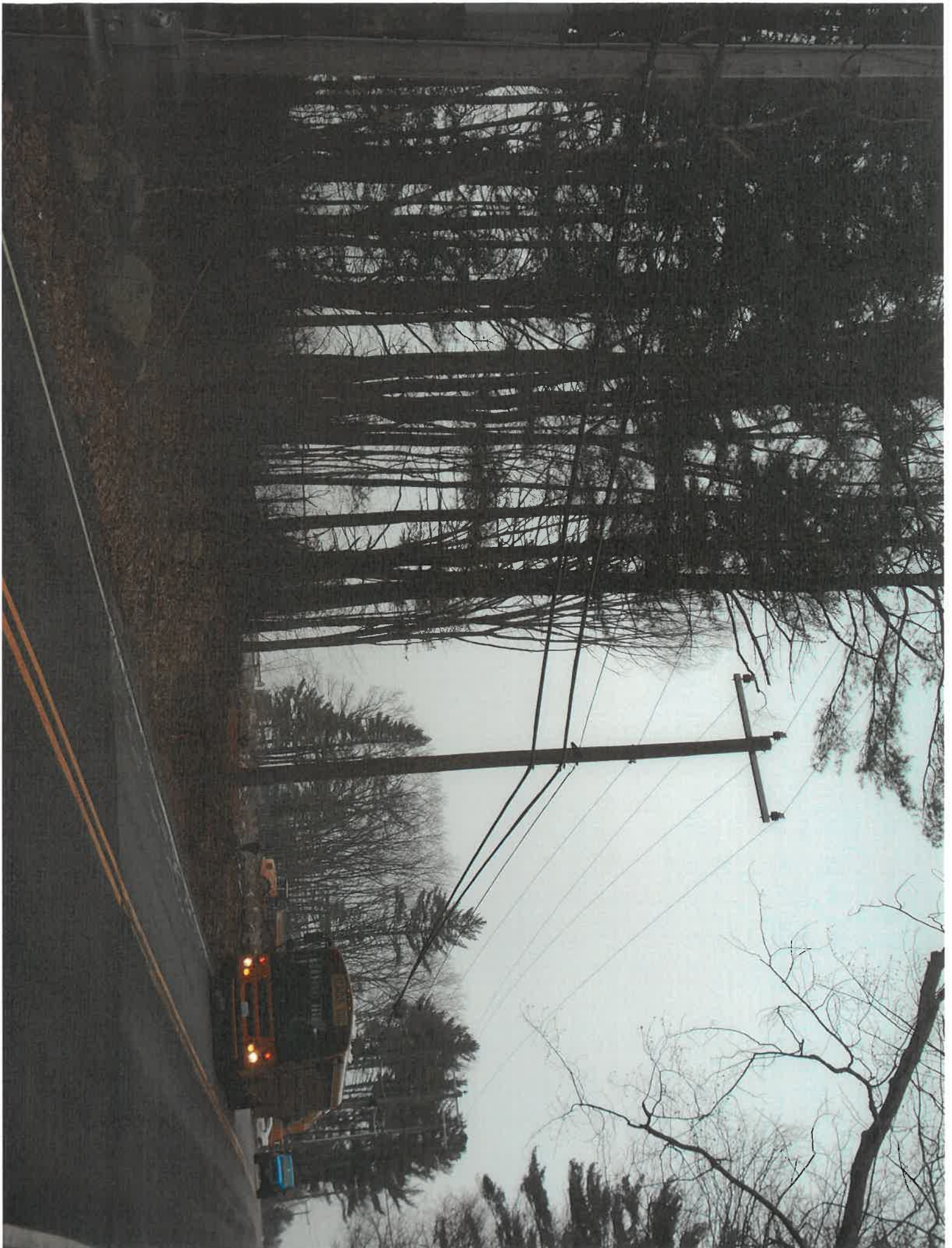
- 1) All licensee(s) and any other entity using and/or occupying property of the City pursuant to a license, lease or other agreement shall provide for the payment of properly assessed real and personal property taxes by the party using or occupying said property no later than the due date.
- 2) All 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:

EVER SOURCE
225 / 7Y

911 / 8 1/2
C



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0719, Cottage St., Pole number 263/1

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 263/1. The Department of Public Works reviewed the utility plan provided by Eversource for the Doble Center Senior Center site. After reviewing the location, it was determined that this installation posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan along with site pictures.

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

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:

263/1

04 14 2022



263/1

DO NOT ENTER

163454
300 KVA
6014 LBS

04 14 2022



City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0719, Junkins Ave. Pole number 77/10s.

STATUS: Recommend Approval

The attached documentation is a request for license for utility pole marked 77/10s. The Department of Public Works reviewed the utility plan provided by Eversource for the Junkins Ave. 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 the attachment titled The Pole Location Plan along with site pictures.

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

PETITION AND POLE LICENSE

PETITION

Manchester, New Hampshire

August 16, 2017

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

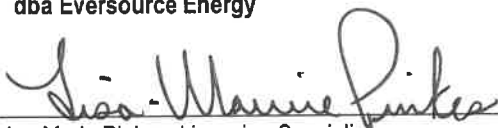
PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint Communications-NNE, request a license to install and maintain underground conduits, cable and wires, and maintain poles and structures with wires, cables, conduits and devices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

License one (1) pole(s), 77/10S located on Junkins Avenue in the City of Portsmouth.

Northern New England Telephone Operations LLC
dba FairPoint Communications-NNE

Public Service Company of New Hampshire,
dba Eversource Energy

BY:  _____

BY:  _____
Lisa-Marie Pinkes, Licensing Specialist

LICENSE

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

ORDERED

This 16th day of August, 2017, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY and Northern New England Telephone Operations LLC, dba FairPoint 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 FairPoint Communications-NNE No. 63-0660, dated 3/8/2017, 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

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.

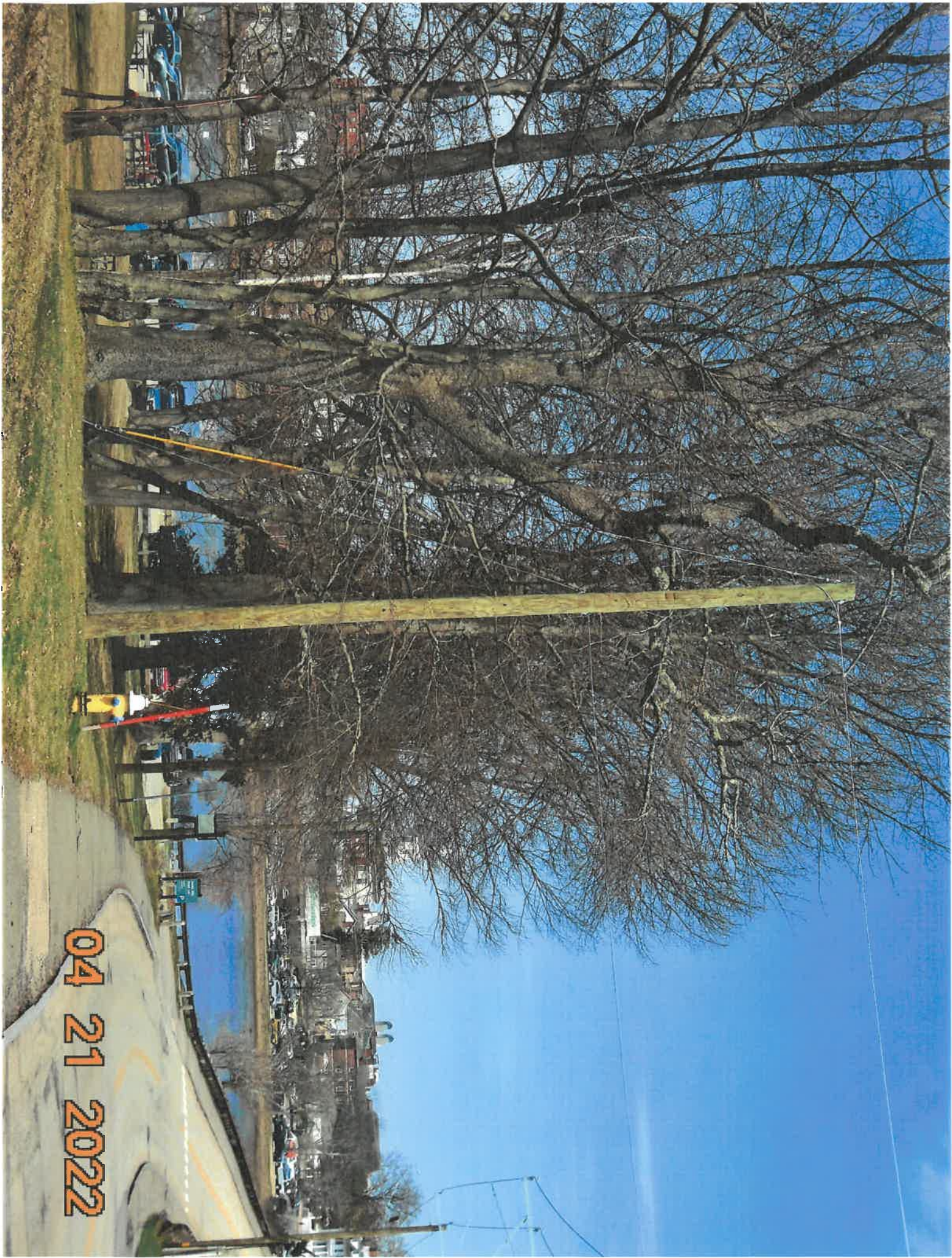
The changes to the licenses, leases and other agreements set forth in the preceding paragraphs shall remain in effect until changed in accordance with the requirements of RSA 231:163.

Approved by City Council:

77/11S

12S

04 20 2022



04 21 2022

City of
Portsmouth
Department of Public Works



MEMORANDUM

TO: Karen S. Conard, City Manager

FROM: James W. Murray, Special Projects Coordinator

DATE: 04/19/2022

SUBJECT: PSNH Petition #: 63-0722, WBBX Bike Path (Formerly WBBX Rd.). Pole numbers 24/1 and 24/2.

STATUS: Recommend Approval

The attached documentation is a request for license for utility poles marked 24/1 and 22/2. The Department of Public Works reviewed the utility plan provided by Eversource for the site on the WBBX Bike Path between Eileen Dondero Foley Ave. and Islington St. The two poles are within the City Right of Way. After reviewing the location, it was determined that these installations posed no unacceptable impacts to existing City infrastructure. The location of the installation is the attachment titled The Pole Location Plan, and placement along with site pictures.

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

**PETITION AND POLE LICENSE
PETITION**

Manchester, New Hampshire

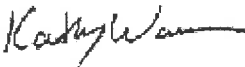
October 9, 2019

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

PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY requests 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 one (1) pole(s), 24/1 and 24/2 on Borthwick Ave in the City of Portsmouth.

PUBLIC SERVICE OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY

BY: 
Kathy Warren, Licensing Specialist

LICENSE

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

ORDERED

This 9th day of October, 2019, that, PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE, dba EVERSOURCE ENERGY be 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 No. 63-0722, dated 10/9/2019, attached to and made a part hereof.

Town of Portsmouth, New Hampshire

Town of Portsmouth, New Hampshire

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

BY: _____

Received and entered in the records of the Town of Portsmouth, New Hampshire, Book _____, Page _____

Date: _____

ATTEST: _____

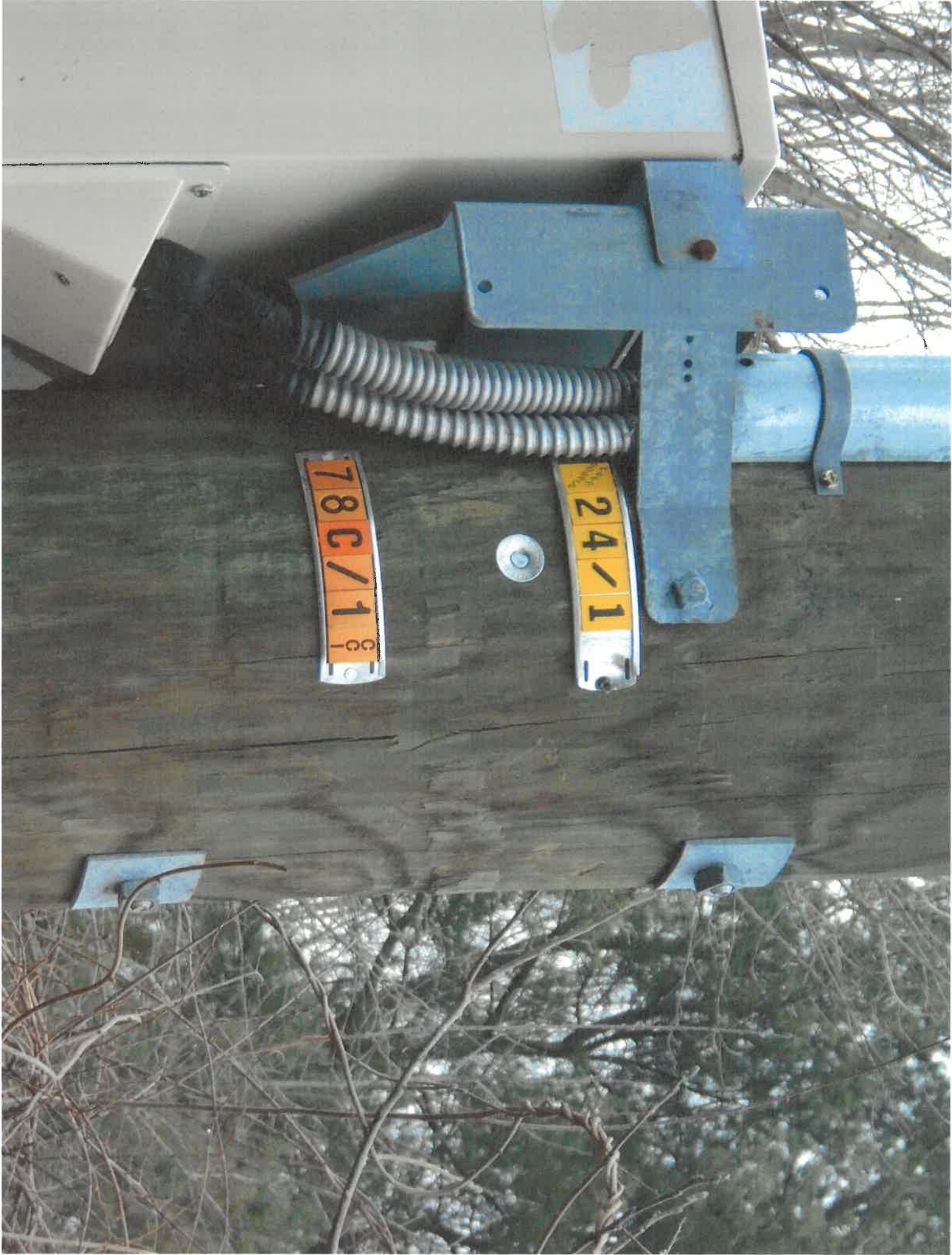
Town Clerk

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:



78C/1

24/1

Cap



78C/2

/2





CITY COUNCIL E-MAILS

Received: June 6, 2022 (after 4:30 p.m.) – June 16, 2022 (before 9:00 a.m.)

June 21, 2022 Council Meeting

Submitted on Tue, 06/07/2022 - 22:37

Full Name

Nancy Novelline Clayburgh

Email

nancyclayburgh@comcast.net

Subject

Thank You!

Address

405 FWHartford Drive

Message

Just a brief note to thank you for your support of the 2023 school budget. I know you all worked long and hard to craft a budget that serves our residents well. Our students will truly benefit from your willingness to provide the funding to make our schools the best they can be. Take care, and I'm sure our paths will cross again soon.

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

Submitted on Mon, 06/13/2022 - 11:08

Full Name

Angus MacDonald

Email

amacd86@gmail.com

Subject

Brick sidewalks

Address

401 State st, #p101

Message

Hello all-

We want to save the brick sidewalks along State St. and wherever they currently exist in the West End. Along the section of State St. scheduled for destruction, there is only c. 450 ft. of brick sidewalk by our own measurement. Cabot St. is bricked along its entire length, but needs only maintenance rather than replacement. Nevertheless the current City plan calls for concreting every sidewalk not in the Historic District, and Cabot Street's bricks will be next for the dumpster if we can not stop the destruction at State St. This town will not be the same without the beautiful brick aesthetic. Please save the brick sidewalks!

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, 06/10/2022 - 13:13

Full Name

Kyle Engle

Email

kte2325@gmail.com

Subject

Budget vote

Address

24 Hunking Street

Message

City Councilors,

I listened over the past several council meetings as taxpayer after taxpayer pleaded with you to find ways to reduce the proposed budget in a meaningful way. Previous Councilors spoke with the expertise they brought from their time on City Council, all in opposition and all offering insight on ways the budget could be handled better. The lone vote opposing the budget came from Councilor Taber who also brings with him the wisdom of previous budget negotiations. Shouldn't this have spoken volumes to all of you that maybe this budget needed more evaluation?

After eighteen years owning a home in Portsmouth, and a 100% increase in my property taxes over that span, I watched as the budget process played out and as always it left the taxpayer holding the bill. I've heard countless City Councilors recite from the same script justifying their actions; we'll lose services, we'll lose talent, this group or that group deserves a pay increase. I've also heard these same

Councilors making campaign promises and assuring everyone their main objective is representing the taxpayer. If this is the case, why has tax burden become the number one concern for so many of us?

As I watch year-after-year City Councils voting to approve large spending increases, I wonder if perhaps the system itself is flawed. We ask a group of newly elected Councilors to make complicated and challenging decisions. But few if any bring with them the experience necessary to decipher complex budgets, or have the skills to negotiate with organized labor. Yes, you may have asked tough questions, but I guarantee the folks who negotiate on behalf of their rank and file have more answers, more resources more techniques to achieve their goals than you could possibly imagine. I certainly intend no disrespect to our first responders, and I applaud the difficult work they do, but for those who negotiate on their behalf, loyalty is to their rank and file, not the taxpayer. I was a union member in the airline industry for thirty-one years. I can say from experience not a single pay increase or benefit gain was had without a brutal fight. The folks who negotiated on my behalf were highly experienced, knowledgeable and had deep resources at their disposal. And yes Councilor Denton, negotiating doesn't have to be confrontational when you give the other side everything they ask for and pay for it with taxpayer money!

As City Councilors, I hope you all are aware of the enormous implications your votes have on the livelihoods and wellbeing of so many of us in the City. It may only be an \$18 a month increase for the average tax bill, but for some that \$18 increase becomes the breaking point.

Taxpayer burden can only be relieved through a reduction in City spending, or an increased revenue source outside of taxes...disappointingly nothing seems to be happening in either direction.

Kyle Engle

24 Hunking Street

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, 06/15/2022 - 14:37

Full Name

Robin Schnell

Email

r.hary.schnell@gmail.com

Subject

Tree spraying

Address

109 Spring St

Message

Someone in our neighborhood is having a tree sprayed. We heard it, then smelled it, then had to close all of our windows (although it's already in the house). When we lived in NYS, any company that was spraying had to notify the neighbors in writing the day before so they could have windows closed, pets and their water inside, etc. If that is not a regulation here, can it be introduced?

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, 06/15/2022 - 12:03

Full Name

David Hudlin

Email

dhudlin@hotmail.com

Subject

Property Revaluation

Address

260 MILLER AVE

Message

Dear City Council,

I'm writing in regards to the 2022 Property revaluation. The last several revaluation cycles, as many of you know, has resulted in a significant shift in the tax burden to residential property owners. This upcoming revaluation will be no different, and probably much worse than prior revaluations due to the spike in residential property median sales, coupled with what will no doubt be a decline in median commercial property values. This will be devastating to many homeowners, as this continued pattern of residential assessments increasing, on a percentage basis, much greater than Commercial, continues to result in a double digit percentage increase in the average residential property bill. For the homeowner, this means that we'll be facing \$100-\$200/month increases. It also means, as we've seen in the past several revaluations, that the commercial property owners will see a REDUCTION in their tax bills. It will be especially painful this year as we struggle with significant increases in food, utilities, gas, clothing etc. I ask you, as representatives for middle class taxpayers of Portsmouth, to do two things: 1.) Scrutinize every departmental budget line item request, and challenge all spending and capital requests. Annual increases in the operating budget have a significant compounding impact on the tax burden, 2.) Hold the Assessor accountable for the Commercial Assessments. Meaning, the third party hired to determine values, needs to explain in detail the methodology and criteria for determining valuations. The Assessor is very adept at providing ample residential comp sales data, yet cannot articulate how Commercial values are derived and 3.) Require the City Finance Manager to provide a current year baseline, by neighborhood, of the median property

tax bill. Then after the revaluation and budget/tax rate is final, provide the NEW median property tax bill by neighborhood. This way we can clearly see both the dollar and percentage increase in homeowner tax bills by neighborhood. As we all know, the tax rate is meaningless. It's simply a function of the taxable base and the operating budget. The decrease in the rate says nothing about how effectively we manage the city budget. It's simply a function of an increasing tax base value driven by assessments. Let's not "promote" how our rate has declined. Let's instead focus squarely on both the increase in our average tax bills, and the increase in the operating budget. In the previous 2 revaluations, I did significant research on Commercial property assessments. The City data showed inexplicable low percentage increases, that understated the true value of these properties. The Commercial market data, as reported by CBRE for both these time periods clearly showed much stronger values, driven by vacancy rates, rental/sq ft, and property sales. You should question everything related to Commercial assessments, and not simply defer to the "expertise" of the third party assessor. Bottomline, the well being of middle class taxpayers needs to be top priority. These are unprecedented times. Many people are still feeling pain from changes in employment related to Covid. Now we are getting severely impacted by historic inflation, straining family budgets. We can't afford significant increases in tax bills on top of that.

Thank You

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

We Speak
Portsmouth High School
50 Andrew Jarvis Dr

May 22, 2022

Dear Mayor McEachern and City Council members,

On behalf of Portsmouth High School, We Speak would like the Council to revisit its June 21, 2021 decision regarding the naming of "Columbus and Indigenous People's Day." We are requesting some time on the agenda to state our case at the June 6th City Council meeting and the Council's vote to permanently approve an unambiguous city-and school-wide reference to Indigenous Peoples' Day only (not alongside "Columbus Day") and to support public recognitions and acknowledgments in honor of Indigenous Peoples' lands in Portsmouth.

We understand that this will be a busy meeting for the Council as you will be adopting the new budget for this upcoming year, but it is important that we come during the school year so that we can demonstrate all the support we have from our classmates and community before they leave for summer vacations.

Currently, our petition in support of a permanent name change and public education about Indigenous Peoples' Day has over 1,200 signatures. This represents students, parents, and community members who wish to formally adopt a name change for the October holiday and replace any reference to the name Columbus Day with Indigenous People's Day only. We suggest the complete replacement of the words Columbus Day with Indigenous Peoples' Day in the city calendar, school calendars, website references, and agenda books as well as public land acknowledgment in meetings, communications, and at other public events.

The main reason for this change is due to the fact that we are continuing to celebrate a holiday that is distressing to Native American populations including the Pennacook, Abenaki, and Wabanaki lands that we are on today. The holiday overtly celebrates the colonial oppression that Native people faced beginning with Columbus' arrival in the late 1400s. History has made it clear that Columbus and the colonization of the Americas have put the Indigenous People through a variety of hardships that they are still struggling to escape from.

To date, 21 states and over 130 American cities, towns, and counties have transitioned to celebrating Indigenous Peoples' Day. More specifically, Maine Vermont, and Connecticut have changed the holiday, and in New Hampshire; Chester, Concord, Dover, Durham, Hopkington, Keene, Nashua, Newmarket, and Exeter; have all changed the holiday at school board and city levels. So why shouldn't Portsmouth make this a permanent and clear change?

Portsmouth is looked up to as an open-minded and well-known city in New Hampshire. Meaning if we change completely to Indigenous People's Day, other towns and cities near us will see that

and follow in suit. Portsmouth needs to be a leader in this movement of moving away from old, hurtful, and uneducated traditions and language toward recognizing the struggles of Indigenous People in the past, present, and future.

An important aspect of passing this change is that we would like the City Council to stay true to its Racial Justice Resolution passed in the summer of 2020, which states that the City Council strives to “employ and regularly review best practices to support racial justice.” By supporting a permanent, unambiguous city-and school-wide reference to Indigenous Peoples' Day not alongside “Columbus Day” and making public recognitions and acknowledgments in honor of Indigenous Peoples' lands in Portsmouth, the Council will be in alignment with that resolution.

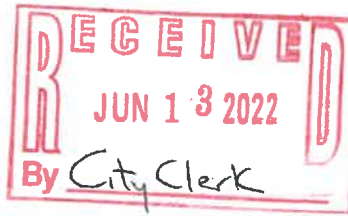
We thank you for your time and consideration.

Sincerely,

We Speak members:

Olivia Annunziata Blaisdell, Harini Subramanian, and Maya McKinnon

Portsmouth City Hall
Portsmouth NH 0301



June 13, 2022

Dear Portsmouth,

This letter is asking the city to release the paper road between 38 and 28 Thornton Street to the 38 and 28 Thornton properties, last year the city released the other half of this same paper road to 294 and 276 Dennett Street. Tricia and I purchased 38 Thornton Street in 1995 from the estate of William Colliton. Thornton Street ends at 38/28 Thornton with Ruth Street turning to the east and dead ends with 3 houses on Ruth.

When we purchased 38 Thornton Street our neighbors John and Dot Reardon resided at 28 Thornton and had lived there for many decades before. John worked for the city for many years. The Reardon's utilized the small section of pavement extending from Ruth Street into the paper road, and according to John his city buddies paved this for him. When we moved into our house in 1995 we shared the vegetated area of the paper road for various gardening projects with the Reardon's. John stored soil on the land, and had planted several trees. Tricia and I grew pumpkins in the area, as well as planted trees and shrubs. Tricia and I shared the maintenance of the paper road area with John, as we do now with the Simpsons, the current owners of 28. Prior to this time Bill Couilton who resided at 38 Thornton, took care of the land.

In our 27 years residing at 38 Thornton, the city has never expressed concerns or utilized this area for any services. The one city activity in all this time was the removal of a street light from the back of 276 Dennett Street several years ago.

Since the Dennett street side has been released to 294 and 296 Dennett there is no possibility of connecting Thornton with Dennett through this paper road. Releasing the Thornton side of the paper road would clean up responsibility and care of this area, and be the right thing to do. There are no utilities in this paper road, no power lines, no communication lines, and no water or sewer lines. In essence this land has been part of these properties, cared for by the property owners for decades, and the city has no apparent need for the land.

Please advise me on how to move forward with this request.

Sincerely
Steve J. Miller
38 Thornton Street
Portsmouth, NH 03801
603 828-2954

A handwritten signature in black ink, appearing to read "Steve J. Miller". The signature is written in a cursive, somewhat stylized font.



INSIGHT MATTERS

Sherilyn Burnett Young

Attorney-At-Law

sby@rathlaw.com

Please reply to: Concord Office

June 10, 2022

VIA FIRST CLASS MAIL AND ELECTRONIC MAIL

The Honorable Mayor Deaglan McEachern
Members of the Portsmouth City Council
c/o Kelli Barnaby, City Clerk
City of Portsmouth
City Hall, 3rd Floor
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application for Urbanized Shoreland Exemption – RSA 483-B:12
Subject Property: 57 Salter Street, Portsmouth, Tax Map #102, Lot #32

Dear Mayor McEachern and City Council Members:

We write on behalf of Margot Thompson and Edward Thompson (“Thompsons”) to request that the Portsmouth City Council apply for an Urbanized Shoreland Exemption pursuant to RSA 483-B:12 for the property located at 57 Salter Street, Tax Map 102, Lot 32 in the City of Portsmouth, located along the shores of the Piscataqua River (the “Property”). A letter requesting that the Portsmouth City Council apply for an Urbanized Shoreland Exemption was submitted by the Thompsons on April 25, 2022. On May 2, 2022, the City Council referred the matter to the City of Portsmouth Planning Board for review and a recommendation. On May 19, 2022, after review and presentation, the Planning Board voted 8-1 to recommend the application.

On or about May 26, 2022, the City of Portsmouth Planning Department received an email from NHDES questioning the validity of the application process. On June 3, 2022, after subsequent discussions with NHDES, an email was forwarded to the City’s attorney stating that NHDES would support the individual application by the Thompsons if they provided supplemental evidence of impervious area and municipal utilities in the area of the property at 57 Salter Street. We understand that the NHDES would prefer to have the City apply for an area-wide exemption rather than a single-lot exemption, but is willing to allow this single-lot application to go forward.

One Capital Plaza
Concord, NH 03302-1500
T (603) 226-2600
F (603) 226-2700

20 Trafalgar Square
Suite 307
Nashua, NH 03063
T (603) 889-9952
F (603) 595-7489

120 Water Street
2nd Floor
Boston, MA 02109
T (617) 523-8080
F (603) 226-2700

26 State Street
Suite 9
Montpelier, VT 05602
T (802) 552-4037
F (603) 226-2700

1855 Elm Street
Manchester NH 03104
T (603) 226-2600

On behalf of the Thompsons, please review the attached supplemental information showing the following:

1. Maps showing the impervious area of 57 Salter Street, including individual maps showing the impervious area (in purple) for each of the 9 properties listed in Exhibit A of the Thompson's April 25, 2022 letter is attached as Exhibit K. Exhibit K shows that all of these properties, with the exception of perhaps 53 Salter Street, have more than 50% impervious area. These maps also show a concentration of impervious area for the majority of lots in this area around 57 Salter Street. Impervious area exceeding 50% is one of the elements of establishing urbanization.
2. Maps and attachments showing the City of Portsmouth municipal utilities (water, sewer and drain) available to all of the properties on Salter Street, including those properties listed in Exhibit A filed with the April 25, 2022 letter, as shown in the attached Exhibit L. The maps included in Exhibit L also show that municipal water, sewer and drain utilities are available to the area around 57 Salter Street. In addition, Exhibit L also includes building permits showing evidence of municipal utility, gas and electrical service connections to the Thompson's property.

The Thompsons will also submit this supplemental information in the OpenGov portal and provide copies of this letter to the Portsmouth Planning Department. The Thompsons respectfully request a public hearing for the City Council to consider their request for the City of Portsmouth to apply for an Urbanized Shoreland Exemption at the June 21, 2022 City Council hearing only with respect to the 57 Salter Street lot, and not the surrounding area.

If you have any questions or comments, please contact me at your earliest convenience.

Very truly yours,



Sherilyn Burnett Young

SBY/smw

Enc.

Cc: Margot and Edward Thompson (via electronic mail)
Karen S. Conard, City Manager (via electronic mail)
Shanti Wolph, Chief Building Inspector (via electronic mail)



The Honorable Mayor Deaglan McEachern and Portsmouth City Council
June 10, 2022
Page 3

Beverly Zendt, Planning Director (via electronic mail)
Peter L. Britz, Environmental Planner/Sustainability Coordinator (via electronic mail)
Assistant City Attorney Jane Ferrini (via electronic mail)

57 Salter Street Area – GRANITVIEW MAP – 2015 Impervious Area Data

granitview.unh.edu/html5viewer/index.html?viewer=granit_view

impervious Sign in

Home Data Sources Layer Info Drawings and Measurements Projects Custom Tools Help

Upload Data Layer Catalog Add Layers Share Save to ArcGIS My Content

Layers External Maps


Layers

Standard GRANIT Layers

Filter Layers... Filter

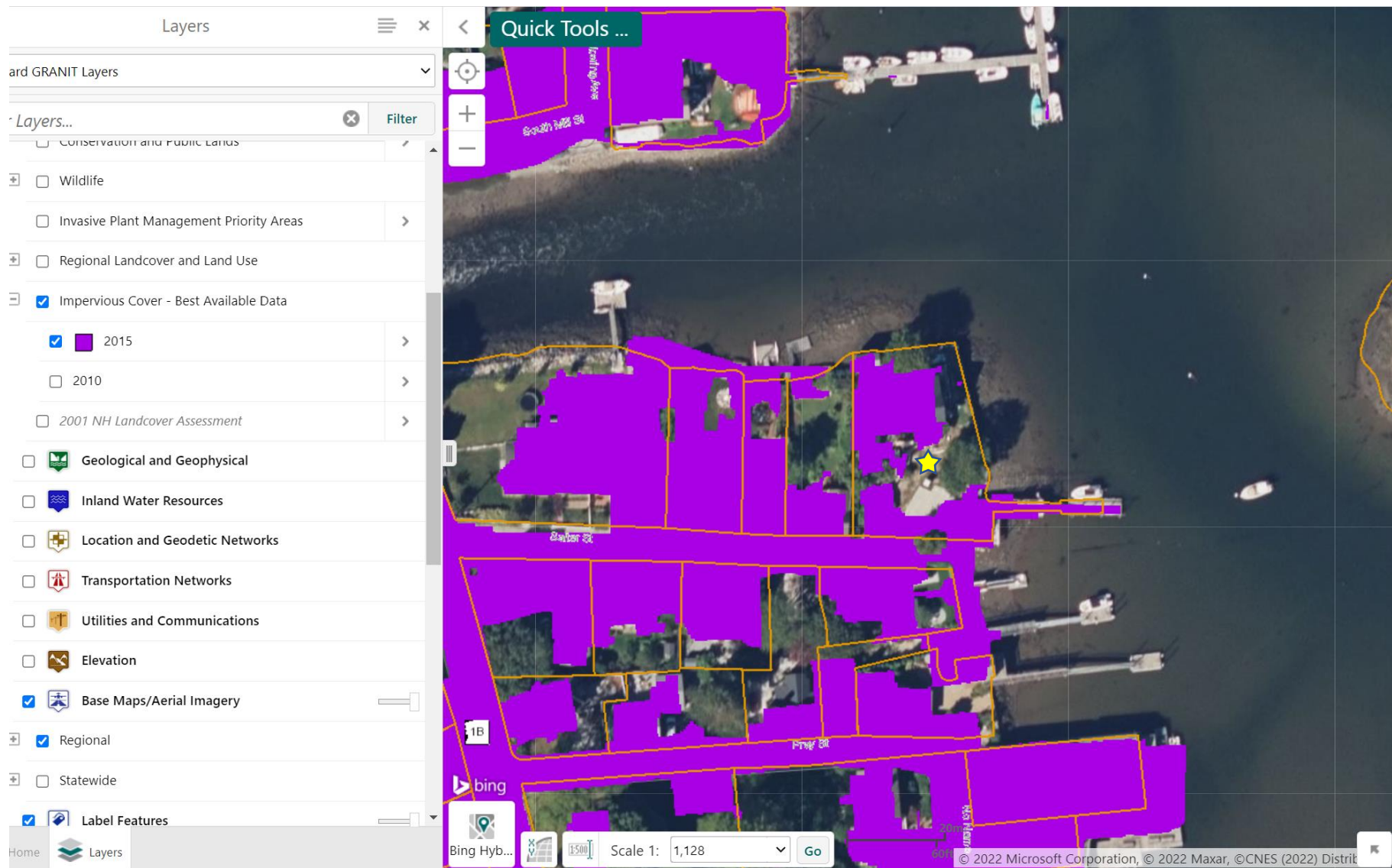
- Invasive Plant Management Priority Areas
- Regional Landcover and Land Use
- Impervious Cover - Best Available Data
 - 2015
 - 2010
 - 2001 NH Landcover Assessment
- Geological and Geophysical
- Inland Water Resources
- Location and Geodetic Networks
- Transportation Networks
- Utilities and Communications
- Elevation
- Base Maps/Aerial Imagery
- Regional
 - Coastal 2019 1-foot RGB
 - Coastal 2019 1-foot CIR
 - Coastal 2017 1-foot RGB

Quick Tools ...

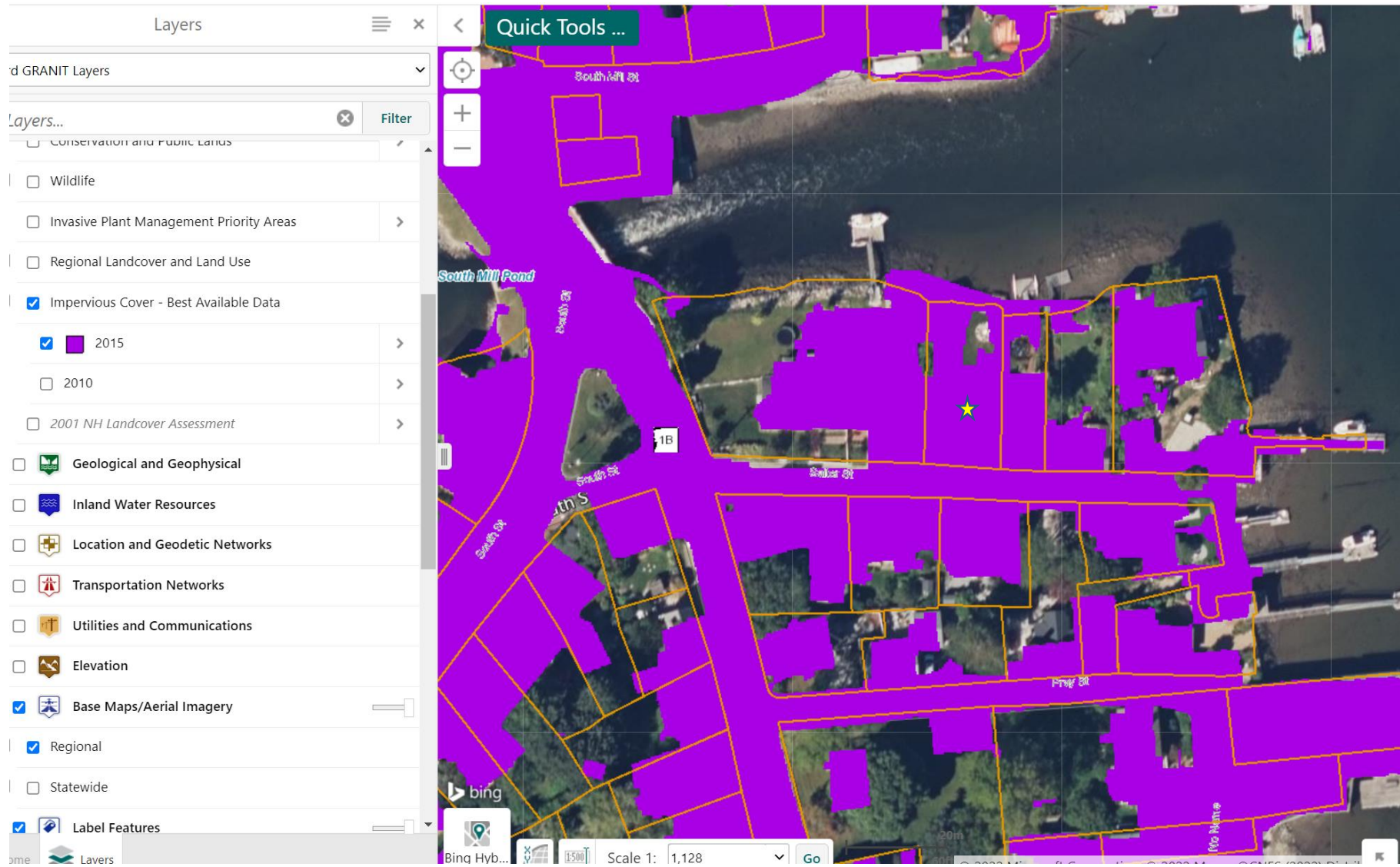


bing Bing Hyb... © 2022 Microsoft Corporation, © 2022 Maxar, ©CNES (2022) Distrib

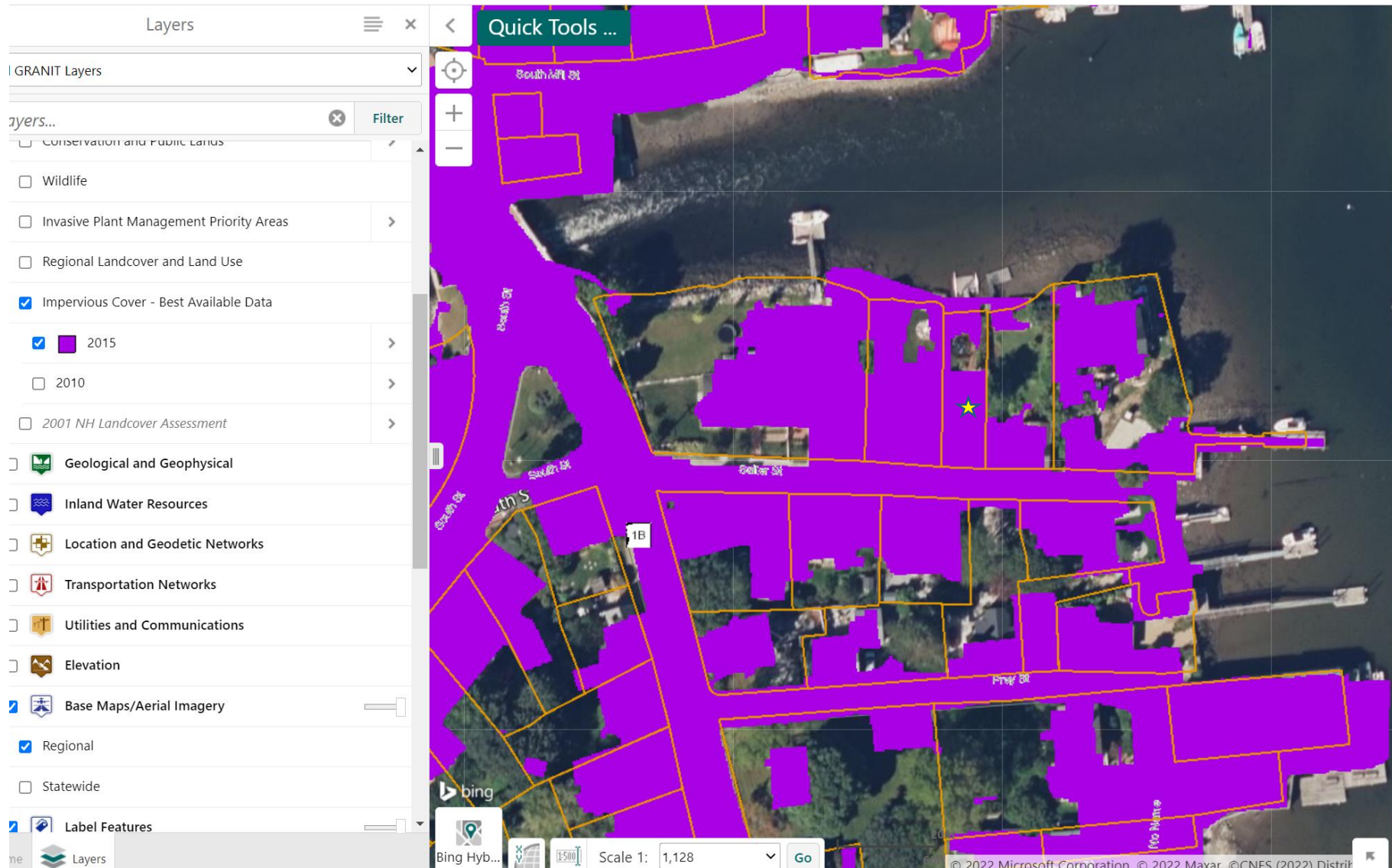
57 Salter Street – Map 102, Lot 32 – 2015 Impervious Area Map (Calculated 52% per NHDES plan submission)



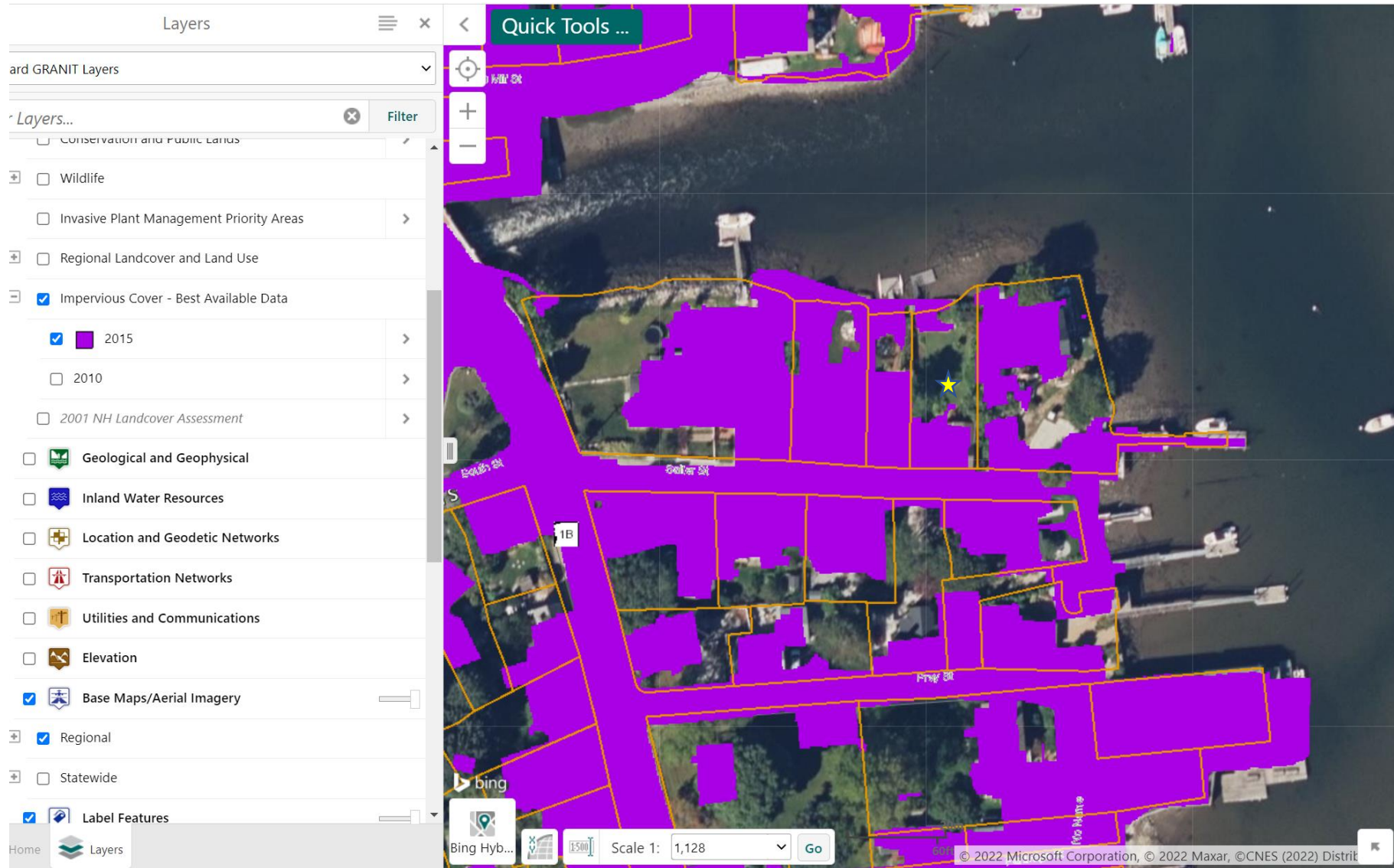
35 Salter Street – Map 102, Lot 29 – 2015 Impervious Area Map



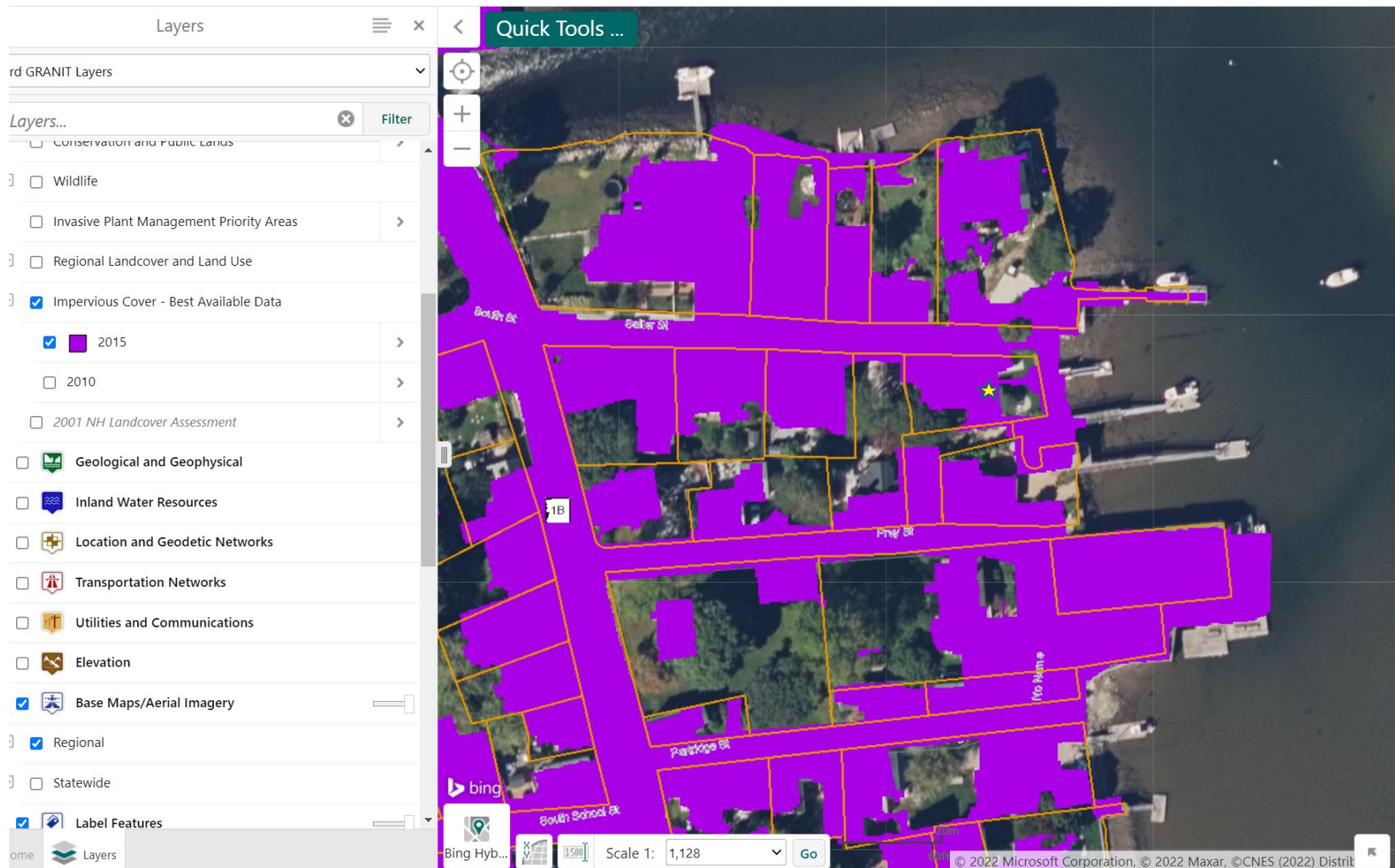
41 Salter Street – Map 102, Lot 30 – 2015 Impervious Area Map



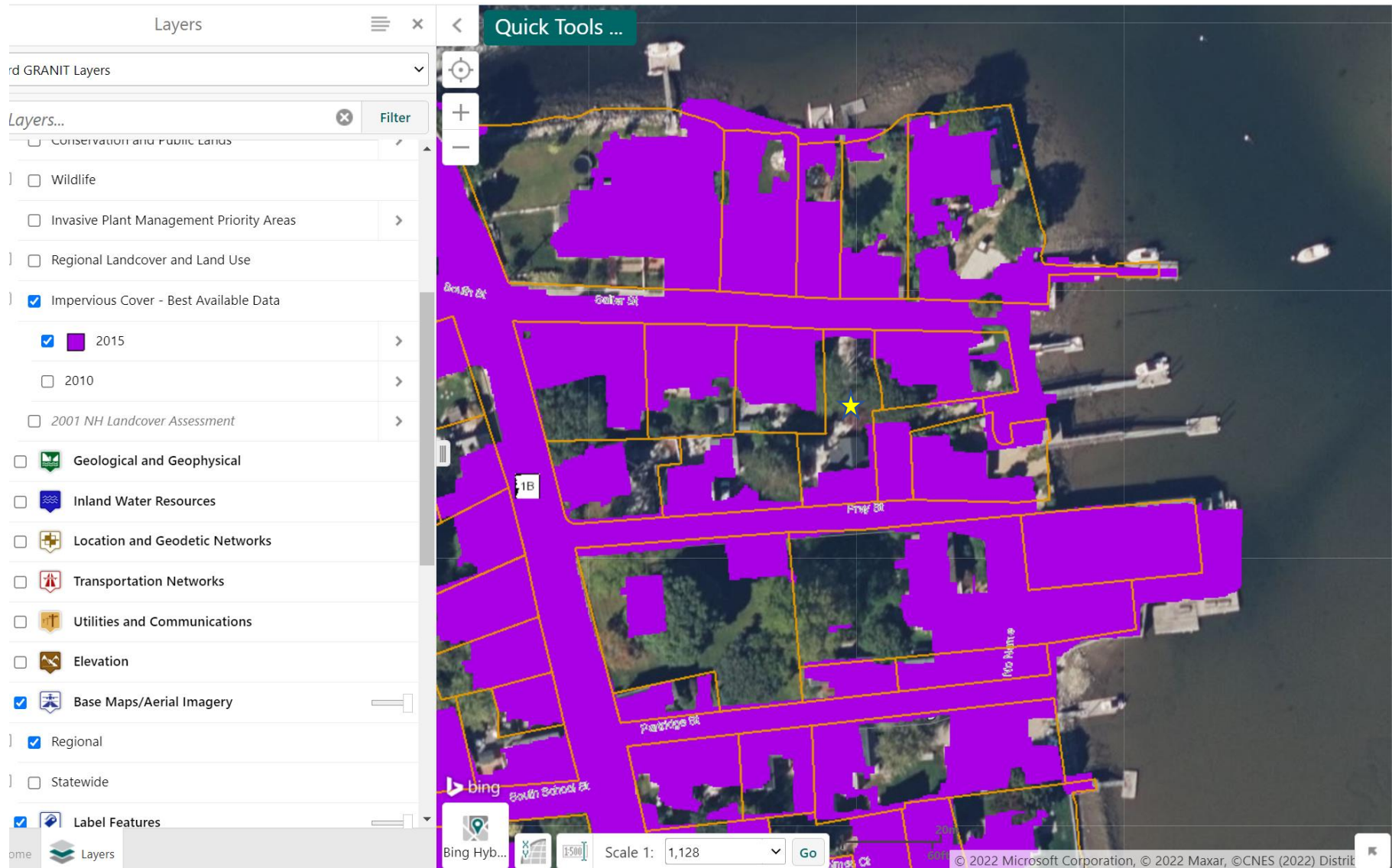
53 Salter Street – Map 102, Lot 31 – 2015 Impervious Area Map



56 Salter Street – Map 102, Lot 33 – 2015 Impervious Area Map

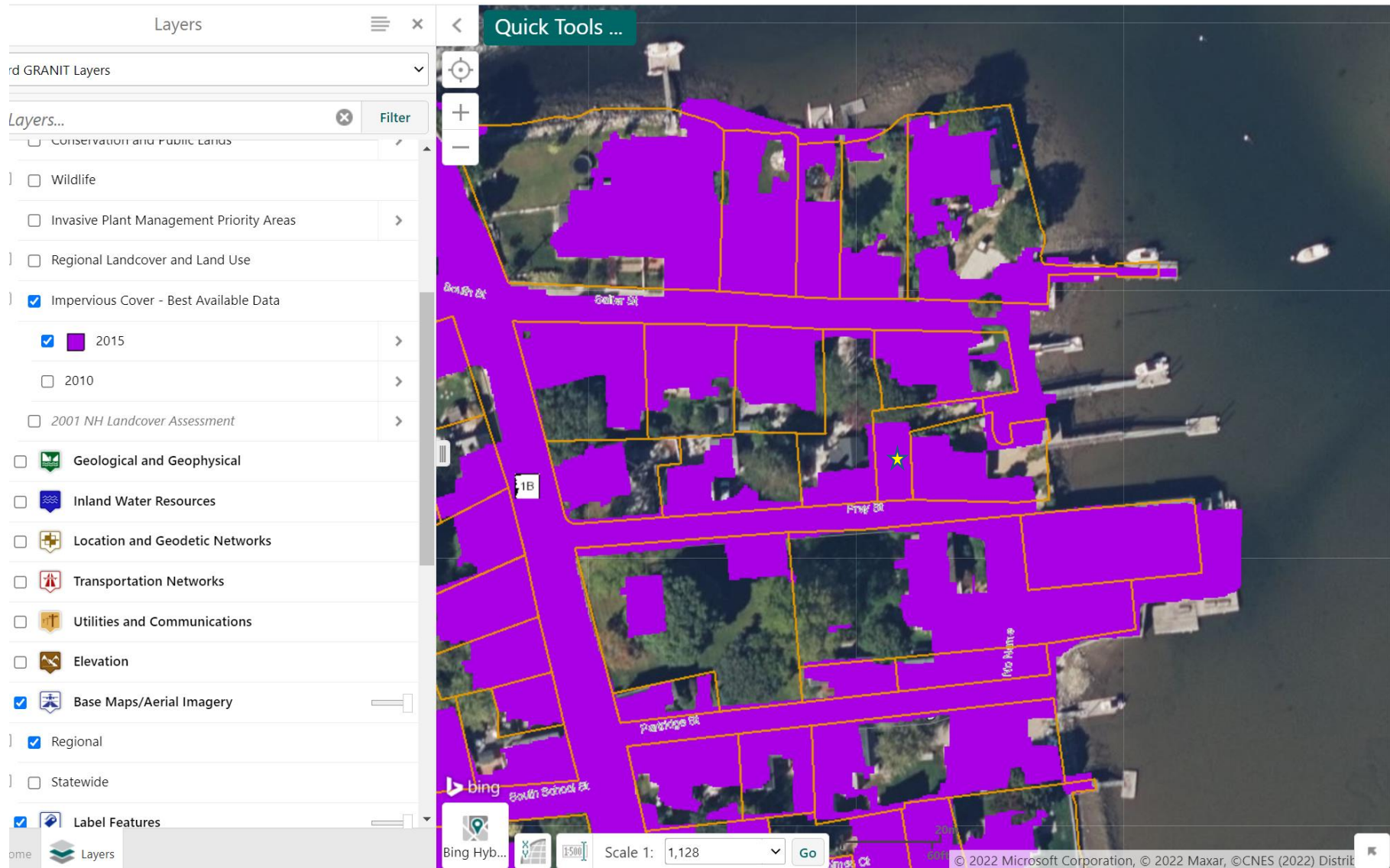


39 Pray Street – Map 102, Lot 38 – 2015 Impervious Area Map

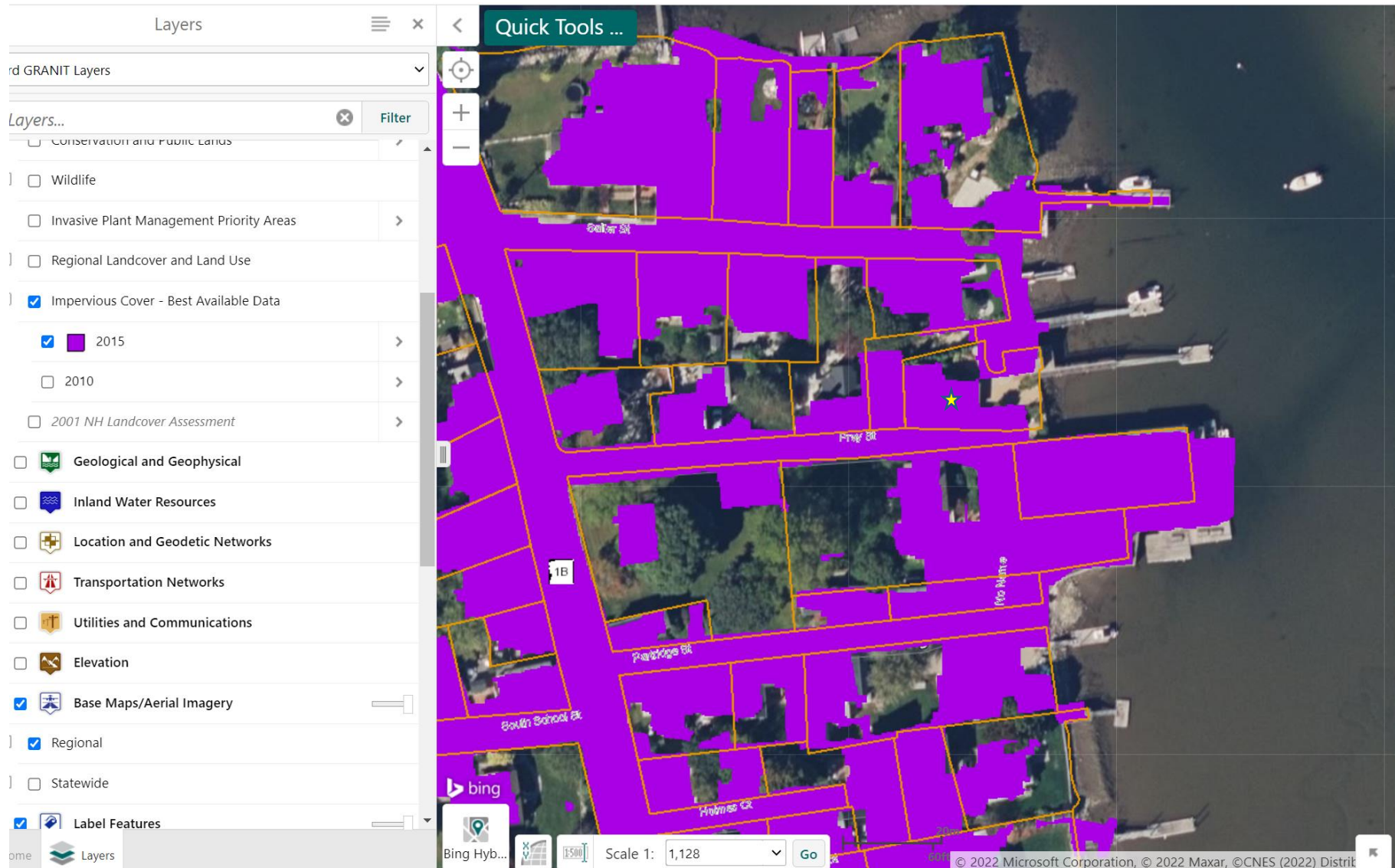


Note – It appears a portion of the house and driveway are not covered with purple but are also impervious areas.

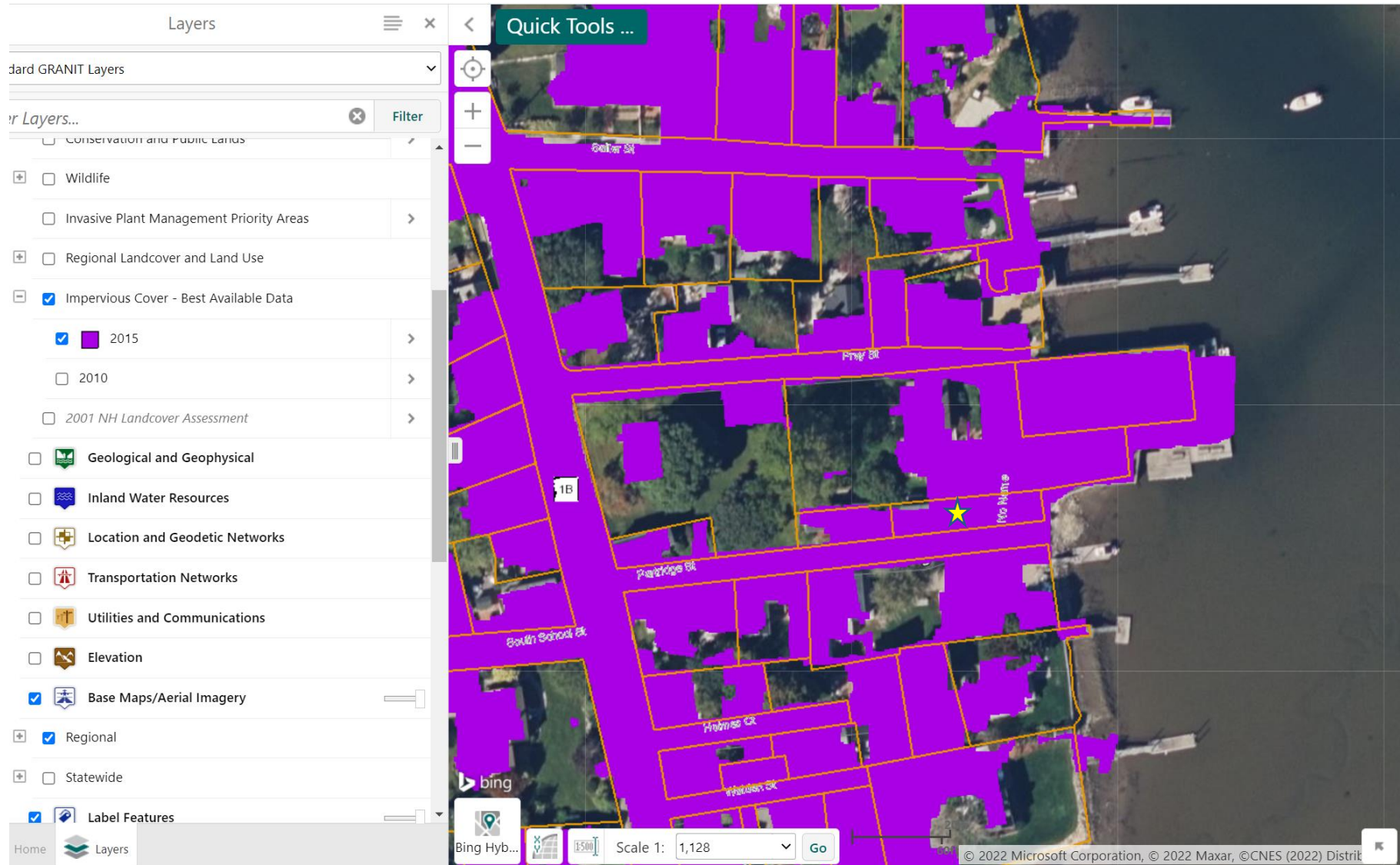
43 Pray Street – Map 102, Lot 39 – 2015 Impervious Area Map



53 Pray Street – Map 102, Lot 40 – 2015 Impervious Area Map



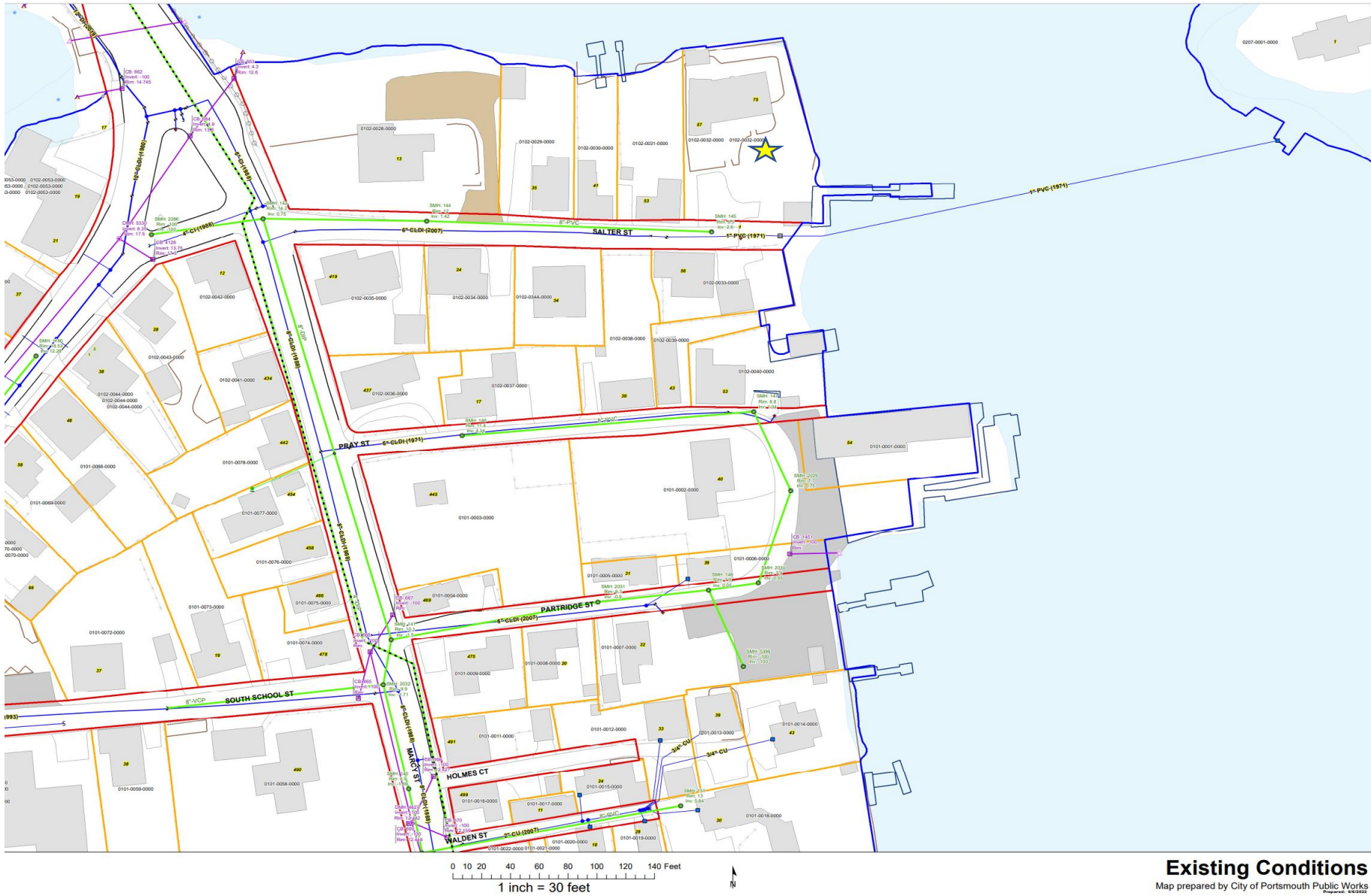
39 Partridge Street – Map 101, Lot 6 – 2015 Impervious Area Map



Thompson Urbanized Exemption – Evidence of Municipal Utilities



City of Portsmouth Municipal Water (blue), Sewer (green), and Drain (purple) utilities on Salter Street.



City of Portsmouth Public Works Map showing Water (Blue), Sewer (Green), and Drain (Purple) facilities in the area of 57 Salter Street (★)

Evidence of Electrical Service – City of Portsmouth Electrical Permit No. 4459 (5-14-1991)

CITY OF PORTSMOUTH, N.H. — BUREAU OF INSPECTION
 1 JUNKINS AVENUE 431-2000 Ext. 243
ELECTRICAL PERMIT

Plans Submitted _____ Permit # 91-544-2
 Date: 5-14-91
 Bldg. Permit # 4459

Address: 57 Salter St Contractor: Reyan Elect.
 Owner: Ned Thompson Address: Portsmouth
 License # 1132 Phone # 436-9015
 Fee Amount: 87

Paid: Check Cash Other chg Amount \$ 87 Collected By _____ Date _____

BUILDING DATA

Use: Residential Business Industrial Other _____ No. of Stories _____
 No. of Residential Units _____
 Type of Installation: New Alteration Repair Other _____
 Wiring Method: NM AC MC Busduct Conduit _____ Type _____ Other _____

Fire Detection: _____

Services			Lighting Fixtures	
Voltage/Phase	Amperage	Conductors	No.	System
120/240	200A		2	Individual Detectors # _____
41	100A		74	

Temporary Services			Air Cond./HVAC	
Voltage/Phase	Amperage	Conductors	Type/Unit	H.P. Voltage/Phase

No. of Meters			Generators	
Amperage	Phase		No.	Size
100A	1P			
200A	1P			

Switchboard/Panel Boards			Transformers	
Age/Phase	Amperage	Conductors	No.	Size

Electric Heat			Motors	
Baseboard No.	Electric Boiler	Other Wattage	H.P.	Voltage/Phase
			4	208

Oil or Gas Furnace No. _____

Swimming Pools (Installed in Conformance with NEC 680) _____

Applicant certifies that all information given is correct and that all pertinent electrical ordinances will be complied with in performing the work for which this permit is issued.

Work must begin within six (6) months of permit issuance or the permit shall become invalid.

Description of Work: 100A Service for Bart house; 200A Service for House

Allan Bishop, Signature of Applicant or Authorized Representative, Date: 5-14-91
 John C. L'Esperance, Signature of Building Official

Location of Work: 57 Salter St
 (No. and Street)

6-14-91 Rough of Large Home with
 Livolt S.A. System (needs permit)
 Rx and various types of
 Boxes & fixtures. very neat
 work. OK to cover 1st & 2nd
 Floor. J.C.

7/24/91 Rough in of "outbuilding" (shop-office)
 messy (owner's work) but adequate. Fee

8-30-91 Final Insp. All electrical
 OK for use.
 ① Basement Lighting not
 complete yet.
 ② System smoke detectors by H
 security does not have a
 UL listed control.

8-30-91
 3 P.M. HVA has replaced some made
 control with UL listed Fire
 Bury control used only for
 fire at this time. OK
 for temp. C.O. J.C.

Evidence of Gas Service – City of Portsmouth Residential Plumbing/Mechanical/Gas Permit No. PMGR-20-483 (10-5-20)



City of Portsmouth Residential Plumbing/Mechanical/Gas Permit

Inspection Department
1 Junkins Avenue
Portsmouth, NH 03801
603-610-7243

Permit Number:
PMGR-20-483
Date of Issue:
October 5, 2020
Expires:
October 5, 2021
Const. Cost:
\$20000

Owner: THOMPSON MARGOT L
Applicant: Luis Catinchi
Contractor: Luis Catinchi
Company: Express P&H
Phone #: 6037656773
Location: 57 SALTER ST
Map/Lot: 0102--0032--0000-

Description of Plumbing Work: First floor rough in 1/2 bath, 2nd floor 3/4 bath, and laundry

Description of Mechanical/Gas Work: Gas hot water heater, gas fireplace, gas grill, 2 mini splits

Remarks:

-
-

The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees to perform the work authorized including any conditions or requirements indicated thereon; and any stipulations imposed by a Land Use Board in conjunction with the project. The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections. A Certificate of Occupancy is required for all Building Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued. By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the construction process.

The Permit Card Shall Be Posted and Visible From the Street During Construction.

Code Official:

This is an e-permit. To learn more, scan this barcode or visit portsmouthnh.viewpointcloud.com/#/records/49399



57 Salter
Street

Application for Urbanized Shoreland
Exemption

Margot and Edward Thompson
57 Salter Street, Map#102, Lot#32

City of Portsmouth City Council

June 21, 2022

Procedural Background

On April 25, 2022, Margot and Edward Thompson filed with the City of Portsmouth an Application for Urbanized Shoreland Exemption

On May 2, 2022, the City Council referred the Application to the Portsmouth Planning Board for a recommendation.

On May 6, 2022, the Applicant's through their attorney, filed the necessary background information in Portsmouth's Open Gov system.

On May 19, 2022, after presentation at the Portsmouth Planning Board meeting, the Planning Board voted 8-1 to recommend to the City Council that the City file an Application for Urbanized Shoreland Exemption for 57 Salter Street.

On June 10, 2022, the Applicant's filed supplemental information related to impervious area and municipal utilities with the City of Portsmouth City Council and Planning Department after consultation with NHDES.

Purpose of the Urbanized Shoreland Exemption

If the City applies for the exemption, and it is subsequently approved by NHDES and the Governor and Council, it would exempt this property from certain requirements of the Shoreland Water Quality Protection Act. Such exemption would have no impact on water quality in the Piscataqua River.

This application was made at the recommendation of NHDES, that if granted would allow the Thompsons to settle a pending appeal with NHDES at the Wetlands Council. The exemption and settlement of the appeal would ultimately allow use of the building as a primary residence by the Thompsons. After further consultation with NHDES, they will support an individual application with the additional information provided.

After grant of an exemption and settlement with NHDES, the Thompsons would need to relocate the building by pulling it back 5 feet from over the water. This would be subject to further review and approval by the City of Portsmouth.

What is an Application for Urbanized Shoreland Exemption?

Pursuant to RSA 483-B:12, the City of Portsmouth may in its discretion apply for an Urbanized Shoreland Exemption for the property at 57 Salter Street if it finds that “special local urbanization conditions as defined in RSA 483-B:4, XXV, exist in the protected shoreland for which the exemption is sought.” See also Env-Wq 1410.02(a).

“Urbanization” means the concentrated development found in the sections of towns or cities where there has been an historic pattern of intensive building for residential, commercial, industrial, or mixed uses such that it contributed to or constitutes the municipality’s downtown, community center, or central business district and wherein all vegetative buffers have been depleted, impervious surfaces are in excess of 50 percent, and residential uses are of at least 10 dwelling units per acre.

This application would only apply to the parcel at 57 Salter Street (Map #102, Lot #32) which includes two residential condominium units.

Evidence of Specialized Urbanization Conditions

The City submits with the application to the Planning Department of the NH Office of Strategic Initiatives, along with the documents provided by the Thompsons showing evidence of the following:

- (a) Current and past building density.
- (b) Commercial, industrial, or residential uses.
- (c) Municipal or other public utilities.
- (d) Current municipal land use regulations which affect the protected shoreland.
- (e) Designation as a downtown, community center, central business district, or urbanized area or urban cluster as delineated by the United States Census Bureau.
- (f) Any other information which the commissioner may reasonably require.

Evidence of Specialized Urbanization Conditions

Current & Past Building Density

1. Building Density – Analysis of the residential buildings within the Waterfront Business District adjacent to and in the vicinity of 57 Salter Street show a density of 10 residential units per 1 acre. Specifically, the following properties demonstrate a historic pattern of density where homes in the area were typically built during the 18th and 19th centuries:

<u>Residential Unit</u>	<u>Map and Lot</u>	<u>Number of Units</u>	<u>Designated Use</u>	<u>Year Built</u>	<u>Acreage*</u>
1. 57 Salter Street	Map 102, Lot 32	2	Condominium	1720	.25 acres
2. 35 Salter Street	Map 102, Lot 29	1	Single Family	1886	.13 acres
3. 41 Salter Street	Map 102, Lot 30	1	Single Family	1820	.07 acres
4. 53 Salter Street	Map 102, Lot 31	1	Single Family	1720	.12 acres
5. 56 Salter Street	Map 102, Lot 33	1	Single Family	1780	.10 acres
6. 39 Pray Street	Map 102, Lot 38	1	Single Family	1760	.12 acres
7. 43 Pray Street	Map 102, Lot 39	1	Single Family	1750	.05 acres
8. 53 Pray Street	Map 102, Lot 40	1	Single Family	1750	.10 acres
9. 39 Partridge Street	Map 101, Lot 6	1	Single Family	1900	.06 acres
	Total Units	10		Total Acreage	1.00

*Acreage per City of Portsmouth Assessing Office

Evidence of Specialized Urbanization Conditions

Lack of Vegetative Buffers

Lack of Vegetative Buffers:

Property and surrounding properties were built right on the water's edge with retaining walls, so there are no vegetative barriers between the properties and the Piscataqua River.



Evidence of Specialized Urbanization Conditions

Impervious Area

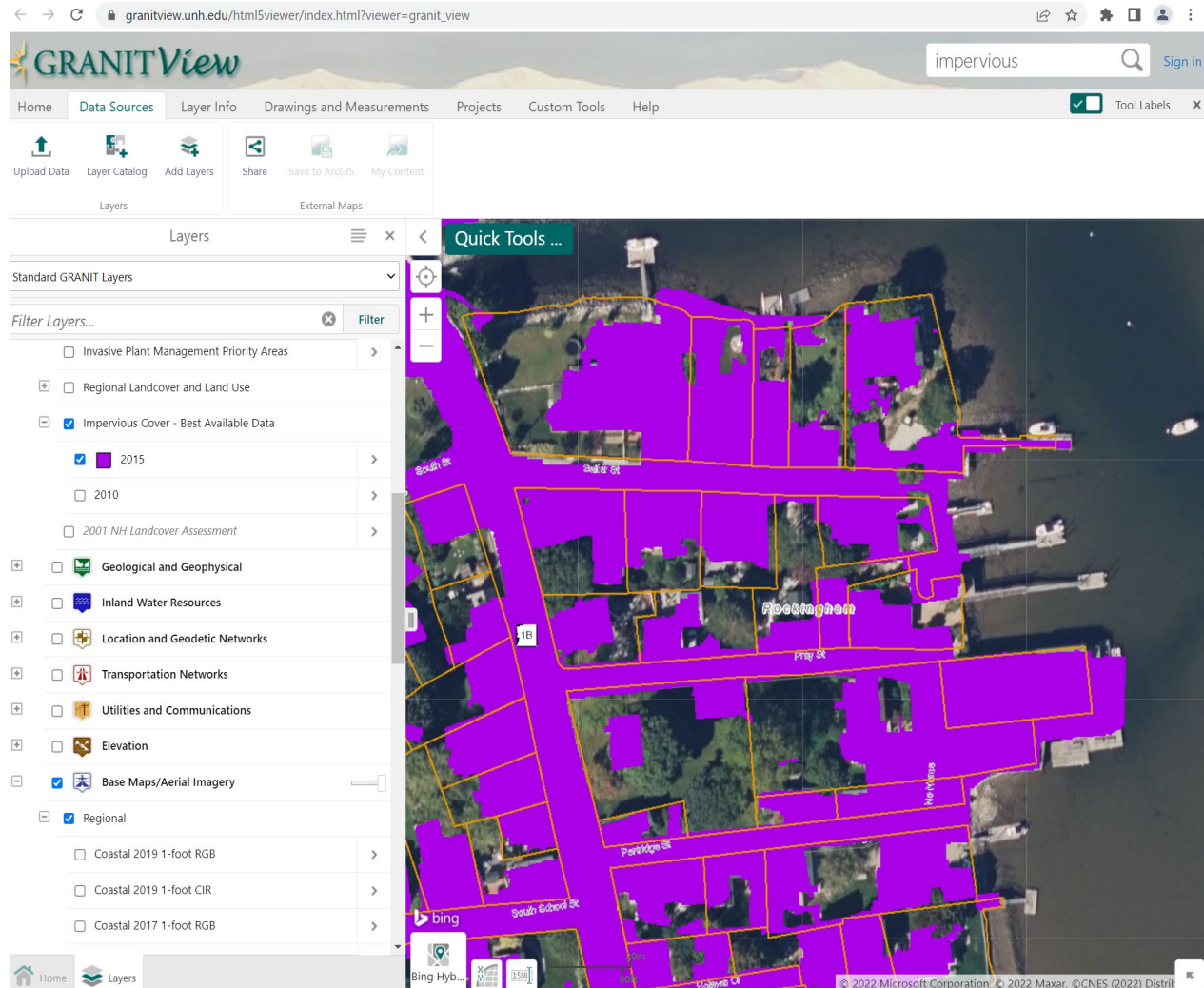
Impervious Area – Over 50% - The impervious area of the Lot is 52%.

IMPERVIOUS SURFACE AREAS		
(TO PROPERTY LINE)		
ENTIRE PROPERTY IS IN THE		
TIDAL BUFFER & SHORELAND ZONE		
STRUCTURE	PRE- CONSTRUCTION IMPERVIOUS (S.F.)	POST- CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	2,000	2,000
CONCRETE	43	43
SHED	216	216
BULKHEAD	30	30
PAVED DRIVE	1,431	945
DECK & PATIO	902	902
STAIRS	237	247
COBBLESTONE	372	246
STONE EDGING	23	95
GRAVEL	143	143
RETAINING WALLS	270	270
PIER (ABOVE MHW)	138	101
CURB/STONE SLAB	18	18
STONE SEAWALL	287	287
ACCESSORY STRUCTURE	352	388
TOTAL	6,462	5,931
LOT SIZE	11,327	11,327
% LOT COVERAGE	57.0%	52.4%

Evidence of Specialized Urbanization Conditions

Impervious Area

Impervious Area in the Area of 57 Salter Street – With the exception of 53 Salter Street, almost all properties previously listed and in the area of 57 Salter Street, have more than 50% impervious area coverage (based upon 2015 Impervious Area Study data).



Evidence of Specialized Urbanization Conditions

Commercial, Industrial or
Residential Uses Allowed

The Waterfront District is currently zoned to accommodate and support business uses that depend upon the ocean or the Piscataqua River for transportation or resources.

The Property was previously used for mixed commercial and residential uses and is consistent with the mix of residential and commercial buildings in the area.

In December 2018, the Thompsons received a variance granted by the ZBA to convert Unit 1 from a commercial to residential use.

Work was also approved by the Historic District Commission on February 6, 2019.

Evidence of Specialized Urbanization Conditions

Municipal or Other Public
Utilities

Both Units 1 and 2 on 57 Salter Street are served by public water and sewer services, as well as electric, gas and telephone.

There are no septic systems that could leach or discharge to the Piscataqua from use of either Unit 1 or Unit 2 on the property.

The use of Unit 1 as a primary residence will have no impact to the water quality of the River.

City of Portsmouth municipal water, sewer and drain services are available to all the properties on Salter Street (including the properties previously listed), as well as the properties within the surrounding area.

Evidence of Specialized Urbanization Conditions

Municipal or Other Public Utilities

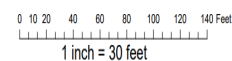
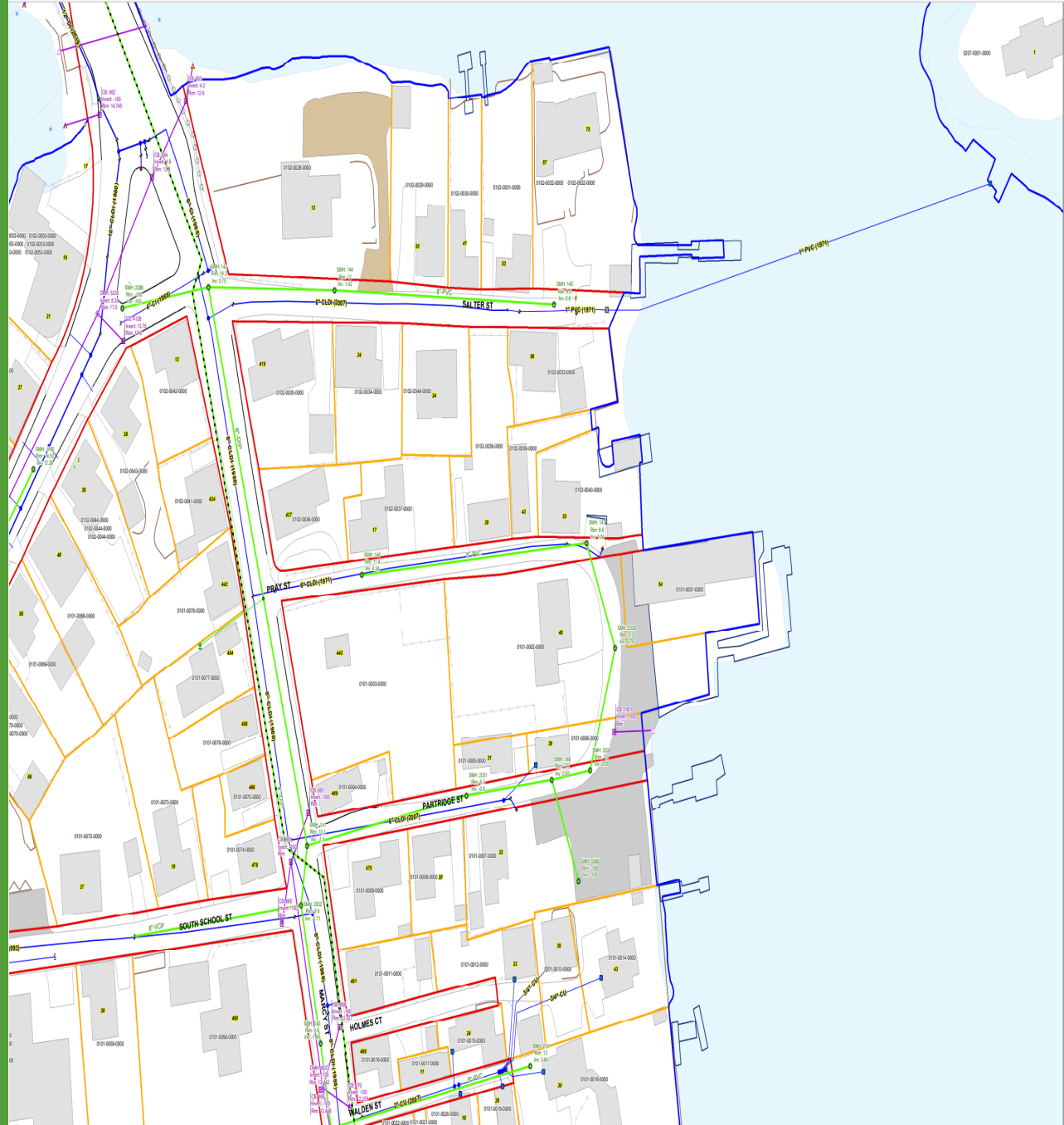
City of Portsmouth Water (blue), Sewer (green) and Drain (purple) available on Salter Street.



Evidence of Specialized Urbanization Conditions

Municipal or Other Public Utilities

City of Portsmouth Water (blue), Sewer (green) and Drain (purple) available to the entire area around 57 Salter Street.



Evidence of Specialized Urbanization Conditions

Current Municipal Land Use
Regulations Protecting the
Shoreland

Property governed by the City's Zoning Ordinance Article 10.

Property is located within the Historic District Commission subject to review under Zoning Ordinance Article 6, s. 630-637.

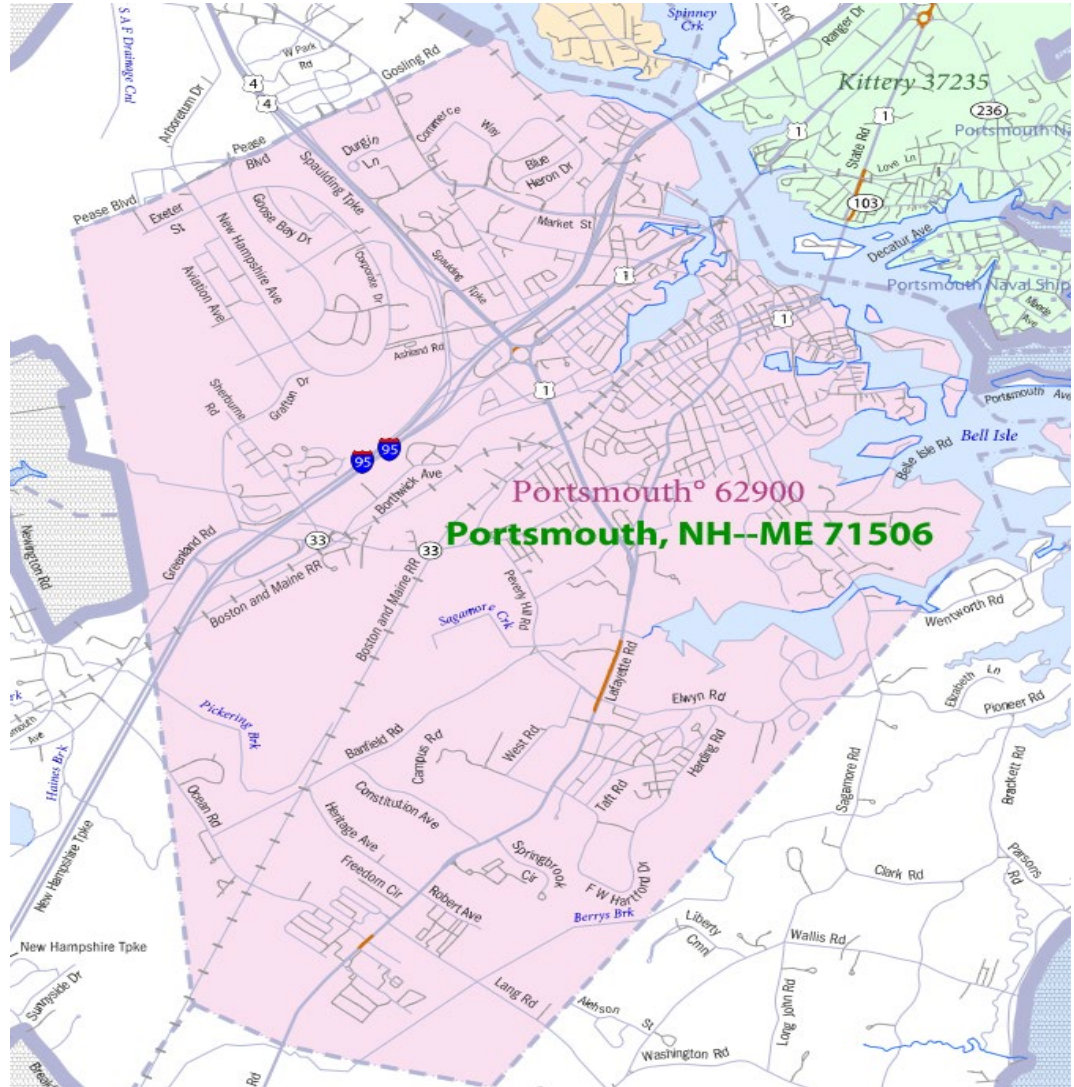
Property is located within the Zone AE of the Flood Plain District, governed by Article 6, s. 620.

Development at the property is also subject to review by the Portsmouth Conservation Commission, Article 10, s. 1010-1018 given the location on the Piscataqua River.

Evidence of Specialized Urbanization Conditions

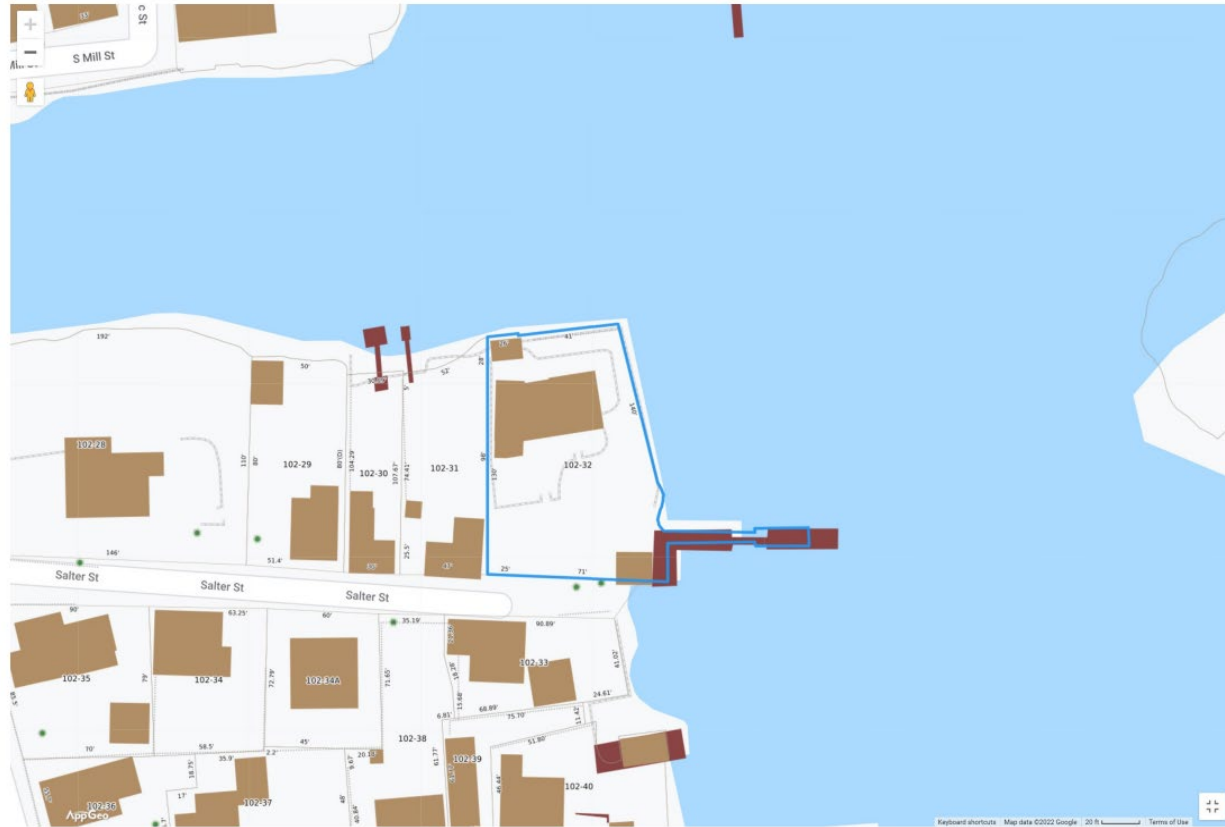
Designation as a Downtown, Community Center, Central Business District or Urbanized Area/Urbanized Cluster by US Census.

Property located within the Waterfront Business District and as an Urban Cluster area designated by the U.S. Census Bureau – Urbanized Area Reference Map dated March 8, 2012.



Evidence of Specialized Urbanization Conditions

Clearly Defined Map with Boundaries of 57 Salter Street.



Evidence of Specialized Urbanization Conditions

Aerial Photograph of 57 Salter Street.



Support For the Application from Neighbors and Abutters

The Thompson's Application is supported by the Owners of Unit 2 and a Petition signed by their neighbors.

Daniel Posternak
57 Salter Street
Portsmouth, NH 03801

VIA ELECTRONIC MAIL

May 3, 2022

City of Portsmouth Planning Board
C/O: Beverly M. Zendt, Planning Director
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth, NH 03801

RE: Margot Thompson and Edward Thompson -
Application for Urbanized Shoreland Exemption -- 57
Salter Street, Tax Map #102, Lot #32
May 19, 2022 Planning Board Meeting

Dear Planning Board Members:

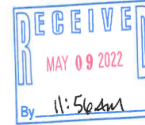
My wife and I are owners of Unit 2 of the Point of View Condominium Association located at 57 Salter Street, Tax Map #102, Lot #32 in the City of Portsmouth. We have owned and resided in our home since October 2020, which is located on the same lot as the Thompsons' Unit 1 building. We reviewed the application and discussed this matter with the Thompsons. We understand that the Thompsons' application was referred by the City Council on May 2, 2022 to the Planning Board for consideration at the May 19, 2022 meeting.

We support their Application for Urbanized Shoreland Exemption and ask that the Portsmouth Planning Board favorably recommend that the City Council submit an Application for Urbanized Shoreland Exemption to the NH Office of Strategic Initiatives for 57 Salter Street. We believe a favorable recommendation, submission of an application by the City and eventual grant of the exemption will allow the Thompsons to resolve an outstanding appeal with NHDES. Once resolved, the Thompsons can then take the necessary steps to complete renovations of Unit 1 for their use and enjoyment.

If you have any questions, I can be reached at dan@roundaboutdiner.com. Thank you for your time and consideration.

Sincerely,



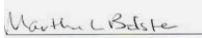
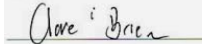

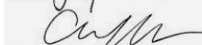

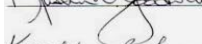
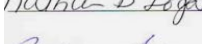
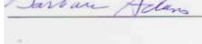

Daniel Posternak



Petition in Support of the
Application for Urbanized Shoreland Exemption
Of
Margot and Edward Thompson
57 Salter Street (Units 1 & 2)



As a resident of the City of Portsmouth, I support Margot and Edward Thompson's Application for an Urbanized Shoreland Exemption for 57 Salter Street (Units 1 & 2). Their application was referred to the Planning Board by the City Council on May 2, 2022, for consideration at the May 19, 2022 Planning Board Meeting. I request that the Portsmouth Planning Board make a favorable recommendation to the City Council.

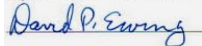





	Signature	333 Marcy	Street
		Portsmouth,	
	Signature	84 Blossom Pt	Street
		Portsmouth	NH 03801
	Signature	889 South St	Street
		Portsmouth	NH 03801
	Signature	283 Pleasant St.	Street
		Portsmouth NH 03801	
	Signature	889 South St. Unit 3	Street
		Portsmouth NH 03801	
	Signature	283 PLEASANT ST.	Street
		PORTSMOUTH	
	Signature	17 South St.	Street
		Portsmouth, NH 03801	
	Signature	21 Blossom St	Street
		Portsmouth, NH 03801	
	Signature	75 Kn 4 St	Street
		Portsmouth	
	Signature	49 Pickering St	Street
		Portsmouth	

You can also submit an e-mail to Beverly Zendt at bmzendt@cityofportsmouth.com.

Petition in Support of the
Application for Urbanized Shoreland Exemption
Of
Margot and Edward Thompson
57 Salter Street (Units 1 & 2)



As a resident of the City of Portsmouth, I support Margot and Edward Thompson's Application for an Urbanized Shoreland Exemption for 57 Salter Street (Units 1 & 2). Their application was referred to the Planning Board by the City Council on May 2, 2022, for consideration at the May 19, 2022 Planning Board Meeting. I request that the Portsmouth Planning Board make a favorable recommendation to the City Council.

	Signature	24 Salter	Street
	Signature	35 Salter	Street
	Signature	35 Salter St.	Street
	Signature	56 Salter St.	Street
	Signature	32 Partridge	Street
	Signature	140 Osprey Dr.	Street
	Signature		Street
	Signature		Street
	Signature		Street
	Signature		Street

Conclusion

Given the evidence presented, limited nature of the request, lack of impacts to water quality to the Piscataqua River, support from abutters, and the hardship that would otherwise befall the Thompsons absent an application, we respectfully request the City Council approve and authorize the City of Portsmouth to file an Application for Urbanized Shoreland Exemption solely or individually for 57 Salter Street property because it meets the special local urbanized conditions.



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: Covid Relief Initial applicant

Name: Andrea Ardito Telephone: 603 502 3654

Could you be contacted at work? YES NO If so, telephone# Same as above

Street address: 121 Northwest Street Portsmouth NH

Mailing address (if different): _____

Email address (for clerk's office communication): andrea@nestportsmouthnh.com


How long have you been a resident of Portsmouth? 28 years

Occupational background:

Arts teacher at a private Montessori school 22 years, Special Education Paraprofessional 2 years, public school.
Current small business owner of the vintage boutique, Nest in Portsmouth NH.

Please list experience you have in respect to this Board/Commission:

I feel I could be another perspective in seeing how best to help distribute funding to best serve the needs of the children in this community. I bring experience as a Arts teacher, Special Education professional as well as Community Organizer in many roles in my time in Portsmouth for the last 28 years.

 OVER

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: _____

*See Above

Please list any organizations, groups, or other committees you are involved in:
Auction Coordinator for Little Harbour School, Girls on the Run Coach, Yearbook
Coordinator Brixham Montessori, Fundraising Great Island Road Race, Community
Garden Director Jackson House Community garden, Adopt a Spot Northwest Street,
Sustainability Club Teacher Shapleigh School.

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

1) Xanthi Gray 251 South Street Portsmouth 603 591-0280

Name, address, telephone number

2) Stephanie Lazenby 303 McKinley Road Portsmouth 603 817 0281

Name, address, telephone number

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5. Application will be kept on file for one year from date of receipt.

Signature: Andrea Ardito

Date: 4/26/2022

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes _____ No Not at this time

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012



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: Covid Response Task Force

Name: Will Arvelo Telephone: 603-770-9369

Could you be contacted at work? YES NO If so, telephone# 603-436-2218

Street address: 600 Lafayette Road, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): w.arvelo@crossroadshouse.org

How long have you been a resident of Portsmouth? NA

Occupational background:

Education, economic development, workforce, homelessness

Please list experience you have in respect to this Board/Commission:

I serve as Executive Director of Cross Roads House, which serves as the Seacoast's and Portsmouth's main homeless facility. Cross Roads and its homeless population have been hugely impacted by the Covid pandemic.

➡ OVER

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: _____

As a leader of one of the major nonprofits in Portsmouth and the main one to serve the homeless, I want to make sure that federal Covid funding gets funneled appropriately and equitably to serve the residents of Portsmouth most in need.

Please list any organizations, groups, or other committees you are involved in:
Business Alliance for People of Color, New Hampshire Learning Initiative, National Center for Competency Based Learning, BOSCO, Virtual Learning Academy, NHSPCA, Home for All, Housing Action NH.

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

1) Ben St. Jean, Portsmouth, 603-205-5772
Name, address, telephone number

2) Dwight Davis, Newfields 603-944-1797
Name, address, telephone number

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Signature: Will Arvelo  Date: 5/11/22

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.*

Committee: COVID Response Taskforce Initial applicant

Name: Kathy Beebe Telephone: 603-591-4677

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

Street address: 762 Woodbury Avenue

Mailing address (if different): _____

Email address (for clerk's office communication): kbeebe@havennh.org

How long have you been a resident of Portsmouth? 50+ years

Occupational background:

I am in my 20th year as the Executive Director of HAVEN

Please list experience you have in respect to this Board/Commission:

Lifelong resident of Portsmouth and over 30 years experience in nonprofit sector.

 OVER

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 identify opportunities to creatively address the needs of the community that have resulted from the COVID pandemic.

Please list any organizations, groups, or other committees you are involved in:
HAVEN, Portsmouth Elks Lodge

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

1) Kelly Tobey Islington Street 603-502-4844

Name, address, telephone number

2) Mike Keefe Concord Way 603-834-0298

Name, address, telephone number

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Signature: Kathy Beebe Date: 4/25/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes xx No _____

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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: Covid recovery task force Initial applicant

Name: Abbie Frank Telephone: 617-875-8343

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

Street address: 169 Madison Street

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 15 years

Occupational background:

I have been the speech language pathologist at Little Harbour school in Portsmouth for 8 years. I work with students in grades K-5. Previously I worked at Swasey School in Brentwood for 7 years. Before moving to Portsmouth I lived in New York city and worked as a speech language pathologist at a developmental preschool.

Please list experience you have in respect to this Board/Commission:

I am interested in being part of this commission because I work with students in the Portsmouth community who have been impacted by toxic stress and adversity due to the COVID 19 pandemic as well as other factors. I run a group at school called the Sunrise Squad that supports students who may be experiencing adversity. Our goal is to create positive childhood experiences and build connections with staff and the Portsmouth community in order to help students thrive.

 OVER

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: _____

As a community member and teacher in Portsmouth I support the goal of providing supports to individuals who have been impacted the most by the pandemic. The students and families I work with (special education, ESOL, low SES) are often some of the families that are the most marginalized. It is important that we work as a community to support those individuals who are experiencing the most adversity.

Please list any organizations, groups, or other committees you are involved in: I run groups at school called the Sunrise Squad and the Community Club. I am also working on getting a daily block of social emotional learning into the schedule next year at Little Harbour.

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

1) Meg Berling 117 Ash Street, 603-828-6886
Name, address, telephone number

2) Dave Gaddy 173 Madison Street, 919-272-2525
Name, address, telephone number

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Signature: Abbie Frank Date: 6-15-2022

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.*

Committee: Covid Response Task Force Initial applicant

Name: Janet Laatsch Telephone: 603-918-6954

Could you be contacted at work? YES NO If so, telephone# 603-516-2550

Street address: PO Box 248, Glen NH 03838

Mailing address (if different): 3 Lancewood Drive, Amesbury, MA 01913

Email address (for clerk's office communication): jlaatsch@goodwinch.org

How long have you been a resident of Portsmouth? NA

Occupational background:

I have been an RN since 1981, got my MBA in 1991 and have been working at Goodwin/ now Greater Seacoast Community Health for 20 years and as the CEO for 16 years

Please list experience you have in respect to this Board/Commission:

Due to lack of nursing staff during covid, I became the occupational health nurse for staff for over two years. At Greater Seacoast, we care for some of the most vulnerable people and we know of and have some resources that we can provide.

 OVER

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: _____

In regard to above, it would be helpful to get a schedule of the meetings as soon as possible, so that I can put them on my calendar. I have seen first hand of the impact on covid in our staff, their families and friends, and also in our patients. With over 1M dying from covid, it has impacted everyone. Our clinical staff are exhausted due the short staffing during covid and I see how tired our patients are and how their chronic illnesses have exacerbated during covid because they haven't sought the care they need. And I am a nurse at heart and enjoy getting to know people and helping them as best I can.

Please list any organizations, groups, or other committees you are involved in:
Bi-State Primary Care Association, Community Health Access Network

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

1) Joann Neumann, 873 Middle Street, Apt. 2, Portsmouth, NH 03801-5087
Name, address, telephone number

2) Kathy Scheu, 10 Old Locke Road, N. Hampton, NH 03862-2236
Name, address, telephone number

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Signature: Joann Neumann Date: 05.18.2022

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes X No _____

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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: COVID Response Task Force Initial applicant

Name: Tania Marino Telephone: 617-596-7083

Could you be contacted at work? YES NO If so, telephone# 617-596-7083

Street address: 7 OLD FERRY LN, KITTERY ME 03904

Mailing address (if different): As above

Email address (for desk's office communication): tmarino@gathernh.org

How long have you been a resident of Portsmouth? Kittery resident

Occupational background:

15 years in International finance, 18 years working in non-profit sector

in both a volunteer and employee capacity.

Please list experience you have in respect to this Board/Commission:

Founding member of the Seacoast Womens Giving Circle where established grant

making policy and procedure.

Board member of the Foundation for Seacoast Health, where I sit on the community

Investmment Committee (grant making).

Employed as program director at Gather, NH

 OVER

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: _____

I am impressed by this initiative and think that this task force has the ability to directly impact the well-being and recovery for Portsmouth community members.

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

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

1) Elisabeth Robinson, 603-674-5063 (PO Box 428 New Castle NH)
Name, address, telephone number

2) Francie Osgood, 603-759-1244 (30 Martine Cottage Rd Portsmouth NH)
Name, address, telephone number

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Signature: Tania Marino Date: 4/25/2020

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

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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: Covid Response Task Force **Initial applicant**

Name: Laurie McIntosh Telephone: 603-617-6900

Could you be contacted at work? YES NO If so, telephone# 603-617-6900

Street address: 73 Bellamy Road, Dover, NH 03820

Mailing address (if different): _____

Email address (for clerk's office communication): lmcintosh@ourplacenh.org

How long have you been a resident of Portsmouth? I live in Dover

Occupational background:

Occupational Therapist for 40 years. Assisitive Technology Professional since 2012.

Please list experience you have in respect to this Board/Commission:

Board Chair of Our Place which is an organization working to provide supportive housing for
adults with developmental disabilities in the seacoast area.

 OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO I was told it would be once a month for 6 months.

Would you be able to commit to attending all meetings? YES NO
I try hard, but will be on a boat from July 17 to August 14

Reasons for wishing to serve: I am hoping to connect with other nonprofits to solve problems around housing and services for adults with developmental disabilities who were severely affected during Covid with a loss of programming, staff, and housing opportunities.

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

Our Place, GoodWork, Dover Area Chamber of Commerce

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

1) Janette Desmond, 579 Sagamore Ave #48, Portsmouth, NH 603-439-9554
Name, address, telephone number

2) Maria Cousins, 22 Wiggin Way, Stratham, NH 603-770-5031
Name, address, telephone number

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Signature: Liam McEntee Date: 5-20-22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

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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: COVIDResponseTaskForce Initial applicant

Name: Lori Waltz Telephone: 2074517281

Could you be contacted at work? YES NO If so, telephone# 2074517281

Street address: 1001 Islington St Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): director@leadershipseacoast.org

How long have you been a resident of Portsmouth? 29 days (but previously lived in the city for several years and just moved back) _____

Occupational background:

I am currently the Executive Director of Leadership Seacoast. I have been in this role for 3 years. Previously I held the position of Development Director for HAVEN. Prior to working in the non-profit sector I held management roles in the corporate sector in the education and financial fields.

Please list experience you have in respect to this Board/Commission:

Having navigated the challenges of the pandemic as the ED of a experiential civic engagement non-profit, I can bring insight to the board as to the challenges the on-profit sector experienced and continues to experience.

 OVER

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: _____

Now that I have returned to Portsmouth as a resident, I am looking forward to re-engaging in the community. _____

Please list any organizations, groups, or other committees you are involved in:
Portsmouth Listens, Portsmouth 400

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

1) Kathy Beebe 603-591-4677
Name, address, telephone number

2) Susan Labrie 603-793-3234
Name, address, telephone number

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Signature: LoriWaltz Date: 4/29/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes _____ No _____

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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: COVID Response Task Force Initial applicant

Name: Meme Wheeler Telephone: 603/568-2169

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

Street address: 698 Middle RD

Mailing address (if different): _____

Email address (for desk's office communication): mwheeler@chasehome.org


How long have you been a resident of Portsmouth? _____
I have worked at The Chase Home for almost 9 years. I live in New Castle.

Occupational background:

I am the executive director at The Chase Home in Portsmouth. Chase Home has been in Portsmouth since 1887 and is one of the oldest non-porfits. Starting as an orphange and is currently an treatment level residential home for youth ages 11-21.

Please list experience you have in respect to this Board/Commission:

The Chase Home is considered a long-term care facility so during COVID (past 2 years), we have functioned with all restrictions in place to ensure the safety and well-being of our young residents and their families. We put into place and action-COVID response policies and procedures with the assistance of NH Public Health. We montioered and tested routinely and we set up a quarantine protocol and area of the building. The youth we worked with not only suffered from the restrictions that changed their everyday life as they knew it-but they also suffered mentally. The mental health needs and high stress levels of these at-risk youth rose exponentially. Our staff were greatly affected as well. From experiencing a workforce shortage to staff getting sick

 OVER

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: _____

Anything I can do to support and assist with identifying recovery solutions in the best interest of the community-I will do! _____

Please list any organizations, groups, or other committees you are involved in:
I work per diem at Seacoast Mental Health Center in Portsmouth.

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

1) Heidi DiPietro, Rye, NH 603/689-8441 (was a Portsmouth resident for 20 yrs)
Name, address, telephone number

2) William Tucker, Portsmouth, NH 603/239-1221
Name, address, telephone number

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Signature: Meme Wheeler Date: 4/27/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

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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: COVID Response task force Initial applicant

Name: Molly Wilson Telephone: 4014992153

Could you be contacted at work? YES NO If so, telephone# same as above


Street address: 1360 South St

Mailing address (if different): _____

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

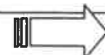
How long have you been a resident of Portsmouth? 13years

Occupational background:

I am a pediatric occupational therapist and I work with young children and their families to help them achieve successful participation in their school and community. I have a masters degree in organizational leadership and have worked with large school departments and agencies, in a small part in higher education and with the department of health. I understand what this pandemic has done to children and parents and the systems that 

Please list experience you have in respect to this Board/Commission:

I am a business owner in Portsmouth, who had to shut down for a year and a half in 2020 and 2021. Being in healthcare, but private practice - I was not eligible for many of the COVID relief acts. Since the schools were mostly closed to my children, I became a "home school" parent quickly. Right now I am re-building my business again, and navigating the public health implications of exposure/quarrantine/isolation when you are a parent who relies on our schools to also work.
I would like to see this city rebound from what we have been through, prioritizing business, education, health and families.

 OVER

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: _____

I have called and written and spoke to countless departments and boards in our city throughout the COVID-19 pandemic. Since I also work and participate in other communities, I have seen first-hand how different things are amongst the seacoast communities. I think it is time to make a plan to come out of this pandemic and support all of the stakeholders to learn from the last 2 years and rebuild.

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

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

1) Amber Buttermore 545 FW Hartford Dr 603-501-8685

Name, address, telephone number

2) Merdith Jackson 281 Sagamore Ave 603-502-6881

Name, address, telephone number

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Signature: Molly Wilson

Date: 6/15/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes^x No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – June 2nd, 2022
Conference Room A

PRESENT: **Members:** Mary Lou McElwain, Steve Pesci, Mark Syracuse(z), Harold Whitehouse, Erica Wygonik, Police Captain Mike Maloney, DPW Director Peter Rice, Councilor Andrew Bagley, City Manager Karen Conard

City Staff: Traffic Engineer Eric Eby

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none">• <u>None</u>

1. **Roll Call**
2. **Financial Report:** Accepted and placed on file Financial Report dated April 30, 2022.
3. **Public Comment Session:** There were ten speakers: **Dave Underhill, Allyson Melchor, James Christie, Brian O’Neill, Erin Proulx and Anna Kay Vorsteg** all regarding traffic calming in the area of South Street and Pinehurst Street. **James Christie** also spoke regarding tree roots in the sidewalk on South Street. **Chuck Collins** spoke concerning Little Harbor Road traffic in summer. **Annie Poubeau** concerned with raising speed limit on Cottage Street, flashing beacon on Bartlett and Pine, and crosswalk at Bartlett and Islington Streets. **Justin Richardson** concerned with speeding on Woodbury Avenue.
4. **South Street and Pinehurst Road: On unanimous roll call 9-0, voted to:** install intersection warning sign, radar speed sign and speed limit sign west of intersection. And, to construct a sidewalk along South Street between Pinehurst Road and Union Street as funding allows, and to install no parking here to corner signs on South Street 20 feet from Pinehurst Road as well as on both sides of Pinehurst Road 30 feet from corner of South Street.
5. **Bartlett Street at Pine Street, request for RRFB at crosswalk by resident: On unanimous roll call 9-0, voted to:** place on file and incorporate into larger traffic calming project for Bartlett Street.
6. **Woodbury Avenue Traffic Calming measures: On unanimous roll call 9-0, voted to:** support a traditional design for both intersections of Woodbury Avenue, at Dennett Street and Rockingham Avenue, as presented by the traffic engineer, not to include a traffic circle.
7. **Islington Street at rail trail entrance: On unanimous roll call 9-0, voted to:** move forward with a crosswalk with appropriate signage and tip down as funding allows, and to consider an RRFB at a later date.
8. **Mechanic Street: On unanimous roll call 9-0, voted to:** place the suggested angled parking on file.
9. **Speed Limit Working Group Presentation:** *Informational; no action required.*
10. **Islington Street at Jewell Court: On unanimous roll call 9-0, voted to:** place request for DO NOT BLOCK intersection on file.

11. **McKinley Road, Harrison Avenue and Garfield Road intersection:** On unanimous roll call 9-0, voted to: place on file until public meeting and comment for full neighborhood project.
12. **Maplewood Avenue at Dennett Street:** On unanimous roll call 9-0, voted to: further study this intersection.
13. **Monthly Accident Report:** *Informational; no action required.*
14. **Roadway projects in June:** *Informational; no action required.*
15. **Adjournment:** On unanimous roll call 9-0, voted to adjourn 10:42 AM

Respectfully submitted by: Leila Birr

PARKING and TRAFFIC SAFETY COMMITTEE
PORTSMOUTH, NEW HAMPSHIRE

CONFERENCE ROOM A
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

*Members of the public also have the option to join the meeting over Zoom
(See below for more details)**

8:30 AM

June 2nd, 2022

MINUTES

I. CALL TO ORDER

Vice Chairman Steve Pesci called the meeting to order at 8:30 a.m. Vice Chairman Steve Pesci noted that Chairman Bagley would be arriving late to the meeting.

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Vice Chairman Steve Pesci
City Manager Karen Conard
Public Works Director Peter Rice
Police Captain Mike Maloney
Harold Whitehouse
Mary Lou McElwain
Mark Syracuse
Erica Wygonik (Alternate)

Absent

Assistant Fire Chief William McQuillen

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby

III. FINANCIAL REPORT

Harold Whitehouse questioned if the City Council saw these reports. City Manager Karen Conard responded that they were provided regular updates and they know the status of the YTD.

Harold Whitehouse moved to accept the Financial Report dated April 30, 2022, and place it on file, seconded by Mary Lou McElwain. **On a unanimous roll call vote, motion passed 8-0.**

IV. PUBLIC COMMENT (15 MINUTES)

(This is the time for all comments on any of the agenda items or non-agenda items.)

Dave Underhill of 115 Pinehurst Road commented that he sent a letter to the Committee and was delighted and grateful that the team took their concerns seriously. It appears that the data collected is supportive of what was suggested in letter. The sample motion in the agenda will address the concern. They may want to think about adding no parking from the hill to the corner on Pinehurst Road. Vendor trucks park at intersection a lot and can be in the way.

Allyson Melchor of Pinehurst Road echoed the previous comments and thanked the Committee for their time and attention to this dangerous intersection. Speeds in that area are a concern for all of us.

Chuck Collins of 30 Little Harbor Road commented that a year ago the Committee monitored the speed and other actions on Little Harbor Road. Since then, they have removed some trees along the edge of the road and repaved it. It is camp and walking season again. Mr. Collins was disappointed to learn that the Committee has decided to do nothing other than monitor the situation. Mr. Collins also questioned how to find the agenda and minutes for these meetings.

Annie Poubeau of 160 Bartlett Street commented that Cottage Street has a lot of pedestrian activity in that area, but no sidewalk on large portions of the street. Ms. Poubeau was against raising the speed limit on Cottage Street. Bartlett Street has a proposal in the packet for a flashing beacon at Bartlett Street and Pine Street. There is nothing wrong with adding a beacon, but they should not be a substitution for actual traffic calming. That is still needed. The RRFB is a traffic flow management tool, but drivers can ignore them. Lastly, there is no crosswalk at Bartlett Street and Islington Street connecting the corner to CVS. The packet has proposed changes for Jewel Court, so that may be a good time to add a crosswalk.

Justin Richardson of 586 Woodbury Avenue commented that he was concerned about the speeds on Woodbury Avenue. The final stretch coming down the hill approaching the traffic circle is very fast. There is a school bus stop in that area. People have to cross Woodbury Avenue to get to it but there is no crosswalk in that area. People are driving like they are already on the highway. Mr. Richardson suggested adding speed tables on the road like they did on Maplewood.

James Christie of Jones Avenue was in favor of the proposed RRFB on South Street with some caveats. The damaged sidewalk makes it hard to navigate. Beefing up the crosswalk that is there now would be good. One commenter said that not all drivers know what to do at an RRFB and Mr. Christie agreed with that. They may want to consider other traffic calming measures in addition to the RRFB.

Brian O'Neill of 815 South Street supported the proposed change on South Street. The speeds were high coming down the hill on South Street. Mr. O'Neil thanked the Committee for considering this issue.

Erin Proulx 99 Marne Avenue thanked the Committee for the work they have done and was in support of the proposed RRFB on South Street. Ms. Proulx agreed with Mr. Christie's comments on the damaged sidewalk. It is difficult to pass for anything with wheels.

Anna Kay Vorsteg of 35 Pinehurst thanked the Committee for their actions to increase safety at South Street and Pinehurst Road.

V. PRESENTATION

No presentation

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

A. South Street and Pinehurst Road, request for intersection safety evaluation, by residents of Pinehurst Road.

City Engineer Eric Eby showed a diagram of the area around South Street and Pinehurst Road. Staff measured speeds, sight lines, and turning movement counts. The average speed is 28 mph and the 85th percentile 31 mph. Sight lines are based on the 85th percentile speed. Pulling out on Pinehurst looking left cars can see 256 feet. That is sufficient for 32 mph speeds, so it does meet the minimum criteria. That is why they are not seeing a lot of accidents. The sightline approaching the intersection on South Street is 188 feet. That is sufficient for 26 mph. They can't increase the sight distance, so the other option is to lower the speeds on South Street. The recommendation is to put up another 20-mph sign at Union Street and installing a speed feedback sign. They can also add an intersection warning sign with Pinehurst Road under it, so cars know there is an intersection on the other side of the hill. Those are things they can do to quickly to address the speed. They can install a no parking from here to corner sign as well.

Erika Wygonik commented that the public comment made it seem that trucks are also parking on the other side of the road. That may be an additional concern. Erika Wygonik questioned if they could put in no parking for 30 feet on the west side of the road. City Engineer Eric Eby confirmed that they could put it on that side as well too.

Mary Lou McElwain noted that on the site walk someone mentioned that delivery trucks parked at the corner, so they should add no parking signs there as well. City Engineer Eric Eby confirmed they could do no parking within 20 feet of intersection on South Street.

Harold Whitehouse commented that someone mentioned extending the sidewalk on South Street to Pinehurst at the site walk as well and questioned if that was possible. City Engineer Eric Eby responded there appears to be enough land to construct a sidewalk, but they need to do some grading work and likely a retaining wall. It would be more of an effort than a typical sidewalk. There is a paving project coming along soon for South Street and they will be installing curbing. Public Works Director Peter Rice added that they were looking at what resources were available. They may have residual funds. The CIP is structured to allow for miscellaneous fund to address issues like this. The bids for sidewalks are out, so once they are back, they will have a better idea of what is available. The curbing will be added, so they don't need to rework the edge when they are adding sidewalks.

Vice Chairman Steve Pesci questioned how DPW determined the priority level for sidewalk requests. Public Works Director Peter Rice responded that they look at safety and connectivity. There are several requests out there. One would think sidewalks are in demand, but there are people who don't want them. In this case, they have not heard negative feedback, so the assumption is that it is an acceptable project. Vice Chairman Steve Pesci commented that someone spoke about Cottage Street as well. Public Works Director Peter Rice responded that they had a public meeting about that last fall. That area is in review for traffic calming and upgrades. There is already defined work for South Street so if they are already mobilized, then it probably makes sense to take care of it.

Mark Syracuse commented that they had an email from a resident who was concerned about the flashing overhead light and questioned if that would be removed. Public Works Director Peter Rice responded that the flashing overhead light would remain and was a standard traffic management technique. Mark Syracuse questioned if there were any alternatives. Public Works Director Peter Rice responded that it is needed in that location for ambulance traffic going to Edgewood. They need to make people aware that they are approaching a potentially busy intersection.

Erika Wygonik questioned if parking was allowed on South Street at all now. City Engineer Eric Eby responded that he thought it was. Parking is allowed on any street unless it is prohibited in the ordinance.

Erika Wygonik moved to install intersection warning sign, radar speed sign and speed limit sign west of intersection. And, to construct a sidewalk along South Street between Pinehurst Road and Union Street as funding allows, and to install no parking here to corner signs on South Street 20 feet from Pinehurst Road as well as on both sides of Pinehurst Road 30 feet from corner of South Street, seconded by Mary Lou McElwain.

On a unanimous roll call vote, motion passed 8-0.

B. Bartlett Street at Pine Street, request for RRFB at crosswalk, by resident.

Chairman Andrew Bagley arrived at 9:35 am.

City Engineer Eric Eby commented that they looked at the crosswalk at Bartlett Street and Pine Street that is near the playground. They collected data over the weekend and gathered a total of 39 hours of footage over 3 days. They saw a total of 14 pedestrians and the most was 3 in one hour. With the low volume of pedestrians, this is not a high priority for pedestrians, but they do have a traffic calming project for Bartlett Street and that may be addressed there. There is not a critical need here. There are faster cars but there is not a heavy volume of pedestrians, and they are crossing safely.

Vice Chairman Steve Pesci commented that he supported waiting to deal with this as they looked at Bartlett Street in total. It would be better to deal with it comprehensively. Mary Lou McElwain requested that they take a more comprehensive look at the amount of RRFB's in the City now, and the requests that are coming in. Erika Wygonik suggested that Mary Lou McElwain could lead a working group on that.

Harold Whitehouse moved to place on file and incorporate into a larger traffic calming project for Bartlett Street, seconded by City Manager Conard. **On a unanimous roll call vote, the motion passed 9-0.**

VII. OLD BUSINESS

A. Woodbury Avenue Traffic Calming, update on alternative options

City Engineer Eric Eby commented that they were asked to come back with alternatives on Woodbury Avenue. One alternative at the intersection of Woodbury Avenue and Dennett Street would be to put in a median island with pedestrian crosswalk. It would be a gateway treatment. They would expand the roadway alignment which would tie in nicely to the new alignment with the bridge at the northbound ramp. The island would be a pinch point for traffic coming into that section of Woodbury Avenue. The other alternative would be a mini roundabout at the Woodbury Avenue and Rockingham Avenue intersection. They can do it with paint. Trucks would have a tough time with it, but they can drive over it. These have been successful in other cities in the country. Another option for the Rockingham Avenue intersection would be to create a median island and keep the traffic through lane close to the sidewalk. There have been comments about a protected bike lane but there is no bike lane in this section of Woodbury Avenue beyond the intersection. The raised median is a greater benefit than a protected bike lane.

Public Works Director Peter Rice moved to allow for public comment, seconded by City Manager Conard. **On a unanimous roll call vote, motion passed 9-0.**

Harold Whitehouse questioned if they considered tractor trailer trucks with the roundabout proposal. City Engineer Eric Eby confirmed that they did. The roundabout would have to be something that is mountable.

Justin Richardson commented that he bikes downtown along that section and that upper side on the plan is the better place for a bike lane because it avoids bikes running into the intersection. The north side is a safer side to bike on. Mr. Richardson was concerned that the mini traffic circle may cause traffic congestion with cars queuing. The better solution may be a raised speed table to prevent queuing at roundabout. Public Works Director Peter Rice noted that the challenge with Woodbury Avenue is that it's designated as an arterial road. The design criteria does not recommend raised tables on that type of road. That designation is not something the City creates. The State sets that. They would not want to go against those design requirements. The roundabout would be a change, but it would not create a larger queue. It would reduce it because it would create a predictable form of traffic. It has been used in other places successfully. It would be interesting to try it as a pilot effort. The alternative with an additional median would be the best approach to address the issue.

Erika Wygonik commented that she liked all the designs, and they were good steps forward. The mini roundabouts are a good option and should be used more in the City. It would be good to use them more in neighborhoods. They work well for traffic calming and trucks can navigate them. Whatever goes in, there should be some landscaping involved. It should not just be paving.

Vice Chairman Steve Pesci commented that a good example of a neighbored garden spot was at Thornton Street and Woodbury Avenue. Vice Chairman Steve Pesci supported introducing the mini roundabout. There are a lot of neighborhoods where this would be a good traffic calming device. This may not be the best spot for it. It would not be good to pilot a mini roundabout in a spot that is not ideal. That would put people against it. The design at the Dennett Road intersection is good. Vice Chairman Steve Pesci commented that he would support either design at the Rockingham Avenue intersection, but they should pilot mini roundabouts in other locations and put a more traditional treatment on Woodbury Avenue.

Harold Whitehouse questioned if this would impact federal or state funding. Public Works Director Peter Rice responded that it would not, these are acceptable treatments for this roadway. Public Works Director Peter Rice agreed with Vice Chairman Steve Pesci and retracted his thought about piloting a mini roundabout in this location. There are better locations in the City to pilot this.

City Engineer Eric Eby commented that this was an arterial roadway. The mini roundabout may not be the best here. Vice Chairman Steve Pesci questioned if these were called diverters. Erika Wygonik responded that these were called mini roundabouts. A diverter involves limiting traffic in a specific location. Erika Wygonik noted that her neighborhood would be a good location to pilot a mini roundabout.

Kenneth Ferrer of Woodbury Avenue agreed with the traffic calming solutions but commented that a lot of the speeding happened between the intersections. There should be traffic calming there as well.

Vice Chairman Steve Pesci moved to support a traditional design for both intersections of Woodbury Avenue, at Dennett Street and Rockingham Avenue, as presented by the traffic engineer, not to include a traffic circle, seconded by Mary Lou McElwain.

Erika Wygonik commented that they should add in a location to test a mini roundabout. Public Works Director Peter Rice responded that they should be treated separately and clearly distinct proposals.

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

B. Islington Street at Rail Trail entrance, update on citizen request for RRFB.

City Engineer Eric Eby commented that they collected data at the intersection and saw 15 pedestrians crossing an hour during early spring in good weather. They expect it to increase, and it supports the warrants to put a crosswalk in. The sightlines are good in each direction, so this is the best location. An RRFB could be helpful, but pedestrians are not having a hard time crossing the street. There are plenty of gaps in traffic and if a pedestrian has to wait, then it is only for 5 seconds. The crosswalk is warranted, and they could consider adding an RRFB at a later date if it is needed. At this time, this location is not a high priority for an RRFB.

Vice Chairman Steve Pesci moved to move forward with a crosswalk with appropriate signage and tip down as funding allows, and to consider an RRFB at a later date, seconded by Mark Syracuse.

Mary Lou McElwain commented that other communities have a significant crosswalk and an RRFB where the rail trail is. Vice Chairman Steve Pesci commented that this was a great first step. When the rail trail is completed, then they may need to assess again. Chairman Andrew Bagley added that this access point was not as obvious. Adding a crosswalk may advertise the access better.

Mark Syracuse agreed to do it in phases and monitor to see if RRFB needed. The crosswalk can be done in the short term. Public Works Director Peter Rice confirmed it could. They need to put in a tip down, but they have funding to do it and painting is easy.

Vice Chairman Steve Pesci questioned if it would be appropriate to have sign alerting people that it was a pedestrian and bike crossing. City Engineer Eric Eby confirmed they could add that.

Harold Whitehouse requested more information on the rail trail. Public Works Director Peter Rice responded that the trail would go all the way to Massachusetts on the old Boston and Maine Railroad. The State owns that corridor now.

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

C. South Street at Broad Street, update on staff request for RRFB.

City Engineer Eric Eby commented that they were continuing to collect data. Traffic can back up during school pick up and drop off, but pedestrians and cars are not heavy at the same time. It has been working well according to the video footage and is not a critical concern. Traffic increases in the summer, but they have not seen a critical need for an RRFB. They can add signs and continue to monitor if needed.

Erika Wygonik commented that she was concerned about cars moving too fast while pedestrians were trying to cross. This is effectively a safe route to school for that quadrant of town. They need to ensure this is a comprehensive plan to get kids to school safely. City Engineer Eric Eby responded that pedestrians have been crossing without issue. They are waiting for a gap in traffic and there have not been any close calls. The sidewalk section on South Street between Pine Street and Sagamore Avenue will be removed, so that will increase pedestrian traffic. It's a tough call because it has been working well.

Mary Lou McElwain questioned when the sidewalk would be removed. Public Works Director Peter Rice responded that he was hesitant to pull the sidewalk up, and he wanted to get consensus here before they did anything. They want to protect trees and pedestrians. Right now, people are using the heaved sidewalk. It is not ADA compliant, but people are still navigating it.

Mark Syracuse questioned if they were doing traffic safety enhancements at the corner of South Street and Sagamore Avenue. Public Works Director Peter Rice responded that it was done a while ago. Mark Syracuse questioned if people were crossing there. City Engineer Eric Eby confirmed they were.

Vice Chairman Steve Pesci commented that the RRFB was not necessary because it is one block away from a recently updated signalized crossing. This is not the best use of an RRFB. Erika Wygonik agreed, but if there was a barrier to get to the signalized intersection, then it's a false option. However, an RRFB may not be desired in this location. This is the only significant crossing on the larger road that doesn't have a crossing guard. It may be good to add one there. Public Works Director Peter Rice responded that they had a crossing guard at Miller Avenue and South Street. They could consider moving that person over and rely on kids to use the crosswalk buttons.

Mark Syracuse questioned if there was any video showing people walking past the old trees and sidewalk. If the DPW removes it, then maybe they should make it a natural path and not lawn. City Engineer Eric Eby responded that people are definitely still using that section of sidewalk.

D. State Street crosswalk at African Burial Ground, report back, from NB B 4.7.22.

City Engineer Eric Eby commented that they were collecting video at the State Street crosswalk and have not seen issues with traffic yielding to pedestrians at the crosswalk. Pedestrians are crossing without hesitation or delay. It is working well. City Engineer Eric Eby commented that he would not recommend an RRFB at this time.

E. Mechanic Street, suggested angle parking, by resident.

Public Works Director Peter Rice moved to place suggested angled parking on file, seconded by City Manager Karen Conard. **On a unanimous roll call vote, the motion passed 9-0.**

F. Speed Limit Working Group Presentation

Erika Wygonik commented that last time they talked about reestablishing the neighborhood connectors to 25 mph in the design guidelines. They have continued to look at the connector streets to see what is aligned with that and what is different. In general, they adjusted all the streets to come into alignment. Islington Street and Middle Road have 6-month trial periods at 25 mph. They are still working on South Street. There are a couple neighborhood connector streets that they are recommending change to primary connector streets. The primary connector streets are a suggested speed of 30 mph. That is due to the nature of the road and the supported treatment. Farm Lane and Rockingham Avenue don't feed into neighborhoods. The type of traffic and number of curb cuts on those roads serve as a primary connector. The type of pedestrian and bike treatment that should be put on those roads is more consistent with a primary connector street. There are also a few streets that they are recommending change to neighborhood slow streets. They will have a 20-mph speed limit. Those streets are not getting to a neighborhood but are part of a neighborhood. Instead of changing the speeds from 20 mph to 25 mph they just changed the category. There are a couple neighborhood connector streets that are currently at 20 mph and they are recommending raising those to 25 mph to be in accordance with their categories. They are streets accessing neighborhoods and have through traffic on them.

Harold Whitehouse questioned if they considered the senior center on Cottage Street when recommending raising the speed limit from 20 mph to 25 mph. Erika Wygonik confirmed they did and added that all changes are up for discussion. 20 mph is a very slow speed that is not in accordance with state law and meant for within a neighborhood. Cottage Street serves through traffic and local traffic. If the street feels like there should be a sidewalk to be safe on that road, then it's a 25-mph road. Vice Chairman Steve Pesci added that this would be in addition to completing a sidewalk system on Cottage Street. It should be a 25-mph street with a completed sidewalk system. Erika Wygonik noted that they were working hard to make sure there was a consistency and continuity with the context of the street and surrounding streets.

Erika Wygonik commented that they were moving on to look at primary connectors next and align them with the guidelines. They are recommending adding Farm Lane and Rockingham Avenue to the primary connector streets category. Many in this category are already at 30 mph, but there are some inconsistencies. Peverly Hill Road and Elwyn Road are at 20 mph and have plans for mixed-use paths and bike lanes. The intention is to wait until those projects are done, and then monitor speeds. New Castle Avenue is tricky because the speed limit changes along the road. They are starting to think about how to approach that.

Erika Wygonik commented that they were also exploring the idea of a downtown advisory speed zone. They are getting legal input on that, but the idea is to have a 25-mph range for that. Vice Chairman Steve Pesci commented that they have met with constituents and the Assistant City Attorney and are awaiting feedback.

Erika Wygonik concluded that they were recommending reclassifying 2 streets as primary connectors, 4 streets to neighborhood slow streets, and adjusting 3 streets to match the remaining neighborhood connector speeds. Next steps are to look at primary connectors and a downtown speed advisory zone.

Police Captain Mike Maloney requested that they have a formal way of notifying the Police Department when there is a speed change. The Department looks at the ordinance regularly for enforcement and are surprised sometimes when they see new posted speeds. Police Captain Mike Maloney questioned how quickly the ordinance was updated. City Engineer Eric Eby responded that any measure adopted by City Council can be implemented for 1 year pilot. If it is successful, then it goes through the 3 readings and formalized. Public Works Director Peter Rice responded that in terms of clarity from a legal perspective it would be best to wait for the ordinance to change before enforcing the change.

Mary Lou McElwain commented that it was good to get speeds lowered and more consistent and questioned if there had been public feedback on this. Chairman Andrew Bagley responded that there has been positive feedback. If they propose increases from 25 mph to 30 mph, then there may not be as much positive feedback. Vice Chairman Steve Pesci commented that there are some inconsistencies for some streets that should be increased. As a Committee, they are trying to stay consistent with the classification of the roads and provide recommendations based on logic. Ultimately City Council gets the final say. Public Works Director Peter Rice commended the group's efforts. It will be a challenge raising the speed limits if they post the signage, instead of just removing the posted 25 mph speed limit. Prior to asking Council to vote on this, they should give a presentation, so it's clear what they are voting on and why they are recommending those changes.

City Manager Karen Conard commented that they should re-notice this presentation and make it clear they are looking for public feedback before this goes to City Council. They

should give it due notice. Public Works Director Peter Rice commented that they should consider a night meeting for that.

Erika Wygonik commented that they were doing their best to bring recommendations every month, but it may make sense to pause here until this round of recommendations go to Council. Vice Chairman Steve Pesci agreed and noted they were not in any rush. They could pull together their work to date to present to Council and show their progress. It would be good to pause and let people digest this round of recommendations.

Chairman Andrew Bagley agreed it would be good to notice this round of recommendations for an evening meeting in July for public feedback.

Public Works Director Peter Rice commented that it was a good opportunity to highlight the work that has been done to determine any changes that are needed. A presentation will show that they are not arbitrary decisions, they are made after vigorous evaluation of data. This would be a good opportunity to highlight that to the general public. The group should bring the presentation to the regular PTS July meeting so everyone on the Committee will understand what will be addressed and they can fine tune it. Chairman Andrew Bagley agreed and noted that the presentation should not include the primary connector piece because that has potential to dominate the conversation.

Chairman Andrew Bagley noted that no motion was needed. They would schedule an evening meeting in July to focus on the neighborhood connector roads.

Mary Lou McElwain commented that July was a big vacation month. Chairman Andrew Bagley responded that there was never an ideal time, but they would avoid July 4th week.

G. Islington Street at Jewell Court, request for DO NOT BLOCK intersection, by resident.

Mary Lou McElwain commented that this was a crazy intersection and they have talked about it before. City Engineer Eric Eby commented that they have watched a lot of peak hour video. There are 1,000 cars an hour, but the left turn into Jewel Court is only 20 cars. Most of the turning cars are coming off Bartlett Street. Traffic on Islington Street is turning onto Albany Street. Out of the 20 cars an hour they saw 17 making that movement without an issue. The worst back up was 3 to 4 cars behind them. Cars can make a right on red and when there is a left turn signal for Islington Street. Adding a do not block would create a dangerous situation because both lanes would not be stopped at the same time. This is not a heavy movement and there are not a lot of backups. Trying to solve this small problem would create a bigger one.

Public Works Director Peter Rice moved to place the request for DO NOT BLOCK intersection on file, seconded by Harold Whitehouse.

On a unanimous roll call vote, the motion passed 8-0.

City Manager Karen Conard left the meeting.

H. McKinley Road, Harrison Avenue and Garfield Road intersection, request for all-way stop and crosswalk, by resident

Public Works Director Peter Rice commented that prior to making the motion, they should update the neighborhood on the status of the plans and programs. They should make it clear that something would be done. There has been confusion and concern about moving forward, and they should not take action without informing the neighborhood.

Chairman Andrew Bagley commented that they should place this on file until the Elwyn Road/McKinley Road project comes forward.

Public Works Director Peter Rice moved to place on file until the public meeting and comment for full neighborhood project, seconded by Mark Syracuse. **On a unanimous roll call vote, the motion passed 8-0.**

I. Maplewood Avenue at Dennett Street, report back on request for RRFB

City Engineer Eric Eby commented that they have been collecting data at the intersection. The weeble at the intersection has been working well. Some cars are not stopping. This could be a location where an RRFB makes sense. The existing crosswalk needs to be brought up to standards with tip downs.

Public Works Director Peter Rice moved to further study the intersection, seconded by Harold Whitehouse. **On a unanimous roll call vote, the motion passed 8-0.**

J. Maplewood Avenue pedestrian signal operations, report back.

City Engineer Eric Eby commented that they have looked at another 4 days' worth of footage and are not seeing pedestrians being cut off by vehicles. It is operating as it should. There was one instance where a vehicle cut in front of a pedestrian, but that pedestrian waved the vehicle on. Cars are yielding as they should and turning behind pedestrians. There have not been any conflicts that were raised as a concern.

Mary Lou McElwain commented that this happened to her frequently and she has seen it happen to other people. Until the light stays red while pedestrians are crossing it will be problematic.

Chairman Andrew Bagley noted that it was challenging because there is anecdotal data. This has been a big change that some people don't like, but the engineering data supports that the change is working. They should go with the data.

Mary Lou McElwain commented that the pedestrians do not have enough time for their head start.

Harold Whitehouse noted that they have discussed this so many times. Chairman Andrew Bagley commented that there were a lot of streets in the City to monitor. Pedestrians have time to get into the intersection before cars are moving. It works. City Engineer Eric Eby commented that one problem may be that pedestrians are not paying attention to the signal, and they miss the advance. However, this crossing pattern is a common and accepted use.

VIII. INFORMATIONAL

A. Monthly Accident Report from Police

Police Captain Mike Maloney commented that there were 59 total crashes in April and 33 of them were reportable. There were not any involving bikes and one involving a pedestrian. These numbers speak to the enforcement that is happening in the City and are good numbers to see month to month considering the amount of activity in the City.

B. Roadway projects in June

City Engineer Eric Eby commented that there was a memo in the packet describing the upcoming projects in June. There is ongoing work on Harvard Street and Princeton Street. There will be final paving on Islington Street. There is gas line work on Marcy Street and there will be paving after that. The Bridge Street lot is reopened. There will be some electrical work on Ladd Street, so that will be closed except for the parking garage entrance. The Cate Street and Bartlett Street construction will be finalized in accordance with the plan approved by Council last fall.

Chairman Andrew Bagley noted that there will be a public meeting on the Hanover garage. Public Works Peter Rice confirmed that it would be June 9, 2022.

IX. MISCELLANEOUS

Vice Chairman Steve Pesci commented that they should acknowledge next steps in response to the public comment on Little Harbor Road. City Engineer Eric Eby commented that they were going to monitor speeds this summer now that the paving was completed.

Erika Wygonik commented that she received feedback from some of the crossing guards that they would love it if waste collection could be delayed until after school times. Public Works Director Peter Rice responded that could not be adjusted. He appreciated the concern and noted that Staff was cognizant of the kids. If anything, he would encourage people to pay more attention to them. It is a very dangerous profession, and it is a well-run tight organization when it comes to picking up.

Mary Lou McElwain requested discussing the construction trucks that sit on Penhallow Street and Daniel Street at the next meeting. Public Works Director Peter Rice responded that the City was already aware of this issue and taking care of it as best as possible. It did not need to be addressed at the Parking, Traffic and Safety Meeting. Chairman Andrew Bagley added that he spoke to a business owner in that area, and they felt the situation was much better because someone was out there moving trucks along.

X. ADJOURNMENT

Harold Whitehouse moved to adjourn the meeting at 10:42 a.m., seconded by Mary Lou McElwain. **On a unanimous roll call vote, the motion passed 8-0.**

Respectfully submitted,

Becky Frey,
Secretary for the Parking and Traffic Safety Committee

**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_AuYrGaALQCOMPLT5rVWAFg*

May 30, 2022

To the City Council:

Please accept my request for a memorial bench for Vernon Boardman, who died in 2021. Vernon was known and loved by all, a downtown fixture, and a personal friend. I would like to place his bench in Commercial Alley next to the bench that was recently installed for Charlie Howard. I have been in touch with Peter Rice about the placement of the bench, and the alley was re-designed and landscaped with these two benches in mind. I will be ordering a granite bench that matches Charlie Howard's, and will launch a GoFundMe campaign to raise the funds. In July, Tom Kauffield will hold a ceremony to commemorate Charlie's bench, after which I will launch the fundraiser for Vernon's.

If you have any questions or concerns, please let me know.

Very best regards,

Nancy Pearson



CITY OF PORTSMOUTH
MEMORIAL PARK BENCH REQUEST FORM

Thank you for your interest in donating a Memorial Park bench to the City of Portsmouth. All memorial requests and donations of funds must be approved and accepted by the Portsmouth City Council. This form outlines the process for considering requests and the information needed to begin the process. Each request will be considered by the Portsmouth City Council at an upcoming City Council meeting¹.

For questions related to the status of this request, please contact the City Manager's office by calling (603) 610-7202 or email jgriffin@cityofportsmouth.com.

For calendar year 2021, the cost for each Memorial Park bench is: \$2,200.

Please submit this completed form with your check in the amount of \$2,200 (payable to: City of Portsmouth), and a transmittal letter to: Portsmouth City Council c/o City Manager's Office 1 Junkins Avenue Portsmouth, NH 03801.

Name(s): Nancy Pearson

Address: 104 Lincoln Ave

Phone: 603-512-3953 Email: nespearson@gmail.com

Please be sure to complete and enclose the following:

- A transmittal letter to the Portsmouth City Council referencing this request.
- A check made payable to the City of Portsmouth.

Please check one of the following:

- I would like to request that a memorial park bench be installed in the following location: Commercial Alley, next to Charlie Howard's bench
- I do not have a preference for the location of the bench I would like the City of Portsmouth to install this park bench in accordance with current improvement and beautification efforts.

I would like to request the following content be included in a plaque that will be affixed to the Memorial bench (Please do not include more than 80 characters with spaces):

In loving memory of Vernon Boardman, a friend to all

¹ Prior to submitting a Memorial Park Donation request, please take note of the following: the City of Portsmouth will move forward with your request in accordance with the action taken by the City Council. Not all locations requested by residents are feasible given site constraints, future improvement plans or other reasons. Staff members will work with you to identify an alternative suitable location if necessary.



PUBLIC WORKS DEPARTMENT

CITY OF PORTSMOUTH

680 Peeverly Hill Road

Portsmouth N.H. 03801

(603) 427-1530 FAX (603) 427-1539

Month/Date/Year

«Owner_Name»

«Owner_Address»

Lot: «Property_ID»

«City», «State», «Zip»

Subject: Sagamore Avenue Sewer Extension Project --
Private Sewer Connection Cost Estimate

Dear «Owner_Name»:

As stated at the April 27th public meeting, enclosed is the City of Portsmouth's cost estimate to connect your property to the sewer main as part of the Sagamore Avenue Sewer Extension Project. Also enclosed is a drawing detailing the proposed work for your property.

These two documents are further described below.

Private Cost Summary: This document summarizes the estimated costs for the work on your private property by showing the cost of each component based on the unit price the City received through competitive bidding with the low-bid contractor, Severino Trucking. The table details both the City costs and the private connection costs, in accordance with the cost-sharing proposal presented to the City Council.*

At the bottom of the cost estimate document, there is the estimated cost to the property owner, estimated cost to the City, and estimated total cost. An estimated monthly cost to the property owner is also included to show the monthly cost due to the City over the life of the 10 year, zero percent interest loan.

The City has added a 5% contingency to the estimate to cover adjustments needed to complete the work, such as changes in alignment or unforeseen conditions. The final cost will be adjusted on completion based on the as-constructed work.

Drawing of Work: This drawing was taken directly from the contract drawings, adjusted to show the work to be completed on your property. The dashed line indicates the approximate area where your sewer service is to be installed. All work completed in this area forms the basis of your portion ("Private Costs") in the Summary. This work includes, but is not limited to, the excavation of soil and rock, installation of the service pipe, and restoration of your property to its previous condition.

Please review the estimate provided and advise whether you want to connect to the City sewer main. If you decide to participate, the next step will be for you to review and approve a Memorandum of Understanding that the City's Legal Department is currently drafting for each property owner. The Memorandum will stipulate all the details of your commitment, repayment options, the City's responsibilities and the approximate schedule.

Please let us know as soon as possible whether you wish to participate in this project. The funding for this project currently includes \$750,000 for the private property work. It is possible that owner interest exceeds the funding and additional funds will be requested from the Council. We hope to identify as many interested properties as possible by July 15, 2022.

The attached cost summary is not a final quote, and is subject to changes and to available funding. A final cost estimate will be provided with the Memorandum of Understanding after you have indicated interest in connecting.

Timing for work on private property will be determined as the contractor makes progress on the sewer main construction which began on May 16, and as the City finalizes the project contract and any additional funding requests that may be needed.

Please contact Zachary Cronin by email at zmcronin@cityofportsmouth.com or by phone at (603) 610-7304 by July 1, 2022 to let the City know you are interested in connecting.

Sincerely,

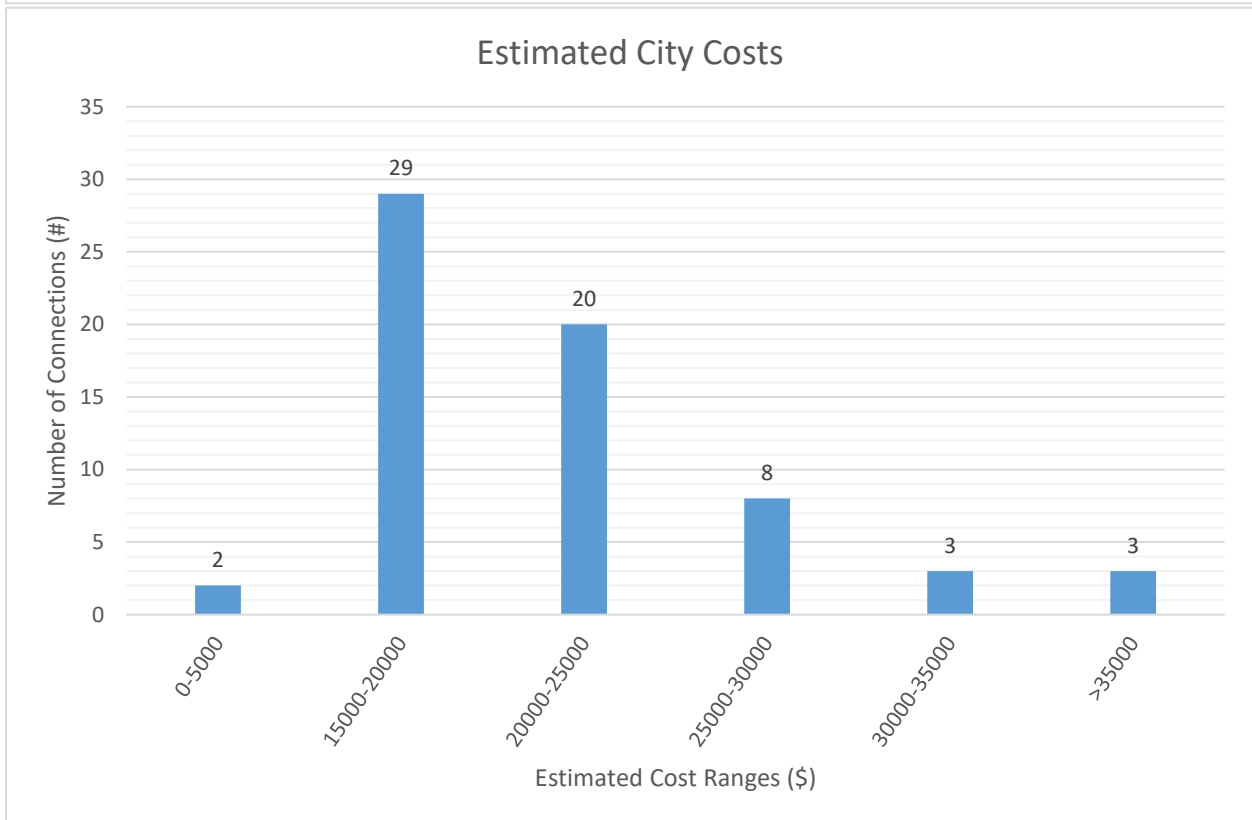
Zachary Cronin
Assistant City Engineer

cc: Terry Desmarais, City Engineer

*For the memo to the City Council, presentations from prior public meetings and other information about this project, please visit the Sagamore Project page on the City website <https://www.cityofportsmouth.com/publicworks/sagamore-ave-sewer-extension-project> or use the QR code below.



Figure A: Estimated Cost Ranges



City of Portsmouth

Department of Public Works



MEMORANDUM

TO: Karen Conard, City Manager, Suzanne Woodland, Deputy City Manager

FROM: Peter Rice, Director of Public Works

DATE: 6/13/22

SUBJECT: PFAS Sampling of New Athletic Field

In response to a request by Non-Toxic Portsmouth the prior City Council voted to conduct testing for PFAS compounds of concern at the City's new athletic field. Specifically the City Council voted at its December 6th Council meeting to:

“Move that the City Council require the City Manager to commission independent third party testing for PFAS of the new artificial turf playing field. As recommended by “independent experts”, the testing shall use the targeted analysis for 75 PFAS, non-targeted PFAS analysis and total oxidizable precursor (TOP) assay methods to look for the presence of PFAS in the synthetic turf, shock pad, and infill material. The results will be provided to the City Council.”

As directed, City staff contracted with a third party firm, TRC, to complete the testing of the field and its components and to provide context and interpretation of the results. Attached please find a copy TRC's review of the results along with toxicological impacts. Their conclusion is summarized as follows: “Based on this evaluation, the detection of very low levels of a limited number of PFAS in the synthetic turf components does not represent a human health risk to those using the synthetic turf ballfields”.

The complete report with all testing results will be posted on the City's website.



Technical Memorandum

To: Peter H. Rice, Director of Public Works (City of Portsmouth, NH)
Suzanne Woodland (Deputy City Attorney)

From: Elizabeth Denly, TRC Vice President, PFAS Initiative Leader & Chemistry Director
Dr. Karen Vetrano, TRC Risk Assessment and Toxicology Manager

Date: June 7, 2022

Subject: Evaluation of PFAS in Synthetic Turf

1.0 SUMMARY OF INVESTIGATION

The City of Portsmouth recently installed a synthetic turf ballfield. Due to concerns raised by community members, the material used for the synthetic turf was evaluated for the potential presence of per- and polyfluoroalkyl substances (PFAS).

TRC prepared a sampling and analysis plan (SAP) in February 2022 which provided details and requirements on the following:

- Sampling procedures for the materials under investigation: carpet/grass, in-fill material, and the shock pad;
- Requirements for packaging of these materials by the manufacturer and shipping of these materials to the analytical laboratory;
- Procedures to be used by the analytical laboratory for the homogenization/compositing, extraction, and analysis of each material;
- Reporting limit goals for the individual PFAS analyses in each material; and
- Required field and analytical quality control samples and measurement criteria.

TRC worked directly with the synthetic turf manufacturers to establish an appropriate procedure for the collection of representative samples for analysis. TRC also worked directly with the analytical laboratory, Eurofins TestAmerica (Eurofins) in Lancaster, Pennsylvania, to ensure appropriate procedures would be used by the laboratory for the handling of these materials and that the resulting data would be representative of the materials under evaluation.

The evaluation was performed using the same synthetic turf material product purchased and installed by the City of Portsmouth, but the samples of this material that underwent evaluation were obtained directly from the manufacturers. Figures 1 through 3 provide photographs of the samples submitted for analysis.

- US Greentech (Safeshell Infill): Sample ID: Safeshell #1-3
- FieldTurf (Synthetic Turf Carpet): Sample ID: Carpet-001
- Schmitz Foam Products (ProPlay Pad): Sample ID: PP Pad-001

Prior to the laboratory extraction process, each material was disaggregated using a cryo-mill which reduced each material down to a homogenous powdery material. This process helped to ensure a representative sample of each material was being used in the extraction. Eurofins performed three analyses of each sample.

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- 1) 70 individual PFAS using a modified version of USEPA Method 537.1, with isotope dilution liquid chromatography/dual mass spectrometry (i.e., pre-oxidation analysis)
- 2) Total oxidizable precursor (TOP) assay
- 3) Non-targeted analysis using quadrupole time of flight mass spectrometry (QTOF-MS).

Three equipment blanks were generated by the laboratory during the cryo-milling process to ensure the equipment was not contributing PFAS to the samples and that the equipment was properly decontaminated between samples. The equipment blanks were analyzed for only the 70 individual PFAS. Equipment blanks were associated with the samples as follows:

- EB-001: associated with Carpet-001
- EB-002: associated with PP Pad-001
- EB-003: associated with Safeshell #1-3

2.0 ANALYTICAL RESULTS

The results of the analyses for the 70 PFAS and TOP Assay are presented in Table 1. The results of the q-TOF analyses are discussed below and provided in Attachment 1. Copies of the laboratory data packages are provided in Attachment 1.

TOP Assay

TOP Assay analyses were performed on each sample. The purpose of the TOP Assay analyses was to determine if PFAS precursors are present in the samples. There are thousands of potential PFAS precursors, with only several that are commonly analyzed for by commercial laboratories. The current analytical method can quantify a list of 70 PFAS; the list of compounds includes perfluoroalkyl acids (PFAAs) and select PFAS precursors. This method is not designed to identify and report on the full suite of PFAS that may be present in each sample. However, through a strong oxidation procedure, the TOP Assay analysis causes the breakdown of PFAS precursor compounds into the measurable and regulated PFAAs. As a result, this investigation was designed to quantify the potential risk of accelerating precursor transformation into PFAAs that could result from the oxidation of these samples, a worst-case scenario. The analysis was completed by utilizing a pre- and post-TOP Assay procedure.

The post-oxidation analyses of the three samples did not result in a significant increase of PFAAs, indicating that these materials do not contain a significant mass of precursor PFAS. Potential transformation or oxidation of these materials in the future will therefore not likely cause an increase in the PFAA concentrations and will not result in additional risk.

Non-targeted QTOF-MS Results

Non-targeted QTOF-MS analyses were performed on each sample to determine if "other" PFAS were present that were not included in the analysis of the 70 individual PFAS. Consistent with the TOP Assay analyses, the QTOF-MS analyses did not reveal the presence of a significant mass of "other" PFAS. The QTOF-MS data are qualitative in nature; results represent qualitative estimations of presumptive positives. The process used to identify these peaks is described in the data package in Attachment 1.

There were several additional peaks identified in these samples but only one peak was tentatively



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identified in sample Carpet-001 as bis(2,2,3,3,4,4,4- heptafluorobutyl) carbonate; this peak had a lower intensity than some of the unknown peaks also noted in this sample. Most of the compounds screened after the non-target analysis appeared as [M-H]⁻, which indicates a loss of hydrogen after dissociation in water. This indicates the presence of either a carboxylic or sulfonic acid functional group in the backbone of the compounds. However, in almost all cases, the identifications of these peaks were not available and reported as “unknown”.

Data Usability Evaluation

An evaluation of analytical data usability was performed and included the following parameters:

- Holding times and sample preservation
- Blanks (method and equipment)
- Isotopically labeled surrogate results
- Laboratory control sample (LCS) results
- Internal standards
- Sample results and reporting limits

The focus of the review was to ensure that the laboratory generated valid data for the PFAS results, and that results were usable for project objectives. Due to significantly low recoveries of PS Acid and EVE Acid in the LCS analyses, the nondetect results for these compounds are not usable for project objectives in the pre-oxidation analyses of all samples.

The following data quality nonconformances were noted, all of which have a minor impact on the usability of the data.

- Holding Times
 - The equipment blank samples were analyzed one to three days outside of the holding time. There is no significant effect on these results due to the minor holding time nonconformance.
- Method Blank Contamination
 - The positive results for PFOSA in equipment blank EB-001 and PFOS in equipment blanks EB-001, EB-002, and EB-003 are likely false positives due to method blank contamination.
 - The positive results for 6:2 FTS in the post-oxidation analyses of samples Carpet-001 and PP Pad-001 are likely false positives due to method blank contamination.
- Equipment Blank Contamination
 - The positive result for HFPO-DA in the post-oxidation analysis of sample PP Pad-001 is likely a false positive due to equipment blank contamination.
- Isotopically Labeled Surrogate Results
 - Potential uncertainty exists for 6:2 FTCA and 7:3 FTCA in the post-oxidation analyses of samples Carpet-001 and PP Pad-001 and 8:2 FTCA in the post-oxidation analysis of sample Safeshell #1-3 due to slightly low recoveries of the associated isotopically labeled surrogates.
 - Potential uncertainty exists for PFPeA in the pre-oxidation analysis of sample Safeshell #1-3 due to high recovery of the associated isotopically labeled surrogate.
- Ion Ratios
 - Potential uncertainty exists for the positive results for 6:2 FTS and PFOS in the post-oxidation analysis of sample Carpet-001 and 6:2 FTS, PFHxA, and PFHpA in the post-oxidation analysis of sample PP Pad-001 due to ion ratios outside of the

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acceptance criteria.

In general, data are usable for project decisions based on a review of the accuracy, precision, and sensitivity of the data. With the exception of PS Acid and EVE Acid, the PFAS data are valid as reported and may be used for decision-making purposes.

3.0 PRELIMINARY RISK EVALUATION

A preliminary evaluation of the potential risk of exposure to PFAS detected in the synthetic turf components was performed. Consideration was made as to which turf components contain PFAS and the types of exposure applicable to those components.

As previously discussed, Table 1 presents the results of the analyses for the 70 PFAS and TOP Assay which are denoted under each sample as "Pre-Treatment" and "Post-Treatment", respectively. As discussed above, the TOP Assay subjects the samples to strong oxidizers, under specific laboratory conditions in order to accelerate potential precursor oxidation into the measurable and regulated PFAAs, thus representing a worst-case scenario.

The USEPA (USEPA 2022a) and individual states (ITRC 2022) have derived health-based soil screening criteria under residential exposures for some of the PFAS. Table 2 presents a comparison of the detected concentrations to USEPA and New Hampshire (NH) human health-based residential soil screening values. When neither of these values were available, the lowest available screening value was obtained from another state. Finally, if there were no promulgated screening values available for a detected compound, the lowest NH residential soil screening level (PFOS) was used as a surrogate. Comparing detected concentrations in the synthetic turf components (i.e., grass/carpet, shock pad, and infill material) to available soil screening criteria is highly conservative (i.e., health protective). For example, USEPA residential soil screening criteria assume a combination of ingestion, dermal contact and inhalation (if volatile) exposures over a period of 24 hours/day, 350 days/year for 6 years for non-cancer effects and over a period of 350 days/year for a combined 26 years (20-year-old adult and 6-year-old child combined exposures) (USEPA 2014, 2022b). Exposures to the synthetic turf components will be much less than the assumed residential soil exposures. Additionally, the primary route of exposure for residential soils is ingestion, whereas exposure to the synthetic turf carpet and infill would be through limited dermal exposure. It is not expected that there would be physical contact with the shock pad since it is beneath the carpet and infill material.

Carpet Sample

As shown in Table 1, there were no detectable concentrations of PFAS in the FieldTurf, synthetic turf carpet pre-treatment sample. The following eight individual PFAS were detected at very low concentrations in the TOP Assay after extreme oxidizing conditions:

- 6:2 Fluorotelomer sulfonic acid*
- HFPODA (Gen-X)
- Perfluorobutanoic Acid (PFBA)
- Perfluorohexanoic Acid (PFHxA)
- Perfluorooctanesulfonic Acid (PFOS)
- Perfluoropentanoic Acid (PFPeA)
- PPF Acid (Pentafluoropentanoic Acid)
- R-EVE

*It should be noted that 6:2 Fluorotelomer sulfonic acid was also detected in a blank sample and therefore is not considered an actual detection in this sample.

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With the exception of PPF Acid, all the detected compounds were below 1 nanogram/gram (ng/g), which is equivalent to 0.001 milligrams per kilogram (mg/kg). PPF acid was detected at 1.08 ng/g (0.00108 mg/kg).

As shown in Table 2, for those detected concentrations in the post-treatment carpet sample with residential soil screening values, all were well below their respective values, ranging from 446 (HFPODA) to 24,120 (Perfluorobutanoic acid) times lower. Two detected compounds do not have screening criteria. Conservatively assuming that these compounds are as toxic as PFOS, the detected concentrations were well below the surrogate PFOS screening value, ranging from 92 (PPF Acid) to 1,472 (R-EVE) times lower.

ProPlay Pad

As shown in Table 1, there were three PFAS with very low detected concentrations in the ProPlay (PP) Pad pre-treatment sample:

- Perfluorononanoic acid (PFNA)
- Perfluorotridecanoic acid (PFTTrDA)
- Perfluoroundecanoic acid (PFUnA)

The following six PFAS were detected at very low concentrations in the TOP Assay after extreme oxidizing conditions:

- 6:2 Fluorotelomer sulfonic acid*
- HFPODA (Gen-X)
- Perfluoroheptanoic Acid (PFHpA)
- Perfluorohexanoic Acid (PFHxA)
- PPF Acid (Perfluoropropionic Acid)
- R-EVE

*It should be noted that 6:2 Fluorotelomer sulfonic acid was also detected in a blank sample and therefore is not considered an actual detection in this sample.

All the detected compounds were below 1 ng/g, which is equivalent to 0.001 mg/kg.

As shown in Table 2, for those detected concentrations in the PP Pad sample with residential soil screening values, all were well below the documented screening value. For the pre-treatment samples, concentrations ranged from 117 (Perfluoroundecanoic acid) to 2,252 (Perfluorononanoic acid) times lower, while for the post-treatment samples, concentrations ranged from 119 (Perfluoroheptanoic acid) to 1,875 (Perfluorohexanoic acid) times lower than their respective health-based values. Two detected compounds do not have screening criteria. Conservatively assuming that these compounds are as toxic as PFOS, the detected concentrations were well below the surrogate PFOS screening value, ranging from 408 (PPF Acid) to 735 (R-EVE) times lower.

Safeshell #1-3 Infill

As shown in Table 1, there were six PFAS with very low detected concentrations in the SafeShell Infill pre-treatment sample:

- PEPA (Perfluoro-2-ethoxypropanoic acid)
- Perfluoropentanoic Acid (PFPeA)
- PFMOAA (Perfluoro-2-methoxyacetic acid)
- PFO2HxA (Perfluoro (3,5-dioxahexanoic)acid)
- PMPA (Perfluoro-2-methoxypropanoic acid)
- PPF Acid (Perfluoropropionic Acid)

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The following four PFAS were detected at very low concentrations in the TOP Assay after extreme oxidizing conditions:

- 6:2 FTCA (6:2 Fluorotelomer carboxylic acid)
- 6:2 FTUCA (6:2 Fluorotelomer unsaturated carboxylic acid)
- PFO2HxA (Perfluoro (3,5-dioxahexanoic)acid)
- TAF (Perfluoro (3,5,7,9,11-pentaoxadodecanoic) acid)

With the exception of PFMOAA and PPF acid in the pre-treatment sample, all the detected compounds were below 1 ng/g, which is equivalent to 0.001 mg/kg. PFMOAA was detected at a concentration of 5.16 ng/g (0.00516 mg/kg) and PPF acid was detected at a concentration of 41 ng/g (0.041 mg/kg).

As shown in Table 2, only Perfluoropentanoic acid, detected in the pre-treatment SafeShell sample has an associated soil screening value and was 1500 times lower than that value. Five of the compounds detected in the pre-treatment sample did not have associated screening values. Conservatively assuming that these compounds are as toxic as PFOS, the detected concentrations were below the surrogate PFOS screening value, ranging from 2.5 (PPF Acid) to 2,169 (PMPA) times lower.

None of the post-treatment detected compounds had associated soil screening values. Conservatively assuming that these compounds are as toxic as PFOS, the detected concentrations were well below the surrogate PFOS screening value, ranging from 325 (PFO2HxA) to 2,353 (6:2 FTCA) times lower.

Conclusions

A preliminary evaluation of the potential risk of exposure to PFAS detected in the components of the synthetic turf system (grass/carpet, infill, and shock pad) was conducted by comparing the detected concentrations to available promulgated federal and state residential soil screening levels (USEPA, 2022a, ITRC, 2022). These screening values are meant to establish unlimited use of contaminated soil sites and therefore are extremely conservative (i.e., health protective) when used for comparing concentrations in synthetic turf.

Two primary PFAS analyses were conducted on the synthetic turf components, a modified version of EPA Method 537.1 which can detect 70 individual PFAS and the TOP Assay. The TOP Assay is meant as a worst-case condition and is used to quantify the potential risk of accelerating precursor transformation into PFAAs that could result from the oxidation of these samples in nature, thereby increasing the types and concentrations of PFAAs. The post-oxidation analyses of the three samples did not result in a significant increase of PFAAs, indicating that these materials do not contain a significant mass of precursor PFAS. Potential transformation or oxidation of these materials in the future will not cause an increase in PFAA concentrations and will not result in additional risk.

Of the synthetic turf components, the grass/carpet and infill material would be expected to be the two components in which there will be physical contact. The carpet sample had no detectable PFAS in the pre-treatment sample. Post-treatment samples showed very low level, trace concentrations (as evidenced in Table 1 as "J", estimated values) of a limited number of PFAS. When compared to the health-based soil screening levels, all concentrations were orders of magnitude below the target benchmark levels, thus indicating no significant risk from exposure to these compounds.



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The Shellsafe Infill material had very low-level concentrations of a limited number of PFAS in the pre-treatment and post-treatment samples. With the exception of PPF Acid detected in the pre-treatment sample, all were orders of magnitude below the target benchmark levels, thus indicating no significant risk from exposure to these compounds. PPF Acid does not have a promulgated health-based soil screening level and was compared to the NH residential soil screening level for PFOS and was 2.5 times lower, which still indicates no potential significant risk from this exposure. PPF Acid is a small molecule consisting of only two fully fluorinated carbons and is considered an ultra-short chain PFAA (Björnsdotter, M.K et al. 2020). Unlike PFOS which bioaccumulates and has an estimated half-life in humans of over 5 years (i.e., the body concentration decreases by half every 5 years with no additional exposure), PPF Acid is not expected to bioaccumulate, thus decreasing potential chronic toxicity. Therefore the comparison with the PFOS screening level as a surrogate is very conservative.

The comparison of detected PFAS concentrations in the shock pad to soil concentrations is an extremely conservative evaluation since it is covered by the grass/carpet and infill material and thus not available for contact. Nevertheless, the same evaluation was conducted. The shock pad had very low-level concentrations of a limited number of PFAS in the pre-treatment and post-treatment samples. All concentrations were orders of magnitude below the target benchmark levels, thus indicating no significant risk from exposure to these compounds.

Based on this evaluation, the detection of very low levels of a limited number of PFAS in the synthetic turf components does not represent a human health risk to those using the synthetic turf ballfields.

References

- Björnsdotter, M.K., Yeung, L.W.Y., Kärrman, A. et al. 2020. Challenges in the analytical determination of ultra-short-chain perfluoroalkyl acids and implications for environmental and human health. *Anal Bioanal Chem* 412, 4785–4796. On-line at: <https://link.springer.com/article/10.1007/s00216-020-02692-8>
- ITRC 2022. Interstate Technology Regulatory Council (ITRC). PFAS – Per – Polyfluoroalkyl Substances. PFAS Water and Soil Values Table Excel File. Updated April. On-line at: [Fact Sheets – PFAS — Per- and Polyfluoroalkyl Substances \(itrcweb.org\)](https://www.itrcweb.org/fact-sheets-pfas-per-and-polyfluoroalkyl-substances)
- USEPA 2014. Memorandum: Human Health Evaluation Manual, Supplemental Guidance: Update of Standard Default Exposure Factors. OSWER Directive 9200.1-1200, February 6.
- USEPA 2022a. Regional Screening Levels (RSLs) – Generic Tables. Summary Table (TR=1E-06, THQ = 1.0). May. On-line at: <https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables>
- USEPA 2022b. Regional Screening Levels (RSLs) – Equations. May. On-line at: <https://www.epa.gov/risk/regional-screening-levels-rsls-equations#res>