

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, DECEMBER 5, 2022 TIME: 6:30 PM

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_WSRy5TIPRsCv5uGucXE2Jg

6:30 PM – ANTICIPATED NON-PUBLIC SESSION IS BEING HELD IN CONFERENCE ROOM A
1. CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3, II (I)

AGENDA

**Regular portion of City Council meeting to begin at 7:00 p.m.*

- I. **WORK SESSION – THERE IS NO WORK SESSION THIS EVENING**
- II. **PUBLIC DIALOGUE SESSION** [when applicable – every other regularly scheduled meeting] – **N/A**
- III. **CALL TO ORDER** [7:00 p.m. or thereafter]
- IV. **ROLL CALL**
- V. **INVOCATION**
- VI. **PLEDGE OF ALLEGIANCE**
- VII. **ACCEPTANCE OF MINUTES – SEPTEMBER 19, 2022; OCTOBER 3, 2022; & OCTOBER 17, 2022** (*Sample motion – move to approve and accept the minutes of the September 19, 2022; October 3, 2022; and October 17, 2022 City Council meetings*)
- VIII. **RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS**
- IX. **PUBLIC COMMENT SESSION** (*This session shall not exceed 45 minutes*) – (*participation may be in person or via Zoom*)
- X. **PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS**

Public Hearings/Second Reading of Ordinances:

- A. Public Hearing/Second reading of Ordinance amending Chapter 12 and Chapter 15 – City’s Building Code (*Sample motion – move to pass second reading and hold third and final reading at the December 14, 2022 City Council meeting*)
 - **PRESENTATION**
 - **CITY COUNCIL QUESTIONS**
 - **PUBLIC HEARING SPEAKERS**
 - **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**
- B. Public Hearing/Second reading of Ordinance amending Chapter 5, Article I – Fire Department, Section 5.101 – Personnel and Article IX – Fire Code (*Sample motion – move to pass second reading and hold third and reading at the December 14, 2022 City Council meeting*)

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

Third and Final Reading of Ordinances:

- C. Third and final reading of Ordinance amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee (***Sample motion – move to pass third and final reading of the ordinance as presented***)
- D. Third and final reading of Ordinance amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted (***Sample motion – move to pass third and final reading of the ordinance as presented***)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

- 1. Sale of Surplus Equipment
- 2. *Release of Funds from the 400th Anniversary Trust
- 3. Access Easement for Water Services for 41 Salem Street
- 4. Sewer and Driveway Turnaround Easements for Property Located at 77 Meredith Way

XII. CONSENT AGENDA

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

- A. Letter from Jennie Halstead, Executive Director of My Breast Cancer Support, requesting permission to hold the 15th Annual Celebrate Pink 5k Walk & Run on Sunday, September 17, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Tina Sawtelle, The Music Hall, requesting approval for the closure of Chestnut Street and live music for Live Under the Arch 2023 between Friday, June 30, 2023 and Sunday, September 3, 2023 (***Anticipated action – move to refer to the City Manager with Authority to Act to issue license for events***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Presentation – COVID Response Task Force – Recovery Solutions
- B. *Presentation – PNH400 update

- C. Letter from Alissa Gumprecht, Director of Development and Communications for Cross Roads House, requesting permission to place tables in front of North Church in conjunction with vigil being held on December 21, 2022.
- D. Email Correspondence (**Sample motion – move to accept and place on file**)

XIV. MAYOR McEACHERN

- 1. Appointments to be considered to the Arts and Nonprofits Committee Cultural Plan Subcommittee:
 - Alan Chace
 - Jeffrey Cooper
 - Ellen Fineberg
 - Gerardo Gonzalez
 - Tom Kaufhold
 - Amanda Kidd-Kestler
 - Robin Lurie-Meyerkopf
 - John Mayer
 - Karen Rosania
 - Emma Stratton
 - Karen Battles (Alternate)
 - Suzanne Danforth (Alternate)
 - Ed Simeone (Alternate)
- 2. *Appointment to be Voted:
 - Appointment of David Rheume to the Zoning Board of Adjustment

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

- 1. *Approval of 2023 City Council May Budget Meeting Schedule

B. COUNCILOR MOREAU

- 1. ****Sample Motion - to extend the Neighborhood Pilot Program through June 30, 2023, for the purposes of developing, adopting and implementing ordinance changes to create a neighborhood parking program for downtown adjacent areas. This effort would specifically include the development of a program for the neighborhood from Cornwall to Bridge Street which is currently in the pilot program.***

The ordinance could also establish a process for consideration of other neighborhoods adjacent to the downtown. For example, the ordinance could describe a petition process by which neighborhoods could petition for consideration for a neighborhood parking program with a referral to the Parking and Traffic and Safety Committee for consideration and recommendation if a certain threshold of interest was met. Alternatively, the City Council could accomplish this process through a City Council policy. There is an assumption that other neighborhoods may be interested in a parking program.

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of the October 6, 2022 meeting (*Tabled at the November 14, 2022 City Council meeting*) (***Sample motion – move to approve and accept the action sheet and minutes of the October 6, 2022 Parking and Traffic Safety Committee meeting***)
2. Parking and Traffic Safety Committee Action Sheet and Minutes of the November 3, 2022 meeting (***Sample motion – move to approve and accept the action sheet and minutes of the November 3, 2022 Parking and Traffic Safety Committee meeting***)
3. *Free On-street parking for up to Three Hours from Saturday, December 17th through Monday, December 26th in Celebration of the Holiday Season. We hope residents and visitors will take advantage of this and support Portsmouth’s wonderful, local small businesses, restaurants and non-profits.

D. COUNCILOR BLALOCK

1. *Portsmouth Skatepark Fundraising Update and Acknowledgements

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Donation to the Cemetery Committee from Kerry and Peter Rubenstein for Cemetery Projects - \$2,001.38 (***Sample motion – move to approve and accept the donation from Kerry and Peter Rubenstein for Cemetery Projects - \$2,001.38***)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

1. *McIntyre Update
2. *Report Back on Funding for Greater Portsmouth Recovery Ready Community Coalition
3. Report Back on Outdoor Dining

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, SEPTEMBER 19, 2022

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Denton moved to close the Non-Public Sessions and seal the minutes of the first item and not seal the minutes for the second matter. Seconded by Councilor Bagley.

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

III. CALL TO ORDER

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

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern announced to the City Council that there will be a Celebration of Life for Peter Ronchi on October 17, 2022. He stated that Peter lost his life in a car accident and was a 35 year employee of the Public Works Department.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATION

1. Childhood Cancer Awareness Week

Mayor McEachern read the proclamation declaring September as Childhood Cancer Awareness Month.

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

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

- A. Recognition of Camila Sacco 2022 Miss New Hampshire USA

Mayor McEachern recognized Camila Sacco a resident of Portsmouth and 2022 Miss New Hampshire USA, and wished her well in the competition moving forward.

B. Recognition of Thomas Kozikowski for Athletic Director of the Year

Mayor McEachern announced that Thomas Kozikowski has been selected as the Athletic Director of the Year. He presented Koz with a City of Portsmouth Coin in recognition of his accomplishment.

C. Recognition of Hispanic Heritage Month

Mayor McEachern recognized September as Hispanic Heritage Month. Assistant Mayor Kelley announced that the BIPOC Festival will be held on Sunday, September 25th at Vida Cantina featuring food from a number of local restaurants and musical acts.

Assistant Mayor Kelley moved to suspend the rules to bring forward Item XIV. 1. – City Facilities Update. Seconded by Councilor Tabor and voted. On a unanimous roll call 9-0 vote, motion passed.

MAYOR McEACHERN

1. City Facilities Update

Mayor McEachern announced that the Peirce Island Boat Launch is being named after City Attorney Robert P. Sullivan in recognition of his 40 years of service to the City of Portsmouth.

City Attorney Sullivan expressed his sincere thanks to Mayor McEachern, the City Council and City Manager Conard for this honor.

Councilor Moreau moved to suspend City Council Rule #44 Naming of Municipal Buildings, Parks and Facilities and name the Peirce Island Boat Launch as the *Peirce Island Robert P. Sullivan Boat Launch*. Seconded by Assistant Mayor Kelley.

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

Councilor Bagley moved to suspend the rules to bring forward Item XVII. 5. – City Manager’s Informational Item #5 – Response regarding Unexpended Bond Proceeds. Seconded by Councilor Blalock.

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

Councilor Bagley referred to the memorandum from Director of Finance and Administration Belanger reporting the unexpended bond proceeds for the General Fund, Parking & Transportation, Water, and Sewer funds collectively for year-end FY20, FY21, and FY22 were \$22.5 million, \$25.5 million, and \$31.3 million respectively.

IX. PUBLIC COMMENT SESSION

Rick Becksted thanked City Attorney Sullivan for his work to the City of Portsmouth. He said the City will finally receive lot 2 near the Foundry Garage. He said he would like to remind the Council of the promise made for lot 6 to create work force housing. He asked the City Council to fulfill the promises that were made.

Peter Week spoke regarding the Worth Lot and asked at the October 24, 2022 City Council meeting the Worth Development Association be allowed to make a presentation.

Mark Brighton spoke to a request that was made to name a park after Mark Stebbins and stated he does not support the request. He feels it should be named the Ray Brighton Park because his father loved and did a lot for the City.

Francis Cormier spoke regarding Prescott Park and the cost of improvements due to the effects of climate change. He said the federal government is supposed to stop the ocean from rising, therefore it will not be necessary to spend City money.

Esther Kennedy said she was taken back by the request for the naming of a park. She said there needs to be a Committee for naming things in our City. She also requested an update on the Skateboard Park.

Allyn So spoke regarding freedom of speech. He stated you must show compelling evidence of a violation and Prescott Park is the traditional public forum area in the City.

Irish Mike spoke regarding freedom of speech in Prescott Park. He said people are upset with the flag that he waves in the park.

Paige Trace thanked City Attorney Sullivan for all of his work and providing assistance to the City Council the two years she served. She spoke regarding the individuals in Prescott Park and how they have every right to choose who they wish to support.

Susan Sterry spoke in support of a Blue Ribbon Committee on Archives. She said she has had a hard time to research things in the City. She said documents are scattered in different areas. She said with the 400th Anniversary of the City coming up we need to decide how to preserve and store records.

Bruce Campbell said free speech at Prescott Park is a right and these individuals are doing it peacefully.

Paula Skelley spoke in support of free speech and allowing it in Prescott Park. She said we need to follow the Bill of Rights for freedom of speech.

Bill Downey said he would like an update on McIntyre. He also spoke regarding individuals at Prescott Park who are leaving unattended flags on chairs, which does not follow the ordinance. He said parks are a special place and the ordinance needs to be enforced.

James Knowles, Kittery, ME, said he uses Portsmouth as a playground. He said people have a right to freedom of speech. He stated that he appreciates the ability to hear and listen to what people have to say.

Mark Brenner said he feels freedoms are being taken away from people. He said he is committed to the freedoms of life and the right of freedom of speech.

Filomena Knowles, Kittery, ME, spoke in support of freedom of speech in Prescott Park. She said the City Council is realizing that any restrictions would be a violation of their first amendment rights. She stated you need to listen to all voices.

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

- A. First reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 Building

Councilor Moreau moved to pass first reading and schedule a public hearing and second reading at the October 3, 2022 City Council meeting. Seconded by Councilor Tabor.

City Manager Conard said the map in the packet will be updated at the public hearing for civic districts.

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

- B. Second reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities

Councilor Moreau moved that Chapter 1, Article IV, Section 1.414 of the ordinances of the City be amended as described in the memorandum from the City Attorney to the City Manager on that topic dated September 13, 2022 and pass second reading with third and final reading to be held at the October 3, 2022 City Council meeting. Seconded by Councilor Blalock.

Mayor McEachern said there have been an enormous amount of time spent on the Audit Committee, the finances, and how we deliver that information to the City are of utmost importance. He said he supports adding a City Councilor to the Committee and appreciates the work of residents.

Councilor Cook said the changes encompass discussions from the last meeting. She said one thing that is not part of the ordinance is our audit firm and she feels we need to address that. She said we are looking at a policy to change the auditing firm after so many years.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Approval of Welfare Guidelines

City Manager Conard said that Welfare Administrator Tully is here to answer any questions regarding approval of the guidelines. She advised the Council that pet food has not been allowed in the guidelines in the past.

Councilor Bagley asked how pet food could be allowed for service animals. Ms. Tully said she would use discretion in that circumstance. Ms. Tully said that service animals have specific language in terms of assistance and needs.

Councilor Tabor said he would vote in favor of changes. Ms. Tully said the guidelines make things very clear. Ms. Tully requested to amend Page 26, Item H, entitled Burials. She indicated that the payment for the burial of City indigents is limited to \$750.00 and she is recommending increasing it to \$1,000.00.

Councilor Moreau moved to amend Page 26, Item H, entitled Burials – that the Payment for the burial of City indigents is limited to \$750.00 be increased to \$1,000.00. Seconded by Councilor Tabor.

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

2. Temporary Construction License for 64 Vaughan Street

City Manager Conard reviewed the request with the City Council for the use of 10 parking spaces in the Worth Lot for a term of 93 days as requested. She stated that staff has reviewed the license and recommend approving the request.

Councilor Moreau moved that the City Manager be authorized to execute and accept the temporary construction license to encumber 650 square feet of the alley that abuts the property and connects Hanover Street to the Worth Lot for a term of 104 days and for the use of ten (10) parking spaces in the Worth Lot for a term of 93 days as requested. Seconded by Councilor Bagley.

Discussion of traffic and its flow was held and reviewed by the Council and Shane Forsley, General Manager for Hampshire Development Corporation. Mr. Forsley spoke to the crane set-up at the base of the alley for erecting steel. Mayor McEachern said the crane needs to be placed in that location because of stability issues. He also spoke regarding notifying the abutters as to where there will be impacts to the area.

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

3. Approval of Employment Agreement with Fire Chief McQuillen

Assistant Mayor Kelley moved to approve the proposed agreement as presented. Seconded by Councilor Bagley.

Councilor Blalock said he is very excited to see Chief McQuillen serving as Chief of the Fire Department.

Councilor Moreau said Fire Chief McQuillen will make a great chief and expressed her support.

Councilor Tabor said he is pleased that Chief McQuillen will maintain residence in the City.

Mayor McEachern expressed his thanks to Fire Chief McQuillen and his wife Molly, and looks forward to the job the chief will do for the department.

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

4. Approval of Agreement with School Custodial Supervisors Union

City Manager Conard said the agreement was included in the packet for review by the Council. She recommended its approval as presented.

Assistant Mayor Kelley moved to approve the proposed agreement as presented. Seconded by Councilor Moreau.

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

5. Request to Schedule a Work Session for Stormwater Utility Feasibility

City Manager Conard suggested October 17th for the Work Session to be conducted.

Councilor Tabor moved to schedule a work session on October 17, 2022 at 6:00 p.m. to present the preliminary findings and recommendations of this study and discuss steps the City may take to implement a stormwater utility enterprise fund. Seconded by Assistant Mayor Kelley.

Councilor Tabor said compliance is required by the City.

Mayor McEachern said he supports this and spoke to him joining City Manager Conard and Deputy Public Works Director Goetz at Pease with Senator Shaheen to review these matters.

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

6. Foundry Place LLC Deed Acceptance for Property Located at 88-99 Foundry Place and 0 Deer Street

City Manager Conard requested the approval for accepting the deed for the property.

Councilor Moreau moved to authorize the City Manager to accept and record a community space deed over 88-99 Foundry Place and a Warranty Deed for Lot 2 in substantially similar form to the deeds from Foundry Place LLC contained in the agenda packet. Seconded by Assistant Mayor Kelley.

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

XII. CONSENT AGENDA

- A. Request from Lisa DeGloria, Good Dog Gallery, to install a Projecting Sign at 135 Market Street, Unit G (***Anticipated action - move to approve the aforementioned Projecting Sign License as recommended by the Planning Director, and further, authorize the City Manager to execute the License Agreement for this request***)

Planning Director's Stipulations

- ***The license shall be approved by the Legal Department as to content and form;***
 - ***Any removal or relocation of projecting sign, for any reason, shall be done at to the City; and***
 - ***Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the projecting sign, for any reason shall be restored at no cost to the City and shall be subject to review and acceptance by the Department of Public Works***
- B. Letter from Chris Carragher, Seacoasts Paddleboard Club, requesting permission to hold the 5th Annual Halloween Costume Paddle on Sunday, October 30, 2022 from 10:00 a.m. to 11:30 a.m. at the Peirce Island Boat Ramp (***Anticipated action – move to refer to the City Manager with Authority to Act***)
 - C. Pro Portsmouth 2023 Various Events Request (***Anticipated action – move to refer to the City Manager with Authority to Act***)
 - D. Eversource Petitions and Pole License Requests:
 - Installation of 4 poles on Pevery Hill Road #63-0696 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

A. Email Correspondence

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

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

B. Request to Rename the North Mill Pond Park in Honor of Mark Stebbins

Councilor Moreau moved to schedule a work session to consider this request. Seconded by Councilor Bagley.

Mayor McEachern said he supports having a work session.

Councilor Moreau asked if the Council would discuss this name or other names as well.

Councilor Cook suggested that the City Council have a discussion around the policy of naming things in the future. She said we need clear guidelines to follow.

Councilor Tabor said he agrees with Councilor Cook. He said the Council really needs to look at this and what we are looking to bestow.

Councilor Blalock said there is a policy in the Recreation Department and guidelines for these type of requests.

Mayor McEachern said he would like to include the current process we follow for discussion at the work session.

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

C. Request for Paper Street for Joffre Avenue

Councilor Moreau moved to refer to the Planning Board and Assessor for report back. Seconded by Councilor Bagley.

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

D. Letter from Peter Weeks regarding Worth Lot

Councilor Cook asked that City Manager Conard consider allowing Peter Weeks to speak on this request. City Manager Conard said several meetings have been held with Mr. Weeks on the request and there is no need to bring the request to the City Council.

Assistant Mayor Kelley moved to refer to the City Manager for report back. Seconded by Councilor Bagley.

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

XIV. MAYOR McEACHERN

2. Appointments to be Voted:
 - Appointment of Luis Rodriguez to the Cable Television & Communications Commission
 - Appointment of Torey L. Brooks to the Sustainable Practices Blue Ribbon Committee
 - Reappointment of Patricia Bagley to the Trees and Public Greenery Committee
 - Appointment of Jeffrey Mattson as an Alternate to the Zoning Board of Adjustment

Councilor Blalock moved to appoint Luis Rodriguez to the Cable Television & Communications Commission until April 1, 2024; appointment of Torey L. Brooks to the Sustainable Practices Blue Ribbon Committee; reappointment of Patricia Bagley to the Trees and Public Greenery Committee until September 3, 2025; and appointment of Jeffrey Mattson as an Alternate to the Zoning Board of Adjustment until December 1, 2023. Seconded by Councilor Moreau.

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

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY

1. Legislative Subcommittee's recommendations on the NHMA 2023-2024 Proposed Legislative Policy Positions and Principles

Assistant Mayor Kelley moved to appoint the Mayor or his designee to act as a delegate at the NHMA Legislative Policy Conference and move to accept and approve NHMA's Proposed Legislative Principles and the 2023-2024 Proposed Legislative Policy Positions as recommended by the Legislative Subcommittee. Seconded by Councilor Moreau.

Assistant Mayor Kelley said there will be a NHMA conference and Mayor McEachern will be voting on behalf of the City Council.

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

2. Removal of taxi only parking spots downtown and across the city as the taxi commission has been dissolved

Assistant Mayor Kelley moved to refer to the Parking and Traffic Safety Committee for report back at the October 24, 2022 City Council meeting. Seconded by Councilor Bagley.

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

3. Request for a Report Back from the Recreation Department and the Department of Public Works on creating a disc golf course at Community Campus

Assistant Mayor Kelley moved to refer the request for report back to the Recreation Department and Department of Public Works on creating a disc golf course at Community Campus. Seconded by Councilor Bagley.

Assistant Mayor Kelley said the initial cost of this project is \$25,000.00. She said that this is an affordable activity for all.

Councilor Tabor asked City Manager Conard what are the total acres at Community Campus. City Manager Conard advised the City Council that it is 36 acres. He said if we want affordable housing out at Community Campus might we be smarter to work with 12 acres that are wetlands and are undevelopable for the disc golf course.

Councilor Moreau said we have more options other than Community Campus.

Councilor Cook said she echoes the comments of Councilor Moreau. She said we need to find an appropriate space and the perfect location for this kind of activity.

Councilor Blalock thanked Assistant Mayor Kelley for bringing this forward. He said several residents have brought up the need for disc golf courses in the City.

Councilor Bagley thanked Assistant Mayor Kelley for her work on this matter. He spoke to how well this request was presented and said other could use this as a template for requests coming forward.

Mayor McEachern said the CIP submissions are due September 30th and thanked Assistant Mayor Kelley for her work on this matter.

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

B. COUNCILOR DENTON

1. The 3rd Annual Portsmouth EV Show

Councilor Denton reported the 3rd Annual Portsmouth EV Show will be held at the Bridge Street Lot on October 2, 2022 from 10:00 a.m. to 1:00 p.m.

C. COUNCILOR BAGLEY

1. Parking and Traffic Safety Committee Action Sheet and Minutes of September 1, 2022

Councilor Bagley moved to accept and approve the action sheet and minutes of the September 1, 2022 Parking and Traffic Safety Committee meeting. Seconded by Assistant Mayor Kelley.

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

Action Item Needing Approval by City Council:

- Portwalk Place, request for renewal of valet license agreements, by business owner

Councilor Bagley moved to approve renewal of the valet license agreement for Parade Residence Hotel, LLC for a term of 1 year and to approve renewal of the valet license agreement for Portsmouth HI, LLC for a term of 1 year. Seconded by Councilor Moreau.

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

D. COUNCILOR LOMBARDI

1. Archive Historical Documents

Councilor Lombardi moved to establish a Blue Ribbon Task Force to Study the Establishment of a Private/Public partnership to Properly Archive Historical Documents relating to the City of Portsmouth. The details related to the need for the work of the Task Force are outlined in the agenda packet. Seconded by Councilor Denton.

Councilor Lombardi said the history of Portsmouth is so important and recognizable. He said he would like to see the development of a process for archiving documents for the City. He is proposing a public/private partnership and would like a report back to the City Council.

Councilor Moreau thanked Councilor Lombardi for this idea and would like to make it as electronic as possible.

Councilor Tabor thanked Councilor Lombardi on this matter and said it is well thought out. He said there is a need for long term storage and to have materials accessible to the public.

Councilor Bagley commended Councilor Lombardi for bringing this forward. He said there are very few Athenian's in the country. He said we need a repository so we don't lose any of these documents.

Councilor Cook thanked Councilor Lombardi for bringing this forward and shepherding this through the Governance Committee. She asked City Attorney Morrell if it is acceptable for her to vote on this motion where she is a member of the Athenian and the Daughters of American Revolution. City Attorney Morrell said it is appropriate to state you are a member of the groups and as long as funds are not being put in your pocket you are ok to vote on this motion.

Mayor McEachern said documents on the history of the City are important and need to be preserved.

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

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Critical Flood Risk Infrastructure Grant from NHDES - \$275,000.00

Assistant Mayor Kelley moved to accept the grant in the amount of \$275,000.00 as presented. Seconded by Councilor Bagley.

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

- 1. Reminder to Public for CIP Deadline
- 2. Recycling Center Card Reader Update

City Manager Conard reminded the public that the CIP deadline is September 30th and reported that the Recycling Center is now accepting credit cards.

- 6. McIntyre Update

City Manager Conard provided a brief update on McIntyre. She reported we continue to track on schedule with the time line initiated back in March of this year and we expect to achieve 50% design by mid-October. She said this week we anticipate drafts from outside counsel relative to the Development Agreement and Ground Lease from which we will continue to work on the pro-forma and understanding the financial contributions for both sides.

- 3. Report Back on Outdoor Pool

City Manager Conard provided an update regarding the renovations at the Outdoor Pool and announced the pool is slated to reopen Wednesday, October 5th.

4. Report Back from the Legal Department on Prescott Park Public Forum Area

Mayor McEachern referred to City Attorney Sullivan's memorandum regarding Prescott Park Public Forum Areas which clarifies our rules surrounding public assembly.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Kelley announced that the Big Brother Big Sister Annual Stiletto Race is being held downtown on Saturday, September 24, 2022.

XIX. ADJOURNMENT

At 9:25 p.m., Councilor Bagley moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX

DATE: MONDAY, OCTOBER 3, 2022

PORTSMOUTH, NH

TIME: 7:00PM

Councilor Moreau moved to close the Non-Public Sessions and seal the minutes. Seconded by Assistant Mayor Kelley and voted.

III. CALL TO ORDER

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

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern asked everyone to hold in their hearts those that have suffered from Hurricane Ian.

VI. PLEDGE OF ALLEGINANCE

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

PROCLAMATIONS

1. Breast Cancer Awareness Month

Mayor McEachern read the Proclamation declaring October as Breast Cancer Awareness Month.

2. Domestic Violence Awareness Month

Mayor McEachern read the Proclamation declaring October as Domestic Violence Awareness Month. Members from Haven came forward to accept the proclamation with thanks and gratitude.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition of State Representative Laura Pantelakos

Mayor McEachern recognized State Representative Laura Pantelakos for her 44 consecutive terms representing Portsmouth over the last 22 years. Mayor McEachern said he has looked up to Laura his whole life and her quality of work.

State Representative Pantelakos thanked the City Council for recognizing her this evening. She said she is very proud and thanked the residents of Portsmouth for honoring her by voting for her to represent the City of Portsmouth for 44 consecutive terms.

VII. ACCEPTANCE OF MINUTES – AUGUST 1, 2022

Councilor Moreau moved to approve and accept the minutes of the August 1, 2022 City Council meeting. Seconded by Councilor Tabor and voted.

IX. PUBLIC COMMENT SESSION

Mark Brighton said if a member of the City Council feels that your vote could be considered a conflict of interest, you should not be voting on the subject.

Irish Mike spoke regarding flags in Prescott Park and said that Trump supporters are not creating a problem in the park. He said he has never had an issue with the Police Department and the City Council needs to address the people being nasty to others.

Sue Polidura said the Audit Committee is problematic with the number of members and asked what would happen in the case of a tie vote. She said the City needs a new audit firm and auditor to conduct the audit for the City.

Chris White said he is amazed at the length the City Council will go to change the Audit Committee. He said an independent auditor needs to conduct the audit.

Francis Cormier spoke regarding the renovation plans for Prescott Park and said the City is expecting to pay a great deal of money for upgrades to the park.

Petra Huda expressed concern with a City Councilor being the Chair of the Audit Committee. She asked if all Boards and Commissions are going to be dictated to have a Councilor serve as Chair.

Liza Hewitt spoke regarding the Audit Committee and asked why does the Council feel they need to add another Councilor to the Committee. She urged the Council not to vote in favor of the changes as prepared to the ordinance.

Esther Kennedy said she is glad that the Skateboard Park will break ground in the spring of 2023. She asked that cameras be installed to monitor the areas. She also spoke regarding the auditor selection and stated that should go out to bid.

Arthur Clough spoke regarding questions he has regarding Planning Director Zendt's resume.

Fred Orlando said there are no issues at Prescott Park and we should not prejudge people because of the uniform they wear or the flag they wave.

Nancy Pearson thanked the City Council for accepting the bench donation for Vernon Boardman. She said his family is so touched and proud. She spoke on revisions to public art policies. She said in lieu of Art Speak we would have a Public Art Committee which is part of our history in Portsmouth.

Mark Brenner said the City Council approved Phase I of the transformation of Prescott Park. He said many residents don't know about the project or how much it will cost, which has increased greatly.

Shane Sunderland, Dover, NH said he sits with Mark in the park and there has never been any issues. He said if there is no violation occurring, Mark should be able to continue to sit in Prescott Park.

Councilor Moreau moved to suspend the rules in order to bring forward Item XV. C.1. – Presentation from Ernie Greenslade and Valerie Rochon regarding the Portsmouth NH 400 Legacy projects pillar and the sculpture garden they are working towards installing in a public park and the RFP that has been created together the art communities' ideas. Seconded by Councilor Denton and voted.

XV. CITY COUNCIL MEMBERS

C. COUNCILOR MOREAU & COUNCILOR COOK

1. Presentation from Ernie Greenslade and Valerie Rochon regarding the Portsmouth NH 400 Legacy projects pillar and the sculpture garden they are working towards installing in a public park and the RFP that has been created together the art communities ideas

Ms. Greenslade provided a brief presentation on the 400 Legacy projects pillar and the sculpture garden. She reported that one art installation will occur during the 400th celebration. She said the new sculpture garden will have a maritime theme, celebrating the river and all that is connecting with it through public art, which will be located in the Bohenko Park.

Councilor Moreau moved to accept the donation and approve the placement of sculptures to be commissioned by Portsmouth NH 400 in the public property known as Bohenko Park. Seconded by Councilor Cook.

Councilor Blalock thanked Councilor Moreau, Councilor Cook and Ms. Greenslade for bringing this matter forward as not to delay the project.

Councilor Cook said the establishment of the Public Art Committee will come forward this evening. She stated that this is a great opportunity and serves as an example to us to look at public art.

Motion passed.

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

Public Hearing/Second Reading of Ordinance:

- A. Public Hearing/Second Reading of Ordinance amending Chapter 10, Article 5A, Section 10.5A21B, Amend Map For Building Height Standards, Incentive Overlay Districts Sections 10.5A21.20 – Building Height Standards, Section 10.5A21.21 & 10.5A21.22, Section 10.5A43.32 – Building and Story Heights, Section 10.1530 – Terms of General Applicability

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

Planning Director Zendt provided a presentation which looked at code clean-up, ADU developments, and incentive amendments to place higher standards for the ordinance. She said this will allow the ordinance to be consistently followed by staff. She reviewed the changes on height and scale standards. She reviewed the time line for the review by the Planning Board.

Discussion followed among the Council regarding the map and its coloring.

Esther Kennedy said she was surprised this was not brought forward to the Historic District Commission. She said we need public input on what we want for the City. She asked why we are not looking at our master plan and affordable housing. She suggested conducting a Charette on these changes.

Petra Huda asked if this protects our historic character. She said Portsmouth is unique and we need to remain that way to keep us different from every other community.

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

Councilor Moreau moved to pass second reading and hold third and final reading at the October 24, 2022 City Council meeting as presented. Seconded by Councilor Tabor.

Mayor McEachern said that this is a clean-up of the ordinance that will be consistent and understood by the public. He commended the Planning Department for their work on this ordinance.

Councilor Tabor said he supports the ordinance and clarity has been brought where it was needed.

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

- B. Third and final reading of Ordinance amending Chapter 1, Article IV, Section 1.414 – Commissions and Authorities

Councilor Moreau moved to pass third and final reading of the Ordinance as presented. Seconded by Councilor Tabor.

Councilor Moreau spoke to the make-up of the Committee and said having an even number of individuals on the Committee is not an issue.

Deputy City Manager/Deputy City Attorney Woodland said it is important to retain municipal experience on the Committee.

Councilor Bagley moved to postpone third and final reading until the October 24, 2022 City Council meeting. Seconded by Assistant Mayor Kelley.

Councilor Moreau moved to suspend the rules in order to bring back second reading of the Ordinance to allow for amendments. Seconded by Assistant Mayor Kelley and voted on a unanimous voice vote.

Councilor Cook moved to amend Section A to reinsert the original language of the ordinance around terms for the appointed members that are not City Councilors. Further, to amend Section B to eliminate the last sentence – *The Audit Committee will be able to retain the services of professionals, as necessary, in municipal finance and audits, and experts hired will have no past employment as City staff or current relationships therewith, or employment with the auditing firm or current relationships therewith, and shall be independent.* Seconded by Councilor Moreau and voted. Councilors Tabor and Denton voted opposed.

Motion to postpone passed. Councilor Denton voted opposed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request to Establish Polling Hours

City Manager Conard said that City Clerk Barnaby is requesting the polling hours to be established from 8:00 a.m. to 7:00 p.m. for the State General Election.

Councilor Denton moved to establish polling hours for the November 8th General Election from 8:00 a.m. to 7:00 p.m. Seconded by Councilor Blalock and voted.

2. Right of Way Easement Deeds for properties located on Chevrolet Avenue

City Manager Conard advised the City Council that the Planning Board granted approval for a Right of Way Easement Deed to the owner of the property. She stated that the owner secured an agreement with the abutter for an easement.

Councilor Moreau moved to authorize the City Manager to accept and record the Right of Way and Utility Easement Deeds in substantially similar form to the easement deeds from Public Land Holdings LLC and Catherine R. Whelan contained in the agenda packet. Seconded by Assistant Mayor Kelley.

Councilor Moreau said this has always been a private way and we would want rights for accessing utilities under the street.

Motion passed.

XII. CONSENT AGENDA

- A. Letter from Jake Dodge, The Greg Hill Foundation, requesting permission to hold the 10th Annual Jingle All The Way 5k Road Race on December 10, 2022 at 10:00 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Matt Junkin, Seacoast Rotary, requesting permission to hold the 14th Annual Turkey Trot 5k on Thursday, November 24, 2022 at 8:30 a.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Kathryn Garcia & Joanne Wolfe, Alliance for Greater Good, requesting permission to use South Mill Pond and adjacent areas for the Portsmouth 400 Lantern Festival on Saturday, September 30, 2023 (rain date of Sunday, October 1, 2023) ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Tina Sawtelle, The Music Hall, requesting approval for the closure of Chestnut Street on Monday, October 24, 2022 for Strategic HR's Conference from 7:00 a.m. to 5:30 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- E. Letter from Laurie Mantegari, Scarecrows of the Port Committee, requesting permission to place scarecrows in designated locations throughout the downtown area for the 14th year beginning Sunday, October 16, 2022 through Sunday, November 6, 2022 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Letter from James Albion, Generations United, Inc. d/b/a Generations Arcade LLC, requesting an open discussion regarding possibly opening one of their Console Arcades at the Skateboard Park

Councilor Tabor moved to accept the letter and place it on file. Seconded by Councilor Moreau and voted.

C. Letters from Bob Newby regarding Dog Ordinance

Mayor McEachern said that these letters will require more fact finding.

Assistant Mayor Kelley moved to request a report back on the existing Dog Ordinance as it currently stands in the City and information on what is the best policies in regards to dogs and dog walking in other cities. Seconded by Councilor Blalock and voted.

XIV. MAYOR McEACHERN

1. Letter of Recognition of Elaine Syracuse

Mayor McEachern read a letter of recognition of Elaine Syracuse and her 30 years of service to the Recreation Board.

2. Appointments to be Considered:

- Appointment of John Mayer to the Arts & Nonprofit Committee – Cultural Plan Subcommittee
- Reappointment of Everett Eaton to the Economic Development Commission
- Reappointment of Thomas Watson to the Economic Development Commission
- Appointment of Richard Candee to the Task Force to Study Private/Public Historical Archives
- Appointment of Susan Sterry to the Task Force to Study Private/Public Historical Archives
- Thomas Hardiman, Jr. to the Task Force to Study Private/Public Historical Archives (*Not on agenda*)
- Appointment of Katinka de Ruiten to the Board of Library Trustees
- Reappointment of Janaki Fonseka to the Board of Library Trustees

The City Council considered the appointments listed above, which will be acted upon at the October 24, 2022 City Council meeting.

3. Request to Change Date of December 19, 2022 City Council meeting

Councilor Cook moved to change the City Council meeting date of December 19, 2022 to Wednesday, December 14, 2022. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR TABOR

1. Citizen Input into ARPA Funding, 2022 Recreation Study and Community Campus

Councilor Tabor moved to authorize the City Manager to implement a citywide survey process to determine residents' values and priorities for use of ARPA funds, updated city recreation initiatives, and future use of the Community Campus and adjoining property. Seconded by Councilor Blalock.

Councilor Tabor said we want to provide a responsive process for more public process. He suggested doing a survey, muck like Community Campus. He stated we could use technology for the Recreation Study and input on ARPA funding. He further stated that Community Campus made sense to ask taxpayers what they would like to see there, if we could get a survey. Councilor Tabor said flash vote would enable us to get a broad scope and we would get good data for making decisions. He stated we need to reach out and engage the public.

Councilor Bagley said he is concerned with not having three different surveys.

Councilor Blalock said we are looking for more opportunities to engage the public on the Recreation Study. He stated any chance to listen to the community and represent them is important.

Councilor Cook said this is an important proposal coming from Councilor Tabor. We usually hear negative comments and we would hear positive comments with a survey. She stated this would provide actual data and real data points for making decisions as a Council.

Councilor Lombardi echoed the comments made by Councilors Bagley, Blalock and Cook. He said we are looking for more involvement from the residents. He stated it is the Council's responsibility to deliver more data and engage more residents.

Motion passed.

B. COUNCILOR DENTON

1. Climate Change Impacts

Councilor Denton moved that the Legal Department explore potential legal remedies to recover costs incurred by the City of Portsmouth, residents, and businesses due to climate change impacts. Seconded by Councilor Bagley and voted.

D. COUNCILOR COOK

1. Public Art Policy/Ordinances
 - Public Art Policy Changes
 - Amendment to Article 17 – Funding of Public Art Ordinance
 - Draft Public Art Review Committee Ordinance

Councilor Cook said these ordinances and policies work as a package. She said current funding has a few gaps in working through the ordinance. She said the City Council will set up a public art review committee based on guidelines and clarifies those things that currently are not clear.

Councilor Cook moved to bring forward for first reading at the October 24, 2022 City Council meeting. Seconded by Councilor Denton.

Councilor Blalock thanked Councilor Cook and the Governance Committee for bringing these items forward.

Motion passed.

2. Auditor Rotation Policy

Councilor Cook reported that this is a policy from the Governance Committee which will clarify for residents that a principle auditor and principle team all change every five years. She said that we only have two companies in New Hampshire that submit bids.

Councilor Tabor spoke to the policies and said we have a competitive process. He said the contracts would be for three years and over time we will put the City auditor out to bid. He said we will require the team and lead auditor and principle team would need to change.

Mayor McEachern said we might want the Audit Committee to review and weigh in on policies. He said we are working to bring the best firm to Portsmouth.

Councilor Moreau moved to recommend that the Auditor Rotation Policy be reviewed by the Audit Committee with a report back to the City Council. Seconded by Assistant Mayor Kelley.

Councilor Bagley said that this motion belongs with the City Council and spoke to our Triple A bond rating and the importance of having that in place. He said we will put this out to bid over the next 25 years and only get one or two responses. He said the reason we had the same company for 25 years was because things were going so well in the City and we are one of the premier cities in the country.

On a roll call vote 7-2, motion passed. Assistant Mayor Kelley, Councilors Tabor, Denton, Moreau, Lombardi, Blalock and Mayor McEachern voted in favor. Councilors Bagley and Cook voted opposed.

E. COUNCILOR BLALOCK

1. Skateboard Park Update

Councilor Blalock reported that the committee is hopeful to break ground and complete the park by this time next year. He informed the Council that the price for a pump track came in at \$3.7 million.

Mayor McEachern thanked the Skateboard Park Committee for working to bring this project forward.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Donation for a Memorial Park Bench in the South Mill Pond Dog Park in honor of Joshua Fogel - \$2,350.00

Assistant Mayor Kelley moved to approve and accept the donation from Maggie Fogel for a bench in memory of Joshua Fogel as presented. Seconded by Councilor Bagley and voted.

- B. Approval of Donation to the Portsmouth Police Explorers Program from the Barrington Fireman Association - \$240.00

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

- C. Approval of The Violence Against Women Act (VAWA) Grant from the NH Department of Justice to the Victim Witness Advocate position – *includes a cash match contribution* - \$25,025.00

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

- D. Approval of The Office of Highway Safety Grant from the NH Department of Safety which includes thirteen different highway safety initiatives – *includes a 20% match* - \$53,510.66

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

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. McIntyre Update

City Manager Conard provided a brief update regarding McIntyre and reported the McIntyre group continues to meet every Tuesday and work to advance all parts of the effort. She also informed the Council that the Legal Department has started to review a draft of the development agreement.

2. Report Back Re: Demolition Ordinance

City Manager Conard said the Historic District Commission and Planning Board worked together on this matter. She spoke to the memorandum that outlines the recommendations that could be followed and she could direct staff to bring a draft recommendation to the City Council or Governance Committee.

Councilor Lombardi said it is important not to lose the character of neighborhoods. He said you cannot stop demolition outside the historic district. He spoke to an appeal process through legislation to protect the character and building of a neighborhood.

Councilor Moreau said she would like to see a draft ordinance come back with things we can change.

Councilor Tabor said he would like to know legally what is the longest we could delay a project and would that be integrated into the ordinance.

Assistant City Attorney McCourt said this provides opportunities for the public to weigh in which is important.

Councilor Cook spoke regarding preserving homes outside the historic district and would like to see more work done on the ordinance. She said if we extended the historic district it would protect some properties, but extending the district creates a double edge sword.

Councilor Bagley said he would not support anything beyond 90 days. He said there are rights for properties and he feels this crosses the line.

Councilor Moreau moved to request staff review the recommendation brought forward and draft a new ordinance that is legally sufficient. Seconded by Councilor Blalock.

Mayor McEachern said people want a process, and there is more to gain by preserving a structure. He said we could not withhold the right to do something as it would increase the cost of homes.

Motion passed.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Councilor Bagley said on Thursday the Parking and Traffic Safety Committee will discuss changes to the Neighborhood Parking Program in the Islington Creek Neighborhood.

Councilor Tabor requested that the Community Campus webpage include an updated map of the entire 36 acre site.

Councilor Cook moved to schedule a Work Session and Public Dialogue Session sometime in the future regarding Community Campus. Seconded by Councilor Tabor and voted.

XIX. ADJOURNMENT

At 9:50 p.m., Councilor Blalock moved to adjourn. Seconded by Assistant Mayor Kelley and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, OCTOBER 17, 2022

PORTSMOUTH, NH
TIME: 5:15PM

I. CALL TO ORDER

Mayor McEachern called the meeting to order at 5:15 p.m.

III. ROLL CALL

PRESENT: Mayor McEachern, Assistant Mayor Kelley, Councilors Tabor, Denton (5:20 p.m.), Moreau, Bagley, Lombardi, Blalock, and Cook

III. ANITICIPATED NON-PUBLIC SESSION – CONSIDERATION OF LEGAL ADVICE – RSA 91-A:3,II (I) – DSA LITIGATION

Assistant Mayor Kelley moved to enter into Non-Public Session regarding Consideration of Legal Advice – RSA 91-A:3,II (I) – DSA Litigation. Seconded by Councilor Bagley and voted.

IV. RETURN TO PUBLIC SESSION – TO CONSIDER DSA LITIGATION

At 6:20 p.m., Assistant Mayor Kelley moved to leave the Non-Public Session and seal the minutes. Seconded by Councilor Bagley and voted.

V. PUBLIC COMMENT SESSION

There were no speakers.

Assistant Mayor Kelley moved to authorize the City Manager to execute the settlement agreement and limited release attached to the memorandum from City Attorney Morrell dated October 17, 2022 on behalf of the City. Seconded by Councilor Blalock.

On a roll call vote 7-2, motion passed. Assistant Mayor Kelley, Councilors Denton, Moreau, Lombardi, Blalock, Cook and Mayor McEachern voted in favor. Councilors Tabor and Bagley voted opposed.

Councilor Lombardi moved to schedule and notice a Special Meeting for November 1, 2022 to conduct a public hearing on the appropriation of the \$500,000.00 payment to DSA. Seconded by Assistant Mayor Kelley.

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

VI. ADJOURNMENT

At 6:25 p.m., Assistant Mayor Kelley moved to adjourn. Seconded by Councilor Blalock and voted.

Respectfully submitted by:

Kelli L. Barnaby, MMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 5, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance deleting Chapter 12, Part I – International Building Code (2015), and Part II – International Residential Code (2015) and deleting Chapter 15, Part I – International Plumbing Code (2015), Part II – International Mechanical Code(2015), Part III – Fuel Gas Installations (2015), and Part IV – National Electrical Code (2017) in their entirety and replacing Chapter 12 with an amended Chapter 12, the “City of Portsmouth Building Code”, which adopts by reference the updated New Hampshire Building Code, as defined in RSA 155-A:1, IV, and local regulations and amendments, including the current edition of the NFPA 70/NEC, a code promulgated by the International Code Conference. A complete copy of the above referenced Codes and the Ordinance amending Chapter 12 is available for review in the Inspection Department during regular business hours and online on the City of Portsmouth website under the Inspection Department webpage. Copies of the Ordinance amending Chapter 12 are also available for review in the Office of the City Clerk and the Portsmouth Public Library during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

Govt Public Notices

LEGAL NOTICE

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KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 12 and Chapter 15 of the Ordinances of the City of Portsmouth be deleted in their entirety and replaced with the attached new "Chapter 12: City of Portsmouth Building Code."

The City Clerk shall properly alphabetize, re-number and create a table of contents for the ordinance upon passage.

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

Chapter 12: City of Portsmouth Building Code

SECTION 1201 TITLE ADOPTION / STATUTORY AUTHORITY

1201.1 The New Hampshire Building Code is hereby adopted, together with the local regulations and amendments contained within this Chapter and shall be known as the Building Code of the City of Portsmouth (“City Building Code”). (See RSA 155-A:1,V; RSA 674:51, I; RSA 155-A:2,V and RSA 155-A:3, I, II).

SECTION 1202 SCOPE AND ADMINISTRATION

1202.1 Building Official. The Department of Building Inspection of the City of Portsmouth, New Hampshire is hereby created and the executive official thereof shall be known as the Chief Building Inspector. Other Building Officials include the assistant Building Inspectors, Electrical Inspectors and Plumbing/Mechanical Inspectors. The Chief Building Inspector and Building Officials are appointed by the City Manager based on qualifications established for each position by the City Manager. The Chief Building Inspector and Building Officials are authorized to receive, process and approve all building permits, issue building permits and certificates of occupancy, perform inspections necessary to assure compliance with the City Building Code, collect permit fees, maintain records of all applications and enforce all provisions of the City Building Code as more fully set forth below.

1202.2 Permits

1202.2.1 Required. New construction and general renovation work requires the issuance of a building permit. General renovation is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or structural repairs.
5. Dormers.
6. Renovations to kitchens and bathrooms.
7. Demolition of all or part of a structure.
8. Changing exits or any components of the means of egress in any way.
9. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
10. Above or below grade flammable and combustible liquid tank removal or installation shall require separate mechanical and gas permitting.

11. Changes in Use or Occupancy.
12. Electrical work.
13. Plumbing or mechanical work.
14. Fire sprinkler or fire alarm systems
15. Roofing or re-roofing

NH Licensed trade persons shall secure permits for electrical, plumbing and fuel gas work when required under New Hampshire law.

1202.2.2 Work exempt from permits. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the City Building Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Ordinary repairs as defined in Section 1202.2.3 provided the total of such non-structural repairs do not exceed \$3,000 in construction value.
2. Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.
3. Fences not over 6 (six) feet high not located on corner lots of an intersection or not in the Historic District.
5. Sidewalks, driveways or patios constructed on grade with earth products so long as there is no change in elevation and/or drainage configuration.
6. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3 occupancy which are less than 18 inches deep, do not exceed 5,000 gallons and are entirely above grade.
7. Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.
8. Moveable cases and counters (typical in retail occupancies).
9. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000, including labor and materials.

Electrical:

1. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles in single family dwellings, or in facilities employing full time maintenance personnel, provided the work is performed or supervised by a licensed electrician employed by the facility owner. (See NH RSA 319-C)

Gas:

1. Portable heating appliances for one and two family occupancies.

Mechanical:

1. Portable heating appliances for one and two family occupancies.

1202.2.3 Ordinary Repairs. Application or notice to the building official is not required for ordinary repairs to structures. Ordinary repairs are defined as work which is associated with the

normal maintenance of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)
2. Replacing or repairing flooring or carpeting in-kind.
3. Replacing or repairing interior trim.
4. Repointing masonry unless located in the Historic District.

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in general renovations to structures, then all such items will be included in the construction cost and a permit is required.

Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

Exceptions: (i.e. permit is required.)

1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required.
2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000). (i.e., a permit is required when repair value is more than \$3,000 including materials and labor. Homeowner/property owner labor value to be included.)

1202.2.4 Action on application. Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when outstanding permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.

Exception:

When permits are required to correct known non-conformances.

1202.2.5 Time limitation of application. An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently pursued or a permit has been issued, except that the building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

1202.2.6 By whom application is made. Application for a permit shall be made by the owner of the building or structure or by the authorized agent of either, or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, applicant and of the responsible officers, if the owner is a corporate body it shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.

1202.2.7 Expiration. Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections (no less than 6 months in between) must be requested and work progress documented by inspections. Work elements shall be items associated with the building permit scope of work.

1202.2.8 Minimum progress required to keep permit extension active. After an extension has been granted under 1202.2.7, work shall begin within the next twelve (12) month period and, shall have progressed such that a full foundation has been constructed and inspected in that same twelve (12) months. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete and inspected to a weather tight condition. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing, work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under 1202.2.7. Failure to achieve these milestones, shall cause the permit to become invalid.

1202.2.9 Placement of permit. The building permit field copy shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street. Where such posting is impracticable the building permit field copy shall be available on site for public viewing upon request. The building permit field copy may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.

1202.2.10 Qualifications of persons doing trade work.

1202.2.10.1 Fuel Gas/Plumbing. Pursuant to RSA 153:36, licensing requirements shall not apply to a homeowner from making fuel gas fitting and plumbing installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

1202.2.10.2 Electrical. Pursuant to RSA 319-C, licensing requirements shall not apply to a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

1202.2.11 Submittal Documents

1202.2.11.1 Approval of construction documents. The building official shall review and approve all submitted documents. The permit holder is responsible for complying with the comments and notes added during the permit review process. Approved plans and documents shall be maintained as part of the official permit construction documents.

1202.2.12 Phased approval. A phased building permit shall not be issued until such time as the permit application is approved by the City Planning Department and all necessary bonds are posted.

1202.2.13 Fees

1202.2.13.1 Schedule of permit fees. Fees shall be determined by budget resolution in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

1202.2.14 Work commencing before permit issuance. Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH.

1202.2.15 Refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.

The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of this chapter.

1202.2.16 City construction projects. Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

1202.3 Inspections

1202.3.1 Inspection requests. The permit holder shall allow a minimum of three work days (72 hours) from the time the building official is notified to the time the inspection is scheduled.

1202.3.2 Re-inspection fee. If, upon being called for any inspection, the work is not in compliance with this Code, written notice (including the specific code sections) will be provided clearly identifying the deficiencies. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to re-inspect said deficiencies. When called to re-inspect, if these deficiencies have been corrected, no further action will be taken. However, if during the first re-inspection, the originally deficient work has not been corrected, there may be a re-inspection fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent re-inspection of the same deficiency or deficiencies, the same procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require re-inspections. Re-inspection fees will not be assessed for items newly found or for their first re-inspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any re-inspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said re-inspection fees, until all outstanding fees are paid.

1202.4 Certificate of Occupancy

1202.4.1 Use and occupancy. A certificate of occupancy/completion shall be issued upon request, for completed work associated with a valid building permit.

1202.4.2 Fee for Certificate of Use and Occupancy. There shall be a fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items, a Certificate of Occupancy fee will be assessed for the third inspection, and each subsequent inspection for the same item(s). The fee will be paid prior to the building official performing the additional inspections. This procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently.

1202.5 Violations

1202.5.1 Violation penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.

1202.6 Stop work order

1202.6.1 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section 1202.5.1 of this chapter.

1202.7 Appeals

1202.7.1 Appeal process. The City of Portsmouth Building Code Board of Appeals will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the City Building Code. The appeal process is set forth in the Rules and Procedures adopted by the City's Building Code Board of Appeals which are incorporated by reference and adopted herein. See <https://www.cityofportsmouth.com/cityclerk/building-code-board-appeals>

SECTION 1203 COMMERCIAL AND RESIDENTIAL CONSTRUCTION

1203.1 Special inspections and tests

1203.1.1 Cold-formed steel trusses. Special inspections shall be required for all light gauge metal roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

1203.1.2 Metal-plate-connected wood trusses. Special inspections shall be required for all metal-plated-wood roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

1203.2 Temporary Structures, as applicable

1203.2.1 General. Pursuant to the approval by the City's Planning Department, the building official may issue a permit for temporary structures or uses. Such permit will be limited to the regulations set forth in the City's Zoning Ordinance and the City Building Code. Any temporary structure shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant one (1), 180 day extension for demonstrated cause.

1203.3 Signs

1203.3.1 Zoning ordinance. The City's Zoning Ordinance, Chapter 10, Article 12 of the City's Ordinances, regulates all signs, permanent signs, sign size, letter size and sign illumination. Refer to that ordinance for all sign criteria.

1203.4 Historic Buildings

1203.4.1 Historic District. The City of Portsmouth has delineated a special Zoning Overlay Historic District, which regulates all work done to the exterior facade of structures within said district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance Chapter 10, Article 6 for specific details.

1203.5 Design Criteria

Ground snow load: 50 pounds per square foot (PSF)
Wind speed: 100 miles per hour (MPH)
Seismic Design Category: C
Weathering: Severe
Frost Line Depth: 4 feet to bottom of footing.
Termite: Slight to Moderate
Winter Design Temp.: (-) 3 degree days
Ice Barrier Underlayment Required: Yes
Flood Hazard: Flood Insurance Rate Map May 17, 2005
Air Freezing Index: 1000
Mean Annual Temperature: 47 degrees F

1203.6 Automatic fire sprinkler systems

1203.6.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13R or 13D as determined by the Authority Having Jurisdiction.

1203.7 Smoke alarms

1203.7.1 Power source. Smoke alarms shall be supplied by a branch circuit that also supplies lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the electric panel. The branch overcurrent protective device supplying the smoke alarms shall be clearly labeled "Smoke Alarms" in a manner that distinguishes it from other overcurrent protective devices.

SECTION 1204 PLUMBING

1204.1 Sewage disposal. Private sewage disposal systems shall meet the requirements of City ordinances, State Law and RSA 485-A:29-44.

1204.1.1 Floor drains. Floor drains shall be reviewed and approved by the City Engineer.

1204.2 General definitions.

Hot Water: Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

Food service establishment. Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

1204.3 Protection of pipes and plumbing system components.

1204.3.1 Freezing. Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

1204.3.2 Sewer depth. Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches (1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches (1219 mm) cannot be attained.

1204.4 Minimum water heater temperatures. Tank type water heaters and indirect fired hot water storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the maximum “hot water temperature” to faucets as required by this code. 1204.2 restricts the upper end temperature of hot water to 130 degrees Fahrenheit.

1204.5 Water Service.

1204.5.1 Size of water service pipe. The water service pipe shall be sized to supply water to the structure in quantities and at the pressures required in the City Building Code. The minimum diameter of water service pipe shall be 1 inch.

1204.5.2 Materials, joints and connections. For water service pipe up to and including 3 inches (3”) in diameter only type K copper or CT Pex shall be used. For water service pipe over 3 inches (3”) in diameter only cement lined ductile iron shall be used.

1204.6 Hot water supply systems.

1204.6.1 Child care and Group E water temperatures. Water for hand washing sinks in child care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F (49 degrees C).

1204.7 Protection of potable water supply.

1204.7.1 Portsmouth Water Department backflow prevention criteria. Backflow prevention at the water meter shall be accordance with 1204.7.1.1 through 1204.7.1.7.

1204.7.1.1 Multiple tenant spaces. All buildings that have more than three tenants or tenant spaces being served by one water service shall have two backflow preventers installed in parallel for uninterrupted service. When the building or tenant space does not have a known tenant, the water service to that building or tenant space shall have a reduced pressure zone backflow preventer installed on the building side of the water meter.

1204.7.1.2 Dual check valve assemblies. All new residential water services of less than or equal to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly conforming to ASSE 1024. Said assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.

1204.7.1.3 Existing water service. When replacing or upgrading an existing water distribution piping system, a dual check valve backflow prevention assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.

1204.7.1.4 Double check-valve assemblies. All new residential water services greater than 1 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16.

1204.7.1.5 Bypass lines. Bypass lines around required backflow preventers shall be protected with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16 for additional backflow prevention requirements.

1204.7.1.6 Auxiliary wells or water supplies. Whenever an auxiliary well or water supply serves property that also has a domestic water service, the domestic water service shall have a reduced pressure principle backflow preventer installed on the water distribution side of the water meter in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16:

Cross Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a backflow prevention device as required by this ordinance. The connection shall be approved by the Utility and the New Hampshire Department of Environmental Services, and shall satisfy in all respects the laws of the State of New Hampshire.

1204.7.1.7 Connection to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

1204.8 Sanitary drainage.

1204.8.1 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where available or an approved private disposal system. A building is considered available to a public sewer when said building is within 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan shall document its location on the lot. Subsurface systems shall meet the requirements of RSA 485-A:29-44. A backwater valve shall be added to existing structures undergoing remodels or adding/finishing basement levels.

1204.9 Vent connections and grades.

1204.9.1 Vent for future fixtures. Within a habitable or occupiable space at the lowest level of a structure where plumbing fixtures are not installed, there shall be made available an accessible

vent connection, not less than 2” inch diameter, which is properly connected to the vent system to provide for future venting.

1204.10 Interceptors and Separators.

1204.10.1 Approval. All interceptors and separators shall be of the type and capacity approved by the City Engineer. Each interceptor and each separator shall be designed and installed in accordance with the manufacturer’s instructions and the requirements of this section based on the anticipated conditions of use. When exceptions are granted under the conditions of 1204.10.2, the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste exempted from treatment by the City Engineer, shall not be discharged into separators or interceptors.

1204.10.2 Food service grease interceptors required. New and remodeled food service establishments shall install a 1000 gallon in-ground grease interceptor located outside the building envelope in addition to all required grease interceptors at fixtures inside the building. The grease interceptor shall receive drainage from fixtures and equipment with grease laden waste.

Exception 1: When adequate in-ground space is not available outside on the lot, a grease interceptor approved by the City Engineer and sized in accordance with the State Building Code shall be installed inside.

Exception 2: When the Health officer and City Engineer do not feel the type of food service establishment warrants such protection.

Exception 3: If the drain line connecting a grease laden fixture(s) to the in-ground interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with a grease removal device as listed in the New Hampshire Building Code.

1204.10.3 Oil separators required. The City Engineer shall approve all oil separator designs.

1204.10.4 Access and maintenance of interceptors and separators. All interceptors and separators shall be located to provide easy access for cleaning and inspection. Interceptors shall not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned and repaired regularly as needed by the building owner at their expense. The building owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to periodic review by the City Engineer, City Health Officer or Building Official. Only licensed waste disposal companies shall perform removal and disposal operations of the collected materials.

1204.11 Exterior showers.

1204.11.1 Exterior showers. Exterior showers require a roof and an enclosure that is approved by the Building Official.

1204.11.2 Rinse stations. Exterior rinse stations do not require a roof and shall not include a drain that discharges into the City sewer. The discharge of grey water while using a rinse station

is strictly prohibited. Greywater refers to laundry, dish, and bath/shower water; Greywater has adverse effects on aquatic life and public health by negatively impacting drinking water supplies, recreational activities, and wildlife.

SECTION 1205 MECHANICAL

1205.1 Equipment and appliance location.

1205.1.1 Equipment noise. Refer to the City of Portsmouth Zoning Ordinance, Chapter 10, Article 13 for the limitations of excessive noise from mechanical equipment operations. Noise from mechanical equipment shall not exceed the levels so stated.

1205.6 Exhaust system.

1205.6.1 Mechanical equipment and terminations in the Historic District. Mechanical equipment and equipment terminations shall comply with the City of Portsmouth Zoning Ordinance with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

1205.7 Commercial kitchen hoods.

1205.7.1 Reserved.

1205.8 Chimneys and vents.

1205.8.1 Masonry chimneys. Masonry chimneys shall be constructed in accordance with the New Hampshire Building Code and New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances).

1205.9 Masonry fireplaces.

1205.9.1 General. Masonry fireplaces shall be constructed in accordance with the New Hampshire Building Code and the New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances).

SECTION 1206 FUEL GAS

1206.1 Installation of piping.

1206.1.1 Reserved.

1206.2 Type of venting systems to be used.

1206.2.1 Through-the-wall vent termination. Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

SECTION 1207 ELECTRICAL

1207.1 Definitions

1207.1.1 Townhouse. A single-family dwelling unit constructed in a group of three or more attached units in which each unit demising wall extends from foundation to roof and with a yard or public way on not less than two sides. The fire rated wall from the concrete basement floor or slab shall be unbroken to the underside of the roof sheathing without any electrical through penetration.

1207.1.2 Enclosed interior exit stairway (stair tower). Interior exit stairways not located in townhouses and one and two family dwellings serving as an exit component shall be enclosed and fire rated and lead directly to the exterior of the building. The stairway shall not be used other than for means of egress (i.e. storage, seating, etc.).

1207.2 NM/NMC (Romex)

1207.2.1 Uses permitted. Type NM and Type NMC cables shall be allowed in one- and two-family dwellings and townhouses, their attached or detached garages, and their storage buildings except as prohibited by NFPA 70.

1207.2.2 Uses not permitted. Type NM and Type NMC cables shall not be exposed within a dropped or suspended ceiling cavity in other than one and two family and townhouses

1207.3 SER/SE (service entrance cable)

1207.3.1 Uses permitted.

1207.3.1.1 Service-Entrance conductors. Service-entrance cable shall be permitted to be used as service-entrance conductors in townhouses and one and two family dwellings and shall be installed in accordance with NFPA 70

1207.3.1.2 Use of uninsulated conductor. Type SE service-entrance cable shall be permitted for use where the insulated conductors are used for circuit wiring and the uninsulated conductor is used only for equipment grounding purposes in townhouses and one and two family dwellings.

1207.3.2 Uses not permitted.

1207.3.2.1 Service-entrance cable (SE). Service-entrance cable shall not be used in any type of building or structure other than townhouses and one and two family dwellings.

1207.4 GFCI protection

1207.4.1 Dwelling units. All 125-volt through 250-volt outlets and receptacles installed in the locations specified in NFPA 70 and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

1207.4.2 Other than dwelling units. All 125-volt through 250-volt outlets and receptacles supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less, and all receptacles supplied by three-phase branch circuits rated 150 volts or less to ground, 100 amperes or less, installed in the locations specified in NFPA 70 shall have ground-fault circuit-interrupter protection for personnel.

1207.4.3 General. The following appliances rated 120 thru 250 volts and 60 amperes or less, single- or 3-phase, shall be provided with class-A GFCI protection for personnel. Multiple class-A GFCI protective devices shall be permitted but shall not be required.

1. Automotive vacuum machines
2. Drinking water coolers and bottle fill stations
3. Cord-and-plug-connected high-pressure spray washing machines
4. Tire inflation machines
5. Vending machines
6. Sump pumps
7. Dishwashers
8. Ranges, ovens, and grills
9. Electric dryers
10. Mixers in commercial kitchens
11. Any cooking appliance in commercial kitchens
12. Hotplates, crock pots

1207.5 Arc fault protection. Reserved

1207.6 Identification of electrical systems.

1207.6.1 Emergency system. Emergency circuits shall be permanently marked in yellow so they will be readily identified as a component of an emergency circuit or system by the following methods:

1. All boxes and enclosures (including transfer switches, generators, and power panels) for emergency circuits shall be permanently marked in yellow as a component of an emergency circuit or system.

2. Where boxes or enclosures are not encountered, exposed cable or raceway systems shall be permanently marked **in yellow** to be identified as a component of an emergency circuit or system, at intervals not to exceed 7.6 m (10 ft).
3. Receptacles supplied from the emergency system shall have a distinctive color or marking on the receptacle cover plates or the receptacles identified **in yellow**.

Note: If a system for an existing building has a different color for the system than this section, then existing color shall be continued in the building

1207.6.2 Boxes, enclosures, raceways. In a building or at a structure where a critical operations power system and any other type of power system are present, all boxes and enclosures (including transfer switches, generators, and power panels) for critical operations power system circuits shall be permanently marked **in blue** so they will be readily identified as a component of the critical operations power system. All raceways must be permanently marked every 10' in blue so will be readily identified as a component of a critical operation power system.

1207.6.3 Receptacles. In a building in which critical operations power systems (COPS) are present with other types of power systems described in other sections in this article, the cover plates for the receptacles or the receptacles themselves supplied from the COPS shall have a distinctive **blue** color or marking so as to be readily identifiable. Non-locking-type, 125-volt, 15- and 20-ampere receptacles supplied from the COPS shall have an illuminated face or an indicator light to indicate that there is power to the receptacle

1207.6.4 Life safety and critical. The life safety branch and critical branch [of the essential electrical system] shall be kept independent of all other wiring and equipment. Raceways, cables, or enclosures of the life safety branch must be identified **in yellow** and critical branch shall be readily identified **in orange** as a component of the essential electrical system (EES). Boxes and enclosures (including transfer switches, generators, and power panels) shall be field- or factory-marked and identified as a component of the EES. Raceways and cables shall be field- or factory-marked as a component of the EES at intervals not to exceed 7.6 m (10 ft).

1207.6.5 Photovoltaic Unless located and arranged so the purpose is evident, the following wiring methods and enclosures that contain PV system AC and DC circuit conductors shall be marked with the wording PHOTOVOLTAIC POWER SOURCE or SOLAR PV DC CIRCUIT, or SOLAR PV AC CIRCUITS by means of permanently affixed labels or other approved permanent marking:

1. Exposed raceways, cable trays, and other wiring methods
2. Covers or enclosures of pull boxes and junction boxes
3. Conduit bodies in which any of the available conduit openings are unused

The labels or markings shall be visible after installation. All letters shall be capitalized and shall be a minimum height of 9.5 mm ($\frac{3}{8}$ in.) in white on a red background. Labels shall appear on every section of the wiring system that is separated by enclosures, walls, partitions, ceilings, or floors. Spacing between labels or markings, or between a label and a marking, shall not be more

than 3 m (10 ft). Labels required by this section shall be suitable for the environment where they are installed.

1207.7 Definitions specific to 1207.6 thru 1207.6.4

1. Critical Branch.

A system of feeders and branch circuits identified in orange supplying power for task illumination, fixed equipment, select receptacles, and select power circuits serving areas and functions related to patient care that are automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

2. Equipment Branch.

A system of feeders and branch circuits identified in green arranged for delayed, automatic, or manual connection to the alternate power source and that serves primarily 3-phase power equipment.

3. Essential Electrical System.

A system comprised of alternate sources of power and all connected distribution systems and ancillary equipment, designed to ensure continuity of electrical power to designated areas and functions of a health care facility during disruption of normal power sources, and also to minimize disruption within the internal wiring system.

4. Life Safety Branch.

A system of feeders and branch circuits identified in yellow supplying power for lighting, receptacles, and equipment essential for life safety that is automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

1207.8 Generators.

1207.8.1 Location.

1. Generator shall not be installed within 5' of any building or structure without manufacturer's approval and as specified in the New Hampshire Fire Code.
2. Generator exhaust shall not be located within 5' of any building or structure.
3. Generator shall be located at least 10' from openings in walls. This section recognizes the potential danger of deadly carbon monoxide gas entering the structure and injuring the occupants. Building openings could be, but are not limited to, the following:
 1. Basement doors & bulkhead openings
 2. Basement windows
 3. Exit doors or sliding glass openings
 4. Operable windows
 5. Dryer vents
 6. Kitchen appliance vents
 7. Mechanical exhaust vents for heating or hot water appliances
 8. Air intake openings or screens

1207.9 Electrical system disconnecting means.

1207.9.1 Remote emergency shutdown. Generators with greater than 8 KW rating, other than cord connected portable generators shall be provided with a remote emergency stop switch to

shut down the prime mover. The remote emergency stop switch shall be located outside the equipment room or generator enclosure, an additional remote emergency shutdown device shall be installed next to the service disconnect, said device shall also meet the requirements of the NFPA 70.

1207.9.2 Emergency shutdown for One- and Two-Family dwelling units.

For other than cord-and-plug-connected portable generators, an emergency shutdown device shall be located outside the dwelling unit at a readily accessible location next to the service disconnect outside the dwelling, or next to the meter in existing dwelling where the service conductors enter the dwelling.

1207.9.3 Emergency disconnect - battery system. For one family and two family dwellings, a disconnecting means or its remote control for a stationary battery system shall be located at a readily accessible location outside the building next to the service disconnecting means or meter for emergency use. The disconnect shall be labeled "EMERGENCY DISCONNECT FOR BATTERY SYSTEM"

1207.9.4 Rapid shutdown of PV systems on buildings. PV system circuits installed on or in buildings shall include a rapid shutdown function to reduce shock hazard for firefighters in accordance with the NFPA 70. The rapid shutdown device shall be located at the service disconnect or meter location for a townhouse or one and two family dwelling.

1207.10 Device or equipment fill. For each yoke or strap containing large devices such as GFCI's, dimmer switches, motion sensors, and large 2-gang devices capable of containing one or more devices or equipment, 4 times the volume allowance.

1207.11 Marina protection. Where more than three receptacles supply shore power to boats, a leakage current measurement device shall be available (a meter specially designed for measuring leakage currents), and be used to determine leakage current from each boat that will utilize shore power. An automatic measuring device shall be installed on the docks that will trip the GFPE device feeding the docks. This device shall be installed in the water to measure the current introduced by the boats, and will disconnect the feeders from the utility source. This automatic device must run through a shunt trip breaker or other means that will disconnect the feeders to the docks. This device must be protected by a class-A GFCI for personal protection and shall not be installed on the shore power overcurrent device. The automatic measuring device must be protected from physical damage and be listed for its use. A visual strobe light and a horn shall be located on the device as this will warn personal that may be on the docks or in the water to the presence of electrical current. This device must be approved by the Building Official and installed in accordance with the manufacturers specifications.

1207.12 NFPA adoption. Pursuant to RSA 674:51-a, the City of Portsmouth, New Hampshire, hereby adopts the current final revised printed edition of the NFPA 70 / NEC, a Code promulgated by the International Code Conference.

**SECTION 1208
GREEN BUILDING**

1208.1 Incentives. This section is intended to incentivize and encourage the use of green building practices and materials.

1. Photovoltaic- Reserved
2. Electric Vehicle Chargers- Reserved
3. Mini-split Heat Pumps- Reserved
4. Insulation- Reserved
5. Water conservation including the use of reclaimed or recycled water- Reserved

1208.2 Allowance for future PV panels or EV charging station.

1208.2.1 New Construction- Reserved

1208.2.2 Existing Buildings- Reserved

SECTION 1209

SEPERABILITY Should any section, clause, or provision of this City Building Code be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications of the City Building Code which can be given effect without the invalid provision or application, and to this end the provisions of the City Building Code are declared to be severable.

SECTION 1210 PROCEDURAL HISTORY OF ORDINANCE, CHAPTER 12

ADOPTED	YEAR	SECTION	AMENDED
7/09/90	1990		BOCA Basic Nat'l Bldg Code, 1990 Edition (replaces 1984 edition)
4/1/96	1996	114.3.1	Building Permit Fee Schedule
4/1/96	1996	2704.5	Electrical Permit Fees
5/5/97	1997		BOCA Nat'l Bldg Code, 1996 (replaces 1990 edition)
3/18/02	2002	112.31	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	113.2.3	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	116.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	118.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	2703.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	2704.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	2003	Chapter 12	Amended Chapter 12 in its entirety and replaced with the 2000 International Building Code
10/4/04	2004	Chapter 12	Amend Chapter 12 by addition of a new sub-section R317 entitled Dwelling Unit Separation
10/19/09	2009	Chapter 12	Amend Chapter 12 Parts I in its entirety and replaced with 2006 International Building code
10/19/09	2009	Chapter 12	Amend Chapter 12 Part II in its entirety and replace with 2006 Residential Code
12/04/17	2017	Chapter 12	Amend Chapter 12 Parts I and II in entirety and replace with 2009 International Building Code
12/02/19	2019	Chapter 12	Update various sections in accordance with International Building Code 2015

SECTION 1210 PROCEDURAL HISTORY OF ORDINANCE, CHAPTER 15

ADOPTED	YEAR	SECTION	AMENDED
5/2/88	1988		Adopted 1987 Plumbing Code
4/1/96	1996	P114.0	Fees
5/5/97	1997		BOCA National Plumbing Code (1993) Part I, replaces the 1987 version; and International Mechanical Code (1996) Part II
3/18/02	2002	P113.2	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	P114.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	2003	Chapter 15	Replaced Chapter 15 in its entirety with the 2000 International Plumbing Code, and 2000 International Mechanical Code
10/19/09	2009	Chapter 15	Replaced Chapter 15 in its entirety with the 2006 International Plumbing Code, and 2006 International Mechanical Code
12/04/17	2017	Chapter 15	Replace Chapter 15 in its entirety with 2009 Part I, Plumbing code and Part II Mechanical Code, Part II Fuel Gas Installations
12/04/17	2017	Chapter 15	Add Part IV, National Electrical Code 2017
12/02/17	2019	Chapter 15	Replace Chapter 15 in its entirety with 2015 International Plumbing Code, International Mechanical Code, National Fuel Gas Code, update Part IV National Electrical Code

Are we required to have or follow a building code? Yes, RSA 155-A
– New Hampshire State Building Code says that **all buildings,
building components, and structures constructed in New
Hampshire shall comply with the state building code and state fire
code.**

Information on amendments, legislation, laws, rules or regulations
can be found on the State Building Code Review Board Website



<https://www.nh.gov/safety/boardsandcommissions/bldgcode/>



Monday, November 28, 2022

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State Building Code Review Board

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State Building Code Review Board

Welcome!

The State Building Code Review Board (BCRB) is charged with the responsibility for recommending legislation to amend the New Hampshire Building Code in order to provide consistency with the application of other laws, rules, or regulations, to avoid undue economic impacts on the public by considering the cost of such amendments, and to promote public safety and best practices. As of January 1, 2023, the BCRB will also review and confirm municipal amendments to the state code.

Effective July 1, 2022 the "New Hampshire Building Code or "state building code," is defined as:

The 2018 editions of the International Code Council (ICC)

- International Building Code (IBC)
- International Existing Building Code (IEBC)
- International Energy Conservation Code (IECC)
- International Mechanical Code (IMC)
- International Plumbing Code (IPC)
- International Residential Code (IRC)
- International Swimming Pool and Spa Code (ISWPSC)

The 2020 edition of NFPA 70, National Electric Code (NEC), as published by the National Fire Protection Association (NFPA)

The codes in effect at the time of application for the building permit remain in effect for the duration of the work covered by that permit. At the election of the applicant, codes in effect just prior to July 1, 2022 or the codes indicated above, may be used for permitting and construction during a six month grace period (July 1, 2022-December 31, 2022).

Other functions of the BCRB include hearing appeals of the state fire marshal relative to the application and enforcement of the state building code and the state fire code, as well as to hear appeals of local building code boards of appeal, the Electrician's Board and the Board of Home Inspectors decisions.

Documents

[Letter to Municipal Officials: Revisions to the Energy Code Resulting from HB 1472 \(effective August 7, 2018\)](#)

Energy Code Form IECC

- [Generic PDF Format](#)
- [Microsoft Word Format](#)

General Disclaimer

All information provided by the State Building Code Review Board (BCRB) on this website is made available for the convenience of interested persons. While the BCRB believes the information to be reliable, human or mechanical error remain a possibility as does delay in the posting or updating of information. Therefore, the BCRB makes no guarantee as to the accuracy, completeness or currency of the information. Neither the BCRB nor any of the sources of the information shall be responsible for any errors or omissions, or for the use or result obtained from the use of this information.

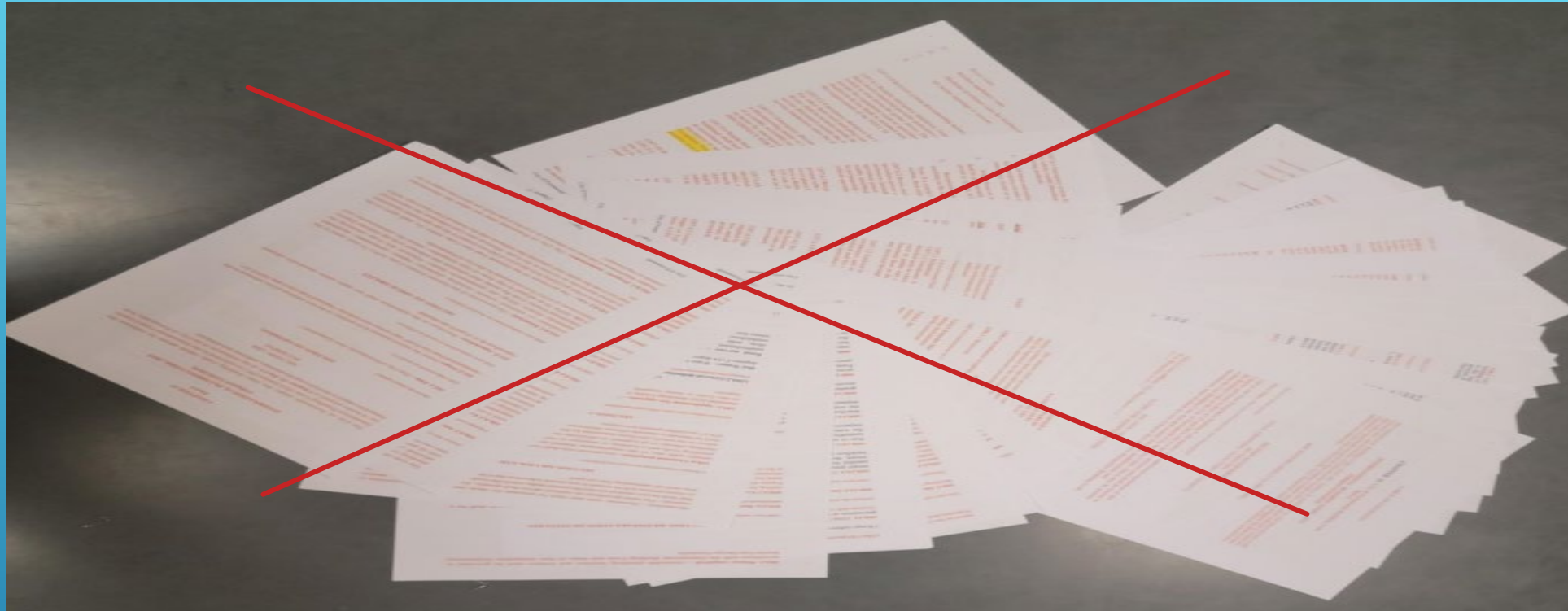
July of 2022 the State adopted the 2018 version of the International Codes and the 2020 National Electrical Code / NFPA 70



Applicable Codes

Per HB1681-2022, RSA 155-A:1, IV, the New Hampshire Building Code means the adoption by reference of the:

- International Building Code 2018
- International Existing Building Code 2018
- International Energy Conservation Code 2018
- International Mechanical Code 2018
- International Plumbing Code 2018
- International Residential Code 2018
- International Swimming Pool and Spa Code 2018
- National Electrical Code 2020
- All amendments reviewed and approved by the BCRB as of November 30, 2021



Chapter 12: City of Portsmouth Building Code

SECTION 1201

TITLE ADOPTION / STATUTORY AUTHORITY

1201.1 The New Hampshire Building Code is hereby adopted, together with the local regulations and amendments contained within this Chapter and shall be known as the Building Code of the City of Portsmouth ("City Building Code"). (See RSA 155-A:1,V; RSA 674:51, I; RSA 155-A:2,V and RSA 155-A:3, I, II).

Single chapter, 20 pages, easy to read and follow!

7 pages of "Scope and Administration" which includes permit requirements, appeals and violations.

The revised ordinance offers clarifications, definitions and regulations that dovetail with our local zoning.

Additional regulations help to protect our sewer treatment facility and the community as a whole

Chapter 12: City of Portsmouth Building Code

SECTION 1201 TITLE ADOPTION / STATUTORY AUTHORITY

1201.1 The New Hampshire Building Code is hereby adopted, together with the local regulations and amendments contained within this Chapter and shall be known as the Building Code of the City of Portsmouth ("City Building Code"). (See RSA 155-A:1,V; RSA 674:51, I; RSA 155-A:2,V and RSA 155-A:3, I, II).

SECTION 1202 SCOPE AND ADMINISTRATION

1202.1 Building Official. The Department of Building Inspection of the City of Portsmouth, New Hampshire is hereby created and the executive official thereof shall be known as the Chief Building Inspector. Other Building Officials include the assistant Building Inspectors, Electrical Inspectors and Plumbing/Mechanical Inspectors. The Chief Building Inspector and Building Officials are appointed by the City Manager based on qualifications established for each position by the City Manager. The Chief Building Inspector and Building Officials are authorized to receive, process and approve all building permits, issue building permits and certificates of occupancy, perform inspections necessary to assure compliance with the City Building Code, collect permit fees, maintain records of all applications and enforce all provisions of the City Building Code as more fully set forth below.

1202.2 Permits

1202.2.1 Required. New construction and general renovation work requires the issuance of a building permit. General renovation is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or structural repairs.
5. Dormers.
6. Renovations to kitchens and bathrooms.
7. Demolition of all or part of a structure.
8. Changing exits or any components of the means of egress in any way.
9. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
10. Above or below grade flammable and combustible liquid tank removal or installation shall require separate mechanical and gas permitting.

1203.7 Smoke alarms

1203.7.1 Power source. Smoke alarms shall be supplied by a branch circuit that also supplies lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the electric panel. The branch overcurrent protective device supplying the smoke alarms shall be clearly labeled "Smoke Alarms" in a manner that distinguishes it from other overcurrent protective devices.



1204.4 Minimum water heater temperatures.

Tank type water heaters and indirect fired hot water storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the maximum "hot water temperature" to faucets as required by this code. 1204.2 restricts the upper end temperature of hot water to **130 degrees** Fahrenheit.

1204.11.1 Exterior showers. Exterior showers require a roof and an enclosure that is approved by the Building Official.

1204.11.2 Rinse stations. Exterior rinse stations do not require a roof and shall not include a drain that discharges into the City sewer. The discharge of grey water while using a rinse station is strictly prohibited. Greywater refers to laundry, dish, and bath/shower water; Greywater has adverse effects on aquatic life and public health by negatively impacting drinking water supplies, recreational activities, and wildlife.



SECTION 1208 GREEN BUILDING

1208.1 Incentives. This section is intended to incentivize and encourage the use of green building practices and materials.


1. Photovoltaic- Reserved
2. Electric Vehicle Chargers- Reserved
3. Mini-split Heat Pumps- Reserved
4. Insulation- Reserved
5. Water conservation including the use of reclaimed or recycled water- Reserved

1208.2 Allowance for future PV panels or EV charging station.

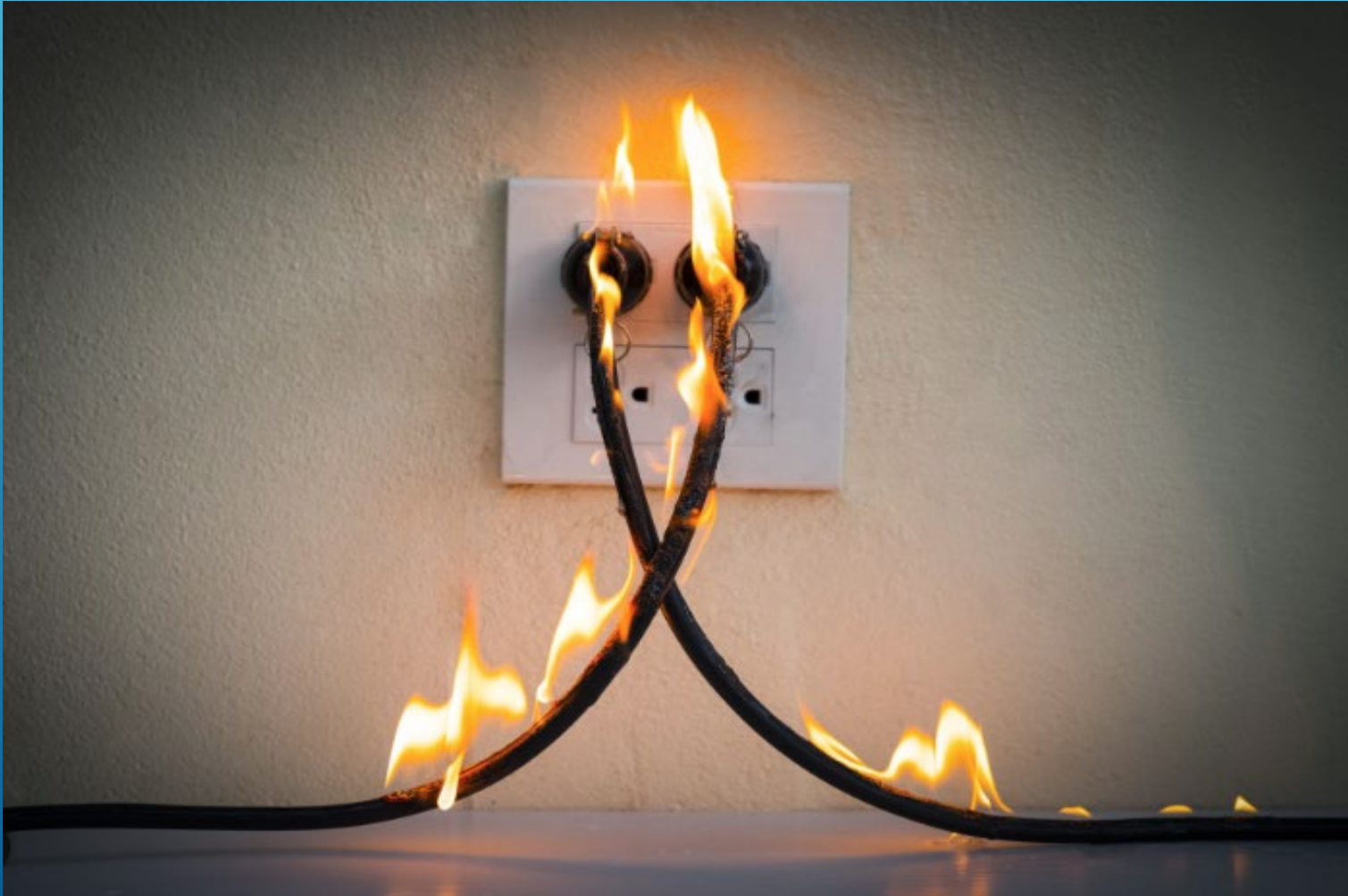
1208.2.1 New Construction- Reserved

1208.2.2 Existing Buildings- Reserved

SECTION 1207 ELECTRICAL

- 
1. Circuit Identification
 2. Emergency disconnects and shutdowns at the meter location.
 3. Generator Safety
 4. Adoption of the most recent electrical code

1207.12 NFPA adoption. Pursuant to RSA 674:51-a, the City of Portsmouth, New Hampshire, hereby adopts the current final revised printed edition of the NFPA 70 / NEC, a Code promulgated by the International Code Conference.





City of Portsmouth **FIRE DEPARTMENT**

Chapter 5 Fire Department and Prevention Regulations

Ordinance Update - Goals

- Remain aligned with state codes and the City of Portsmouth Building Code
- Simplify – remove duplication
- Clean up language

NO ADDITIONAL REQUIREMENTS ARE BEING ADDED

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 5, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 5, Article I – Fire Department, Section 5.101 – Personnel, and Article IX – Adopted Fire Codes, which includes the State Fire Code defined as the Life Safety Code NFPA 101 and the Uniform Fire Code NFPA 1, 2018 editions. The City also adopts the International Fire Code, 2018 Edition, and local amendments to the International Fire Code. A complete copy of the above referenced Codes and the Ordinance amending Chapter 5 is available for review in the Inspection Department during regular business hours and online on the City of Portsmouth website under the Inspection Department webpage. Copies of the Ordinance amending Chapter 5 are also available for review in the Office of the City Clerk and the Portsmouth Public Library during regular business hours.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, December 5, 2022 at 7:00 p.m., at the Portsmouth Municipal Complex in the Eileen Dondero Foley Council Chambers, Portsmouth, NH, on the proposed Ordinance amending Chapter 5, Article I – Fire Department, Section 5.101 – Personnel, and Article IX – Adopted Fire Codes, which includes the State Fire Code defined as the Life Safety Code NFPA 101 and the Uniform Fire Code NFPA 1, 2018 editions. The City also adopts the International Fire Code, 2018 Edition, and local amendments to the International Fire Code. A complete copy of the above referenced Codes and the Ordinance amending Chapter 5 is available for review in the Inspection Department during regular business hours and online on the City of Portsmouth website under the Inspection Department webpage. Copies of the Ordinance amending Chapter 5 are also available for review in the Office of the City Clerk and the Portsmouth Public Library during regular business hours.

KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 5, Article IX, **ADOPTED FIRE CODES** 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 IX: ADOPTED FIRE CODES

~~The City of Portsmouth formally adopts the “New Hampshire Fire Code”. This includes the N.H. Code of Administrative Rules, Chapter Saf-C 6000 and is defined in NH RSA 153:VI-a as the adoption by reference of the Life Safety Code 2015 Edition and the Uniform Fire Code NFPA1, 2015 Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.~~

The City of Portsmouth adopts the “State Fire Code” as defined in NH RSA 153:1 VI-a, which includes the adoption by reference of the Life Safety Code NFPA 101 and the Uniform Fire Code NFPA 1, 2018 editions.

The City of Portsmouth **also** adopts the International Fire Code, **2015 2018** Edition (IFC) and the provisions of any other national code, model code or standard referred to in the IFC as published by the International Code Council, is hereby adopted ~~as Chapter 5, Article IX, of the ordinances of the City of Portsmouth, New Hampshire,~~ subject to the following amendments, additions and deletions:

SECTION 101 GENERAL

Insert in blank space:

101.1 Title: “the City of Portsmouth, New Hampshire”

SECTION 102 APPLICABILITY

Add new subsections to read as follows:

102.7.3 Specific electrical code reference. Wherever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire.

102.7.4 Specific gas code reference. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

Change section title to read as follows:

SECTION 103 BUREAU OF FIRE PREVENTION

Change subsection to read as follows:

103.1 General. The Bureau of Fire Prevention and Control is hereby created within the City of Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire Chief, or any duly authorized representative, to enforce the provisions of this Code. The designated enforcement officer of this Code shall be referred to as the fire code official.

Add new sentence to end of subsection to read as follows:

103.3 Deputies. “Deputy officials shall include but not be limited to: the Deputy Fire Chief, **Assistant Fire Chiefs**, Fire Inspector, all Fire Officers, Chief Building Inspector, Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works Director or City Engineer.”

SECTION 105 PERMITS

Change subsections to read as follows:

105.2.3 Time limitation of application. An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been ~~diligently prosecuted~~ **completed** or a permit has been issued, except that the fire code official shall grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing work

105.3.2 Extensions. The fire code official shall grant one (1) extension of time not exceeding twelve (12) months, if there is reasonable cause and only when requested in writing prior to the expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

105.4.1 Submittals. Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared and stamped by a licensed professional engineer acceptable to the fire code official. **The requirement for stamped construction documents may be waived by the fire code official at his sole discretion on a case by case basis.**

~~105.4.6 Retention of construction documents. The fire code official shall mark-up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes. The permit holder is responsible for complying with the comments as shown on the official permit construction documents kept by the fire code official. Upon project completion, a complete set of "as built" construction documents will be provided to the fire code official in an approved electronic format.~~

~~105.6.32 Open Burning. The City of Portsmouth Fire Department shall issue open burning permits under the requirements of Section 307. Open burning permits shall be issued by New Hampshire Division of Forests and Lands or the City of Portsmouth Fire Department and shall comply with the requirements of section 307.~~

~~105.6.36 Places of Public Assembly. The City of Portsmouth Fire Department shall issue places of public assembly permits under the requirements of State RSA 155:17 and 155:18.~~

SECTION ~~408-109~~ BOARD OF APPEALS

Add sentence to end of subsection to read as follows:

~~108.1-109.1 Board of appeals established. Refer to Appendix A of this Code and Chapter 12 of the Portsmouth City Ordinances (International Building Code) for the establishment of the Board of Appeals. The City's Building Code Board of Appeals will hear and decide appeals or orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code.~~

SECTION ~~409-110~~ VIOLATIONS

Change subsection to read as follows:

~~109.4-110.4 Violations penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.~~

SECTION 307 OPEN BURNING

Change subsections to read as follows:

307.1 General All open burning shall conform to all applicable State Laws (RSA 227-L) and Administrative Rules of the NH Department of Resources and Economic Development, Division of Forests and Lands and any other Federal, State, Local laws or ordinances which are applicable.

Add subsection as follows:

307.1.1-307.1.2 Prohibited Open Burning. Due to narrow roadways, restricted access to rear yards, and the proximity of structures, open burning is prohibited in the “South End” of the City. This area is defined as south of State Street, east of Pleasant Street, east of Junkins Avenue, and north of South Street. Also included is the area along Marcy Street to New Castle Avenue.

307.2 Permit required. Open burning **in accordance with state and local regulations** shall be allowed after obtaining a permit from the **Fire Department New Hampshire Division of Forests and Lands or the City of Portsmouth Fire Department.**

Delete subsections 307.4 through 307.5 without substitution.

SECTION 503 FIRE APPARATUS ACCESS ROADS

Add new subsection to read as follows:

503.7 Fire Lanes. Fire lanes shall be maintained in areas so posted. All fire lanes shall conform to Chapter 7, Article XV, of the City Ordinances; *Vehicles, Traffic & Parking: Emergency Lanes.*

~~SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS~~

Change subsection to read as follows:

~~**605.11 Solar photovoltaic power systems.** Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code*, and *NFPA 70*.~~

~~**605.11.1.2 Solar photovoltaic systems for Group R-3 buildings.**~~

~~*Delete Exception without substitution.*~~

~~*Change subsection to read as follows:*~~

~~**605.11.1.2.2 Hip roof layouts.** Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a 3.5-foot-wide (1067 mm) clear access pathway from the eave to the ridge on each roof slope where panels and modules are located. The access pathway shall be at a location acceptable to the fire code official.~~

~~*Delete Exception and replace with the following:*~~

~~**Exceptions:**~~

- ~~1. Access pathway requirement may be waived when the structure is protected by a code-compliant automatic sprinkler system.~~
- ~~2. Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.~~

~~Change subsection to read as follows:~~

~~**605.11.1.2.3 Single-ridge roofs.** Panels and modules installed on Group R-3 buildings with a single ridge shall be located in a manner that provides one, 3.5-foot-wide (1067 mm) access pathway from the eave to the ridge on each slope where panels and modules are located. The access pathway shall be at a location acceptable to the fire code official.~~

~~Delete Exception and replace with the following:~~

~~Exceptions:~~

- ~~1. Access pathway requirement may be waived when the structure is protected by a code-compliant automatic sprinkler system.~~
- ~~2. Where the strict application of this section is impractical, modifications in accordance with section 104.8 may be approved by the fire code official.~~

~~Edit subsection as follows:~~

~~**605.11.1.2.4 Roofs with hips and valleys.**~~

~~Delete Exception without substitution.~~

SECTION 609-607 COMMERCIAL KITCHEN HOODS

~~Change subsection to read as follows:~~

~~**[M] 609.1-607.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* and *NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operations*.~~

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

~~Change subsection to read as follows:~~

~~**903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:~~

- ~~1. The fire area exceeds 10,000 square feet (928 m²)~~
- ~~2. The fire area has an occupant load of 300 or more.~~

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Change subsection to read as follows:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for all Group A-2 occupancies and intervening floors of the building.

Change subsection to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet (464 m²)
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (928 m²).
4. A group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²)

Change subsection to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 10,000 square feet (928 m²)
2. A Group S-1 fire area is located more than three stories above or any number of stories below grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1856 m²)
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (232 m²)
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²)

Change subsection to read as follows:

903.4.3 Floor Control Valves. Approved supervised indicating control valves shall be provided at the point of connection to each floor at the direction of the Fire Code Official.

SECTION 905 STANDPIPE SYSTEMS

Add new subsection to read as follows:

~~905.12~~–905.13 Threads. Threads provided for fire department connections to standpipe systems shall be compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for 2-1/2" diameter hose shall be

National Standard thread. Hand line hose threads for 1-1/2" or 1-3/4" diameter hose shall be Iron Pipe thread.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Edit subsection as follows:

907.2.1 Group A.

Delete Exception without substitution.

Change subsection to read as follows with Exception remaining unchanged:

907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 300 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Edit subsection as follows:

907.2.2 Group B.

Delete Exception without substitution.

Edit subsection as follows:

907.2.3 Group E.

Delete Exception 3 and 4 without substitution.

Edit subsection as follows:

907.2.4 Group F.

Delete Exception without substitution.

Edit subsection as follows:

907.2.6.1 Group I-1.

Delete Exception 1 without substitution.

Edit subsection as follows:

907.2.6.2 Group I-2.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.6.3.3 Automatic smoke detection system.

Delete Exceptions 2 and 3 without substitution.

Edit subsection as follows:

907.2.7 Group M.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.8.1 Manual fire alarm system.

Delete Exception 2 without substitution.

Add new subsection to read as follows:

907.2.8.2.1 Automatic fire alarm system. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

Change subsection to read as follows:

907.2.9.1 Manual fire alarm system.

3. The building contains more than 11 dwelling units or sleeping units.

Exceptions:

1. *This exception remains unchanged.*
2. *Delete this exception without substitution.*
3. *This exception remains unchanged.*

Change subsection to read as follows:

907.2.9.3 Smoke detector coverage. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

Change Add item 4 of to subsection to read as follows:

~~907.2.11.1~~907.2.10.1 Group R-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single- or multiple-station smoke alarms in common areas shall be interconnected but shall not be interconnected with guest room smoke **detectors alarms**.

Change item 4 of subsection to read as follow:

~~907.2.11.2~~907.2.10.2 Groups R-2, R-3, R-4, and I-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke ~~detectors~~ **alarms** in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke ~~detectors~~ **alarms**. In some Group R-2 or R-3 occupancies, as determined by the fire official, additional single-or multiple-station smoke alarms may be required in the basement, interconnected with a dwelling unit(s) alarm(s).

Change-Add subsection and Exception to read as follows:

~~907.2.11.2.1~~ **907.2.10.2.1 Groups E, I-2 and I-4.** Single-or multiple-station smoke alarms shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Section 202.

Exception: Single-or multiple-station smoke alarms shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

~~SECTION 915 CARBON MONOXIDE DETECTION~~

Change subsection to read as follows:

~~915.1 General. Carbon monoxide detection shall be installed in new buildings in accordance with Section 915.1.1 through 915.6 and Saf-C 6015. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9 and Saf-C 6015.~~

SECTION 3310 ACCESS FOR FIREFIGHTING

Change subsection to read as follows:

3310.1 Site access and hydrant operation. When roads are created or extended during the construction of new developments and subdivisions, adequate site access for emergency vehicles shall be maintained at all times during construction. The fire department will be the determining agency when evaluating the adequacy of site access. As construction progresses, water hydrants required by the site plan shall be installed, activated, tested and maintained with adequate hydrant access as determined by the fire department. The City of Portsmouth reserves the right to "call" the site bond at any time during construction, when the owner refuses to provide adequate site access and water supply, as deemed necessary by the fire department, for the protection of life and property.

SECTION 5601 GENERAL

Amend subsection as follows:

5601.1.3 Fireworks. *Delete exception 4 with remainder of subsection unchanged.*

Change subsection to read as follows:

5601.2.4.1 Blasting. Blasting operations are regulated in Chapter 5, Article VII, Section 5:70~~2~~**1** of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting regulations and the permitting process.

SECTION 5608 FIREWORKS DISPLAYS

Add sentences to end of subsections to read as follows:

5608.1 General. The display, sale and discharge of 1.4G fireworks is prohibited within the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

~~3308.2.4-5.~~**608.2.1 Outdoor displays.** Application for fireworks displays shall be made in writing at least 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current version of the State of NH approved form. The discharge of fireworks shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any approval be extended beyond the dates set out therein.

CHAPTER 80 REFERENCED STANDARDS

Insert the following Codes and Standards:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive
Concord, NH 03305
(603) 271-7965
blgcodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
121 South Fruit Street, Suite 101
Concord, NH 03301
(603) 271-2773
1-800-852-3405 (NH)

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431

New Hampshire Elevator and Accessibility Lift Law, RSA 157-B

NH Department of Labor
Boiler & Elevator Division
PO Box 2076

Concord, NH 03302-2076
(603) 271-2585

*Amend in the **NFPA** Section the following referenced Standards:*

~~54-15~~ **54-18** National Fuel Gas Code

~~70-17~~ **70-20** National Electric Code

~~96-14~~ **96-17** Ventilation Control and Fire Protection of Commercial Cooking Operations

APPENDIX A - BOARD OF APPEALS

*Appendix A **is** adopted as part of this ordinance subject to the following amendments:*

Delete all subsections and replace with the following subsection to read as follows:

SECTION A101 GENERAL

A101.1 Scope. Refer to City Ordinance Chapter 12, **Section 1202.7Part 4, Appendix B as amended, (City Building Code)**, for the establishment of the Board of Appeals.

APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

*Appendix B **is** adopted as part of this ordinance without amendments.*

APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION

*Appendix C is **not** adopted as part of this ordinance. New water hydrant locations are regulated through the City Planning / Site Development process.*

APPENDIX D - FIRE APPARATUS ACCESS ROADS

*Appendix D **is** adopted as part of this ordinance.*

APPENDIX E – HAZARD CATEGORIES

*Appendix E **is** adopted as part of this ordinance without amendments.*

APPENDIX F – HAZARD RANKING

*Appendix F **is** adopted as part of this ordinance without amendments.*

APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

Appendix G is adopted as part of this ordinance without amendments.

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 1, Article IV **COMMISSION AND AUTHORITIES** 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: COMMISSION AND AUTHORITIES

Section 1.412: PUBLIC ART REVIEW COMMITTEE

A. Membership and Term: The Public Art Review Committee (PARC) will consist of between seven and eleven members. Members shall include one member of city staff to be designated by the City Manager and the rest shall be community members. Members shall have demonstrated experience in the fine arts, architecture, art criticism, engineering or structural analysis, art history, graphic arts, interior design, landscape architecture, town planning, or other art and design-related fields, or who have demonstrated a strong interest in the visual arts and civic improvement. Other than the City Manager's appointment, the members shall be appointed by the Mayor, with approval from the Council, to staggered terms varying from two to three years.

The PARC shall be chaired by a member of the local arts community and shall interview or make recommendations to fill PARC openings to the Mayor, as they may determine necessary. The term of the chairperson shall be for one year, with eligibility for reelection for two additional terms.

B. Public Art Defined: For purposes of this Public Art Review Committee, "public art" shall be defined as artwork located in or on a public space such as a municipal facility, park, right-of-way, or other municipally owned or controlled property. Artwork includes but is not limited to a painting, mural, inscription, stained glass, fiber work, statue, relief or sculpture, monument, fountain, arch or other structures intended for ornament or commemoration. Also include in this definition is any installation that is technological in nature or includes carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts, both decorative and utilitarian in clay, fiber, wood, metal, glass plastics and other materials. Landscape items include the artistic placement of natural materials and other function art objects. Works of art may be portable as well as permanent.

Public art does not include objects that are mass-produced from a standard design or reproductions of original art works unless of limited edition; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the

artist; directional elements such as super graphics, signage or color coding except where these elements are integral parts of an original work of art; and logos, corporate identifiers or other forms of branding and advertising.

C. Powers and Duties: The PARC shall have the following responsibilities:

- 1. To foster development and awareness of public art within the City of Portsmouth, and advise the City Manager and City Council with respect to matters relating to the development of public art awareness within the City of Portsmouth.**
- 2. To accept referrals from the City Council or any other public body concerning public art and art issues generally.**
- 3. To provide input on masterplans, zoning ordinances, strategic planning documents as they relate to public art and art issues generally.**
- 4. To collaborate with the city on the acquisition, maintenance and marketing of its public art and develop a stewardship policy.**
- 5. Establish Guidelines for review of public art based on the Public Art Acquisition Policy.**
- 6. Initiate public forums where appropriate for determining thematic approaches and location options for public art.**
- 7. Determine recruitment strategies to attract qualified artists for public art projects.**
- 8. To review applications for public art following the Public Art Acquisition Policy, select final proposals, and advise the city on issues related to Percent for Art.**
- 9. Review all applications for sponsored works of public art following the same guidelines as those for the Percent for Art program.**
- 10. Advise and oversee public art programs established by the City of Portsmouth in accordance with any policies and guidelines either established by the city or established by the Public Art Review Committee at the request of the City Council.**
- 11. To recommend to the City Council, as requested, replacement members to the PARC when they arise.**
- 12. Identify and solicit funds to supplement the public art budget.**

13. **Perform further duties related to public art within the City of Portsmouth that the City Manager may request.**
- D. **Meeting Requirements: The PARC shall meet as necessary, but at least quarterly.**
- E. **Reporting Responsibility: The Public Art Review Committee (PARC) shall include an annual report of their proceedings and programs to City Council. Details of the report include, but are not limited, to:**
 1. **Assessing available and potential resources in the Public Art Trust.**
 2. **Assessing possible and/or proposed municipal capital projects and criteria that would benefit from the inclusion of an artist in their design.**
 3. **Assessing the impact of and opportunity for public art projects that advance economic development opportunities.**
- F. **Revenue Development: The PARC may solicit or receive gifts, money or other to be applied to principal or interest, into the Public Art Trust, for either temporary or permanent use for the acquisition, maintenance and/or installation of public art.**

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 1, Article XVII **FUNDING OF PUBLIC ART** 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 XVII: FUNDING OF PUBLIC ART

Section 1.1700: STATEMENT OF PURPOSE

It is hereby declared that it shall be the public policy of the City of Portsmouth to assist and encourage the participation of its citizens and visitors in the enjoyment of the many benefits which flow from the arts. Among other activities to this end, the City will allocate a portion of the expense of public building construction and significant building renovation projects to be spent on works of art which shall be available for the benefit of all without additional cost to those persons. Such works of art shall be called public art as defined in more detail herein.

Section 1.1701: DEFINITION OF PUBLIC ART

“Public Art” or “Public artworks” are meant to be enduring original artworks of the highest quality and craftsmanship. The artworks should be an integral part of the landscaping and/or architecture of a building or other site, considering the historical, geographical and social/cultural context of the site and constructed on a scale that is proportional to the scale of the development. “Artwork” – includes but is not limited to, painting, murals, inscriptions, stained glass, fiber work, statues, relief’s or other sculpture, monuments, fountains, arches, or other structures intended for ornament or commemoration. Also included in this definition are installations that are technological in nature, carvings, frescoes, mosaics, mobiles, photographs, drawings, collages, prints, crafts – both decorative and utilitarian in clay, fiber, wood, metal, glass, plastics and other materials. Landscape items include the artistic placement of natural materials and other functional art objects. Works of art may be portable as well as permanent.

This definition shall not include:

Objects that are mass-produced from a standard design or reproductions of original art works; decorative, ornamental or functional elements, which are designed by the building architect; landscape architecture and landscape gardening except where these elements are an integral part of the artwork by the artist; directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original work of art; logos or corporate identity.

Section 1.1702: PUBLIC ART COMMITMENT

One (1%) percent of the bid price or negotiated contract price for the construction of all new municipal buildings or for the renovation of existing municipal buildings, in which the bid price or negotiated price shall be in excess of Two Million (\$2,000,000.00) Dollars up to fifteen Million (\$15,000,000.00) Dollars (expressed in terms of actual construction costs exclusive of design and engineering fees), shall be contributed to the Public Art Trust for the purpose of funding public art. Thereafter, such funds shall be expended in accordance with the terms of this ordinance and the Public Art Trust.

Section 1.1703: PUBLIC ART TRUST

There shall be created a Public Art Trust to serve as a repository of all public art contributions generated by application of this ordinance. Such Trust shall be administered for the purpose of implementation of this ordinance. The terms of the Trust shall be consistent with this ordinance and shall be interpreted by reference to this ordinance.

Section 1.1704: EXEMPTION

By a two-thirds (2/3) vote, the City Council may exempt a municipal building, such as a water or sewer plant, from the Public Art Commitment described in Section ~~1.1702~~ **1.1701** if the purpose of this ordinance would not be fulfilled due to the building's inaccessibility to the public, location, use or other factors. **In those cases, the public art associated with the project should be placed on other publicly owned property within the city, at the determination of the Council.** Any Council determination to exempt a building under this provision shall be made no later than the final vote of the Council authorizing the funding for the project. (Amended 06/19/2017)

Section 1.1705: EXPENDITURE OF PUBLIC ART FUNDS

Expenditure of public arts funds shall be determined by the City Council. In authorizing such expenditures the Council shall apply the following protocol and criteria:

- A. No less than ninety (90%) percent of the principal amount of public art contribution generated by any particular building project shall be expended on the site of that project.
- B. In determining the selection of any public art project, the City Council may:
 - 1. Refer the question to any agency of a public, non-profit or private nature which might be selected by the City Council for an advisory report, or;
 - 2. Refer the question to a standing committee for public art which

may be created by the City Council under such terms and conditions as it may establish, or;

3. Create an ad hoc committee for any particular public art project under such terms as the Council may establish, or;
 4. Seek such other advisory recommendation as the City Council deems appropriate
- C. Upon the authorization by the City Council of a public arts project, the administrative and financial implementation of that authorization shall be performed by the administrative officials of the City.

Section 1.1706: MAINTENANCE AND REPAIR OF PUBLIC ART

Public art funds under this ordinance and the Public Art Trust to be created in conjunction herewith shall be available for repair and maintenance of public art, regardless of whether the public art work was initially funded by the Public Art Trust or otherwise.

Section 1.1707: FUNDING ACCEPTED

This ordinance authorizes and the Public Art Trust shall provide for the acceptance by the City of donations, grants or contributions to public art which might be approved from time to time by the City Council.

This ordinance also authorizes the Council to accept donations with a designated purpose to commission works of public art to be placed on public property. The commissioning process shall follow the same procedures outlined in the ordinance for public art associated with capital expenditures by the City.

(Adopted 9/18/2006 to become effective August 21, 2007 , Edited 6/21/2022)

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



Karen S. Conard
City Manager

CITY OF PORTSMOUTH

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

Date: December 1, 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 December 5, 2022

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

A. Public Hearing and Second Reading of Ordinance Amending Chapter 12 and Chapter 15, the City's Building Code:

The City's building code ordinance was last amended in December of 2019. At that time, the City Council adopted amendments to our building code ordinances (Chapters 12 and 15) to reflect the current version of the State Building Code and to update our local regulations and amendments to those codes. This version consists of 55 pages in two separate Chapters.

The Inspection Department has received complaints from the public that the City's existing building code ordinances are too long and are not user friendly. When the public cannot find local requirements and Code amendments, the building code ordinance is more difficult to administer. This is caused in part because our current ordinances track and amend different sections of the State Building Code that repeat the same language.

In July of 2022, the State of New Hampshire adopted the 2018 version of the International Codes and other national codes ("State Building Code"). The adoption of these new codes create an opportunity for the City to update and revise our existing building code ordinance.

This proposed amendment, as presented, removes Chapter 15 in its entirety, resulting in one completely revised building ordinance – a new Chapter 12 consisting of approximately 20 pages. Chapter 12, as rewritten, will be the City Building Code which adopts the current State Building Code as well as our local regulations and amendments to the State Building Code, which are permitted when they are stricter than the State Building Code.

The statutes governing local amendments to the State Building Code will be amended as of January 1, 2023. The current statute requires only that local building code ordinances be filed with the State Building Code of Review ("Board"). The amended statute creates a complicated process whereby all local building code amendments must be reviewed by the Board prior to passage in order to verify that the local requirements do not "conflict" with the current State

Building Code. There is no definition of “conflict” in the amended statute, thus calling into question the ability of municipalities to make any local regulations and amendments to the State Building Code.

A separate page on [the Inspection Department’s website](#) contains a copy of Chapter 12, as amended, along with the redlined versions of Chapter 12 and 15, and updated State Building Code information.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the December 14, 2022 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 5, Article I – Fire Department, Section 5.101 - Personnel and Chapter 5, Article IX – Fire Code:

The City’s fire code ordinance was last amended in December of 2019. In July of 2022, the State of New Hampshire adopted the State Fire Code, which adopts by reference the Life Safety Code, NFPA 101, 2018 edition, and the Uniform Fire Code NFPA 1, 2018 edition. When the State Fire Code is updated, the Fire Department reviews and makes housekeeping amendments to Chapter 5. The City does not adopt any amendments to the State Fire Code. However, in addition to the adoption of the State Fire Code, the City also adopts the International Fire Code.

The Fire Department is recommending that the City [amend Chapter 5, Article I – Section 5.101 and Chapter 5, Article IX](#) to adopt the current State Fire Code and the updated version of the International Fire Code, 2018 Edition. The amendments are primarily housekeeping edits to reference the correct section of the International Fire Code, 2018 edition. Some local amendments have been deleted as they are now included within the published codes and are no longer necessary. Additionally, we have deleted the local amendments regarding solar installations as the State has amended these requirements within the State Fire Code.

I recommend that the City Council move to pass second reading, and schedule a third and final reading at the December 14, 2022 City Council meeting.

C. Third and Final Reading of Ordinance Amending Chapter 1, Article IV – Commission and Authorities, Section 1.412 – Public Art Review Committee:

Attached please find a proposed ordinance [amending Chapter 1, Article IV – Commissions and Authorities, Section 1.412 – Public Art Review Committee](#).

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

D. Third and Final Reading of Ordinance Amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted:

Attached please find a proposed ordinance [amending Chapter 1, Article XVII – Funding of Public Art, Section 1.1704 – Exemption and Section 1.1707 – Funding Accepted](#).

I recommend that the City Council move to pass third and final reading of the ordinance as presented.

XI. City Manager's Items which Require Action:

1. Sale of Surplus Equipment:

The Department of Public Works has surplus property comprised of motors, trailers, and various other equipment ready for disposal. [See attached list](#). As in the past, the City has disposed the surplus equipment through a sealed bid process or through GovDeals, an online auction site in which the equipment is sold to the highest bidder.

I would like to use GovDeals to dispose of these surplus items. We have used GovDeals in the past and it has shown that the City receives more money for our surplus property than through a sealed bid process. According to City Ordinance Section 1.505, property valued at \$500 or more must receive approval from the City Council prior to bidding.

I recommend that the City Council move to authorize the sale of the surplus equipment as presented.

2. Request for Portsmouth NH 400th City Trust Funds:

On February 22, 2022, the Portsmouth New Hampshire 400 Management Team approved a proposal for \$10,000 for the 101 Objects Book Legacy project. In June 2022, the City Council approved, and the City's Trustees of Trust Funds released, funds to Portsmouth NH 400th, Inc. which included a \$2,500 deposit for River Run Bookstore to print the book. The balance of \$7,500 for the 101 Objects Book Legacy Project should now be released. This request is for authorization from the City Council to allow the release of the funds from the 400th Anniversary Trust to Portsmouth NH 400th, Inc. to satisfy this balance.

I recommend that the City Council authorize the release of \$7,500 from the 400th Anniversary Trust to Portsmouth NH 400 Inc.

3. Access Easement for Water Services at 41 Salem Street:

On May 27, 2020, the Planning Board granted site plan approval for owner Bonza Builders, LLC to construct three new dwelling units at 41 Salem Street, Tax Map 144, Lot 31, Land Use Application LU-20-49. These dwelling units are condominiums with private water infrastructure. It is important for the City to have access to this private water infrastructure for inspection purposes and leak detection. Bonza Builders, LLC has granted the City an Access Easement for Water Services for this purpose.

Owner Bonza Builders, LLC mistakenly recorded this Access Easement prior to City Council approval. [The Access Easement attached](#) is being presented now for Council approval along with a utility plan.

I recommend that the City Council move to grant the City Manager the authority to accept the Access Easement for Water Services from Bonza Builders, LLC as presented.

4. **Sewer and Driveway Turnaround Easements for Property Located at 77 Meredith Way:**

At its regularly scheduled meeting on October 27, 2022, the Planning Board granted subdivision approval to Randi and Jeff Collins, owners of a single family residence at 77 Meredith Way. This subdivision permits the creation of an additional residential lot on Meredith Way. As a part of subdivision approval, the Planning Board recommended the City Council (1) grant a sewer easement to Mr. Collins for two sewer laterals, and (2) accept a turnaround easement. These easements are shown on the drawing prepared by James McCarty, GIS Manager, as [Exhibit A](#).

As a part of that subdivision approval, the Planning Board recommended the City Council grant the Collins an easement for private gravity sewer laterals to be constructed crossing the Pine Street Park to connect to the public sewer main within Pine Street. The sewer lateral from the existing residence at 77 Meredith Way crosses City property, and is not secured in any easement. The locations of the proposed laterals do not impact any existing infrastructure on the Pine Street Park. The Public Works Department recommends permitting the sewer laterals to be on City property instead of constructing a new line within Meredith Way.

The proposed sewer easement will permit the property owners to construct two new sewer laterals on City property and require the property owners to restore any disturbed areas. In the event the City wishes to use the Pine Street Park in a way which interferes with the sewer laterals, the property owner has agreed to relocate them at their own expense. The proposed sewer easement is attached as [Exhibit B](#).

The second easement is to the City, and it permits emergency vehicles to use a portion of the new driveway as a turnaround. Without this easement, emergency vehicles would have difficulty accessing any new home constructed on the new parcel at the end of Meredith Way. The proposed turnaround easement to benefit the City is shown as [Exhibit C](#).

The foregoing easements have been reviewed and approved by the Legal Department, Planning Department, Public Works and, where relevant, the Fire Department.

I recommend that the City Council move to authorize the City Manager to grant and record a sewer easement to Randi and Jeff Collins and to accept and record a turnaround easement from Randi and Jeff Collins in substantially similar form to the easement deeds contained in the agenda packet.

XIII. Presentations and Written Communications:

A. Presentation from the COVID Response Task Force Regarding Recovery Solutions:

Whitney Brown and Lori Waltz, members of the COVID Response Task Force Blue Ribbon Committee, will be [updating the Council and the public on their efforts](#) at this evening's meeting.

B. Portsmouth NH 400th, Inc. Update:

At the request of the City Council at their November 14th meeting, Valerie Rochon, Managing Director of the Portsmouth NH 400th, Inc. will provide a presentation at this evening's meeting.

XVI. Approval of Grants/Donations:

A. Approval of Donation to the Cemetery Committee - \$2,001.38:

[Attached please find a donation form](#) from the Public Works Department requesting acceptance of \$2,001.38 for Cemetery Committee projects.

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

XVII. City Manager's Informational Items:

1. McIntyre Update:

I will provide an update on the McIntyre Redevelopment Project at this evening's meeting.

2. Report Back on Funding for Greater Portsmouth Recovery Ready Community Coalition:

As a report back to the Council as requested following the presentation by the Pinetree Institute at the November 14th Council Meeting, if the Council wishes to provide funding to support this effort, I would recommend the following:

In support of providing funding to the Greater Portsmouth Recovery Ready Community Coalition, we have identified \$60,000 in FY22 surplus Welfare funding which could be released to accommodate the first tranche of two for January 1, 2023. In addition, as currently only \$10,000 of the FY23 Welfare budget has been expended to date, it is very reasonable to plan to use \$60,000 of these funds for the second tranche of two for January 1, 2024.

3. Report Back on Outdoor Dining:

At the February 22, 2022 City Council meeting, staff was directed to provide an end of the year report. [This report](#) along with [a memorandum of recommendations for further consideration](#) are attached.



RECORDING
SURCHARGE

18.00
2.00

ACCESS EASEMENT FOR WATER SERVICES

KNOW ALL MEN BY THESE PRESENTS, that Bonza Builders, LLC, a New Hampshire limited liability company, with an address of 79 Exeter Road, North Hampton, New Hampshire, for consideration received, grants to the City of Portsmouth, a municipal body politic having a mailing address of 1 Junkins Avenue, Portsmouth, County of Rockingham and State of New Hampshire 03801, with **QUITCLAIM COVENANTS** an easement over, below, along, and across the premises described herein, located at 41 Salem Street, City of Portsmouth, County of Rockingham, State of New Hampshire (Tax Assessor's Map No. 144, Lot 31), and being more particularly described as follows:

A certain tract or parcel of land with the buildings therein, identified as 41 Salem Street Condominium in Portsmouth, Rockingham County, New Hampshire as shown on the plan entitled "Condominium Site Plan, 41 Salem Street Condominium, Tax Map 144 - Lot 31, Owner & Declarant, Bonza Builders, LLC", prepared by Ambit Engineering, Inc., dated July 12, 2022 and recorded with Rockingham as Plan D-43433 (sheets 1 and 2).

Meaning and intending to convey an easement over the premises conveyed to the within grantor by Deed from Seacoast Veterans Properties, LLC to Bonza Builders, LLC, dated November 12, 2019 and recorded in the Rockingham County Registry of Deeds at Book 6056, Page 205.

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

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

Easement To Run With Land: All 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.

This is an exempt transfer per R.S.A. 78-B:2(I).

[Signature follows on the next page.]

IN WITNESS WHEREOF, the parties have executed this document on the 29th day of September, 2022.

BONZA BUILDERS, LLC

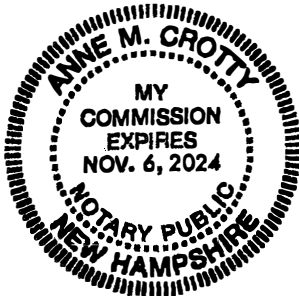
Witness: [Signature]

By: [Signature]
Name: Jason White
Title: Manager

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

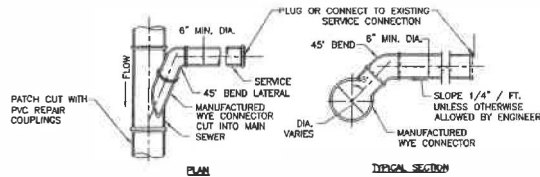
Personally appeared the above-named Jason White, in his capacity as manager of Bonza Builders, LLC of and acknowledged the foregoing instrument to be his free act and deed executed for the purposes contained therein.

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

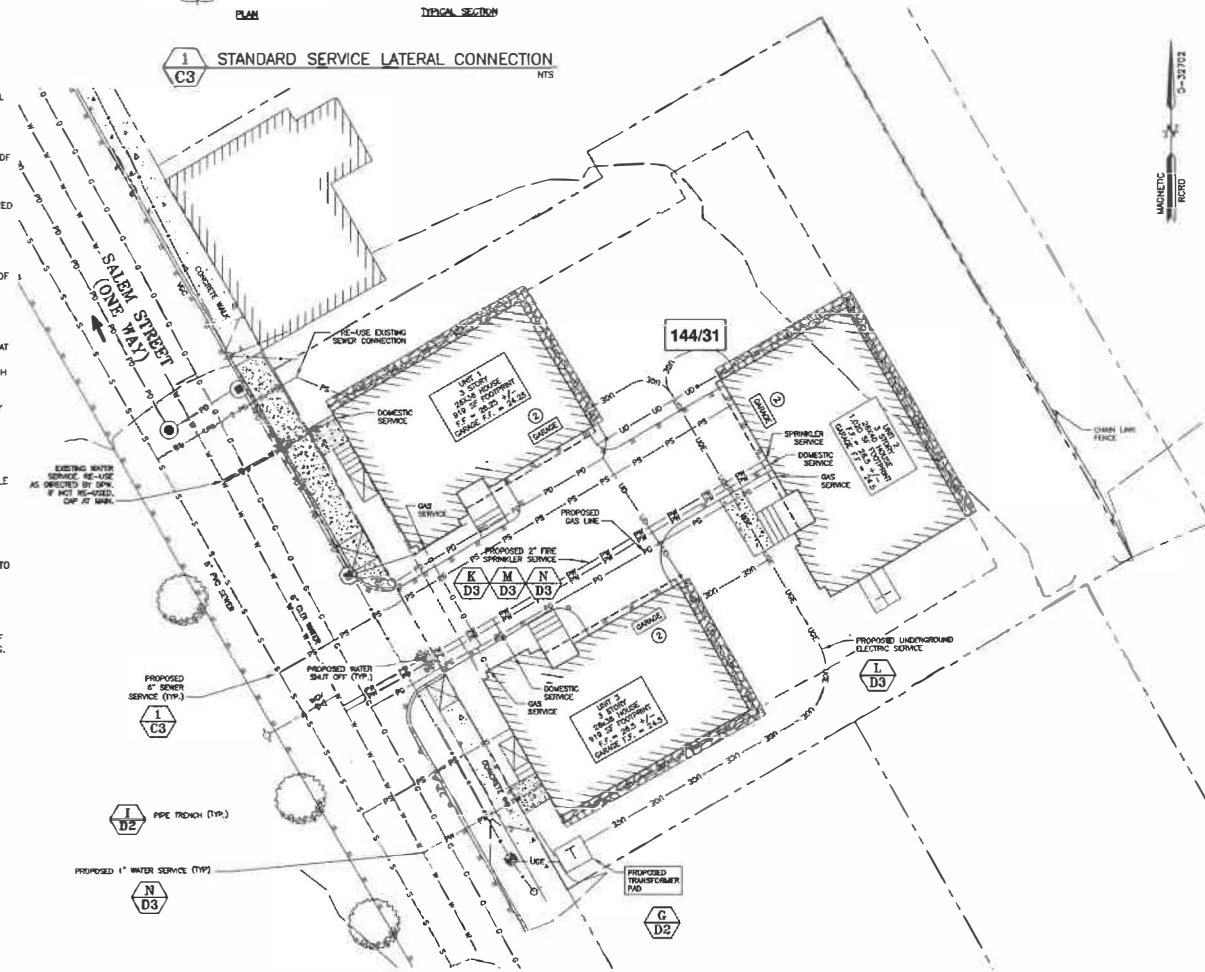


UTILITY NOTES:

- 1) SEE EXISTING CONDITIONS PLAN FOR BENCHMARK INFORMATION.
- 2) COORDINATE ALL UTILITY WORK WITH APPROPRIATE UTILITY.
- 3) SEE GRADING AND DRAINAGE PLAN FOR PROPOSED GRADING AND EROSION CONTROL MEASURES.
- 4) ALL WATER MAIN INSTALLATIONS SHALL BE CLASS 52, POLYWRAPPED, CEMENT LINED DUCTILE IRON PIPE.
- 5) ALL WATERMAIN INSTALLATIONS SHALL BE PRESSURE TESTED AND CHLORINATED AFTER CONSTRUCTION AND BEFORE ACTIVATING THE SYSTEM. CONTRACTOR SHALL COORDINATE WITH THE CITY OF PORTSMOUTH.
- 6) ALL SEWER PIPE SHALL BE PVC SDR 35 UNLESS OTHERWISE STATED.
- 7) ALL WORK WITHIN CITY R.O.W. SHALL BE COORDINATED WITH CITY OF PORTSMOUTH.
- 8) CONTRACTOR SHALL MAINTAIN UTILITY SERVICES TO ADJUTING PROPERTIES THROUGHOUT CONSTRUCTION.
- 9) ANY CONNECTION TO EXISTING WATERMAIN SHALL BE CONSTRUCTED BY THE CITY OF PORTSMOUTH.
- 10) EXISTING UTILITIES TO BE REMOVED SHALL BE CAPPED AT THE MAIN AND MEET THE DEPARTMENT OF PUBLIC WORKS STANDARDS FOR CAPPING OF WATER AND SEWER SERVICES.
- 11) ALL ELECTRICAL MATERIAL WORKMANSHIP SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION, AND ALL APPLICABLE STATE AND LOCAL CODES.
- 12) THE EXACT LOCATION OF NEW UTILITY SERVICES AND CONNECTIONS SHALL BE COORDINATED WITH BUILDING DRAWINGS AND UTILITY COMPANIES.
- 13) ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
- 14) ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING CABLES.
- 15) THE CONTRACTOR SHALL OBTAIN, PAY FOR, AND COMPLY WITH ALL REQUIRED PERMITS, ARRANGE FOR ALL INSPECTIONS, AND SUBMIT COPIES OF ACCEPTANCE CERTIFICATED TO THE OWNER PRIOR TO THE COMPLETION OF PROJECT.
- 16) THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL MANHOLES, BOXES, FITTINGS, CONNECTORS, COVER PLATES AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED IN THESE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL.
- 17) CONTRACTOR SHALL PROVIDE EXCAVATION, BIDDING, BACKFILL AND COMPACTION FOR NATURAL GAS SERVICES.
- 18) A 10-FOOT MINIMUM EDGE TO EDGE HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN ALL WATER AND SANITARY SEWER LINES. AN 18-INCH MINIMUM OUTSIDE TO OUTSIDE VERTICAL SEPARATION SHALL BE PROVIDED AT ALL WATER/SANITARY SEWER CROSSINGS WATER ABOVE SEWER.
- 19) SANICUT AND REMOVE PAVEMENT AND CONSTRUCT PAVEMENT TRENCH PATCH FOR ALL PROPOSED UTILITIES LOCATED IN EXISTING PAVEMENT AREAS TO REMAIN.
- 20) GATE VALVES, FITTINGS, ETC. SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTSMOUTH.
- 21) COORDINATE TIMING OF SEWER CONSTRUCTION WITH THE CITY OF PORTSMOUTH.
- 22) ALL SEWER PIPES WITH LESS THAN 6' COVER SHALL BE INSULATED.
- 23) CONTRACTOR SHALL COORDINATE ALL ELECTRIC WORK INCLUDING BUT NOT LIMITED TO: CONDUIT CONSTRUCTION, MANHOLE CONSTRUCTION, UTILITY POLE CONSTRUCTION, OVERHEAD WIRE RELOCATION, AND TRANSFORMER CONSTRUCTION WITH POWER COMPANY.
- 24) CONTRACTOR SHALL PHASE UTILITY CONSTRUCTION, PARTICULARLY WATER MAIN AND GAS MAIN CONSTRUCTION AS TO MAINTAIN CONTINUOUS SERVICE TO ADJUTING PROPERTIES. CONTRACTOR SHALL COORDINATE TEMPORARY SERVICES TO ADJUTERS WITH UTILITY COMPANY AND AFFECTED ADJUTTER.
- 25) ALL WORK PERFORMED IN THE PUBLIC RIGHT-OF-WAY SHALL BE BUILD TO DEPARTMENT OF PUBLIC WORKS STANDARDS.
- 26) WATER, SEWER, AND DRAIN LINES SHALL BE PRIVATE CONDOMINIUM DOCUMENTS SHALL REFLECT MAINTENANCE OF PRIVATE UTILITIES.
- 27) THIRD PARTY UTILITY INSTALLATION INSPECTIONS SHALL BE REQUIRED ON WATER MAIN, SEWER, AND DRAINAGE SYSTEMS.
- 28) A WATER UTILITY ACCESS EASEMENT SHALL BE PROVIDED TO THE CITY OF PORTSMOUTH FOR ACCESS TO WATER METERS, SHUT OFF VALVES & PIPING.

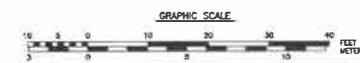


1 STANDARD SERVICE LATERAL CONNECTION



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____



AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 400 Shelburn Road - Dept. 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 486-2629
 Fax (603) 486-2913

NOTES:

- 1) 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.
- 2) 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.
- 3) 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).
- 4) INSTALL CATCH BASIN INLET PROTECTION ON ALL EXISTING AND INSTALLED CATCH BASINS UNTIL CONSTRUCTION IS COMPLETED AND THE SITE IS STABILIZED.
- 5) ALL WATER MAIN AND SANITARY SEWER WORK SHALL MEET THE STANDARDS OF THE NEW HAMPSHIRE STATE PLUMBING CODE AND CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS.
- 6) UTILITY AS-BUILTS SHALL BE SUBMITTED TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS UPON COMPLETION OF THE PROJECT.
- 7) PROPOSED SEWER FLOW
 3 UNITS X 2.33 RESIDENTS/UNIT = 7 RESIDENTS
 7 RESIDENTS X 70 GPD/RESIDENT = 490 GPD
 TOTAL PROPOSED FLOW = 490 GPD
 NHDES SEWER DISCHARGE PERMIT NOT REQUIRED.

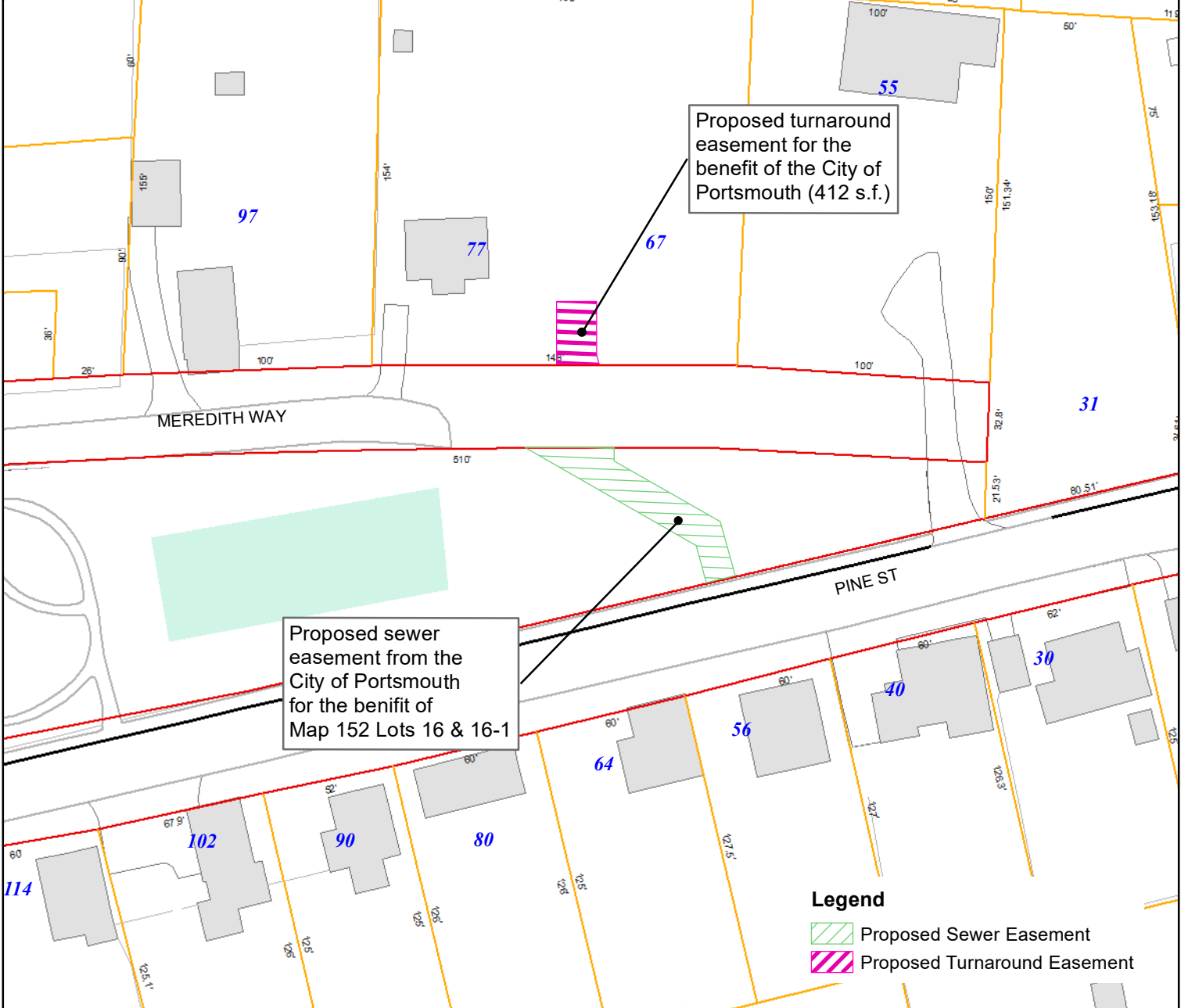
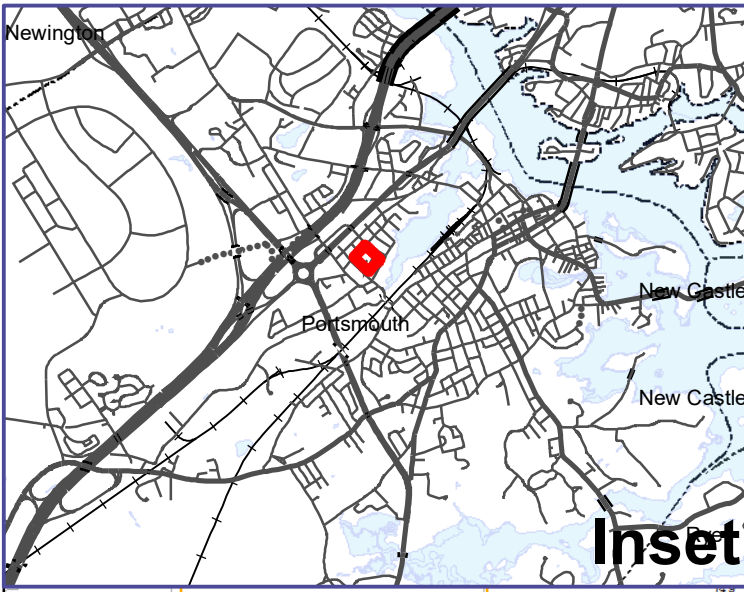
**SITE DEVELOPMENT
 41 SALEM STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
3	WATER SERVICES, DETAIL 1	4/29/20
2	TAC SUBMISSION	3/18/20
1	TAC WORKSHOP	12/2/19
0	ISSUED FOR COMMENT	11/18/19





SCALE: 1" = 10' NOVEMBER 2019

UTILITY PLAN **C3**



Proposed turnaround easement for the benefit of the City of Portsmouth (412 s.f.)

Proposed sewer easement from the City of Portsmouth for the benefit of Map 152 Lots 16 & 16-1

- Legend**
-  Proposed Sewer Easement
 -  Proposed Turnaround Easement

**67 & 77 Meredith Way
Proposed Easements**



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

SEWER EASEMENT DEED

CITY OF PORTSMOUTH, a municipal body politic, having a mailing address of 1 Junkins Avenue, Portsmouth, New Hampshire 03801, (hereinafter "Grantor"), for consideration paid, grants to **Randi Collins and Jeff Collins**, married, with a mailing address of 77 Meredith Way, Portsmouth, NH 03801 (hereinafter "Grantee"), with QUITCLAIM COVENANTS, the following easement with respect to Grantor's real property situated on Pine Street in the City of Portsmouth, State of New Hampshire ("Grantor's Property") :

1. **Easement Area:** An easement for the purpose of a installing and maintaining sewer laterals and any associated appliances and appurtenances over the land of Grantor as shown on a plan "Proposed Sewer Easement from the City of Portsmouth for the Benefit of Map 162, Lots 16 & 16-1" on a plan entitled, "Tax Map 162, Lot 16 Easement Plan For Two Lot Subdivision, 77 Meredith Way, Portsmouth, New Hampshire, County of Rockingham, Owned by Randi and Jeff Collins", prepared by TFMoran, Inc. dated September 27, 2022 and recorded in the Rockingham County Registry of Deeds as Plan # _____ (hereinafter "the Plan") to be recorded herewith. The Easement Area is more particularly bounded and described on the Plan as follows:

Beginning at a point at the northerly side of Pine Street, thence running N 61° 19' 19" W a distance of 17.79 feet to a point; thence turning and running S 40° 40' 41" W for a distance of 81.21 feet to a point; thence turning and running N 43° 40' 16" E for a distance of 37.31 feet to a point; thence turning and running S 46° 19' 44" E for a distance of 6.54 feet; thence turning and running N 73° 40' 41" E for a distance of 49.59 feet; thence turning and running S 61° 19' 19" E for a distance of 24.31 feet; thence turning and running S 29° 19' 53" W for a distance of 12 feet to the point of beginning.

2. **Purpose and Rights:** The Grantee shall have a non-exclusive easement and right of way in, under, across and over the Easement Area for the purpose of installing, maintaining, inspecting, removing, repairing, and replacing the sewer laterals and associated appliances and appurtenances as shown on the Plan, for the benefit of Lots 16 and 16-1 as shown on the Plan. 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. **Improvements and Restoration:** Prior to commencing any construction, reconstruction, maintenance, repair or relocation work (any such work being referred to herein as “Improvement Work”) within the Easement Area as may be permitted or required by this Easement, the Grantee shall, at least thirty (30) days prior to beginning such Improvement Work (except in cases of emergency, when no notice will be required) provide written notice to the Grantor describing in reasonable detail (i) the type of Improvement Work to be performed, and (ii) the area(s) of Grantor’s Property that will be impacted by such Improvement Work. Grantee shall exercise all reasonable precautions to prevent injury to persons or property as a result of any Improvement Work. Grantee shall, at its sole expense and within thirty (30) days after substantial completion any of such Improvement Work performed by or on behalf of the Grantee, restore the applicable portions of the Easement Area and Grantor’s Property that are affected by such Improvement Work as near as practicable to the condition that existed immediately prior to the commencement of such Improvement Work. If Grantee fails to complete the restoration provisions required by this paragraph within thirty (30) days, the Grantor may provide written notice of such failure. Subject to matters beyond the reasonable control of the Grantee, if, at the end of ten (10) days the restoration work as required by this paragraph has not been completed (other than plantings and landscaping that would be better done during a different season of the year), the Grantor shall be entitled to complete such restoration without any further notice to Grantee, and Grantee shall be liable for the full cost of such work performed to the standards of this paragraph.
4. **Relocation:** In the event the Grantor seeks to use Grantor’s Property for some use inconsistent with the location of sewer lines within the Easement Area, Grantor may require the Grantee to relocate, at Grantee’s sole cost and expense, the sewer lines to a different location on property of the Grantor. Grantor shall provide a minimum of 90 days’ notice to the Grantee of such relocation. Grantor may, at its option, relocate the Grantee’s sewer line in accordance with the foregoing, and any costs incurred by the Grantor as a result of relocation shall be paid by the Grantee
5. **Indemnification:** Grantee shall indemnify and hold the Grantor harmless from all claims and liabilities for damages for bodily injury, including accidental death, and for property damage, which may arise from Grantee’s exercise of the easement rights conveyed herein and the operation, use and maintenance of the Easement Area, whether such operation, use or maintenance is performed by the Grantee or by anyone directly or indirectly employed by Grantee..
6. **Personal Property.** It is agreed that the pipes and related facilities installed within the 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 owned by the within Grantor known as the "Pine Street Park and Playground," City of Portsmouth Tax Map 169, Lot 19.

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

DATED this _____ day of _____, 2022.

City of Portsmouth

By: _____
Karen S. Conard, City Manager
Pursuant to vote of the City Council dated
_____.

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

Personally appeared this ____ day of _____, 2022, Karen S. Conard, duly authorized City Manager, who acknowledged that she executed the foregoing instrument as her free act and deed for the purposes contained herein.

Before me,

Notary Public
My commission expires:

TURNAROUND EASEMENT DEED

Randi Collins and Jeff Collins, married, with a mailing address of 77 Meredith Way, Portsmouth, NH 03801, (herein called "Grantor") for consideration paid, grants to the **CITY OF PORTSMOUTH**, a municipal body with a mailing address of 1 Junkins Avenue, Portsmouth New Hampshire 03901 (hereinafter "Grantee"), with **QUITCLAIM COVENANTS**, upon the conditions hereafter set forth, a permanent easement (hereinafter the "Easement") over and upon land of the Grantor located in the City of Portsmouth, County of Rockingham State of New Hampshire.

Said Easement being shown as "Proposed Turnaround Easement for the benefit of the City of Portsmouth (412 S.F.)" on a plan entitled, "Tax Map 162, Lot 16 Easement Plan For Two Lot Subdivision, 77 Meredith Way, Portsmouth, New Hampshire, County of Rockingham, Owned by Randi and Jeff Collins", prepared by TFMoran, Inc. dated September 27, 2022 and recorded in the Rockingham County Registry of Deeds as Plan # _____ said Easement being more particularly bounded and described as follows:

Beginning at a point on the northerly side of Meredith Way at an iron rod to be set at the southwesterly corner of Proposed Lot 16-1 on said Plan, thence turning and running on a curve to the left having a radius of 15.00' for an arc length of 5.73 feet to a point; thence turning and running North 46°08'44" West a distance of 20.15' to a point; thence turning and running North 43°40'16" East a distance of 16' to a point; thence turning and running South 46°10'19" East a distance of 19.94' to a point; thence on a curve to the right with a radius of 14.66' for an arc length of 5.51 feet to a point on the southerly boundary of the said Proposed Lot 16-1; thence turning and running South 43°40'16" East a distance of 18.08' to the point of beginning.

The above described easement containing 412 square feet, more or less (hereinafter "Easement Area").

Grantor grants to Grantee the non-exclusive access over and upon the Easement Area for all purposes for which roads are customarily used, including but not limited to vehicular, pedestrian and equipment access and travel within the Easement Area.

Reserving to Grantor, their successors and assigns, access and utility rights in the Easement Area, together with the use and enjoyment of said Easement Area for such purposes only as will in no way interfere with the perpetual use thereof by the Grantee, its successors and assigns for the purposes contained herein; and to that end, the Grantor, its successors and assigns shall not erect any building, structures, landscaping and other similar improvements on said Easement Area; provided however, that Grantor may install underground utility structures or systems within the Easement Area which do not interfere with Grantee's use of the Easement Areas and Grantor reserves all rights to cross the Easement Area and all rights and easements necessary or desirable for the use, occupation, repair, maintenance and replacement of any improvements now or hereafter located upon Grantor's remaining land. 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. Damage to the Easement Area as the result of the Grantee's exercise of the easement rights herein granted shall be remediated at the sole expense of the Grantee.

This Easement Deed and the rights and privileges granted hereby are perpetual and shall run with the land.

All rights, privileges, obligations and liabilities created by this instrument shall inure to the benefit of, and be binding upon, the heirs, devisees, administrators, executors, 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 Grantors dated May 4, 2021 and recorded in the Rockingham County Registry of Deeds at Book 6274, Page 1666.

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

Executed this ____ day of October, 2022.

Witness:

Randi Collins

Witness:

Jeff Collins

State of New Hampshire
County of Rockingham

This instrument was acknowledged before me on this ____ day of October, 2022 by Randi Collins and Jeff Collins.

Notary Public/Justice of the Peace



November 17,2022

Portsmouth NH City Council
C/o City Manager's Office
1 Junkins Ave
Portsmouth NH 03801

Dear Ms. Conrad,


My name is Jennie Halstead. I am the Executive Director of My Breast Cancer Support, and the Race Director of the **Celebrate Pink 5k Walk & Run**.

I am writing this letter to ask the City Council consider approval of our 15th Annual race which we propose take place on Sunday, September 17, 2023. Registration for the race begins at 7.30 am and the race will commence at 9 AM from the Portsmouth Middle School, provided state guidelines allow.

Thank you for your consideration, as well as the support you have provided for this event over the last 14 years.

Best Regards,

Jennie Halstead

Jennie Halstead
Executive Director, Survivor 



November 22, 2022

Portsmouth City Manager and Officials

1 Junkins Ave.

Portsmouth, NH 03801

Ms. Conard and City Officials,

The Music Hall respectfully submits this request to The City of Portsmouth to grant approval for the closure of Chestnut Street for outdoor, live music events between Friday, June 30th and Sunday, September 3rd, 2023.

In 2021, The Music Hall presented 36 events and in 2022, we presented 7 events out on Chestnut Street for our "Live Under the Arch" series. This upcoming summer, our hope is to present concerts over the course of 3 to 4 weekend blocks, though rather than seating patrons at tables, we'd like to present "standing room only" concerts with an increase in capacity, and a true closure of the street with a more robust (covered) stage to improve the economics of these types of shows and differentiate this space from our indoor Music Hall Lounge cabaret seated shows. With a covered stage, we are seeking to keep the street closed from Friday morning through Sunday night, putting on 2 or 3 performances throughout the weekend for a maximum grand total of 12 shows for this summer. Simultaneous shows will not be booked inside the historic theater as the theater will be our "inclement" weather venue. Specific weekend blocks cannot be determined as of yet, as that will require coordination with talent and crew.

In addition to the closure of Chestnut Street, we request the approval for alcohol to be served on Chestnut Street under The Music Hall's liquor license. Alcohol service would be served only by The Music Hall's professional, Servsafe and T.E.A.M. certified staff. With the event ending no later than 10PM, alcohol service will cease by 9:30PM at the latest.

Beer and wine service would take place at the top of Chestnut Street at a satellite, portable bar. This bar would be fully struck after each performance. Full bar service would still be available in the lower lobby as well. At least once per week, the brickwork, hardscape, and landscaping will be cleaned thoroughly to maintain and prolong the beauty of Chestnut Street.

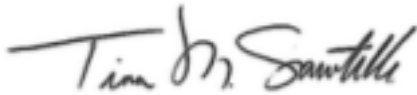
In terms of entertainment at these events, we will be featuring local, regional, and national level talent on a 15'x12' stage. Emergency vehicles would have full access to buildings on

Chestnut Street via Porter Street. We are requesting that the entire width of Chestnut street be closed to through traffic (pedestrians and autos), to allow us to maximize capacity out on Chestnut Street. We of course would allow for those needing access to the front doors of the McNabb building to enter freely to the space.

As you are aware, The Music Hall had great success with our “Live Under the Arch” series this past two years. We are extremely confident in our ability to execute again safely and successfully. Events such as these will have great economic impact, not only for The Music Hall and its corporate sponsors but also for local restaurants and musicians, and will help to stimulate the economic engine for other local retailers and the city itself.

We are so grateful to the City of Portsmouth officials, council people, and citizens for their continued support of our institution.

Sincerely,

A handwritten signature in black ink that reads "Tina M. Sawtelle". The signature is written in a cursive, flowing style.

Tina Sawtelle
Executive Director, The Music Hall
28 Chestnut St.
Portsmouth, NH 03801
tsawtelle@themusichall.org

The Music Hall
28 Chestnut St. Portsmouth, NH 03801 2



COVID Response Task Force Blue Ribbon Committee Recovery Solutions

Created to evaluate challenges and identify low-cost, high-impact recovery solutions that use ARPA monies.

The CRTF will allow the City of Portsmouth to “build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.”



Committee Members

- **Will Arvelo**-Executive Director of Cross Roads House
- **Kathy Beebe**-Executive Director of HAVEN
- **Linda Briolat**-Retired Portsmouth Teacher
- **Nancy Brown**-Health & Wellness Educator at Phillips Exeter Academy
- **Whitney Brown**-Manager at Safe Harbor Recovery Center of Granite Pathways
- **Amber Buttermore**-former 4th grade teacher/parent
- **Abbie Frank**-Speech Language Pathologist at Little Harbour School
- **Janet Laatsch**-CEO of Greater Seacoast Community Health
- **Laurie McIntosh**-Occupational Therapist, Assistive 3 Technology Professional
- **Lori Waltz**-Executive Director of Leadership Seacoast
- **Meme Wheeler**-Executive Director at The Chase Home in Portsmouth
- **Molly Wilson**-Pediatric Occupational Therapist
- **Karen S. Conard** - City Manager (Ex-Officio Member)



Guests for Q&A:

- **Kim McNamara, Portsmouth Health Officer**
- **Jane Ferrini, Assistant City Attorney**
- **Sean Clancy, Assistant City Manager for Economic Development**
- **Kelly Lesko, Director of Resident Services PHA**
- **Rad Nichols, Executive Director Coast Bus**
- **Patte-Anne Ardizzoni, Southern NH Community Action Program**
- **Zachary McLaughlin, Portsmouth Schools Superintendent**
- **Ellen Tully, Portsmouth Welfare Administrator**
- **Maria Reyes, Seacoast Public Health Network**



Critical Areas of Need For the Portsmouth Community Post COVID Include:

- **Transportation**
- **Mental Health**
- **Workforce Shortage**
- **Childcare**
- **Housing**
- **Substance Misuse**



Transportation

- **Problem:** lack of workforce, limited and expensive training for CDL certification, wage equity (COAST vs. Amazon), lack of access, gaps in service and reliability, cost of driver education, stress created by tardiness (school)
- **Impact on public health:** missed medical appointments, access to medicine and food diminished, effects on employment, huge domino effect on myriad aspects of work/life



Transportation

- **Potential Solutions:** sponsor scholarships/subsidies for CDL/Drivers Ed, City purchases fleet of non-CDL vehicles (how to operationalize?), ability to utilize existing fleet, retirees interested in assisting with rides, potential for discounted taxi vouchers, connection to job training programs, support marketing campaigns, work collaboratively among nonprofits to coordinate transportation needs
- **Agencies involved:** COAST, interested non-profits, Great Bay Community College, C&J, Wildcat Transit
- To Research Further: liability issues, operational logistics (who owns this?), the viability of working with the existing taxi operator



Mental Health

- **Problem:** access, lack of mental health providers, insurance coverage, transportation when telehealth is not an option, increase in need during and post-COVID, ability to resume services lost, increase in family stress levels,
- **Impact on public health:** increased depression, misuse of substances, suicidality, less productive workforce, family stress, poverty



Mental Health

- **Potential Solutions:** supporting/creating safe alternative solutions for after school, ability to bill for alternative providers (i.e. interns) in support of limited staffing, sponsor scholarships/training/incentives to build the workforce, identify online/telehealth options for those providers lacking same, support EAP programs for those organizations lacking same, fund existing agencies to run targeted programs in a group vs. individual capacity (i.e. Soul Models), support a coordination of care program for parents, offer grants to agencies that work toward these goals/solutions, add funds to already existing grant sources (i.e. Seacoast Women's Giving Circle), match funds for organizations that are fundraising for mental health
- **Agencies involved:** Seacoast Mental Health, Seacoast Women's Giving Circle, NOMI, YMCA, Greater Seacoast Community Health, Granite Pathways, Connections Peer Support, Greater Portsmouth Youth Wellness Coalition, Little League, Portsmouth Recreation, Arts in Reach, Easter Seals, PHA, New Hampshire Charitable Foundation, Soul Models



Workforce Shortage

- **Problem:** lack of affordable housing options/inventory, minimal amount of landlords participating in HUD voucher programs, limited childcare options, lack of reliable transportation, limited training opportunities
- **Impact on public health:** employee burnout and turnover, disruption of services, increased reliance on welfare, education, extracurricular activities, childcare, mental health services, housing, public services



Workforce Shortage

- **Potential Solutions:** outreach to PHS CTE Program and community colleges, recruitment of younger workers (i.e. the Flatbreads idea), engaging retirees with social responsibility influence, develop a mentorship/peer-to-peer program, compensate and support non-profits for the work they do, support training programs (CDL license scholarships, early childhood education)
- **Agencies involved:** Big Brothers/Sisters, Portsmouth High School-CTE program, Workforce Housing Coalition, apprenticeship program through community colleges, vocational rehabilitation, Recovery Friendly Workplace Initiative, NH housing, PHA, Safe Harbour Recovery



Childcare

- **Problem:** families are unable to find childcare, not enough options for children under 6, shortage of childcare employees, lack of training, no head start program, not getting paid a livable wage or getting benefits, more women are being left out of the workforce
- **Impact on public health:** parents can't work, mental health -stress on families, social skills are impacted, impacts workforce, increases risk for unsupervised children



Childcare

- **Potential Solutions:** subsidize childcare for employers, provide childcare at businesses, provide partnerships with the Portsmouth High school CTE program in Early Childhood Education and Seacoast Community School or other childcare centers, create a position to coordinate childcare/after school programs/mental health services for youth
- **Agencies involved:** Portsmouth High School CTE, Community colleges, Seacoast Community School, Portsmouth Recreation Department, Portsmouth School District



Housing

- **Problem:** lack of affordable housing for individuals who are making less than \$48,000 a year, landlords choosing not to participate in subsidized housing programs
- **Impact on public health:** risk for homelessness, decrease in workforce, increase in stress and risk for mental health issues and substance misuse



Housing

- **Potential Solutions:** identify and support developers that are interested in housing vulnerable populations, educate landlords and developers about housing choice vouchers, provide temporary rental assistance, support PHA as they build housing for vulnerable populations , support programs that provide workshops about how to be a good tenant
- **Agencies involved:** Seacoast Housing Coalition, Home For All, PHA



Substance Misuse

Problem: individuals dying of drug related issues, increase in family stress and dysfunction, children who are orphaned, children become at risk and neglected, lack of treatment options and providers

Impact on public health: increases stress on support systems, COVID increased substance misuse—families are returning to use, increases childhood trauma(ACE scores) puts children at risk for using



Substance Misuse

- **Potential Solutions:** support prevention, educate caregivers and community members about ACE(adverse childhood experiences) scores and the impact they have on future health, fund programs that educate youth, fund programs that provide safe after school activities for children and teens
- **Agencies involved:** Pinetree Institute, Seacoast Mental Health, Safe Harbour Recovery Center, Haven



Recommendations Summary

- Continue meeting to discuss possible solutions
- Work with established grant making organizations
- Hold Public Forums to spread the word
- Provide marketing for these opportunities
- Support the Community Resource Network to make the website more user friendly which will allow community members to connect with local agencies and nonprofits
- Continue public conversations about the areas of need for Portsmouth to build resiliency for our community for the long term



November 29, 2022

Mayor Deaglan McEachern
& Members of the City Council
c/o Office of the City Manager
One Junkins Avenue
Portsmouth, NH 03801

Dear Mayor McEachern & Members of the City Council,

On December 21, 2022, Cross Roads House will be hosting a vigil in honor of those homeless individuals from Rockingham or Strafford County who have passed away over the course of the previous year. This vigil is to be held in front of North Church, in Market Square, downtown Portsmouth.

It is our understanding that we do not require a permit to gather in this space to hold the vigil, as it is a public forum area. Please note that we are already in communication with the pastor of North Church regarding this event as they will be assisting us with organizing it, and will have the church open during this time for anyone wishing to use that space for personal reflection.

It is also our understanding that for us to place any kind of sidewalk obstruction in the space in front of North Church, we need permission from the City Council. Please consider this our request for that permission. Our plan is to place one or two 6-foot tables directly in front of the church to accommodate votive candles that will be lit for each person we will name during the vigil.

Please advise as to your decision so we can adjust the event if need be. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alissa Gumprecht", with a large, stylized initial "A" and a long horizontal flourish extending to the right.

Alissa Gumprecht
Director of Development and Communications
a.gumprecht@crossroadshouse.org
603.436.2218

CITY COUNCIL E-MAILS

Received: November 14, 2022 (after 5:00 p.m.) – December 1, 2022 (before 9:00 a.m.)

December 5, 2022 Council Meeting

Submitted on Tue, 11/15/2022 - 13:24

Full Name

Wes Tator

Email

westator@gmail.com

Subject

Request for resolution in support of the RISEE Act, currently in the US Congress

Address

245 Middle St, Apt 212

Message

I am writing to request your endorsement of the RISEE Act, a bill to protect our shorelines from storm-surge and sea level rise. In part, it would use revenues from offshore energy production to provide direct funding to seacoast communities. This bill has been introduced in both the House and the Senate and has a chance to pass by the end of the year with additional sponsors. Currently, Senator Shaheen is a co-sponsor in the Senate. Neither Senator Hassan nor Representative Pappas are yet co-sponsors. Your support through a resolution would make a big difference.

Candidly, I don't fully understand all the elements of this bill nor do I have time for even a 25 minute training session right now. However, if I am hearing from my friends at Citizens' Climate Lobby and Senator Shaheen that this is a bill to support, that is sufficient to engage my support.

As the end of the year is approaching quickly, time is of the essence. Please act on this matter promptly. Should I be able to assist you in any way, please feel free to contact me.

Thank you for all your many hours of work to lead this great city of ours.

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

Submitted on Tue, 11/15/2022 - 15:08

Full Name

Petar Ramadanovic

Email

petarr@unh.edu

Subject

dog ordinance

Address

393 UNION ST

Message

Dear City Councilors,

Bad laws are those that go against customary and habitual use. Portsmouth's dog ordinance does that when it bans off leash dogs on the trail off Little Harbor Rd, at Jones Woods, and even at the Urban Forestry Center, just as it bans them on city streets and in our neighborhoods. If you have gone to the first two, you would have seen that most dogs are off leash in the woods. It has been a practice for a while, and it has not resulted in accidents to people or dogs.

I strongly urge you to put together a new dog ordinance that would be appropriate for our city and would differentiate between various areas, city streets and trails. Recent report done by the City's Legal Intern, Reuben Pandeiro, which was supposed to lead you in that direction, unfortunately, had the opposite effect.

The recommendations Panderot offer are, however, based on superficial reading of the ordinances. The report fails to note that ordinances are varied and that usually they are appropriate for the character of the community they regulate. In rural areas, dog ordinances are more lax while in our cities like Manchester and Nashua, they are stricter. In other words, dogs are regulated based on the terrain and its use, and appropriately so.

Our immediate neighbors like Rye and Dover have hit an ideal. Dover's says,

A person who owns or keeps a dog within the City shall not permit or allow such dog to be at large in the City, unless: A. The dog is restrained by being kept on a leash not exceeding eight feet in length; or B. The dog is accompanied by the owner or custodian and under voice control.

Rye offers the following, "§ 15-4 Definitions.

As used in this article, the following terms shall have the meanings indicated:

RESPONSIBLE PARTY Any person or persons accompanying a dog, whether or not said person(s) is the owner of the dog. RUN AT LARGE The dog is off the premises of the owner or responsible party and is not under the voice control and sight control of any persons responsible for the dog. SIGHT CONTROL The dog always being within the sight of the responsible party. VOICE CONTROL A dog returning within three calls to and remaining by the side of the responsible party, in response to the responsible party's command for the dog to return.

As you can see, our neighbors have done it without causing chaos (as asserted by the Police Chief in the same report) and without resulting in the harm to both dogs and people as Bonnie Robinson, Animal Control Officer, alleges.

Reuben Pandeiro's report has not offered an accurate or useful advice. And you should not take your next step on this issue based on it. Please, consider another, more careful look at what is really the case and define our ordinance based on better thinking and understanding of the issue at hand.

You can also look at what the State's dog ordinance is and model ours on it. That would help lift the confusion about which ordinance is in effect, especially in the areas like the Little Harbor Rd. where there is a mix between state and city owned land.

Thanks in advance,

Petar Ramadanovic

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

Submitted on Tue, 11/15/2022 - 19:05

Full Name

Mary Lou McElwain

Email

ml259@comcast.net

Subject

Maplewood intersections

Address

259 South Street

Message

To add to my comments last eve;

The City has seen an amazing increase in vehicular traffic, not just in the summer or on weekends. These three intersections on a major road thru Portsmouth are not safe for pedestrian traffic . Several residents have made similar comments to mine on the clicknfix site. A friend who lives on Islington and comes into downtown often ,tries to avoid the lights just a few blocks from her home. . A young woman who was crossing at Islington/Congress yesterday told me "it is terrible, the worst". Drivers are too eager to get onto Maplewood . This morning about 8:30 I crossed with the pedestrian light at Deer St going towards the Sheraton lot. I was halfway across when the light turned green and a car turning left came right up to the walk I was on. She was closely followed by four other vehicles making the same turn. Dangerous!

It is ludicrous and a city liability to allow this pattern to continue.

I read in the Boston Globe on 11/10 that the Cambridge City Council has banned right turns on red "aimed at improving pedestrian safety and reducing traffic related injuries" . And in Portsmouth green means go, the heck with pedestrians .

Please address this. I would like to know if and when this is on the council agenda.

Thank you. Mary Lou McElwain

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, 11/16/2022 - 14:44

Full Name

Ken Goldman

Email

kgoldman@comcast.net

Subject

City Council Work Session Re: Neighborhood Parking Management Program on November 21, 2022

Address

271 Islington Street

Message

Dear City Councilors,

During your City Council Work Session Re: Neighborhood Parking Management Program on November 21, 2022, I would like to respectfully request that you not just focus on Islington Creek and that you look at parking in Portsmouth as a whole. I also request that you do not

impose parking restrictions, such as paid parking, on any entire neighborhood unless needed in the entire neighborhood. I am sure that there are other neighborhoods, such as Islington Creek, where one section has parking problems and needs restrictions, while the rest of the neighborhood does not have parking problems and does not need parking restrictions.

In 1905, in *The Life of Reason*, philosopher George Santayana coined the well-known phrase, "Those who cannot remember the past are condemned to repeat it." With that in mind, I would ask you to review some of the City Council discussions from 2019, if you have the time. When I first heard about the Islington Creek Neighborhood Parking Program (NPP) in the summer of 2019, my attitude was, "OK, fine, we will just buy some permits." I then learned that the seven townhouses in my community that are on Islington Street, including mine, would be excluded. The "steering committee" blamed the City, and the City blamed the "steering committee". Frankly, we didn't care about blame, my neighbors and I just wanted to be included. Ironically, I think that if the "steering committee", rather than fighting us, had taken a collaborative approach, and worked with the City to include our seven homes, the Pilot Program would have gone into effect in 2019. Several of us spoke on this at the June 17, 2019 City Council Meeting:

https://www.youtube.com/watch?v=zKwcfYEFNA&list=PLNWsoVwtYMQsSql1H88Bg9eXbale_c0k4&index=14

Our comments, intermixed with others, began at time stamp 25:00, and mine began at time stamp 31:00. I think the most important comments were the ones from former City Councilor Rebecca Perkins (Kwoka), beginning at time stamp 53:00 and the following comments from former Mayor Jack Blalock at time stamp 54:25:

"...I would agree with you Councilor Perkins. As you know, at least you and I were opposed to the program at all because this is what we thought would happen, that it would pit neighbor versus neighbor, it would be difficult to manage, people would be excluded, and cars would be pushed out of the neighborhood, so, um, I hope at the very least they will rework it so that it is as fair as could possibly be, even though I still don't think it is a great idea."

I know first-hand about how this issue pitted neighbor versus neighbor. One member of the steering committee said at a subsequent meeting, to paraphrase, "We have been working for a long time for our parking program, if those people on Islington Street want their own parking program, they can do the same thing." Keep in mind, at that point we were asking to include only seven houses, houses which were clearly part of the neighborhood! Subsequently, this same person attacked me in a very personal manner on social media to the extent I needed to block them, something I rarely do. This is a person who really knew nothing about me, except that we did not have exactly the same views on the NPP. I think these are the types of actions that Former Mayor Blalock was concerned about.

The parking program was subsequently discussed at the July 15, 2019 City Council meeting:

<https://www.youtube.com/watch?v=P1CqV9wcu00>

Discussion of the Islington Creek Neighborhood Parking Program began at time stamp 2:13:30 and, again, I think the comments of Former Mayor Jack Blalock are worth listening to. His remarks begin at time stamp 2:35.10. At the end of the meeting the matter was sent back to the Parking Traffic and Safety Committee for more work.

As always, thank you for your time and I am looking forward to your discussion on November 21.

Ken Goldman

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

Submitted on Sat, 11/19/2022 - 14:39

Full Name

Elizabeth Bratter

Email

gatoday@yahoo.com

Subject

Less costly in the long run

Address

159 McDonough St Property Owner

Message

Dear Mayor McEachren and City Councilors,

The best way to spend money is to really think about the whole picture. The estimate for the water line pipe is 7.5 million yet only 6.5 million are bonded. The cost to maintain this pipe under Little Bay compared to it running on land is significant. The 2017 Stantec Report shows that the pipe running on land is TWO MILES SHORTER. Please review the Stantec report on page 9 of 21. The only concern the report had was that the Spaulding Turnpike bridge AT THAT TIME would not be able to support the pipe needed.

In 2018 NHDOT began the process to replace the two bridges and in 2023 the Old General Sullivan bridge will be replaced. All three of these bridges can carry whatever size pipe is needed, even the Scammel Bridge has been replaced. The smaller "New" General Sullivan is being proposed to carry the much needed redundant water line for 8 seacoast cities. Using the Ruth Griffin Bridge (south bound on Spaulding) to carry the much needed new 24" line is not only a shorter distance it could likely be run at the same time the redundant line is being added

on the General Sullivan Bridge which could save a LOT on construction costs!!

The connection which runs out Fox Point Road in Newington to Fox Point, across Little Bay to 180 Piscataqua Rd, across the protected lands of Wagon Hill in Durham to Emery Farm could be left alone while the two new lines are added under the bridges. It has over 50% of its original thickness and likely can make it another 2-5 years. It would likely allow for more cooperation between Newington and Durham without infringing on their residents, conservation lands, much less Little Bay.

This could all be done WITHOUT needing to extend the easement to 70' for the Macleans whose family generously gave Portsmouth an easement to WATER FRONT property. Now being threatened to negotiate or lose 70' of shoreline by eminent domain because Portsmouth DID NOT take care of the original pipe, much less trespassed on their property rights for years, is pretty low!

Think about this for one minute. You are kind enough to allow a city to use WATERFRONT property and then that city shafts you when they decide they need 70' of it. How many of you would be willing to give away your rights to 70' of shoreline along Little Bay? Most homes don't even have that much shoreline to begin with. Much less as property owner wouldn't you want to question everything after 3 different versions of the plan were submitted to you?

The redundant line for the Seacoast proposed working with Portsmouth and Dover is going to take some engineering to move forward. In the meantime Portsmouth could be working on running the line on land. The ability to maintain it would a LOT less money and if anything goes wrong it would be a LOT easier and MORE cost effective to repair. Hiring divers for most care of the under the water line is quite costly!

This project has to last 50 years or more. Do NOT FEEL RUSHED, no one was in a rush 10 years ago. Get all the facts, watch the money- its changed a number of times. Most of all, act respectful to the people who have already been very generous allowing easements on their land so Portsmouth and other communities have access to clean water! No one is taking responsibility for NOT maintaining these pipes. It seems like it was not being rushed since it was discovered in 2012. Please don't rush any of this; find out the financial specifics, ask for a new report on moving this over land because what you spend today you will save later in maintenance and any future replacement costs! Let's show a little respect and decorum, not sugar coat threats when easement holder question "the plans" and what is going to happen to their backyard!

Thank you taking the time to read this. Please do MORE research. All decisions should be informed by looking at ALL the facts, not just those sugar coated for you. Please make sure they are accurate and UP TO DATE, especially when talking about spending millions of dollars, not just on this project but also on the proposed redundant line. The grants are great but there are many other costs that don't seem to be accounted for. Sincerely, Elizabeth Bratter

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

Submitted on Sun, 11/20/2022 - 13:24

Full Name

Barbara Sadick

Email

barbsadick@comcast.net

Subject

Neighborhood Parking Program

Address

271 Islington St.

Message

I hope that you will consider these comments during your work session on neighborhood parking.

I live in the Islington Creek neighborhood where we have been subject to the "pilot" parking program. Before it started, I spoke to both the City Council and the Parking & Traffic Safety Committee and asked why we were doing it, since there was never either the data or the popular support to do so. I was assured that "this was just a pilot" and data would be collected to see if the pilot was beneficial. Now we have this data and it still shows that the program is unnecessary, based on parking utilization statistics.

This program was pushed by a small, vocal group of residents (and non-resident landlords!), based in part on anecdotal evidence from before the Foundry Garage was built and in part on their desire to be assured parking directly in front of their houses. It was also pushed by a former member of the City Council who expressed a desire for parking programs to be expanded into the South End (which had previously rejected the idea). It is time to call an end to this unnecessary, unwanted and expensive program.

Perhaps, the City Council wants to look at parking issues on a city-wide basis. I support the idea of developing a process for a neighborhood to petition for a special parking program. But, there must be established rules and standards before such implementation. For example, the City could mandate that before a parking program is instituted, there must be a demonstrable lack of parking (e.g., utilization in excess of 85%) and that there must be a verified poll of the neighborhood in which 75% or more of the people, who actually live there, want such a program. It is also important that the boundaries of any program logically include the entire neighborhood, not just the blocks where the most vocal residents live.

I hope that during your work session, the City Council will come up with a fair process - one that recognizes the expertise of our Public Works parking experts when they present impartial data and one that does not just listen to a few "squeaky wheels". I also hope that any process is applied to the entire city - not just one target neighborhood.

Thank you!

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

Submitted on Sun, 11/20/2022 - 14:58

Full Name

Valerie Rochon

Email

valerie@portsmouthnh400.org

Subject

Thank you from Portsmouth NH 400th Legacy Committee

Address

19 Duston Ave

Hampton, New Hampshire. 03842-3299

Message

Thank you to City Manager Conard, the Trustees of the City Trust Fund, and each of our City Councilors for continuing to support the arts by approving the allocation of \$21,000 from the City Arts Trust Fund for use by the Legacy Committee of Portsmouth NH 400th in creating a sculpture garden at the Bohenko Gateway Park. In particular, we'd like to thank Councilors Cook and Moreau in their ongoing pursuit of streamlining the arts approval process for projects such as these. We appreciate all your support. Valerie Rochon, PNH400 Managing Director, and Ernie Greenslade, Team Leader for the Legacy Committee.

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, 11/21/2022 - 11:47

Full Name

Christina Dubin

Email

christinadubin@gmail.com

Subject

EPA grant funding opportunities

Address

336 Miller Ave.

Message

I'm wondering if anyone is looking into the monies being offered to cities/towns per below? Applications are due January 16th. I'd like to raise the idea of curbside compost again and in addition to the Sustainability Committee, there are a number of waste reduction groups in the Seacoast and state that would certainly work with Portsmouth in a PPP. There are upcoming webinars to explain eligibility, process and scope. Will any Councilors or City Staff be attending any of these webinars?

<https://www.nrrarecycles.org/news/epa-recycling-grant-opportunities-announced>

The Environmental Protection Agency (EPA) has released new recycling grant opportunities funded by the Bipartisan Infrastructure Law. Through the Recycling Education and Outreach grant program, towns and cities can apply for grants between \$250,000 and \$2 million to improve consumer education and outreach on waste prevention, reuse, recycling, and composting. Through the Solid Waste Infrastructure for Recycling grant program, towns and cities can apply for grants between \$500,000 and \$4 million to improve materials management and infrastructure for recycling and composting. Applications for both programs are due January 16, 2023. The estimated start date for projects awarded grants is October 2023, and all project activities must be completed within three years. Learn more about these grant opportunities and how NRRA member communities can apply.

Thank you,

Christina

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, 11/21/2022 - 11:51

Full Name

Michelle Wirth

Email

wirthsicle@gmail.com

Subject

Islington Creek parking program

Address

439 Hanover St

Message

The parking pilot program in the Islington St neighborhood is an absurd waste of city tax dollars.

The solution to keep non-resident cars from taking up all the parking spaces on Hanover St near Bridge St is to enforce a city ordinance that is already on the books. Please read the existing City Ordinance that I've pasted below. Cars can be marked as resident by displaying a Portsmouth Transfer Station sticker on their window. These are already available at the Public Works Department for no charge. This ordinance makes no exception for two hour parking, nor should it. It can be enforced by one daily random trip up Hanover by a meter reader. Thank you, Michelle Wirth

ARTICLE XVI: RESIDENT ONLY PARKING Section 7.1601: GENERAL STATEMENT In addition to any other regulations or restrictions which may be placed upon the parking of vehicles on the following streets, the parking of vehicles at these locations shall be limited on Monday through Friday, excluding legal holidays, between the hours of 6:00 a.m. and 6:00 p.m., to vehicles which are registered to persons who reside or entities which are located in the City of Portsmouth. Section 7.1602: LOCATIONS A. Hanover Street – both sides between Brewster Street and Bridge Street B. Pearl Street – Easterly side of Pearl Street, from a point ninety feet (90') north of Islington Street to the corner of Pearl Street and Hanover Street. Section 7.1603: PENALTY Whoever violates, or permits or allows anyone in control of their vehicle to violate, this ordinance shall forfeit to the City of Portsmouth the sum of twenty-five dollars (\$25.00). In the event that payment of such forfeiture amount is not made within thirty (30) days of the violation, forfeiture shall be in the sum of fifty dollars (\$50.00). In the event of failure to make such forfeiture the violator shall be subject of a fine of not more than one hundred dollars (\$100.00) upon conviction of the violation in the Portsmouth District Court.

Michelle Blaisdell Wirthwirthsicle@gmail.com

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

Submitted on Tue, 11/22/2022 - 09:43

Full Name

Michael Magnant

Email

magnantm@comcast.net

Subject

Leash Law

Address

140 Pinehurst Rd

Message

To The Editor,

I read Mr. Newby's letter to the City Council today that quotes an anonymous city official that was involved in changing the leash law in 2005. It insinuates that the decision to change the ordinance was arbitrary or capricious. I too, as Chief of Police at the time, was part of that conversation. The change came about because the voice control ordinance at the time permitted dogs to be off leash on city sidewalks and property, if under the voice control of their owner. It simply didn't work. That's why it was changed. It was done after much discussion and with complete transparency.

I have owned numerous dogs. The last one for 15 years. She listened marvelously if I had a piece of imported provolone cheese in my hand. Not so much when a pesky squirrel crossed her path. We walked her on a 15-foot retractable leash; no great hardship.

Simply put, the majority of dogs are great companions. That doesn't mean they get to chase runners, skateboarders, other dogs and children. The City Council has more important things to do than deal with rescinding a leash law that has worked for the last 15 years. Listen to the Police Chief and the Animal Control Officer. Their opinions, which Mr. Newby is so quick to discount, is based on their knowledge and experience. It's what you pay them for.

Michael Magnant

Chief of Police (Ret.)

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

Submitted on Sun, 11/27/2022 - 11:51

Full Name

Thomas Gross

Email

thomaswgross@gmail.com

Subject

high speed traffic on Dennett St.

Address

295 Dennett St.

Portsmouth, New Hampshire. 03801

Message

To the Council:

Problem: Our neighborhood has alerted you in the past that the traffic on Dennett St. is too fast between Maplewood and Burkitt. In the past several years there have been several accidents at the crest of Hunters Hill (intersection of Dennett and Thornton). A dog was killed. On another occasion, a driver hit the car of a woman who was removing a baby from the car. Another car was struck when backing out of her driveway. All these accidents were caused by vehicles not from this neighborhood, including heavy trucks and commercial traffic, speeding (40 mph) and trying to avoid the Rt. 1 bypass. At the crest of Hunters Hill, you will notice there is very little visibility of the road over the crest. This is where those accidents occurred. All of the neighbors are in agreement that this is a very dangerous situation. Many children walk or ride their bikes to Franklin School. For walkers and bikers (and the Market Sq. Day 5K race), this is a very busy street and we need the traffic to SLOW DOWN!

Solution: The best solution is a Stop sign at the crest of Hunters Hill (intersection of Dennett and Thornton). A speed bump will not help, and is more expensive to the city. Even though you did evaluate this corner three years ago, your conclusion that a Stop sign would disrupt traffic was incorrect. There would not be a long line of cars waiting to go through. Indeed, the use of another Stop sign on Dennett would discourage those impatient drivers from taking this route. We will come to the Council meeting to address this issue if you do not do something.

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

Submitted on Tue, 11/29/2022 - 07:38

Full Name

Walter bardenwerper

Email

walter.bardenwerper@gmail.com

Subject

ADUs

Address

69 Hunking St

Message

I commend to the entire Council and HDC the comments of Member Bagley on this topic, as recently reported in Seacoast Online. He has this exactly right. We should be streamlining the ADU process, reducing its cost and timeline, and letting people get on with these projects. It is not THE solution, but it is A solution; and we need to start providing solutions. As an example of what should NOT happen, what has been imposed on the Nerbonnes through abuse of the administrative and litigation process by their easterly "neighbors" on Gates St has been a miniature version of Bleak House in modern New Hampshire. We need to facilitate ADUs with reasonable regulatory requirements and a minimum of red tape.

Thank you for your consideration and constructive governance.

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



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.

OCT 11 2022
By Initial applicant

Committee: Cultural Plan Committee

Name: Alan J. Chace Telephone: 207-322-3856

Could you be contacted at work? YES NO if so, telephone# _____

Street address: 109 Porpoise Way Portsmouth, NH 03801

Mailing address (if different): same

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

How long have you been a resident of Portsmouth? one year

Occupational background:

Retired 24 year US Naval Officer with project management and leadership expertise. Chinese, Japanese, Korean, Spanish language trained. Have led groups of 2-200. Post naval career includes executive, community college, and 4 year academic institutional experience. Grants, professional development, and instruction. Currently employed at the International Association of Privacy Professionals.

Please list experience you have in respect to this Board/Commission:

Extensive project management and planning experience. Inclusion has been integral throughout military and civilian careers. Have worked with 3 different art based organizations over the last 5 years: Payomet Performing Arts Center (Truro, MA), Narrows Center for the Arts (Fall River, MA), Cotuit Center for the Arts (Cotuit, MA). Volunteer experience with senior centers, and locally in the Seacoast area with Hope on Haven Hill.

➡ 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 re-located to the seacoast area and am eager to to be a productive member. I have extensive planning, project, leadership, management, and committee experience. I am willing to support in any role required.

Please list any organizations, groups, or other committees you are involved in:
Hope on Haven Hill (Rochester, NH) volunteer.

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

1) Chris and Marie Drake, Property Manager, 603-903-4969

Name, address, telephone number

2) Jess Orsini, supervisor, 207-752-7654

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature: Alan J. Chace Date: 6 October 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

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: Arts and Cultural Commission

Name: Jeffrey Cooper Telephone: 603 433 8549

Could you be contacted at work? YES NO If so, telephone# 603 988 8744

Street address: 227 Park Street

Mailing address (if different): _____

Email address (for clerk's office communication): jcooper@cooperwoodsculptor.com

How long have you been a resident of Portsmouth? 40 years

Occupational background:
furniture maker, wood sculptor, public art

Please list experience you have in respect to this Board/Commission:
Just having been a local artist for all these years. I've seen a lot of changes that have affected local artists.



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: _____

Wanting to see Portsmouth arts community remain a key characteristic of the cultural environment. I'd represent the individual artists and their needs.

Please list any organizations, groups, or other committees you are involved in:
Portsmouth Listens Steering Committee, Past president of Seacoast Ski Club,
member and past chairman of NH Furniture Masters Assn

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

1) Jim Noucas jnoucas@noucaslaw.com

Name, address, telephone number

2) Barbara Massar bmassar@proportsmouth.org

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Jeffrey Cooper

Date: Oct 19, 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 _____

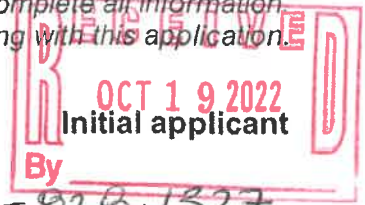
Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



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: Cultural Plan Committee

Name: Ellen Fineberg Telephone: 603-828-1327

Could you be contacted at work? YES/NO If so, telephone # N/A.

Street address: 75 Aldrich Rd.

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 36 years

Occupational background:

I have worked (and volunteered) with nonprofit organizations as staff, executive director and as a consultant in New Hampshire, Maine and Massachusetts.

Please list experience you have in respect to this Board/Commission:

I served as a consultant to the Mayor's Blue Ribbon Committee on Arts and Culture twenty years ago and helped to write Portsmouth's Cultural Plan.



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: My experience with arts and cultural organizations as well as community planning could be useful to the work of the committee.
I bring
Also, my history as a resident activist familiar with city boards and commissions.

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

Portsmouth Historical Society, Board member
Portsmouth Athenaeum, 400th Anniversary Project.
Strawbery Banke Museum, Garden Restoration + maintenance

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

- 1) Reagan Ruedy, 70 Highland Street, (603) 373-3391
Name, address, telephone number
- 2) Jeff Keefe, 380 Ocean Road, (603) 969-5083.
Name, address, telephone number

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Signature: Erin Dineen Date: Oct. 19, 2022.

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes ___ No ___ Maybe ✓

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: Arts & Nonprofit Committee - Cultural Plan Subcommittee

Name: Gerardo Gonzalez Telephone: 210-501-7740

Could you be contacted at work? YES NO If so, telephone# 603-957-5298

Street address: 92 Spinnaker Way, Portsmouth, NH 03801

Mailing address (if different): Same as above

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

How long have you been a resident of Portsmouth? 4 years, 4 months

Occupational background:

Director of Operations, Public Consulting Group, 200 International Dr., Suite 160, Portsmouth, NH; bacckground in organizational development and management; health benefits & Medicare/Medicaid management; BA, Pre-Law/Legal Studies; MA Leadership

Please list experience you have in respect to this Board/Commission:

None. However, I have volunteered with non-profits as with food banks (prior to moving to New Hampshire which is now my permanent residence) and other charitable organizations; I lead a subcommittee for Diversity, Equity & Inclusion for my employer as co chair of Career Development & Mentorship.

➔ 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 read the article in the Portsmouth Herald seeking volunteers for its cultural plan for the city's arts to review its existing plan with the aim of creating a new cultural plan. As with the comments in the article, I want to take an "active part in ensuring Portsmouth remains art-rich, vibrant and pertinent", and I would be delighted to serve as an active volunteer.

Please list any organizations, groups, or other committees you are involved in:
The only current committee I serve on as a volunteer is through my employer, Public Consulting Group, Boston, MA, where I give my time to helping a diverse group of individuals through its Diversity, Equity and Inclusion Council. In my past, I volunteered my free time with nonprofits that assisted disadvantaged individuals.

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

1) Noah Goldstein, 781-420-9454
Name, address, telephone number

2) Tammy Byron, 603-498-7776
Name, address, telephone number

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Signature: Guillermo Gonzalez Date: 10/4/2022

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: Arts and Non-Profits

Name: Tom Kaufhold Telephone: 603 957 0619

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

Street address: 53 Rogers St. Portsmouth

Mailing address (if different): _____

Email address (for clerk's office communication): tomkaufhold@yahoo.com

How long have you been a resident of Portsmouth? 30 years

Occupational background:

Retired business systems analyst and retired
secondary math educator.

Please list experience you have in respect to this Board/Commission:

I have been on the boards of the non-profits AIDS
Response Seacoast and Seacoast Gay men. I am
a volunteer at the Portsmouth Historical Society.
I founded the Seacoast LGBT History Project in 2015.

➡ 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: The arts and non-profits are vital to the health and vibrancy of the community. They are a draw for both visitors and residents. I would like to see the arts and non-profits work together to be more inclusive of our diverse community.

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

Portsmouth Historical Society
Seacoast NH LGBT History Project

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

1) Sherry Wood 290 Locke Rd. Rye NH. 03870 603-828-7527
Name, address, telephone number

2) Tom Hardman, P.O. Box 1348 York Me. 603-770-2335
Name, address, telephone number

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Signature: [Signature] Date: 11/17/2022

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: Cultural Plan Subcommittee

Name: Amanda Kidd-Kestler Telephone: 631-413-2817

Could you be contacted at work? YES NO If so, telephone# 603-431-4230

Street address: 22 Pearl St., Apt. A ,Dover, NH

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? _____ I do not live in Portsmouth, I work in Portsmouth

Occupational background:

I am the Executive Director of the New Hampshire Art Association.

Please list experience you have in respect to this Board/Commission:

I served on the Worcester Arts Council from 2017-2019 and participated in the creation
of the Worcester Cultural Plan. I am a new resident to the Seacoast and I am a
practicing visual artist.



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 believe that culture is a big part of what makes Portsmouth a desirable place to live

and work. I want to make sure that issues of accessibility, as well as diversity, equity, and inclusion are addressed in the cultural plan. I also believe that Portsmouth needs to look to the future and find ways to encourage more young people to live, work, and play in the city of Portsmouth.

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

New Hampshire Art Association, Dover Community Garden, Chase's Garage

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

1) Linda McLearn, 132 State St. Portsmouth, NH 603-812-9572

Name, address, telephone number

2) Barbara Adams, 75 Kent St., Portsmouth, NH 603-502-0958

Name, address, telephone number

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Signature: Amedeo Kidd-Kestler Date: 10/18/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

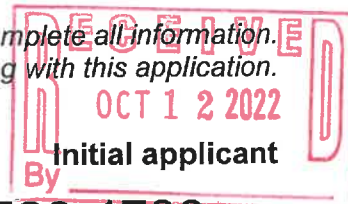
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CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: PORTSMOUTH ARTS & NONPROFITS COMMITTEE

Name: Robin Lurie-Meyerkopf Telephone: 603-520-4780

Could you be contacted at work? YES NO If so, telephone# same as above

Street address: 53 Whidden St

Mailing address (if different): _____

Email address (for clerk's office communication): talkinrobin5@gmail.com

How long have you been a resident of Portsmouth? 14 years

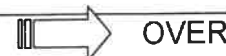
Occupational background:

I currently work at the Portsmouth Historical Society and own a small business in town. I have been a consultant to schools and families in the area for children and adults on the spectrum. I worked for 2 years with Cathy Sununu trying to get a contemporary art museum off the ground in the west end. I am on many boards in the city including the Prescott Park Redevelopment Committee and the Seacoast African American Cultural

Please list experience you have in respect to this Board/Commission:

I was on the board of ArtSpeak, the cultural Commission of Portsmouth, for many years.

I was the secretary for the Seacoast Rep for 6 years and am currently on 3 boards in Portsmouth.



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: _____

The arts are vital to Portsmouth and the surrounding communities and having a robust arts, history and culture plan for the coming years is important for sustaining this economy. Living and working in Portsmouth is difficult for many young people especially those involved in the arts. Working with the cultural organizations along with the city and other stakeholders will be key in having our robust arts scene continue long into the future.

Please list any organizations, groups, or other committees you are involved in:
SAACC, Soul Models, Prescott Park Redevelopment Committee, Ports400NH - Little Italy Planning Group

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

1) Nancy Pearson Lincoln Ave 603-512-3953 nespearson@gmail.com
Name, address, telephone number

2) Towny Manfull South St 603-531-3705 bmanfull@comcast.net
Name, address, telephone number

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Signature: R. Lurie-Meyerkopf Date: 10-12-22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

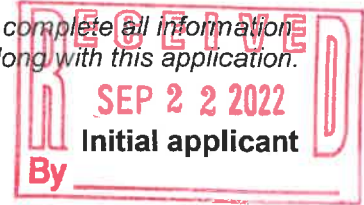
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CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

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



Committee: Cultural Plan Subcommittee / Arts & Nonprofit Committee

Name: John Mayer Telephone: 603.422.9551 (h) / 603.969.3913 (c)

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

Street address: 68 Cabot Street, Portsmouth, NH 03801


Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 24 years

Occupational background:

I have worked for non-profit museums my entire professional life with
experience as a museum curator, executive director, and preservationist.

My family moved to Portsmouth when I was appointed curator at
Strawbery Banke Museum in 1998 

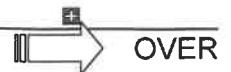
Please list experience you have in respect to this Board/Commission:

2016 - 2022- Executive Director, Amesbury (MA) Carriage Museum -
led major project to establish industrial history museum

2002 - 1995 - Museum Curator, Maine Historical Society, Portland, ME.

1998 - 2002 - Curator, Strawberry Banke Museum.

Personal interest in performing arts (active musician), studio art
(undergrad BFA in film arts), and museum practice.



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 a long-time resident of Portsmouth, deeply connected to the community, and passionate about the importance of arts and culture for the health of our city.

I have recently retired from my full time position as executive director of a small community history museum. For the first time in many years, I have time to get involved in local activities, and would like to bring my experience and

perspective to a committee that can have a positive impact on the quality of life in Portsmouth.

In particular, I am interested in identifying ways more people - of all backgrounds - can find ways to get involved in the arts.

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

Founding Member - Industrial History New England (www.industrialhistorynewengland.org)
2022 Cohort - Essex County (MA) Charitable Foundation - Leadership Program (<https://www.eccf.org/>)

Member - Advocacy Workgroup - Smith-Magenis Syndrome support group (www.prisms.org)
Proprietor - Portsmouth Athenaeum

Fellow - Massachusetts Historical Society
Commissioner - Essex National Heritage Area (<https://essexheritage.org/>)

Member - Leftist Marching Band

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Russ Grazier, c/o PMAC, 973 Islington Street, Portsmouth, NH 03801 - 603.431.4278
Name, address, telephone number

2) Larry Yerdon, c/o Strawberry Banke Museum, 14 Hancock St., Portsmouth, NH 03801 - 603-433-1100
Name, address, telephone number

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Signature:  Date: 9/22/22

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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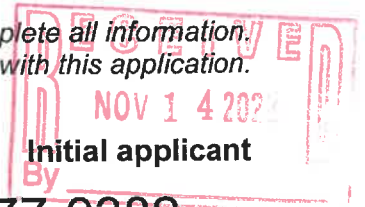
6/27/2012



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: Portsmouth Arts and Nonprofits Committee

Name: Karen Rosania Telephone: 978-877-9382

Could you be contacted at work? YES NO If so, telephone# same as above

Street address: 32 Boss Ave Portsmouth, NH 03801

Mailing address (if different): _____

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

How long have you been a resident of Portsmouth? 2 years

Occupational background:

I was in healthcare for over 30 years - but recently started up my own art studio business in Portsmouth. The name of my business is Oliveteal Arts, LLC.

Please list experience you have in respect to this Board/Commission:

None - this would be a new experience for me.



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: _____

The reason we relocated to Portsmouth two years ago was due to the Arts - and I felt there was no better place to start up my art business. As a newer member to the Portsmouth community and a new, female small business owner, I believe I can bring some unique perspectives to the committee. I am passionate about Portsmouth and the arts and expect to be in Portsmouth for the remainder of my life. I would be honored to help shape the present and future arts culture in Portsmouth. I also collaborate with a few local nonprofits to bring the arts to seniors, teens and young adults.

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

Art instructor: Portsmouth Senior Activity Center, Arts in Reach (AIR), York Housing (starting Jan 2023).

Dog therapy: I am a certified dog therapy handler and currently bring dog therapy (with my little French bulldog, Nilla) to the Portsmouth Senior Activitiy Center.

Member: Seacoast Newcomers Club, Rye Driftwood Garden Club, SCORE

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

1) Barbara Jenny 81 Lincoln Ave Portsmouth, NH 603-234-7402

Name, address, telephone number

2) Linda Leland 26 Thaxter Road Portsmouth, NH 978-502-8859

Name, address, telephone number

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Signature: Karen Rosania Date: 11/11/22

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes^{possibly} 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: CULTURAL PLAN SUBCOMMITTEE

Name: Emma Telephone: Stratton

Could you be contacted at work? YES NO If so, telephone# 603-570-2491

Street address: 10 Middle Street, Portsmouth, NH 03801

Mailing address (if different): 346 Wallis Rd, #3, Rye, NH 03870

Email address (for clerk's office communication): emma@portsmouthhistory.org

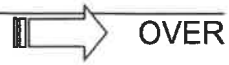
How long have you been a resident of Portsmouth? n/a

Occupational background:

I work for an arts/cultural non-profit as the Executive Director of Portsmouth Historical Society.

Please list experience you have in respect to this Board/Commission:

Fifteen years of experience in the museum field. Past experience includes, but is not limited to Executive Director of American Independence Museum in Exeter, NH (2017-22), Director of Public Engagement at Heurich House Museum in Washington, DC (2014-17)



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 ensure the wellbeing of our community through the arts and cultural sector and to ensure that museums have a voice at the table when it comes to the city's cultural plan. Many years of my museum career were spent in public engagement and so I look forward to not only helping to develop a plan, but helping to implement it as well.

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

Board Member, Eventide Foundation;

Member, Fort William & Mary 250th Celebration;

Member, New Hampshire Heritage Museum Trail;

Co-Chair New England Museum Association's Historic Sites Professional Affinity Group

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

1) Reagan Ruedig, 70 Highland Street, 603-373-8391

Name, address, telephone number

2) Ellen Fineberg, 75 Aldrich Rd, 603-828-1327

Name, address, telephone number

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Signature: Emma Stratton

Date: 11/21/2022

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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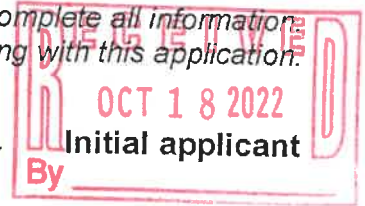
6/27/2012



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: Arts & Nonprofits - Cultural Plan Subcommittee

Name: Karen Battles Telephone: 978-609-5633

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

Street address: 170 McKinley Rd. Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): kpbattles@comcast.net

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

Occupational background:

- Freelance Graphic Designer 12 years
- Co owner of B Designs Letterpress, a small printing and stationery company for 20 years

Please list experience you have in respect to this Board/Commission:

- co owner of a small creative business for a number of years.
- served on Newburyport Preservation Trust board
- part of exploratory group to develop a cultural district in Newburyport, NH
- I am a mixed media artist and member of the NHAA.

➡ OVER

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES NO read city website outlining time commitment

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

Reasons for wishing to serve: It's important that we understand and recognize the value of the arts & cultural communities, both in economic & civic terms. Updating the 2002 cultural plan will help the city to identify and support key groups that help make Portsmouth such a vibrant place.

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

New Hampshire Art Association
volunteer in the Development office of Portsmouth Historical Society

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

1) Emma Strathin, 346 Wallis Rd #3, Rye, NH 781-254-7845
Name, address, telephone number (Executive Director, Portsmouth Historical Society)

2) Peter Bergh 54 Lincoln Ave. Portsmouth, NH 03801 603-475-2086
Name, address, telephone number

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Signature:  Date: 10/16/22

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: Cultural Committee

Name: Suzanne Danforth Telephone: 603-674-4026

Could you be contacted at work? YES NO If so, telephone# 603-674-4026

Street address: 612 Springbrook Circle

Mailing address (if different): Same

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

How long have you been a resident of Portsmouth? 3 years born here

Occupational background:

Sr. Speech Pathologist MGH Clinical
Speech Instructor, MGH Institute for Health Professions
School SLP x 2 years, Program development
@ MGH Department of Neurology. Retired 2012

left for college +
points afar more
back 3 years ago

Please list experience you have in respect to this Board/Commission:

I have always enjoyed live plays, music. I am
currently in the New Horizons band @ PMAC,
volunteered x 3 years @ Strawberry Banke.

Updating Cultural development is very interesting to me
especially as it relates to development in
real estate.

➡ 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

Tuesday evenings
are PMAC
taken.

Reasons for wishing to serve:

I have always wanted to take part in a service to Portsmouth. I am interested in navigating it relative to development. We already have many cultural treasures here & I would like to be a part of shaping it.

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

PMAC New Horizons, applying to volunteer there. Right now that is it. We've been finding it difficult to volunteer given the pandemic & its after effects.

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

1) TAMMI TRUAX 1107 ME 76 Beech Road 603-828-9837
Name, address, telephone number

2) Nancy Littlefield 80 Martine Cottage Rd 603
Name, address, telephone number 603-502-7656 C.

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT: 603-430-7812 H.

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

Signature: 

Date: 10/12/22

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 Jenkins Avenue, Portsmouth, NH 03801

6/27/2012

3rd Reference: Janet Ball 1745 Islington St
603 498.5131



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: Arts & Non-Profit Committee - Cultural Plan Subcommittee initial applicant

Name: Ed Simeone Telephone: 603-566-3663

Could you be contacted at work? YES NO If so, telephone# 603-566-3663

Street address: 15 Bymeadow Drive, Nazareth, NH 03063

Mailing address (if different): _____

Email address (for clerk's office communication): ed@playersring.org

How long have you been a resident of Portsmouth? Work as Artistic Director, Players' Ring
Board Member, New Hampshire Theater Art Association

Occupational background:

- ▷ Executive Producer, Fusion Productions (design, development & execution of corporate & association conferences utilizing mixed media & performance art)
- ▷ Director, Professional Education Conferences, Joslin Diabetes Center, Boston
- ▷ Executive Director, American Academy of Cosmetic Dentistry, Madison, WI

Please list experience you have in respect to this Board/Commission:

➡ 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: Portsmouth is a cultural epicenter, having attracted diverse talent now navigating uncertain economic & social seas. To maintain its position as an epicenter, alignments must occur between the city, individuals & organizations to create an informal consortium to serve common interests. My work with Genevieve Aichele @ NHTP is focused on this object as is my work with the Marcy Street Collaborative, which involves Strawberry Bank, Prescott Park, Gundalow, Puddle Dock restaurant, Black Heritage Trail & Association

▷ Board Member, New Hampshire Art Association

▷ Chair, Marcy Street Collaborative

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

1) Ryan Bent, 66 Puddle Dock Restaurant, 66 Marcy Street, Portsmouth 603-812-7775
Name, address, telephone number

2) Devin Payer, 36 Marston Avenue, Portsmouth - 603-498-9228
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

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

Signature:  Date: November 18, 2022

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No → unless related to arts & culture

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – October 6th, 2022
Conference Room A

PRESENT: **Members:** City Manager Karen Conard, Deputy Police Chief Mike Maloney, Public Works Director Peter Rice, Fire Chief Bill McQuillen, Chairman Andrew Bagley, Erica Wygonik, Mary Lou McElwain, Steve Pesci, Mark Syracuse, Harold Whitehouse

City Staff: City Engineer Eric Eby, Parking Director Ben Fletcher, Associate Engineer Tyler Reese

ACTION ITEMS FOR CITY COUNCIL

- Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council: **Voted** to eliminate all taxi stands except in front of Tuscan Steakhouse.
- Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident: **Voted** to install No Parking Here to Corner signs 30 feet from Woodbury Avenue.
- Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee: **Voted** to recommend that City Council end the pilot program, and to present the framework laid out by the Parking Director if a permanent program is implemented by the City Council.

1. **Roll Call**
2. **Financial Report:** **Voted** to accept and place on file Financial Report dated August 31, 2022.
3. **Public Comment Session:** There were eight speakers: Scott Gerrato spoke regarding taxi parking downtown. Evan Mullen requested that the Committee study traffic safety on Summer Street. Ken Goldman, Michelle Worth, Sampo Kaasila, Barbara Sadick, Elizabeth Bratter, and Liza Hewitt spoke regarding the Neighborhood Parking Program.
4. **Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council:** **Voted** to eliminate all taxi stands except in front of Tuscan Steakhouse.
5. **Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident:** **Voted** to install No Parking Here to Corner signs 30 feet from Woodbury Avenue.
6. **Mariette Drive, request for speed study, by resident:** **Voted** to refer to staff for study and report back.

7. **Maple Haven, request for stop sign evaluation at several locations, by resident:** Voted to refer to staff for study and report back.
8. **Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee:** Voted to recommend to City Council to end the pilot program and to present the framework laid out by the Parking Director if a permanent program is implemented by the City Council.
9. **Monthly Accident Report:** *Informational; no action required.*
10. **Adjournment:** On unanimous roll call 9-0 voted to adjourn 9:59 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

October 6th, 2022

MINUTES

I. CALL TO ORDER

Chairman Andrew Bagley called the meeting to order at 8:30 a.m.

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Steve Pesci
Erica Wygonik (Alternate)
Public Works Director Peter Rice
City Manager Karen Conard
Deputy Police Chief Mike Maloney
Harold Whitehouse
Mary Lou McElwain (Z)
Mark Syracuse
Fire Chief William McQuillen

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby
Associate Engineer Tyler Reese

III. FINANCIAL REPORT

[00:06:25] Peter Rice moved to accept the Financial Report dated August 31, 2022, and place it on file, seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

IV. PUBLIC COMMENT (15 MINUTES)

This is the time for all comments on any of the agenda items or non-agenda items.

[00:07:20] There were eight speakers: Scott Gerrato spoke regarding taxi parking downtown. Evan Mullen requested that the Committee study traffic safety on Summer

Street. Ken Goldman, Michelle Worth, Sampo Kaasila, Barbara Sadick, Elizabeth Bratter, and Liza Hewitt spoke regarding the Neighborhood Parking Program.

V. PRESENTATIONS

None

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

- A. [00:37:40] Taxi Stands, request to report back on removal of taxi only parking spots downtown and across the city, by City Council.

There is only one licensed taxi driver in the city. He requests keeping the taxi stand in front of Toscana.

Peter Rice made a motion to eliminate all taxi stands except for the existing one in front of Tuscan Steakhouse. Mark Syracuse seconded the motion. **On a unanimous vote, motion passed 9-0.**

- B. [00:42:33] Morning Street, request to restrict parking at Woodbury Avenue intersection, by resident.

This signage would be in line with state laws and city ordinances, which prohibit parking within 30 feet of an intersection.

Harold Whitehouse made a motion to install No Parking Here to Corner signs 30 feet from Woodbury Avenue, seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

- C. [00:44:14] Mariette Drive, request for speed study, by resident. Mark Syracuse made a motion to refer to staff for study and report back. Motion was seconded by Harold Whitehouse. **Motion passed on a unanimous vote 9-0.**

- D. [00:45:20] Maple Haven, request for stop sign evaluation at several locations, by resident. Karen Conard moved to refer to staff for study and report back, seconded by Mark Syracuse. **Motion passed on a unanimous vote 9-0.**

VII. OLD BUSINESS

- A. [00:46:49] Islington Creek Neighborhood Parking Program, discussion and recommendation of program fee to Fee Committee. Benjamin Fletcher presented framework and recommendations for paid parking to the Committee should the City Council decide to implement a permanent Neighborhood Parking Program.

Steve Pesci made a motion to recommend that City Council end the pilot program, and to present the framework laid out by the Parking Director if a permanent program is implemented by the City Council. Motion was seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

VIII. INFORMATIONAL

A. [01:30:39] Monthly Accident Report from Police.

Deputy Police Chief Mike Maloney commented that there were 81 crashes in August. Of that, 48 of them were reportable. There was one accident involving a bike, as well as one involving a pedestrian.

IX. MISCELLANEOUS

A. [01:31:43] Email from a resident regarding whether fees are paid to the City for events held at the Bridge Street Lot.

B. [01:33:18] Request from a resident of Broad Street to look at the intersection of South Street and Broad Street. People are parking close to the intersection.

X. ADJOURNMENT

Harold Whitehouse moved to adjourn at 9:59 a.m., seconded by Mark Syracuse. **On a unanimous vote, motion passed 9-0.**

Respectfully submitted,

Leila Birr,
Administrative Assistant, Department of Public Works

**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_xjurgSbqRA2S8Uw3KnbUkw

Islington Creek Neighborhood Parking Program (NPP)

Pricing Recommendation

At the City Council meeting on August 22, 2022, the Parking Division was tasked with developing a pricing strategy to assure a permanent Islington Creek Neighborhood Parking Program can be run at no net cost to the City.

The Islington Creek neighborhood has an inherent parking supply vs. demand issue. While certain sections of the neighborhood (those located nearest the Foundry Garage) are indeed over-utilized due to large rental property populations and a short supply of on-street and private parking inventory, the overall neighborhood, as bounded in the current pilot program (Pilot), is not experiencing occupancy figures to a degree that would normally dictate demand reduction resolutions. Parking Industry Best Practice suggests mitigation measures be explored when occupancy reaches 85% or above, while the Islington Creek neighborhood has for years not exceeded 75%.

The City has completed a year-over-year analysis of the 2021 and 2022 spring and summer seasons, using occupancy data from May through early August in each year. Data indicate that the neighborhood enjoyed less than a 2% reduction in demand that can be directly attributed to the Pilot. This equates to less than 5 additional open spaces neighborhood-wide. Considering the \$113,500 net cost to run the program, this equates to \$22,883 per 'gained space' that can be directly attributed to the program. For context, the highest-grossing parking space in downtown Portsmouth generates slightly less than \$8,000 in gross revenues annually.

While the gained spaces do indicate a positive result, the spaces 'gained' were not within the geographical area most affected by high demand and short supply, that being between Rock Street and Bridge Street. Rather, the open spaces were primarily realized in the less-populated, lower-demand areas west of Cornwall Street.

Rather than continuing the current program under the Pilot format, with its high costs and minimal benefits, the Division recommends implementing an on-street metered parking program.

Metering Method

Rather than purchasing and installing parking meters throughout the neighborhood, the Division recommends that metering this area be performed solely through the use of the ParkMobile smartphone application. This will allow for minimal additional signage and no crowding of sidewalks with parking meters or kiosks, while providing the additional features popular with users of the app in the City's downtown area, such as text notifications when sessions are expiring and the option to extend if desired.

The ParkMobile approach is the least intrusive process, leaving the neighborhood's character intact. Additionally, Portsmouth resident users of ParkMobile do not pay the \$.35 service fee and enjoy a price reduction of \$.50 per hour. Non-residents and users without passes will simply engage the meter system for the duration of their stay.

Pricing

Pricing and policy recommendations from the Parking Division are always geared toward behavior management. For example, pricing in the Downtown accelerates after the 3rd hour, providing an economic incentive for users to choose to vacate (turn over) spaces at the City's desired 3-hour time frame. This leaves the space open for the next user, enabling support of local businesses by providing a convenient parking option for those who would choose to patronize those businesses.

Unlike the City's high-demand parking areas, there is no call to encourage users to turn spaces over at the 3rd hour in a residential neighborhood. Because of this, the Parking Division does not recommend using the Stay & Pay pricing model that has seen success in the Downtown area. Rather, the flat hourly rate structure utilized in each of the City's parking garages more accurately reflects the pricing structure that should be implemented for this neighborhood.

In order to continue to encourage the use of the nearby Foundry Garage, a rate of \$1.50 per hour for on-street parking in this neighborhood is recommended. This aligns with the current B-Zone rate of \$1.50 for the first three hours, but would not escalate in the 4th hour and beyond. Pricing in this manner provides a natural incentive for users to choose the Foundry Garage with its \$1 per hour rate.

NPP Passes

The anticipated revenue from on-street visitor parking can be expected to offset a good portion of the costs associated with extending this program. This allows for a situation where a flat, nominal fee can be applied to NPP passes. For year one, the Division recommends a \$125 annual fee, per pass, for up to 3 passes per household, each of which must be associated with a single, particular vehicle as in the current program. These fees will offset the cost of labor and materials for processing applications. At the conclusion of year one, revenues can be assessed against ongoing costs and annual permit fees can be adjusted to accommodate. Due to high resident turnover in the target neighborhood, the Division recommends an annual renewal, with the process being staggered by block to avoid lengthy waits for renewals.

Advantages

With a simple application of the ParkMobile app for all non-passholders, the following unpopular features inherent in the current Pilot model are eliminated:

- Guest Passes are no longer necessary
- Event Passes are no longer necessary
- Contractor Passes are no longer necessary

PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – November 3, 2022
Conference Room A

PRESENT: **Members:** City Manager Karen Conard, Deputy Police Chief Mike Maloney, Public Works Director Peter Rice, Fire Chief Bill McQuillen, Chairman Andrew Bagley, Erica Wygonik, Mary Lou McElwain, Steve Pesci, Mark Syracuse, Harold Whitehouse

City Staff: City Engineer Eric Eby, Parking Director Ben Fletcher, Associate Engineer Tyler Reese

ACTION ITEMS FOR CITY COUNCIL
<ul style="list-style-type: none">• <u>None</u>

1. **Roll Call**
2. **Financial Report:** Voted to accept and place on file Financial Report dated September 30, 2022.
3. **Public Comment Session:** There were five speakers: John Tabor, Doug Roberts, Matthew Glenn, Ann Cummings, and Peter Wissel all spoke regarding bicyclist concerns.
4. **Sagamore Avenue, request to extend bike lanes from Little Harbor Road to Rye Line, by Seacoast Area Bicycle Riders:** Voted to refer to staff for evaluation and report back at a future meeting.
5. **Broad Street, request to move no parking signage further back from South Street, by resident:** Voted to relocate NO PARKING HERE TO CORNER signs 30 feet from crosswalk on both sides of Broad Street north of South Street and to monitor conditions to see if further changes needed.
6. **Maplewood Avenue at Prospect Street, report back on request to slow traffic on Maplewood Avenue:** Voted to place item on file.
7. **Mariette Drive, speed analysis:** Voted to place item on file.
8. **Maple Haven stop sign analysis:** Voted to approve installation of stop sign on northbound leg of Suzanne Drive, at intersection of Suzanne Drive and Simonds Road, near park.
9. **Monthly Accident Report:** *Informational; no action required.*
10. **Adjournment:** Voted to adjourn 9:30 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 had the option to join the meeting over Zoom

8:30 AM

November 3rd, 2022

MINUTES

I. CALL TO ORDER

Chairman Andrew Bagley called the meeting to order at 8:30 a.m.

II. ATTENDANCE

Members Present:

Chairman Andrew Bagley
Steve Pesci
Erica Wygonik (Alternate)
Public Works Director Peter Rice
City Manager Karen Conard
Deputy Police Chief Mike Maloney
Harold Whitehouse
Mary Lou McElwain
Mark Syracuse
Fire Chief William McQuillen

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby
Associate Engineer Tyler Reese

III. FINANCIAL REPORT

[00:05:15] Karen Conard moved to accept the Financial Report dated September 30th, 2022, and place it on file, seconded by Mary Lou McElwain. **On a unanimous vote, motion passed 9-0.**

IV. PUBLIC COMMENT (15 MINUTES)

This is the time for all comments on any of the agenda items or non-agenda items.

[00:05:50] There were five speakers: John Tabor, Doug Roberts, Matthew Glenn, Ann Cummings, and Peter Wissel (Z) all spoke regarding bicyclist concerns.

[00:19:53] Peter Rice requested to comment on the bicyclists' Sagamore Avenue Concerns.

V. PRESENTATIONS

None

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

- B.** [00:21:47] Karen Conard moved to suspend the rules to take up item B on the agenda first, seconded by Peter Rice. **Motion passed on a unanimous vote 9-0.**

Sagamore Avenue, request to extend bike lanes from Little Harbor Road to Rye Line, by Seacoast Area Bicycle Riders. Peter Rice moved to refer to staff for evaluation and report back at a future meeting, seconded by Karen Conard. **Motion passed on a unanimous vote 9-0.**

Discussion ensued regarding the City's current plans for Sagamore Avenue, and regarding the portion of the road that is state owned.

There was also discussion regarding the name of the Parking and Traffic Safety Committee, clarifying that the interests of pedestrians and bicyclists are included. A bicycle and pedestrian working group was suggested.

[00:37:20] Peter Rice moved to allow comment out of order, so that Matthew Glenn could comment. Seconded by Mary Lou McElwain. **Motion passed on a unanimous vote 9-0.**

- A.** [00:38:52] Broad Street, request to move no parking signage further back from South Street, by resident. Karen Conard moved to relocate NO PARKING HERE TO CORNER signs 30 feet from crosswalk on the north side of South Street, seconded by Harold Whitehouse. Motion was amended by Mary Lou McElwain to relocate NO PARKING HERE TO CORNER signs 30 feet from crosswalk on both sides of Broad Street north of South Street and to monitor conditions to see if further changes needed, seconded by Peter Rice. **Motion passed on a unanimous vote 9-0.**

VII. OLD BUSINESS

- A.** [00:46:33] Maplewood Avenue at Prospect Street, report back on request to slow traffic on Maplewood Avenue. Karen Conard moved to place item on file, seconded by Peter Rice. **On a unanimous vote, motion passed 9-0.**

- B.** [00:49:14] Mariette Drive, speed analysis. Karen Conard moved to place item on file, seconded by Peter Rice. **On a unanimous vote, motion passed 9-0.**

- C. [00:50:02] Maple Haven stop sign analysis. Karen Conard moved to approve installation of stop sign on northbound leg of Suzanne Drive, at intersection of Suzanne Drive and Simonds Road, near park. Seconded by Peter Rice. **Motion passed on a unanimous vote, 9-0.**

VIII. INFORMATIONAL

- A. [00:52:53] Monthly Accident Report from Police.

Deputy Police Chief Mike Maloney commented that there were 77 crashes in September. Of that, 48 of them were reportable. There were no accidents involving bicycles or pedestrians.

Mary Lou McElwain inquired as to how the police are addressing distracted driving.

IX. MISCELLANEOUS

- A. [00:56:03] Mark Syracuse suggested the City put out reminder messaging on Jessica's Law, which legally requires drivers to clear snow and ice off their cars before getting on the road.
- B. [00:58:45] Steve Pesci spoke about vehicle passing of mopeds and bicycles at above the posted speed.
- C. [01:00:02] Mary Lou McElwain wanted it noted that there are three intersections on Maplewood at Congress, Hanover, Deer that are not safe for pedestrians.

X. ADJOURNMENT

Karen Conard moved to adjourn at 9:30 a.m., seconded by Mary Lou McElwain. **On a unanimous vote, motion passed 9-0.**

There will be no Parking and Traffic Safety Committee Meeting in December. The next meeting will be on January 5th, 2023.

Respectfully submitted,

Leila Birr,
Administrative Assistant, Department of Public Works

Gift and Donation Submission Form

Donations received by the City of Portsmouth must be accepted by the City Council. Please complete this form and submit it to the City Manager for inclusion on an upcoming agenda.

Date:	11/18/2022
Department/ Contact Person:	Peter Rice, Director of Public Works Corin Hallowell, Parks and Greenery Foreman
Donation Amount:	\$2001.38

Are Funds to be directed to a particular department, program or fund? – If yes, please provide detail below:

Cemetery Committee

Is there a particular purpose intended with this donation:

Cemetery projects

Other Information/Special Conditions:

To be wired from Morgan Stanley
--

Donor Information

First & Last Name:	Kerry and Peter Rubinstein
Business Name:	
Address*:	111 Bridge Street, Unit 201, Portsmouth NH
Phone*:	917-597-1969
Email*:	kerry@turtlebrook.com

Please note that gifts/donations to individual employees with a value of \$100 or more are not permitted. Information with an asterisk () indicates it will not be publicly distributed.*



CITY OF PORTSMOUTH
PLANNING DEPARTMENT

MEMORANDUM

TO: KAREN S. CONARD, CITY MANAGER
FROM: BEVERLY MESA-ZENDT, PLANNING DIRECTOR
SUBJECT: 2022 OUTDOOR DINING SEASON STAFF REPORT
DATE: 11-29-22

Background

The COVID-19 pandemic and the corresponding Governor's State of Emergency Declaration had a profound impact on local restaurants by imposing significant limitations on indoor dining. Portsmouth responded by inviting businesses to extend dining service into the public realm (streets, sidewalks, and parking areas) to create opportunities for local restaurants to recover from the impactful loss of revenue and provide a safer dining experience to the public.

The outdoor dining experience continues to be a preferred option during suitable months in the spring, summer, and fall. There is reason to believe that this preference will continue well beyond pandemic-related restrictions, as public anxiety over indoor dining persists and the general preference for outdoor dining continues to grow in popularity. In 2022, 43 eating and drinking establishments participated in the City's outdoor dining licensing program.

End of the Year Report

At the February 22, 2022, City Council meeting, staff was directed to provide an end of the year report. For that report, City Council asked that staff:

- Survey restaurants to better understand customer demand for outdoor spaces.
- Survey local businesses within 100 feet of all outdoor cafes to better understand impacts to and concerns of surrounding businesses.
- Maintain database of reported concerns, conflicts, or outdoor related dining issues reported by residents, businesses, and the Police and Fire Departments.

Staff Recommendation

Distribute 2022 Outdoor Dining End of Season Report as part of the December 5th City Council meeting packet. Staff will follow up with a presentation at the Wednesday December 14, 2022 City Council meeting, when staff will seek additional guidance for the 2023 season.

Attachment: 2022 Outdoor Dining End of the Season Report



2022 Outdoor Dining End of Season Report

City of Portsmouth, New Hampshire

Outdoor Dining Working Group

Beverly Mesa-Zendt Planning Director; **Shanti Wolph** Building Official **Patrick Howe** Deputy Fire Chief; **Eric Eby** City Engineer; **Kristin Shaw** Deputy Health Officer; **Jason Page** Zoning Enforcement Officer; **Synthia Ravell** Legal Administrator; **Stefanie Casella** Planner I



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BACKGROUND

The COVID-19 pandemic and the corresponding Governor's State of Emergency Declaration had a profound impact on local restaurants by imposing significant limitations on indoor dining. Portsmouth responded by inviting businesses to extend dining service into the public realm (streets, sidewalks, and parking areas) to create opportunities for local restaurants to recover from the loss of revenue and provide a safer dining experience to the public. The outdoor dining experience continues to be a popular option during suitable months in the spring, summer, and fall. There is reason to believe that this preference will continue well beyond pandemic-related restrictions, as public anxiety over indoor dining persists and the general preference for outdoor dining continues to grow in popularity.

Transitional Year

In 2022, the City launched a transitional outdoor dining season to provide an opportunity for local drinking and dining establishments to slowly transition to permanent programmatic requirements. In 2022, key new programmatic components included:



1. An interdepartmental working group to administer the program;
2. The adoption of the following fees:
 - \$10/SF in sidewalks and non-parking streets;
 - \$1,500 per parking space (estimated revenue from parking space is \$5,700 per space prorated); and
3. Abutter approval

Staff proposed the discontinuance of use of the travel way for outdoor dining in 2023. 2022 would serve as a transitional year allowing local restaurants, who have utilized this option, to prepare and adjust their location and business model if needed. Fees were introduced and City Council asked for recommendations for permanent fees to follow with the end of the year report.

End of the Year Report

At the February 22, 2022, City Council meeting, staff was directed to provide an end of the year report. For that report, City Council asked that staff:

- Survey restaurants to better understand customer demand for outdoor spaces.
- Survey local businesses within 100 feet of all outdoor cafes to better understand impacts to and concerns of surrounding businesses.
- Maintain database of reported concerns, conflicts, or outdoor related dining issues reported by residents, businesses, and the Police and Fire Departments.

SEASON IN REVIEW

The following is a summary of participation for the 2022 Outdoor Dining Season.

Participant Submittal Data

- 47 outdoor dining applications were submitted.
- 43 applications were approved.
- 2 applications were withdrawn as they were not needed for outdoor dining.
- 2 applications were never completed.

Café License Summary

- 21 licenses were approved for street locations
- 2 licenses were for both the street and the sidewalk
- 20 licenses were approved for the sidewalk only

Street Licenses

- 5 were in travel way
- 12 were in parking spaces
- 2 were in the travel way necessitating conversion of parking for traffic
- 2 were in the loading zone
- 1 was in the loading zone necessitating conversion of parking for loading

Revenue

- Street License: \$8,760
- Sidewalk License: \$37,945
- Parking Service Agreement: \$51,900
- Total Revenue: \$98,605

Composting

Six outdoor dining participants participated in composting, receiving a \$200 discount for providing evidence of food composting.

ABUTTERS SURVEY

From November 1 through November 23, the City surveyed abutting businesses and residents. 139 abutters responded. Of the respondents:

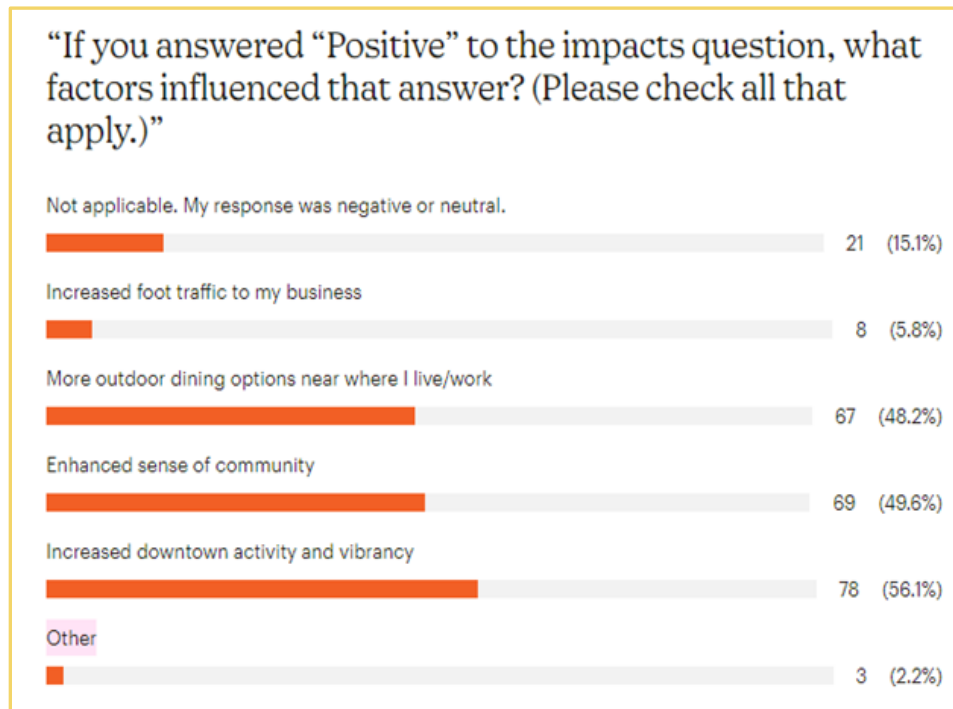
- 95 (68.3%) were residents
- 16 (11.5%) were retail business abutters
- 16 (11.5%) were office or non-retail abutters
- 6 (4.3%) were dining or drinking establishments
- 6 (4.3%) identified as other

When asked to describe their experience as an outdoor dining abutter:

- 88 (63.8%) indicated that their experience was positive
- 12 (8.7%) indicated that their experience was neutral
- 38 (27.5%) indicated that their experience was negative

Positive Responses

Those responding that the experience was positive cited increased downtown activity and vibrancy and an enhanced sense of community as the main reason for the positive response.

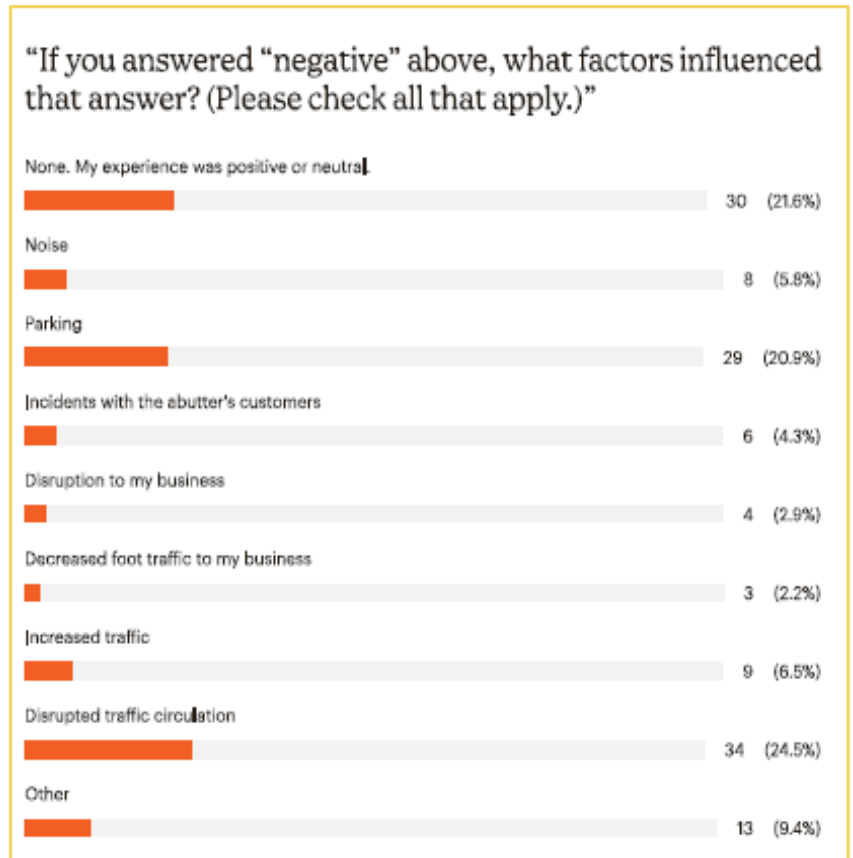


“I think an additional benefit is the increased value of my residence due to the positive life and vibrancy of downtown Portsmouth.”

Negative Responses

Those responding that the experience was negative cited loss of parking, impacts to abutting businesses, and disrupted traffic circulation as the main reason for their negative response.

“Outdoor dining blocks sidewalks, even when it is unused, which is often, it offers limited benefits for a few businesses at the expense of other business, pedestrian traffic, parking spaces, delivery spaced (UPS etc.) and vehicular traffic.”



Abutter Recommendations

Abutters responding to the survey offered a variety of suggestions. Below is a summary of some programmatic recommendations:

- Provide standards for barriers to provide more uniformity and use materials that are easy to clean and aesthetically pleasing.
- Fewer outdoor dining locations selected by lottery would preserve parking.
- Move tables near restaurant entrances and away from residential entrances.
- Consider impacts to traffic and turning visibility. Do not allow forced one-way streets.
- Shorten the season from May to November.
- Create a pedestrian-only zone in Market Square.
- Impose and enforce noise ordinances after 9:00 pm.

PARTICIPANT SURVEY

On November 10, 2022, the City launched a survey of all outdoor dining participants. Below is a summary of the seven participant responses.

Importance of Outdoor Dining and Overall Experience

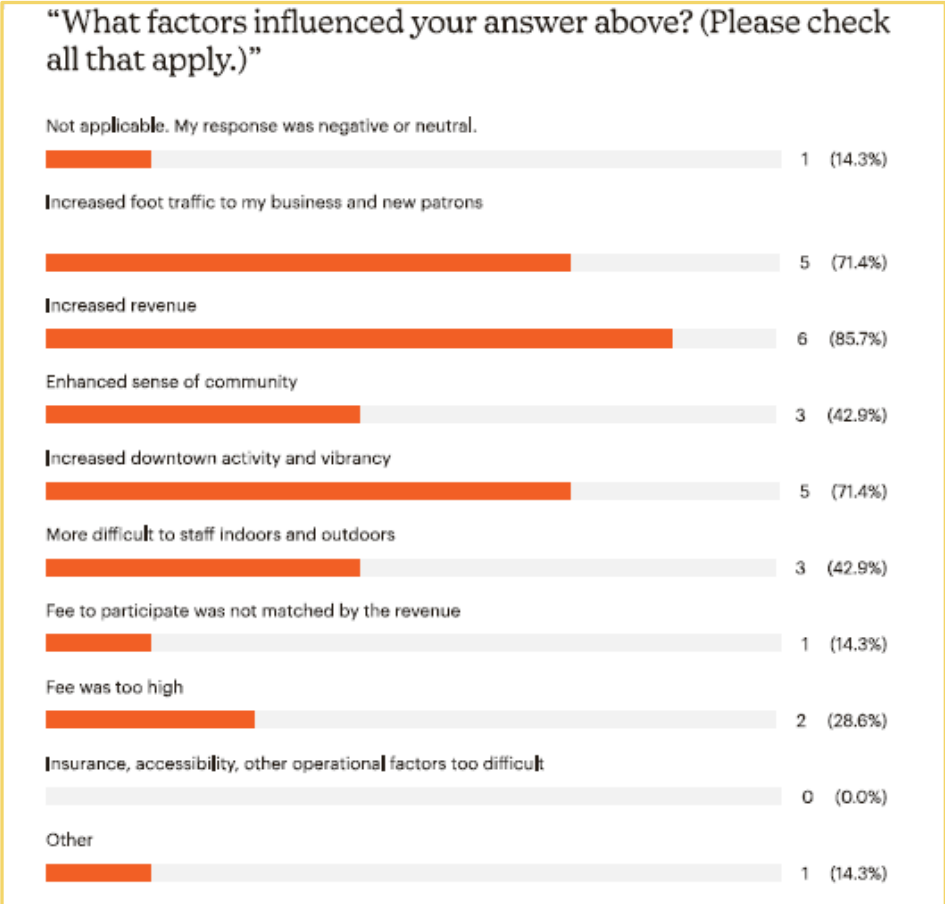
On a scale of 1 to 5, respondents rated the importance of outdoor dining 4.7. Similarly, respondents rated the experience as a 4.7 indicating an overall positive experience.

When asked to further elaborate on their experience, respondents identified increased revenue and foot traffic, and increased downtown activity and vibrancy as the main reasons for rating the experience positively.

Fees

When asked how increases in fees would affect a decision to participate, the average respondent rating was 3.2 on a scale of 1 to 5.

"I don't think you should increase the fee. Restaurants have a hard enough time with staffing, getting items to cover menu needs."



STAFF RECOMMENDATIONS

Traffic and Circulation

Staff recommends that future outdoor dining be restricted to parking spaces, sidewalks, and loading zones - only when a parking space is available to offset the loss of the loading zone. This recommendation is based, in part, on public feedback but is also based on safety issues experienced during the season.

Restricting traffic or creating a one-way street on an established two-way street proved problematic in 2022. Drivers, accustomed to two-way traffic, often did not notice or chose to ignore the “do not enter” sign. The closing of streets or lanes at signalized intersections required changes to the signal operations that often resulted in inefficiencies in traffic and pedestrian flow. Additionally, established solid waste pick up locations on newly created one-way streets resulted in cars stacking behind solid waste trucks, generating complaints from drivers, residents, and business owners.

It is staff’s recommendation that applications that result in a significant impact to the traffic pattern or that result in a change to the directional pattern of the street should not be considered.

Parking Fees

The annual revenue for each parking space is approximately \$5,700 (weighted for partial year and based on 2021 summer revenues). A total of 67 parking spaces were repurposed for outdoor dining. The approximate normal/seasonal revenue generated for those spaces is \$384,278. The fees per parking space were approved for \$1,500 for the 2022 season.

Recognizing that there is value to the community through increased visitation, activity, and vibrancy and local business patronage in the downtown and throughout the City, full cost of recovery is not recommended. Staff recommends a fee of \$3,000 per space. This would include loading zones where on-street parking has been used to replace the loading zone that is repurposed for outdoor dining.

Sidewalk Fees

Staff recommends that sidewalk fees remain the same at \$10 per square foot.

Barriers

Implementing a standardized approach to enforcing barrier restrictions has been time consuming and difficult. Ambiguous definitions for opaqueness and approvable materials invites a range of options resulting in inconsistent outcomes and varying levels of compatibility with surrounding properties.



Staff recommends that some level of uniformity be established for outdoor dining participants.

1. Option 1: Barriers should be limited to 3 feet except for an additional foot for planters. This would include the City jersey barriers and those that might be constructed on sidewalks.
2. Option 2: The City could adopt a standardized barrier for sidewalk utilization and continue with jersey barriers/planter boxes on the street.

Abutter Notice

This year, any applicant that proposed utilization of area beyond the extended boundaries of their storefront and into the parking, street, or sidewalk area in-front of abutting businesses was required to provide a signed consent form from their neighbors. Staff recommends continuance of this programmatic requirement and the extension of this requirement to include abutting residences as well.

ADA Compliance

Anne Weidman, Biz Dev / Community Engagement for ACCESS Navigators, recommends that, in addition to meeting the minimum ADA requirements, the following requirements be adopted.

1. Every outdoor dining space should be accessible, at least for some portion of the tables.
2. Platforms that are flush-with-sidewalk situation are recommended.
3. Platforms with a step should not be permitted. A portable ramp can be provided as an accommodation but should be promptly removed to avoid being a trip hazard.

4. Dining areas in parking spaces that have no available curb cut should use rubber threshold mats as a fix for curbing up to 4", this curb height is common in Portsmouth.

Outdoor Dining Season

This year City Council approved the following outdoor dining season dates:

- February 23, 2022 - Application Period Opens
- March 4, 2022 (weather permitting) - Use of sidewalks and public realm open (not travel lanes or parking spaces)
- Starting the Week of April 7, 2022 (weather permitting) - Barriers are placed by DPW, use of travel lanes and parking spaces open
- November 27, 2022 - Outdoor dining ends

Staff recommends the following outdoor dining season dates for 2023:

- February 24, 2023 - Application Period Opens
- Starting the Week of May 1, 2023 - Outdoor Dining Begins
- Barrier Placement begins week of May 1, 2023
- November 12, 2023 - Outdoor dining ends