

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, APRIL 15, 2024 TIME: 6:00PM

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

https://us06web.zoom.us/webinar/register/WN_zlxx5Tn6Q2OxqbHrxVtilQ

AGENDA

I. 6:00PM - WORK SESSION – SOUTH MEETING HOUSE

Members of the public also have the option to join the work session 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 browsers

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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

MAYOR'S AWARD

1. Recognition of Alexander Maillet for life saving event

VII. ACCEPTANCE OF MINUTES – FEBRUARY 12, 2024; FEBRUARY 13, 2024; FEBRUARY 20, 2024; MARCH 4, 2024; MARCH 18, 2024 AND APRIL 1, 2024

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Joanne Grasso, Former Assistant Mayor and City Councilor
2. Recognition of High School Future Business Leaders of America

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

X. PUBLIC HEARING AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. First Reading of Ordinance amending Chapter 10, Article 4 – Zoning Districts and Use Regulations, Section 10.440, Article 8 – Supplemental Use Standards, Sections 10.810 and 10.843, Article 11 – Site Development Standards, Section 10.1112.32, and Article 15 – Site Development Standards, Section 10.1530 – Various amendments relative to Electric Vehicle Charging Stations (**Sample motion – move to pass first reading and schedule public hearing and second reading for May 6, 2024 City Council meeting**)

Public Hearing/Second Reading of Ordinance:

- B. Public Hearing/Second Reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels described within the ordinance pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance. That the Zoning Map be amended so that the described parcels within the ordinance are rezoned from Office Research (OR) to Gateway Neighborhood Business (G1) (***Sample motion – move to pass second reading and schedule a third and final reading at the May 6, 2024 City Council meeting***)

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

City Manager’s Items Which Require Action:

1. Approval of Renewal of Chief of Police Newport’s Employment Agreement
2. Request for 3-Month Extension of Existing Franchise Agreement with Comcast

XII. CONSENT AGENDA

- A. Letter from Michelle James, Yoga in Action, requesting permission to use Prescott Park for the annual series, “Yoga in the Park” Tuesday at Noon for the months of June, July, and August (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- B. Letter from Allan Scholtz, Portsmouth Professional Firefighters Local 1313, requesting permission to hold Fill-the-Boot Drive on Saturday, August 3, 2024 from 8:00 a.m. to 4:00 p.m. for Muscular Dystrophy Association (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- C. Letter from Debra Smith, Friends of the South End, requesting permission to hold the 20th Annual Fairy House Tour on Saturday, September 21, 2024 and Sunday, September 22, 2024 from 10:00 a.m. to 3:00 p.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- D. Letter from Tina Sawtelle, The Music Hall, requesting permission to close Chestnut Street to vehicular traffic for outdoor live music, special events, and festivals taking place in 2024 (***Anticipate action – move to refer to the City Manager for development and execution of a License Agreement***)
- E. Letter from Bruce Hurley, Seacoast Half Marathon, requesting permission to hold the 19th Annual Seacoast Half Marathon on Sunday, October 27, 2024 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- F. Letter from Mike Effenberger, Seacoast Jazz Society, requesting permission to hold Jazz In The Streets on six Saturdays this summer with street performances in three locations (Vaughan Mall stage, Tugboat open area, Market Square in front of North Church) and to set up musicians on the Vaughan Mall stage and allow light-volume percussion and light amplifications (***Anticipated action – move to refer to the City Manager with Authority to Act***)
- G. Letter from Mike Peabody, Millennium Running, requesting permission to hold Eastern States 20 Miler & Half Marathon on Sunday, March 16, 2025 (***Anticipated action – move to refer to the City Manager with Authority to Act***)

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence (***Sample motion – move to accept and place on file***)
- B. Letter from Mark Gianniny, McHenry Architecture, requesting the City Council consider a full refund of the building permit fee associated with permit number BLDG-220961

XIV. MAYOR McEACHERN

- 1. Appointment to be Considered:
 - Anthony Coviello as a Regular member of the Planning Board
- 2. *Appointments to be Voted:
 - Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board

(Sample motion – move to accept and approve the reappointments of Samantha Collins to the Conservation Commission, Kathleen Bergeron to the Portsmouth Housing Authority and Kathryn Lynch to the Recreation Board)
- 3. Approval of Tom Rooney and Peter Britz as Primary and Alternate Member Representatives to the Community Power Coalition of New Hampshire to replace Kevin Charrette and Peter Rice (***Sample motion – move to approve Tom Rooney as Portsmouth’s Primary Member Representative to the Community Power Coalition of New Hampshire, along with Peter Britz, Portsmouth Planning and Sustainability Director, as Alternate Member Representative and to write a letter of thanks to Kevin Charrette and Peter Rice for outstanding work as outgoing CPCNH board members***)

XV. CITY COUNCIL MEMBERS

A. ASSISTANT MAYOR KELLEY & COUNCILOR TABOR

- 1. *Housing Committee Update/Requests (***Sample motion – move to recommend that the City Council works towards the official disposition and land lease of the Sherburne School property for the creation of permanent below market rate housing***)

B. COUNCILOR COOK

1. Changes to Public Art Ordinances (**Sample motion – move to request that the Governance Committee, in conjunction with the Legal Department, review the City ordinances and policies related to public art based on the memorandum presented to the City Council from the Public Art Review Committee (PARC), and combine the ordinances and policies, where possible, to create an ordinance related to public art**)

C. COUNCILOR DENTON

1. Amendments for First Reading Regarding Electric Vehicle Charging Station Ordinance (**Sample motion 1. – move to add a Section 10.1112.23 to Section 10.1112.20 “Calculation of Number of Required Spaces” that reads, “10.1112.23 Parking spaces occupied by EV chargers and supporting equipment shall be deducted from the number of parking spaces required by Article 11”**)

(Sample motion 2. – move to delete “(including, but not limited to, generators and transformers)” from Section 10.843.34 that now reads, “Except for EV fueling space A, all above ground EV charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all lot lines)

(Sample motion 3. – move to add Section 10.450 “Table of Uses – Pease/Airport Districts” the following “21. Electric Vehicle Charging Stations” table:

21. Electric Vehicle Charging Stations	AIR	AI	PI	ABC
EV fueling Space A as an accessory use	Permitted			
EV fueling Space B as an accessory use	Permitted			
Motor vehicle service station as a principal use	Permitted			

D. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of April 4, 2024 (**Sample motion – move to approve and accept the action sheet and minutes of the April 4, 2024 Parking & Traffic Safety Committee meeting**)

XVI. APPROVAL OF GRANTS/DONATIONS

(There are no grants/donations on the agenda)

XVII. CITY MANAGER’S INFORMATIONAL ITEMS

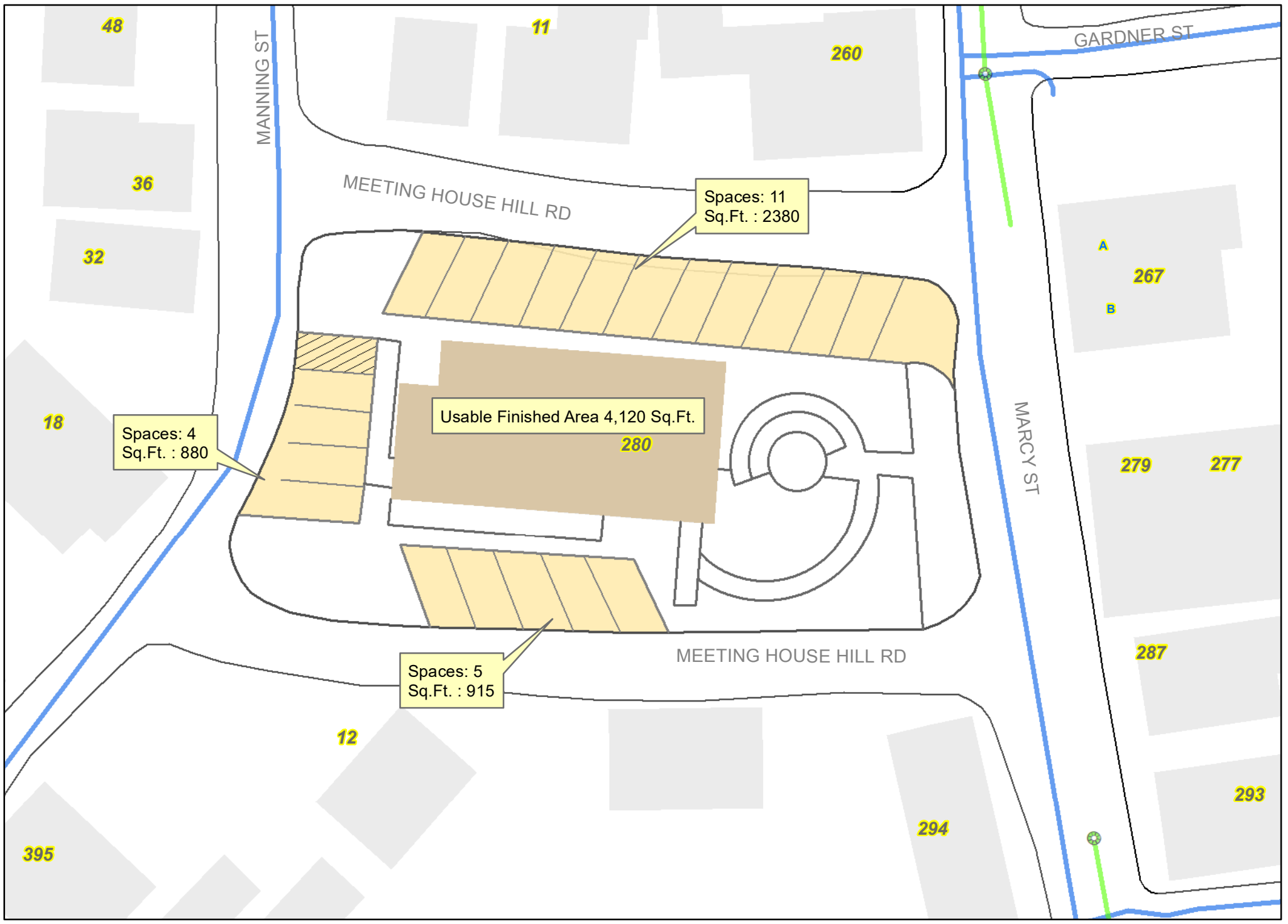
1. *Update on Community Policing Facility

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

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

**Indicates verbal report*

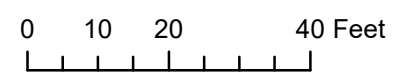
**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**



**SOUTH MEETING HOUSE
CITY OF PORTSMOUTH**

Legend

- Sewer Mains
- Water Mains



SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, FEBRUARY 12, 2024

PORTSMOUTH, NH
TIME: 6:00PM

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

I. CALL TO ORDER

Mayor McEachern called the meeting to order at 6:00 p.m.

II. ROLL CALL

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

Mayor McEachern introduced Attorney Peter Loughlin who will be representing the City Council this evening as Counsel.

V. ADOPTION OF RULES FOR THE PROCEEDING

Attorney Peter Loughlin explained that City Clerk Barnaby will be swearing in anyone that plans to provide public comment.

VI. SWEARING IN OF ALL WITNESSES

City Clerk Barnaby administered the oath swearing in the witnesses and anyone wishing to speak at public comment.

VII. READING OF CHARGE

Mayor McEachern read the charge against Mr. James Hewitt.

VIII. INTRODUCTION OF PARTIES FOR THE RECORD

Mayor McEachern noted that City Attorney Morrell, Deputy City Attorney McCourt and Synthia Ravell are representing the City of Portsmouth.

Attorney Eggleton is representing Mr. James Hewitt in this matter.

Councilor Denton recused himself from the hearing.

Attorney Loughlin read the law regarding prejudgment in a case. Councilor Denton stepped down from the dais.

IX. INITIAL STATEMENTS BY COUNSEL

City Attorney Morrell and Attorney Eggleton made their opening statements.

X. PRESENTATION OF EVIDENCE

City Attorney Morrell called Robert Sullivan as a witness and conducted a direct examination of Robert Sullivan.

Attorney Eggleton conducted a cross examination of Robert Sullivan.

Councilor Cook asked questions of Mr. Sullivan.

Mr. Sullivan was released as a witness.

At 8:40 p.m., Mayor McEachern called for a brief recess. At 8:50 p.m., Mayor McEachern called the meeting back to order.

City Attorney Morrell called Rick Chellman as a witness and conducted a direct examination of Mr. Chellman.

Attorney Eggleton conducted a cross examination of Mr. Chellman.

Mayor McEachern said he has not prejudged the case.

Councilors Tabor and Cook and Mayor MacEachern asked questions of Mr. Chellman.

Mr. Chellman was released as a witness.

Mayor McEachern said the hearing will be continued with the remainder of the meeting tomorrow at 6:00 p.m.

At 11:10 p.m., everyone left the chambers.

Trevor P. McCourt
Deputy City Attorney

SPECIAL CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 13, 2024

PORTSMOUTH, NH
TIME: 6:00PM

Mayor McEachern welcomed everyone back to the reconvened Special City Council meeting of February 12, 2024.

X. CONTINUATION OF EVIDENCE

Attorney Eggleton called Rick Becksted as a witness and conducted a direct examination of Rick Becksted.

City Attorney Morrell conducted a cross examination of Rick Becksted.

Rick Becksted was released as a witness.

Attorney Eggleton called James Hewitt as a witness and conducted a direct examination of James Hewitt.

At 7:25 p.m., Mayor McEachern declared a brief recess. At 7:35 p.m., Mayor McEachern called the meeting back to order. Attorney Eggleton continued direct examination of James Hewitt.

At 7:47 p.m., Attorney Eggleton asked for a brief recess. At 7:50 p.m. Mayor McEachern called the meeting back to order.

City Attorney Morrell conducted a cross examination of James Hewitt.

Mr. Hewitt was released as a witness.

This presentation of evidence was concluded.

XI. City Council Questions

City Councilors Blalock, Moreau, Tabor, Lombardi, and Cook, Assistant Mayor Kelley, and Mayor MacEachern asked questions of Attorney Eggleton and City Attorney Morrell. Attorney Eggleton released Mr. Hewitt from the stand.

XII. PUBLIC COMMENT SESSION

Mayor McEachern opened the Public Comment Session and announced that each speaker would have up to 3 minutes to speak.

The following individuals addressed the City Council: Roy Helsel, Christopher White, Sue Polidura, Esther Kennedy, Paige Trace, Pat Bagley, Dick Bagley, Greg Mahanna, Andrew Harvey, Arthur Clough, Petra Huda, Jim Lee, Jacqueline Cali-Pitts, Maureen McCallum, Duncan McCallum, Rick Becksted, Elizabeth Bratter, Justin Richardson.

At 9:50 p.m., Mayor McEachern called for a brief recess. At 10:00 p.m., Mayor McEachern called the meeting back to order.

XIII. FINAL STATEMENTS BY COUNSEL

Attorney Eggleton and City Attorney Morrel delivered their closing arguments.

XIV. CITY COUNCIL DELIBERATIONS

Mayor McEachern Assistant Mayor Kelley, City Councilors Bagley, Moreau, Tabor, Cook, Lombardi and Blalock commented on the proceedings.

Councilor Bagley moved that to conclude the hearing. Seconded by Assistant Mayor Kelley.

Councilor Bagley rescinded his motion and Assistant Mayor Kelley the second to the motion.

Councilor Bagley moved that the City of Portsmouth has not proved inefficiency or neglect of duty or malfeasance has occurred. Seconded by Assistant Mayor Kelley.

Councilor Bagley rescinded the motion and Assistant Mayor Kelley her second to the motion.

Councilor Blalock moved that the Council find that the allegations in the Charging document are supported by the evidence presented at the hearing, including the testimony of witnesses and documents submitted, the Memorandums of Law submitted by counsel, public comment, and the arguments of counsel. The Council finds that the City has established that Mr. Hewitt has committed Malfeasance in Office, pursuant to RSA 673:13, I. Seconded by Councilor Moreau.

On a roll call vote 7-1, motion *failed* to pass. Councilor Blalock voted in favor. Mayor McEachern, Councilors Tabor, Cook, Bagley, Moreau, Lombardi and Assistant Mayor Kelley voted opposed.

At 12:15 a.m., Mayor McEachern moved to adjourn. Seconded by Councilor Blalock and voted.

Trevor P. McCourt
Deputy City Attorney

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: TUESDAY, FEBRUARY 20, 2024

PORTSMOUTH, NH
TIME: 7:00PM

Councilor Tabor moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Lombardi and voted.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:10 p.m.

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern asked everyone to join him in a moment of silent prayer in memory of Rebecca Perkins Kwoka's mother who recently passed away and Captain Jack Casey of the US Marines who was tragically killed in a helicopter training exercise in California. Please keep his widow Emma and his parents Jim and Katherine in your hearts and thoughts.

VI. PLEDGE OF ALLEGIANCE

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

PRESENTATION OF MAYOR'S AWARD

Mayor McEachern issued a Mayor's Award for Liz Forkel for her kindness and generosity in raising \$156,000.00 through spinning and for providing that funding to multiple nonprofit organizations.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

A. Recognition of Nathan Lunney, NH School Business Administrator of the Year

Mayor McEachern and the City Council recognized Nathan Lunney for being named the NH School Business Administrator of the Year.

IX. PUBLIC COMMENT SESSION

Susan Sterry spoke opposed to the city cutting \$20,000.00 from the Cemetery Budget. She said that cemeteries are our historical link to the past.

Andrea Stein Goldsworthy spoke regarding the genocide happening in Gaza. She asked the City Council to create a Resolution calling for a ceasefire.

Yussra Ebrahim spoke to the need for a ceasefire. She said 70 US cities have passed such Resolutions and they would like to see Portsmouth added to the list.

Lenore Weiss Bronson said that planners and developers have selected thirty projects for development and asked if the abutters have been notified. She asked how the city recommends residents deal with the 1,000 vehicles using Woodbury Avenue. She said this is a safety matter that needs to be addressed.

Mohammed Ebrahim spoke in support of a ceasefire Resolution. He feels very strongly about this matter and urged the City Council to create and adopt such a Resolution. He said things need to change when dealing with global issues.

Gihan Abousamuk said she has been a resident here for 20 years. She said Portsmouth is her home and the city should stand on the right side of history and support a ceasefire.

Abdullah Ahmad asked that the City Council pass a Resolution for a ceasefire which, the United States has failed to do. He said the stance you take tonight would support an end to gun fire.

Anas Hannoun spoke in support of a ceasefire to end the suffering occurring in Gaza. He said due to the lack of a medical system in Gaza, people have no access to care or medications they need. He urged the City Council to sign a Resolution for a ceasefire.

Yasmin Alani said the situation in Gaza is dire, and it is hard to watch what is happening to the children. She said no one should be made to suffer like they are. She said we need to intervene on this matter and asked the City Council to pass a Resolution for an immediate and permanent ceasefire.

Jennifer Mandlebaum thanked the Parking & Traffic Safety Committee for updating signage at Market and Hanover Streets. She said the new signs will help with the traffic issues in that area.

Rich DiPentima provided his support for a ceasefire in Gaza. He said the United States has allowed the situation in Gaza to become a concentration camp and we need to come to a final solution so that people can live in peace.

Nicole Benoit, Kittery, Maine said the situation and images are horrific in Gaza. She said we are asking for a ceasefire and passing a Resolution is an example of bravery and strength.

Adeena Ahsan, Durham, NH spoke to people starving to death in Gaza while the rest of the world is letting this happen. She called for peace.

Mikulas Plesae, Durham, NH asked for a Resolution for an immediate ceasefire. He urged the City Council to sign the Resolution. He said all people should have human rights.

Dullah (via Zoom), spoke for the need of a ceasefire and the terrible conditions in Gaza. She said imagine the faces of children when making a decision for a ceasefire.

Mayor McEachern said no vote will be taking place this evening on the Resolution. He said we just received the Resolution, and a vote would come at the next City Council meeting.

At 8:10 p.m., Mayor McEachern called for a brief recess. At 8:15 p.m., Mayor McEachern called the meeting back to order.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Public Hearings and Adoption of Resolutions:

- A. Public Hearing and Adoption of Resolution Pursuant to RSA 72:39-b the City hereby amends the elderly exemption based on assessed value for qualified taxpayers, such that the exemption shall be available only when the qualifying taxpayers(s) have a net income

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

Assessor Lentz provided a presentation on elderly exemptions and spoke to the requirements to qualify. She explained the options available and outlined the impact of the exemption. She stated that with all three exemptions it would equal \$.10 on the tax rate. Assessor Lentz announced that applications are due by April 15th and that the exemptions are not retroactive.

Councilor Bagley said he would support the Resolution. He asked what type of effect the last increase had. Assessor Lentz reported that there were not many residents that qualified.

Councilor Cook asked if the exemption could increase with the revaluation. Assessor Lentz said she would suggest the Council review that in July to make it part of the tax bill in December.

With no speakers, Mayor McEachern closed the public hearing.

Assistant Mayor Kelley moved to adopt Option 1 of the Elderly Exemption Resolution. Seconded by Councilor Denton.

OPTION 1:

Proposed increase of Elderly Exemption by the Social Security cost-of-living increase

Single	\$51,741.00
Married	\$70,793.00
Asset Limit	\$500,000.00

Mayor McEachern asked if we could adjust the single income now.

Councilor Bagley made a friendly amendment to increase the single person to \$54,000.00. Assistant Mayor Kelley agreed to the friendly amendment as maker of the motion and Councilor Denton agreed as second to the motion.

Motion passed.

OPTION 1:

Proposed increase of Elderly Exemption by the Social Security cost-of-living increase

Single	\$54,000.00
Married	\$70,793.00
Asset Limit	\$500,000.00

- B. Public Hearing and Adoption of Resolution Pursuant to RSA 72:39-b the City hereby amends the disabled exemption based on assessed value for qualified taxpayers, such that the exemption shall be available only when the qualifying taxpayers(s) have a net income of not more than

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

Assessor Lentz provided a brief presentation on the disabled exemption. She explained the requirements to qualify for the exemption. She announced that applications are due by April 15th and that the exemptions are not retroactive. Assessor Lentz mentioned the exceptional work by Lisa Siegel who works directly with residents on their exemption paperwork.

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

Councilor Bagley moved to adopt Option 1 of the Disabled Exemption Resolution with the exception that Single person be set at \$54,000.00. Seconded by Councilor Moreau and voted.

OPTION 1:

Proposed increase of Disabled Exemption by the Social Security cost-of-living increase

Single	\$54,000.00
Married	\$70,793.00
Asset Limit	\$500,000.00

- C. Public Hearing and Adoption of Resolution Appropriating Thirty-Four Thousand Five Hundred Seventy-Four (\$34,574) Dollars from American Rescue Plan Act (ARPA) Grant to Pay Costs Associated with Pandemic Response Supplies and for the Payment of Costs Incidental and Related Thereto

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

City Manager Conard said the inventory list is in your packet.

With no speakers, Mayor McEachern closed the public hearing.

Councilor Tabor moved to adopt the Resolution as presented. Seconded by Councilor Lombardi.

Mayor McEachern stated that this is not operating costs, this will bring us back to pre-pandemic levels.

Motion passed.

- D. Third and Final Reading of Ordinance amending Chapter 6, License, Article XVII – Outdoor Dining Encumbrance Permit, Sections 6.1701-6.1707

Councilor Moreau moved to pass third and final reading of this ordinance, and adopt the ordinance as presented. Seconded by Councilor Bagley.

Councilor Bagley thanked the Economic Development Commission and public for all their hard work on this ordinance.

Mayor McEachern asked when the season ends. Councilor Blalock announced the weekend after Indigenous People's Day. Mayor McEachern said provided the weather is good could we extend it to the following weekend.

Councilor Moreau said if someone came to request an extension could we grant an extension beyond the end of the season.

Deputy City Manager Woodland said if you would like to reconsider an extension you could always review the ordinance at a later date.

Motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Adoption of Outdoor Dining Design Standards/Best Practices and to repeal City Council Policy 2012-02, Policy Regarding Use of City Property for Sidewalk Café's Providing Alcohol Service

City Manager Conard said that these are design standards and best practices. She stated to address safety concerns the Economic Development Commission recommends that these standards be voted separately for changes later.

Councilor Blalock moved to pass the City of Portsmouth Outdoor Dining Design Standards/Best Practices and to repeal City Council Policy 2012-02, Policy Regarding Use of City Property for Sidewalk Café's Alcohol Service. Seconded by Councilor Tabor and voted.

2. Adoption of Outdoor Dining Encumbrance Permit Fees

Councilor Lombardi moved to approve the Outdoor Dining Encumbrance Permit Fees as recommended by the Fee Committee as follows:

Per square foot costs: \$5.00
Minimum fee: \$750.00

Seconded by Councilor Denton.

Councilor Moreau said that this is a starting point and every year we will review numbers.

Councilor Cook thanked the Fee Committee for all their time and effort working on this.

Discussion followed regarding jersey barriers and set-up costs.

Motion passed. Assistant Mayor Kelley abstained from voting on this matter.

3. Auction of Excess Granite Materials

City Manager Conard said we have a surplus of granite materials which will be auctioned.

Assistant Mayor Kelley moved to recommend the City Manager be authorized to sell excess granite materials. Seconded by Councilor Lombardi and voted.

XII. CONSENT AGENDA

- A. Request from Tod O'Dowd, Avery Insurance, to install a Projecting Sign at 51 Islington Street, Unit 103 (*Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 Work*

Councilor Blalock moved to adopt the Consent Agenda. Seconded by Councilor Cook and voted.

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

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

- B. Request from the NH Society of the Sons of the American Revolution to hold a grave marking ceremony at the North Cemetery

Councilor Blalock moved to refer to the City Manager with Authority to Act. Seconded by Councilor Moreau and voted.

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
 - Appointment of Chuck Raye to the Citywide Neighborhood Committee
 - Appointment of Elisabeth “Betsy” Blaisdell to the Energy Advisory Committee
 - Appointment of Tracey Cameron to the Energy Advisory Committee
 - Appointment of Herb Lloyd to the Energy Advisory Committee
 - Appointment of Thomas Nies to the Zoning Board of Adjustment

The City Council considered the appointments outlined above which will be voted upon at the next City Council meeting.

2. Appointments to be Voted:
 - Appointment of Jessica Dickey as an Alternate to the Arts & Cultural Commission
 - Appointment of Andrew Samonas as a regular member of the Planning Board
 - Appointment of Ernie (Ernestine) Greenslade to the Public Art Review Committee
 - Appointment of Robin Lurie-Meyerkopf to the Public Art Review Committee

Councilor Lombardi moved the appointments of Jessica Dickey as an Alternate to the Arts & Cultural Commission, Andrew Samonas as a regular member of the Planning Board until December 31, 2026, Ernie Greenslade and Robin Lurie-Meyerkopf to the Public Art Review Committee. Seconded by Councilor Cook and voted.

3. Appointments to Blue Ribbon Committees:
 - Appointment of Megan Corsetti to the Housing Blue Ribbon Committee
 - Appointment of Tracy Kozak to the Housing Blue Ribbon Committee
 - Appointment of Mary Loane to the Housing Blue Ribbon Committee
 - Appointment of Byron Matto as the School Board Representative to the Housing Blue Ribbon Committee
 - Appointment of Dagan Migirditch to the Housing Blue Ribbon Committee
 - Appointment of John O’Leary to the Housing Blue Ribbon Committee
 - Appointment of Jen Stebbins Thomas to the Housing Blue Ribbon Committee
 - Appointment of Erik Anderson to the Housing Blue Ribbon Committee

Mayor McEachern announced the members of the Housing Blue Ribbon Committee as outlined above.

4. Resolution regarding Staffing Mandate for Nursing Homes

Councilor Tabor moved to refer to the Legislative Subcommittee with the Authority to Act. Seconded by Councilor Lombardi and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK & COUNCILOR MOREAU

1. State Street Two-Way Redesign CIP Recommendation

Councilor Cook requested that a CIP sheet be prepared and included in the next City Council packet for State Street Two-Way Redesign as an amendment to the CIP. Councilor Moreau requested that this would be a two-year funding project with the first-year design and the second-year construction.

B. COUNCILOR BAGLEY

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the February 1, 2024 meeting

Councilor Bagley moved to approve and accept the action sheet and minutes of the February 1, 2024 Parking & Traffic Safety Committee meeting. Seconded by Councilor Blalock and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Hazard Mitigation Plan Grant - \$15,000.30

Assistant Mayor Kelley moved to accept the terms of the Hazard Mitigation Grant Program as presented in the amount of \$15,000.30 for updating the local hazard mitigation plan. Furthermore, the City acknowledges that the total cost of this project will be \$16,667.00, in which the city will be responsible for a 10% match of \$1,666.70. Seconded by Councilor Cook and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. FY25 Budget Intentions

City Manager Conard suggested reductions in Capital Outlay and Information Systems as presented in the Capital Improvement Plan. She indicated with these reductions and use of ARPA funding totaling \$1,111,858.00, if approved the FY25 Capital Outlay and Information Systems will be \$362,156.00 less than the FY24 Budget for these same items. In addition, funding for the ambulance replacement will be changed from cash rolling stock to bond/lease rolling stock. Also, City Manager Conard proposed to use the \$2,183,054.00 in the remaining Revenue Loss portion of ARPA funds as revenue in the general fund in FY25 to obligate and expend on general government services.

2. Report Back on Home Occupation Zoning

Councilor Cook moved to request that the language in the City Council packet be sent to the Planning Board for discussion and returned to the City Council. Seconded by Councilor Blalock and voted.

3. Market Square Master Plan Working Group

City Manager Conard reported that she is working with Mayor McEachern to set up a Working Group for the Market Square Master Plan.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Kelley recognized the Portsmouth Debate Team as being the only team from New Hampshire competing at Harvard this week in a three-day competition.

Councilor Tabor reported that the City Council and Planning Board is having a Joint Listening Session on Thursday, February 22, 2024 at 6:00 p.m. in the Eileen Dondero Foley Council Chambers regarding the Study Circle Dialogue Report Out regarding Places to Live.

Councilor Blalock reported that the Portsmouth High School Alpine Ski Team won the Division 1 State Championship. He also reported that several individuals on the Wrestling Team won State Championships.

Councilor Moreau announced Wednesday, February 21, 2024, the Historic District Commission and Planning Board will be meeting regarding Solar Panels at the Levenson Room in the Library at 6:00 p.m.

Mayor McEachern reported that the City is working to mitigate the issues surrounding the construction project at the High Hanover Garage.

XIX. ADJOURNMENT

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



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 4, 2024

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:10 p.m.

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern asked everyone to join him in a moment of silent prayer in memory of Police Officer Phil Miles who recently passed away. He asked that everyone keep his wife Tina and children in their hearts and minds.

VI. PLEDGE OF ALLEGIANCE

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

Mayor McEachern recognized Tammy Joslyn, USA Today Network Woman of the Year for New Hampshire. He said Tammy is a highly respected figure in New Hampshire social services realm. He noted that Tammy was a former Operation Blessing client, and named the community recovery and assistance organization's executive director in April 2017. Mayor McEachern said we are delighted that USA Today Network saw what we see every day, her door is always open. Because, as she says, "there's a little bit of me in everyone I serve."

MAYOR'S AWARDS

1. Portsmouth High School Boys Ski Team Division I State Champions

Mayor McEachern provided Mayor's Awards to all members of the team and congratulated them on this achievement. He said after coming in 2nd place last year, the boys team worked hard in the off-season to finally attain the first boys alpine ski championship in Portsmouth High School's history!

2. Elijah Josey 190 lbs. Wrestling Division I State Champion

Mayor McEachern provided Elijah with a Mayor's Award in recognition of his accomplishment of being 190 lbs. Division II State Champion. He said Elijah also won the Division II championship last year as a sophomore as well. He said that Elijah won first place at the Meet of Champions for the 190 lbs. division. The Meet the Champions consists of the top five wrestlers from Division I, Division II, and Division III, so for Elijah to finish in 1st place is an incredible accomplishment that he can add to his high school career resume. He went on to say that Elijah competed in New England's held in Rhode Island recently and finished as the runner-up in the 190 lbs. division. And to top things off, Elijah picked up his 100th career victory by his junior year, which is an incredible accomplishment. We all look forward to seeing what his senior year brings!

VII. ACCEPTANCE OF MINUTES – JANUARY 2, 2024 AND JANUARY 16, 2024

Councilor Tabor moved to approve and accept the minutes of the January 2, 2024 and January 16, 2024 City Council meeting. Seconded by Councilor Cook and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Written Progress Report of the Cemetery Committee (no verbal presentation)

Councilor Lombardi moved to accept the Cemetery Committee Progress Report. Seconded by Councilor Moreau and voted.

Councilor Cook moved to suspend the rules to bring forward Item XV. B.2. – Cultural Plan and voted.

XV. CITY COUNCIL MEMBERS

B. COUNCILOR COOK

2. Cultural Plan

Councilor Cook moved to approve and adopt the 2023 City of Portsmouth Cultural Plan presented in your packet. Seconded by Councilor Lombardi.

Councilor Cook recognized the committee and their work on the plan. She said that this is the first cultural plan in the last 20 years to be done.

IX. PUBLIC COMMENT SESSION

Ari Alexenberg spoke on the Israel and Gaza Resolution. He said he watched the last meeting and was applaud by the repeated comment of genocide. He spoke opposed to acting on this Resolution in the City of Portsmouth when this is a matter for Israel.

Cynthia Harriman spoke in support of solar panels in the historic district of the city. She said the Historic District Commission provides historic content.

Irish Mike said everyone is entitled to a better life but perhaps it is time for the city to close the doors. The City Council needs to act now because the open-door policy doesn't work anymore.

Seth Levine spoke opposed to the Israel Gaza situation.

Yussra Ebrahim spoke in support of the Israel Gaza Resolution and thanked Councilors Cook and Denton for bringing it forward this evening. She urged the City Council to pass the Resolution. She said lives hold value and all lives matter.

Yasmin Alani thanked Councilors Cook and Denton for bringing the Resolution forward for consideration by the City Council. She said that this is genocide against people and everyday people are being starved to death or killed. She urged the City Council to do the right thing.

Jeffrey Cooper said the Resolution needs to demand all hostages should be freed. He said a ceasefire takes two sides.

Leslie Allen said today is day 150 of the hostages being held. She spoke to the killings taking place in Gaza.

Mark Kaplan said that this is not the business of the City of Portsmouth. He said that this is not the only international incident happening of concern. He urged the City Council not to act on this Resolution.

Cliff Hodgdon said the City of Portsmouth might be considering giving a 17-year lease to the VFW. He said this property includes 17-20 free parking spaces. He urged the City Council to think carefully about considering this request.

Andrea Stein Goldsworthy urged the City Council to act on the Resolution this evening. She said that this is a war that the United States has provided the weapons. She spoke regarding the truth and lies regarding this situation.

Mike Schwartz (via Zoom) said he hopes there is a ceasefire. He said the Resolution is not the solution and comes across as one sided, unfortunately.

Larry Booz (via Zoom) spoke on the Resolution and said the City Council was not elected to take positions on international politics. He said Portsmouth is a beacon of light, please abstain from this vote. He said there is great risk with this it a polarizing position.

Ellen Quaadgras (via Zoom) said that it is a catastrophic what is taking place in Gaza. She said we need to act now and violence just fuels more violence. She urged the Council to use their voice for a ceasefire immediately.

Nicole Benoit, Kittery, Maine, spoke to the need for a ceasefire. She said she is asking for peace.

Bradley Conway, Manchester, NH spoke in support of the Resolution for a ceasefire. He said there are people starving in Gaza and we need to act with urgency to stop what is taking place.

Ken Kowalchek, Hampton, NH said he worked overseas with the State Department and has lost people due to terrorists. He said this terror needs to stop.

Chris Brodeur, spoke against the South Meeting House being taken over by the VFW. He said that there needs to be a process for reviewing the building and determining who will take it over.

Jeff Dorrow spoke against the South Meeting House being used for the VFW. He said he purchased his home last year and the VFW is a respected institution, but they are open late at night, and this is a family neighborhood which needs to be considered when deciding on who will take the building over.

Caroline Stemonia, Kittery, Maine, said that she attended a human rights meeting in 2016 and this is a textbook case of genocide.

Salamat Harake, Hampton, NH said what is occurring in Gaza is against humanity and we need to do what is right.

Alexia Goodwin, Stowe, Vermont, said that Gaza is a human zoo. She spoke to Israel having control over the food and water and they have no other choice but to defend themselves. She said that this is a crisis that needs to end now.

Mary Grace Allen spoke in support of the Resolution and said this is unacceptable. She expressed anger that we are the country funding this. Ms. Allen said Portsmouth could be known as the city that called for a ceasefire.

Dawn Persyckin spoke against the Resolution and said Israel has a right of self-defense. She said that Hamas is an extremely well-funded group with an organized military.

Councilor Denton moved to suspend the rules to bring forward Item XV. C.1. Seconded by Councilor Cook.

On a roll call 3-6, motion failed to pass. Councilors Cook, Denton and Mayor McEachern voted in favor. Assistant Mayor Kelley, Councilors Tabor, Blalock, Bagley, Moreau and Lombardi voted opposed.

Councilor Moreau moved to suspend the rules to bring forward Item XV. E.1. Seconded by Assistant Mayor Kelley and voted. Councilors Denton and Bagley voted opposed.

XV. CITY COUNCIL

E. COUNCILOR MOREAU

1. Chairman Chellman and Chairwoman Ruedig, plan to give a brief update to council on the joint meeting and be available to answer any questions the council might have about the plan moving forward

Planning Board Chair Chellman and Historic District Commission Chair Ruedig requested that the City Council allow the Planning Board & HDC to work together over the next two months on bringing forward amendments to the zoning ordinance regarding solar panels.

Councilor Denton moved to hold first reading on April 1, 2024, to amend Chapter 10, Article 6, Section 10.633.20 by adding a new numbered paragraph 28 “Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alternations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alternations to existing structures.” Seconded by Councilor Blalock.

Councilor Denton said it has been eight years since he brought this matter forward originally. He said it was again brought forward two months ago and he would like to schedule first reading April 1st and amendments could be made at first reading or second reading. He said if a resident wants to do something to limit climate change, they should be able to do so.

Councilor Blalock said that this keeps the ball moving forward. He looks forward to working with the Historic District Commission and Planning Board.

Councilor Tabor said that we asked the Planning Board and Historic District Commission to make recommendations to change solar panels and asked how they would like to see the process work.

Chair Ruedig, HDC, said she would like this to go as quickly as possible. She said we have great guidelines and documents to work through. She said they would come forward with ideas to streamline the process.

Chair Chellman, Planning Board, said more time would be a good thing. He stated he understands the frustration brought forward eight years ago but feels this can be done in two months.

Mayor McEachern said if we schedule the first reading April 1st and April 15th for public hearing and second reading with third and final reading on May 6th, which would be two months.

Chair Chellman said the land use boards are doing what the City Council has asked them to do. He said the Planning Board and staff are all in on this process.

Councilor Lombardi said the motion makes assumptions that preconceive some actions. He said we need to give the Planning Board and HDC time to come forward with recommendations.

Councilor Moreau said if we held the first reading at the first meeting in May, she would have something complete and ready to go.

Councilor Bagley said he gathered information to move forward and HDC has an important role to play, and residents would be able to make their homes more efficient.

Councilor Blalock said we need to give respect to the land use boards and have the public hearing the first meeting in May.

Councilor Denton said he is fine pushing back a month.

Councilor Cook thanked the HDC and Planning Board for spending so much time on this matter. She said she is surprised with the speed of this process. She said that we need to get to yes with solar panels in the historic district. She spoke to good and right guidelines that are needed.

Councilor Denton accepted a friendly amendment to have May 6th as the public hearing.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Motion to hold First Reading on May 6, 2024, to amend Chapter 10, Article 6, Section 10.633.20 by adding a new numbered paragraph 28 “Solar Energy Panels flush mounted to rooftops of existing structures which do not require other alternations to existing structures” and by adding a new numbered paragraph 29 “Accessory Elements to Solar Energy Panels which do not require other alternations to existing structures” passed. Councilor Cook voted opposed.

At 9:00 p.m., Assistant Mayor Kelley called for a 10-minute break.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

At 9:15 p.m., Mayor McEachern called the meeting back to order.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

Continue Public Hearing – Capital Improvement Plan (CIP) / Adoption of CIP:
(Continued Public Hearing that was held open per action of the City Council at the February 5, 2024 meeting)

A. CAPITAL IMPROVEMENT PLAN (CIP) FY 2025-2030

- **PRESENTATION** *(Presentation was held at the January 17, 2024 Work Session)*

- **CITY COUNCIL QUESTIONS**
- **PUBLIC HEARING SPEAKERS**

Mayor McEachern reopened the Public Hearing.

John O'Leary said he is not speaking as a member of the Community Policing Facility Working Group, he said we need to listen to the experts on this matter and City Administration. He said past projects have been successful because the project needs to bring quality services for their residents and provide a facility at a reasonable cost. He said this is a process the City Council would then direct the City Manager on how to proceed. Mr. O'Leary said if a reduction is made it would be difficult to provide quality services for its residents and a 35% reduction would be irresponsible. He stated the working group needs to continue its work.

Greg Hebert said we thank you for this advancing forward for the Hillside neighborhood sidewalk request as it would serve as a traffic calming element.

After no further speaker, Mayor McEachern closed the public hearing on the Capital Improvement Plan.

Councilor Bagley moved to suspend the rules to bring forward Item XI. A.1. – Amendments to Capital Improvement Plan FY2025-2030. Seconded by Councilor Moreau and voted.

Councilor Bagley moved to remove CIP Page 83 – Sheltering and Public Health Resources (\$250,000.00 – Suggested use of ARPA) from the CIP or pushed to an out-year. Seconded by Councilor Blalock.

Councilor Bagley said he does not feel it is an urgent matter to spend this money on this matter.

Councilor Denton asked if we had cots available during COVID. Health Officer McNamara said we had 48 cots at that time. She stated we would like to purchase additional cots to have them available when needed. She said we need to plan for three days without any assistance. Mayor McEachern asked what the life span for a cot would be. Health Officer McNamara said 50 years. Mayor McEachern said spending \$250,000.00 for a cot seems expensive. He said he would not support the motion but appreciates the sentiment for this.

Councilor Moreau said she would not support the motion.

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

Councilor Moreau moved CIP Page 87 – City of Portsmouth Master Plan Update - \$150,000.00 out one year in the CIP. Seconded by Councilor Tabor.

Councilor Bagley said the statute recommends a Master Plan Update every ten years, but it is not required.

Motion passed.

Councilor Moreau moved to approve the remainder of the City Manager's recommended reductions as outlined. Seconded by Councilor Blalock and voted.

- CIP Page 78 – Permanent Records Storage Facilities - \$25,000.00
- CIP Page 90 – Existing Outdoor Recreation Field and Facility Improvements - \$25,000.00
- CIP Page 95 – Peirce Island Recreation Improvements - \$150,000.00
- CIP Page 102 – City Hall HVAC Improvements - \$200,000.00
- CIP Page 107 – Sound Barriers in Residential Area Along I-95 - \$50,000.00
- CIP Page 116 – Citywide Information Technology Upgrades & Equipment Replacements - \$261,858.00

Councilor Bagley moved to push out to FY2030 the \$1,300,000.00 for CIP Page 112 – Mechanic Street Wharf/Pier. Seconded by Councilor Denton.

Assistant Mayor Kelley asked if there are consequences with pushing this out. City Manager Conard said if we did not move forward we would need to wait until 2030.

Public Work Director Rice said until we get into design we cannot see what the cost would be but the bids came in higher than expected. He said that this is a want not a need and we are comfortable pushing the project out.

Motion passed.

Councilor Bagley moved to push out for one year the \$350,000.00 for CIP Page 135 – Wayfinding System. Seconded by Councilor Denton.

City Manager Conard said that this would come from parking revenues and not impact the general fund.

Councilor Bagley said it might be more prudent to do the Market Square signage after the Market Square Redesign.

Motion passed.

Councilor Bagley moved to push out for one year the \$150,000.00 for CIP Page 70 – Fire Station Security Upgrade. Seconded by Assistant Mayor Kelley.

Assistant Mayor Kelley said she would like to hear from Fire Chief McQuillen on this matter. Fire Chief McQuillen said this would get all three stations on key card access which is a security matter.

On a voice vote 1-8, motion to push out for one year the \$150,000.00 for CIP Page 70 – Fire Station Security Upgrade failed to pass. Councilor Bagley voted in favor. Assistant Mayor Kelley, Councilors Tabor, Cook, Denton, Blalock, Bagley, Moreau, Lombardi and Mayor McEachern voted opposed.

Councilor Bagley moved the taser replacement out. Seconded by Councilor Blalock.

Councilor Denton expressed concern whether or not this would put police officers at risk. Police Chief Newport said the current tasers are at the end of life and if they failed it would put the officers at risk.

Assistant Mayor Kelley asked if we could do replacements in five-year increments. Police Chief Newport said we would want to bring them all onboard at once.

Councilor Blalock said he would not want to put any officers at risk.

Councilor Bagley withdrew his motion.

Discussion followed regarding the bleachers/grandstands and bathroom facilities at Leary Field. The City Council requested that CIP Page 94 – Leary Field – Bleachers/Grandstands - \$50,000.00 be directed for upgrades to the bathroom facilities that was agreed upon by Public Works Director Rice.

Councilor Bagley moved to push out for one year the \$4,500,000.00 for CIP Page 100 – Prescott Park Master Plan Implementation. Seconded by Councilor Denton.

Discussion followed among the City Councilors regarding the Shaw Building at Prescott Park and various improvements.

On a roll call vote 2-6, motion to push out for one year the \$4,500,000.00 for CIP Page 100 – Prescott Park Master Plan Implementation ***failed*** to pass. Councilor Tabor recused from voting. Councilors Denton and Bagley voted in favor. Assistant Mayor Kelley, Councilor Cook, Blalock, Moreau, Lombardi and Mayor McEachern voted opposed.

Councilor Moreau moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Lombardi and voted. Assistant Mayor Kelley voted opposed.

Councilor Moreau moved to suspend the rules to bring forward Item XV. F.1. – Verbal Report out on our Tour of the Dover NH Police Department. Seconded by Assistant Mayor Kelley and voted.

Councilor Cook said the tour was interesting and the Dover Police Department is similar in size.

Councilor Bagley said Dover has a larger population. He said there are approximately 10,000 more residents in Dover. He said Dover expressed concerns regarding not having enough key card access and there being no shooting range. He said we should investigate the building in Dover more.

Assistant Mayor Kelley thanked everyone for going to look at the Dover building. She said she would like to know the breakout cost for the parking garage.

Mayor McEachern said we should have the consultant present to answer these questions.

Councilor Cook said that we should move this out a year to make sure we get what we need. She said we need clear answers to determine what we need to spend.

Mayor McEachern said that this is a plan not the final cost for a new police facility. Councilor Cook said she does not agree when we put something into the CIP we are not moving forward with a project/plan.

Councilor Tabor said we decided we needed to move ahead with a new policing facility. He said this is a core function of what the city does and that this has been in the CIP for two years. He reported that we have 50,000 calls for service each year and Dover has 29,000 calls. Councilor Tabor said that there is not enough data to cut the project by 35%.

City Manager Conard spoke to a work session being held on the Community Policing Facility In April and that we should leave the figure at \$38,000,000.00 until we are better informed.

Mayor McEachern said discussion should be around square foot costs for the facility.

Councilor Cook said it is important to note, we did not vote to bring the cost down to \$38,000,000.00 and she has never agreed to that figure. She stated if we commit to the money here, we could not do any more projects until 2047. She said we did not give them guidance of \$38,000,000.00.

Assistant Mayor Kelley said it was a request from the working group for a number and she came forward with the number of \$20 million to \$38 million. She stated we may need to schedule another work session before April and get a consensus from the City Council.

Councilor Blalock said to bring a number forward now would be premature.

Councilor Moreau said we need to be fiscally responsible.

Councilor Moreau moved to suspend the rules to bring forward Item XVII. 1. – Report Back on State Street Two-Way Redesign. Seconded by Councilor Cook and voted.

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MARCH 18, 2024

PORTSMOUTH, NH
TIME: 7:00PM

Assistant Mayor Kelley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Blalock 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, Cook, Denton, Blalock, Bagley, Moreau and Lombardi

V. INVOCATION

Mayor McEachern asked everyone to join him in a moment of silent prayer in memory of former City Manager Calvin Canney.

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – FEBRUARY 5, 2024

Assistant Mayor Kelley moved to approve and accept the minutes of the February 5, 2024 City Council meeting. Seconded by Councilor Tabor and voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Public Art Review (PARC) Recommendation of Public Art for Bohenko Gateway Park

Councilor Cook invited Chris Dwyer of the Committee to come forward and speak to the public art for the Bohenko Gateway Park.

Ms. Dwyer said that this is a plan for artwork in the pavilion of Bohenko Gateway Park with funding from a left over grant from the 400th Legacy Committee. She announced that Terrence Parker is the artist that will be constructing the artwork.

Mr. Parker explained the artwork will transform the current structure aesthetically and add value to the site by bringing attention to relevant local history. He spoke to the story of the codfish being central to the maritime history of New England. He stated the proposed artwork is innovative in its use of materials and the incorporation of shadows and lighting, creating both day and nighttime interest. He said the fish will be constructed with materials related to boat building. He said that shadows created by the fish will create interest on the ground doubling the impact of the school of fish. He said the fish will be hung so that they are 10' above the ground at the lowest point with cables holding the fish to support 390 lb. He said that each fish will have two cables, fixed so that the fish does not swing.

Discussion followed regarding the maintenance of the artwork.

Councilor Cook moved to accept the proposed plan for artwork, including support from the Department of Public Works for the painting and preparation of the site. Seconded by Councilor Lombardi and voted.

IX. PUBLIC COMMENT SESSION

Shawn Muske said that the Sherburne neighborhood does not support the development for workforce housing at the former Sherburne School. He expressed concern that the City Council may try to push this through.

Genevieve Becksted Muske spoke regarding what it means to be a good listener. She said that when the idea for workforce housing at the former Sherburne School came forward a presentation was prepared for the neighborhood and then the City Council stopped listening to the neighborhood. She expressed concern regarding the additional traffic of 320 vehicles and the issues that would cause. Ms. Muske said this is not the only location for this type of project.

Ruben Yzaquirre submitted a petition with 180 names against the housing project at the former Sherburne School. He said that this is not what the neighborhood wants. He said that the City Council is manufacturing a project that is not in the best interests of the neighborhood. He requested that Mayor McEachern deny the letter for the Portsmouth Housing Authority.

Jeff Dorrow spoke regarding the future use of the South Meeting House. He said living next to the South Meeting House is iconic as it sets high and anchors the south end. He stated he is pleased that there will be a work session on this in April.

Irish Mike said the City Council should show respect for all. He felt some of the people speaking on the Gaza situation were not listened to.

Robin Schnell spoke in support of Gateway 1 changes in zoning. She said we need complete neighborhoods with ranges in value. She said the cost of housing is very high and parking availability for neighborhoods needs to be addressed.

Erik Anderson spoke regarding Craig Welch's letter from the Portsmouth Housing Authority. He said no discussion has taken place by the Housing Committee that the former Sherburne School would be the primary site for workforce housing. He said there is no sense or feeling of transparency on this matter.

Manny Garganta said there has only been one meeting held by the Housing Committee. He said that the Portsmouth Housing Authority makes you feel like they are always under the gun to meet a deadline. He said if workforce housing does get developed, make it tasteful.

Elizabeth Bratter, owner of 159 McDonough Street, said the majority of housing in the city does not meet affordability. She spoke regarding the increasingly high cost to build a home. She stated by changing the Gateway zones you will create more traffic and parking issues. Ms. Bratter urged the City Council to review the information carefully before acting on this matter and changing the zoning.

X. PUBLIC HEARINGS AND VOTE ON ORDINANCES AND/OR RESOLUTIONS

First Reading of Ordinance:

- A. First reading of Ordinance amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance. That the Zoning Map be amended so that the described parcels within the ordinance are rezoned from Office Research (OR) to Gateway Neighborhood Business (G1)

Councilor Moreau moved to pass first reading and schedule public hearing and second reading for April 15, 2024 City Council meeting of the proposed Zoning Map Amendments. Seconded by Councilor Blalock.

Councilor Moreau said we have been looking at this for a long time and the reason for the public hearing taking place on April 15th is due to noticing requirements.

Motion passed.

Public Hearing/Second Reading of Ordinance

- B. Public Hearing/Second Reading of Ordinance amending Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates

• **PRESENTATION**

Parking Director Fletcher explained that on-street parking would become Zone A and the proposal supports the parking principles. He spoke regarding price points and economic principles. He said that this proposal will eliminate Zone B.

• **CITY COUNCIL QUESTIONS**

Assistant Mayor Kelley asked what percentage of users qualify under the residential discount. Parking Director Fletcher reported that 4% have enrolled in the application.

Mayor McEachern asked if we could have signage up for residents when registering their vehicles regarding the residential program. Parking Director Fletcher said he feels it is a good idea, but we need to look into the process more.

• **PUBLIC HEARING SPEAKERS**

Mayor McEachern read the legal notice, declared the public hearing open and called for speakers. With no speakers, Mayor McEachern closed the public hearing.

- **ADDITIONAL COUNCIL QUESTIONS AND DELIBERATIONS**

There were no additional questions by the City Council.

Councilor Bagley moved to pass second reading and schedule a third and final reading at the April 1, 2024 City Council meeting to amend Chapter 7, Vehicles, Traffic and Parking, Article I – Parking Meters, Section 7.102 – Parking Meter Zones and Parking Meter Rates, to remove the standard Occupancy Zone (Zone B) and increase the parking rate discount for residents using the ParkMobile App. Seconded by Councilor Denton and voted.

Councilor Bagley moved to suspend the rules to take up third and final reading this evening. Seconded by Councilor Moreau and voted.

Assistant Mayor Kelley moved to pass third and final reading of the ordinance as presented. Seconded by Councilor Lombardi and voted.

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for Work Session Regarding South Meeting House

City Manager Conard said the Work Session would be held before the April 15th City Council meeting.

Councilor Lombardi moved to schedule a work session on April 15th at 6:00 p.m. regarding the South Meeting House property. Seconded by Councilor Cook.

Councilor Denton explained he would recuse from the vote and the work session because he is the Commander of the VFW and they’re interested in the building.

Councilor Cook said that the City Council should view the building and asked that City Manager Conard schedule a time. City Manager Conard said we could show the building in smaller groups to not create a quorum.

Motion passed. Councilor Denton recused from the vote.

2. License Agreement for Seacoast Eat Local Farmers’ Market 2024

City Manager Conard announced that the Farmers’ Market would open on May 4th and close October 26th.

Councilor Denton moved to authorize the City Manager to execute the License Agreement as presented, which is in substantially similar form as the License Agreement from 2023, allowing SEL to operate a Farmers’ Market at the Municipal Complex on Saturday mornings from May 4, 2024, through October 26, 2024, and that the City Manager is further authorized to negotiate and execute any amendments to the Agreement that she deems consistent with its purpose. Seconded by Councilor Tabor.

Councilor Denton said the market normally runs up to November. City Manager Conard said with the cold weather vendors drop off. She said that this was a thoughtful request of Seacoast Eat Local to end the season one week earlier.

Motion passed.

3. Authorization for Disbursement of \$2,350.00 from Trust for Administrative Costs for First Time Homebuyer Program

City Manager Conard said that we are excited to bring this program forward.

Assistant Mayor Kelley moved to authorize the City Manager to disburse \$2,350.00 from the Portsmouth Housing Endowment Fund to be expended in FY24 on Community Development staff salaries and benefits associated with administering the City's first-time homebuyer loan program. Seconded by Councilor Blalock.

Community Development Director Annunziata said that we are seeing an uptick, and currently have two applications in progress.

Motion passed.

XII. CONSENT AGENDA

- A. Request from Emily-Anne Boone, LIIV Medical Aesthetics, to install a Projecting Sign at 24 Ladd Street (***Anticipated action – move to approve the aforementioned Projecting Sign License as recommended by the Planning & Sustainability 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 Julia Johnson, Alliance for Greater Good, requesting permission to hold the Lantern Festival on Saturday, September 28, 2024 at the South Mill Pond from 5:00 p.m. to 7:30 p.m. (Rain date of Sunday, September 29th) (***Anticipated action – move to refer to the City Manager with Authority to Act***)

- C. Letter from Evan Dolecki, Loco Sports, LLC & Ventures Endurance, requesting permission to conduct the 8th Annual Margarita Half Marathon & 5K on Sunday, May 12, 2024 at 8:15 a.m. (***Anticipated action – move to refer to the City Manager with Authority to Act***)

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Denton and voted.

- B. Letter from Chris Maden, Portsmouth Maritime Folk Festival, requesting the following:
- Use of spaces in Prescott Park on Saturday, September 28th, 11:00 a.m. to 3:00 p.m., and Sunday, September 29th, 1:00 p.m. to 5:00 p.m.
 - Use of space in front of North Church
 - Motorcycle Parking Ban in Market Square on Sunday, September 29th and some parking passes for their performers and volunteers

Councilor Bagley moved to refer to the City Manager with Authority to Act. Seconded by Councilor Denton and voted.

- C. Letter from Russ Grazier, PMAC, requesting permission to hold a one-time small parade for Jazz Appreciation Month on Friday, April 12, 2024 at 12:00 p.m.

Councilor Cook moved to refer to the City Manager with Authority to Act. Seconded by Assistant Mayor Kelley and voted.

- D. Letter from Craig Welch, Executive Director, Portsmouth Housing Authority, requesting a letter of support to accompany their request for congressionally directed spending funds from our congressional delegation for potential workforce housing at the Sherburne School property

Councilor Tabor moved to recommend and authorize the mayor send a letter on behalf of the City Council. Seconded by Assistant Mayor Kelley.

Assistant Mayor Kelley expressed concern with this matter not going through the Housing Committee first. She said that the Housing Committee is meeting on Thursday and the letter could be reviewed and considered.

Councilor Denton said it has been over ten years and looking at the request it is hard to tell what they're requesting. He said he would like to know what the letter would say.

Councilor Blalock said that the letter should come from the Housing Committee. He said the neighborhood would like the process to come out of the committee.

Councilor Moreau asked that a letter be drafted for the Housing Committee.

Councilor Tabor moved to send to the Housing Blue Ribbon Committee for Authority to Act. Seconded by Assistant Mayor Kelley.

Assistant Mayor Kelley said she wants the Portsmouth Housing Authority to come forward and answer questions of the Housing Committee.

Councilor Bagley asked if we could draft a letter that is not legally binding.

Mayor McEachern passed the gavel to Assistant Mayor Kelley.

Mayor McEachern said he understands the desire to have a process move forward. He said we are trying to get federally earmarked money for this. He said he would like to keep the letter short and have it reviewed by the Housing Committee.

Councilor Tabor said a very brief letter from the Portsmouth Housing Authority doesn't tell us what we are supporting. He said we could vote on the idea of housing at the Sherburne location.

Councilor Tabor withdrew his motion and made a new motion.

Councilor Tabor moved to send a letter of support for an application to request federal funding as contemplated by Portsmouth Housing Authority to the Housing Blue Ribbon Committee with Authority to Act and the Housing Committee can determine whether to send the letter based on their conversation with PHA and the application they would receive at that time. Seconded by Mayor McEachern and voted. Councilor Blalock voted opposed.

Assistant Mayor Kelley returned the gavel to Mayor McEachern.

At 8:30 p.m., Mayor McEachern called for a brief recess. At 8:40 p.m., Mayor McEachern called the meeting back to order.

XIV. MAYOR McEACHERN

1. Appointments to be Considered:
 - Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board

The City Council considered the reappointments that will be voted upon at the April 1, 2024 City Council meeting.

Councilor Tabor moved to suspend the rules to put an item that is not on the agenda under his name. Seconded by Councilor Blalock and voted.

XV. CITY COUNCIL MEMBERS

COUNCILOR TABOR

1. Litigation with Redgate Kane

Councilor Tabor said as we know there is a lawsuit in process, and he feels he needs to make a disclosure. During the lawsuit discovery process, an email emerged in which he advised a friend after a McIntyre conversation, “best to delete all the McIntyre jottings in case of subpoenas” because the developer, who is very litigious, might find them...

I want to disclose this because it was an error in judgement on my part even though no litigation was underway at the time.

There is an extra layer of complication in that this friend had just become a volunteer on a city committee.

For my own part, it's my absolute belief that I never deleted or destroyed any of my own emails, texts, social media post, or printed documents about McIntyre. I knew that deleting any of these would be worse than keeping them. But I erred in what I advised my friend to do. For that I apologize to my friend, my fellow councilors, and to the public.

I only learned of this last Monday, and I am disclosing this as quickly as I can in the interest of transparency. I believe transparency counts the most when we as elected officials must acknowledge our mistakes.

Finally, upon the advice of the City Attorney in this matter, I hired my own counsel and we have confirmed that every piece of correspondence between me and others concerning McIntyre has been produced in discovery. I am willing to prove that by submitting to a forensic audit on all my devices, email and correspondence.

A. COUNCILOR COOK

1. Historic Preservation Grants and Sustainability

Councilor Cook moved to request a report back to the Council by May 6th on federal and state grant programs in historic districts and the impact of not following Certified Local Government National Park Service guidelines and state guidelines in historic districts on grant eligibility, including eligibility for sustainability grant addressing sea-level rise and preservation of historic structures and neighborhoods. Seconded by Councilor Blalock.

Councilor Cook spoke regarding maintaining historic integrity for properties in the historic district. She said minor changes could impact their ability to stay in the historic district. She said houses could be removed from the historic district and lose tax credits.

The City Council spoke regarding the need for a report back from the Historic District Commission. City Manager Conard said she will work to try to get an answer for the May 6th City Council meeting.

Motion passed.

2. Police Facility Process

Councilor Cook moved to request a report back on the needs assessment process for the proposed Police Facility in advance of the work session of the Council with the committee. Seconded by Councilor Denton.

Mayor McEachern said the process that went into the study on space needs could be discussed at the work session.

Motion passed.

Assistant Mayor Kelley moved to suspend the rules to bring forward City Manager's Informational Item 6 – Community Policing Facility Update. Seconded by Councilor Denton and voted.

Public Works Director Rice advised the City Council that regular meetings are taking place regarding this matter. He spoke about the cost and level of renovations and stated that the footprint has been reduced and we are working to stretch the dollars more.

Deputy City Manager Woodland said before we come back to the Council, we need to see how much we can get in the current section of the building. She stated we want to continue working before coming back with a report to the Council in a work session to be held in May.

B. COUNCILOR BAGLEY

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

- Market Square bus bay parking, voted to change the two 15-minute spaces in the bus bay to Zone A spaces

Councilor Bagley moved to change the two 15-minute spaces in the bus bay to Zone A spaces. Seconded by Councilor Lombardi and voted.

2. Parking & Traffic Safety Committee Action Sheet and Minutes of March 7, 2024

Councilor Bagley moved to approve and accept the action sheet and minutes of the March 7, 2024 Parking & Traffic Safety Committee meeting. Seconded by Councilor Denton and voted.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Victims of Crime Act Grant Award to the Police Department to fund the Legal Department Victim Witness Advocate - \$24,739.00

Councilor Lombardi moved to approve and accept the Grant as presented. Seconded by Councilor Tabor and voted.

B. Approval of Source Water Protection Grant Extension

Councilor Denton moved to authorize the City Manager to enter into Amendment No. 1 of the Grant Agreement to extend the completion date of the \$25,000.00 grant from the State of New Hampshire Department of Environmental Services Local Source Water Protection Program by one year, to a completion date of May 31, 2025. Seconded by Assistant Mayor Kelley and voted.

C. Approval of Grant Contract in the amount of \$1,000,000.00 for Community Campus Upgrades Project

Councilor Blalock moved to approve and accept the Grant as presented. Seconded by Councilor Tabor.

City Manager Conard said Recreation Director Henley worked to obtain this grant and there will be substantial changes to the building with more programming and services.

Motion passed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Report Back on Salter Street Rezoning

City Manager Conard reported the Planning Board considered this request and voted to unanimously leave the existing zoning for Salter Street as Waterfront Business and to evaluate this and other waterfront designations through the Master Plan process.

2. Hanover Renovation Update – Hanover Street Entry/Exit Wait Times

City Manager Conard reported that this is a major renovation project, and the work will continue until early fall. She spoke of exit times being experienced by patrons. She spoke of the mitigation being done by the Parking Division to address this and other matters. She advised that repair work on the Hanover entry/exit area will extend to the elevator area in the coming weeks. City Manager Conard said the improvements presently underway will extend the useful life of the facility and enhance the overall experience for garage users.

3. Green Building Policy

City Manager Conard said the policy requires all new building construction or renovations over \$2,000,000.00 to be LEED Silver or equivalent.

4. Update on "Skip the Stuff" Ordinance

City Attorney Morrell said work needs to be done on the enforcement aspect of the ordinance. She said she hopes to have information back for the April 1st City Council meeting when the students participating in Student Government Day will be in attendance.

5. Pease Development Authority Update

City Manager Conard announced that the driving range at Pease is open. She reported that PDA is looking into a design to build an Event Conference Center to accommodate 220 people. She reported that Geno Marconi updated the PDA on the storm damage at the Port Authority and he advised that the Port will be bringing forth a Capital Improvement Plan for the first time.

7. FlashVote Survey Status Update

City Manager Conard advised the City Council that the last FlashVote Survey was on "Better Engagement." She reported that 387 participated in the survey and people are looking for social media services to keep updated on matters in Portsmouth.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XIX. ADJOURNMENT

Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Moreau and voted.



KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, APRIL 1, 2024

PORTSMOUTH, NH
TIME: 7:00PM

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:05 p.m.

IV. ROLL CALL

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

V. INVOCATION

Mayor McEachern asked everyone to join in a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

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

Portsmouth High School Student Government Day Participants

Heather Wheeler & Michelle Wheeler – Portsmouth High School Teacher's



***Sofia Mohedano, Mayor
Evy Douglas, Assistant Mayor
Ryen Harrison, Councilor
Gabe Weinrieb, Councilor***

***Owen Coffey, Councilor
Nathan Delaney, Councilor
Caden Tapscott, Councilor
Maria Akalonu, Councilor***

***Lauren Ramirez, Councilor
Abby Paull, City Manager
Tatum Hebert, City Attorney
Norah Blakey, City Clerk***

***"Without volunteers, we'd be a nation without a soul."
Rosalynn Carter***

Mayor McEachern recognized the students that will be participating in Student Government Day on April 12, 2024.

PROCLAMATIONS

1. Sexual Assault Awareness Month

Assistant Mayor Kelley read the Proclamation declaring April as Sexual Assault Awareness Month and called on our citizens to come together to reaffirm our commitment to ending sexual assault and supporting survivors.

The Prosecutor's office accepted the Proclamation from Assistant Mayor Kelley and Mayor McEachern with thanks and appreciation.

2. National Library Week

Councilor Cook read the Proclamation declaring April 7th through April 13th as National Library Week and called upon the residents of Portsmouth to get to know our library even better than they may already and to recognize our library professionals as being dedicated to elevating our minds and lives – because they know there's always "more to the story."

Library Director Christine Friese accepted the Proclamation from Councilor Cook and Mayor McEachern with thanks and appreciation.

3. National Community Development Month

Mayor McEachern read the Proclamation declaring April as National Community Development Month and commended the good work championed by all who serve the interests of our citizens through fair and effective community development.

Community Development Director Elise Annunziata accepted the Proclamation from Mayor McEachern with thanks and appreciation.

Councilor Bagley moved to close the Non-Public Session and seal the minutes. Seconded by Councilor Moreau and voted.

MAYOR'S AWARD

1. Carl Diemer – Celebrating 23 Years of Service to the Recreation Board

Mayor McEachern presented a Mayor's Award celebrating Carl's 35 Years of Service to the Recreation Board. Carl accepted the award with thanks and appreciation.

VII. ACCEPTANCE OF MINUTES

(There are no minutes on for acceptance this evening)

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

IX. PUBLIC COMMENT SESSION (*This session shall not exceed 4 minutes*) – (*participation may be in person or via Zoom*)

Nancy Novelline Clayburgh spoke about Mr. Diemer's long-term service to the City of Portsmouth. She spoke of his many accomplishments and his tireless contributions to the city.

Robert Bogardus spoke regarding Mr. Diemer's service to the City of Portsmouth and the Recreation Board. He said he became a volunteer because of Mr. Diemer and the services he has provided to Portsmouth.

David Allen said he worked with Mr. Diemer over the years, and he deserves this Mayor's Award. He then spoke to the rail trail and that he is a Board member of the Greater Alliance for NH Seacoast Greenway. He said the Greater Alliance for NH Seacoast Greenway recently received a grant and thanked City Manager Conard, Deputy City Manager Woodland, Public Works Director Rice and staff for their assistance with installing trail markers that extend to Greenland.

Jacqueline Cali-Pitts thanked Mr. Diemer for his service to the City of Portsmouth and the Recreation Board. She spoke of his expertise as Chair of the Recreation Board and his ability to listen to everyone's opinions and gave them all value to any situation.

Todd Henley, Recreation Director, thanked Mr. Diemer for being such a great advocate for the Recreation Board and all his dedication to Portsmouth. He said on behalf of his staff and former staff thank you for your service to Portsmouth.

Mayor McEachern said Mr. Diemer is a sterling example of the concept that the most important job in Portsmouth is Citizen and that those who go above and beyond as citizen volunteers are our lifeblood. He said in his 35 years of public service to the community he has contributed substantially to the quality of life enjoyed by our residents. He spoke to the many organizations he has served with and his tireless work to relocate Alumni Field and the Connie Bean Center to create this outstanding facility at the heart of our city.

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

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Request for First Reading Regarding Electric Vehicle Charging Station Ordinance Amendments

City Manager Conard said the Council referred draft zoning amendments to the Planning Board in November 2023 and they have been working on them since that time. She stated that the Planning Board held a public hearing and is recommending the City Council hold first reading on April 15th.

Councilor Denton moved to hold first reading of the proposed Zoning Ordinance amendments related to electric vehicle charging stations at the April 15, 2024 City Council meeting. Seconded by Councilor Bagley.

Councilor Denton said he may bring some further amendments on April 15th and will include them in the Council packet for review.

Motion passed.

2. FY24 Bond Rescinding Resolution

City Manager Conard explained that the rescinding amount is \$58,635.00 from a bond for Fire Department Apparatus which the total amount did not get spent.

Assistant Mayor Kelley moved to approve rescinding the remaining borrowing authority with regards to the following Resolution #5-2020 for \$1,400,000.00 – Rescind amount \$58,635.00. Seconded by Councilor Tabor.

Councilor Cook asked City Manager Conard if we have any other outstanding bond authorizations to come back to the City Council. City Manager Conard said she has not heard from the Finance Department that there are others coming forward.

Motion passed.

3. Disposition of Real Estate: Tax Deeded Properties

City Manager Conard said that this is a complicated matter which has been outlined in the memorandum from Deputy City Attorney McCourt. She said that the property owners did not pay taxes for three years before we began the taking of the properties.

Councilor Cook moved to refer the matter of appropriate disposal options for 508 Richards Avenue, 150 Bartlett Street and 323 Islington Street to the Planning Board for a recommendation at its April 18, 2024 regular meeting. Seconded by Councilor Blalock.

Deputy City Attorney McCourt advised the City Council that a public hearing is not necessary or required in this matter.

Councilor Cook asked if there is a recommendation on moving forward with this matter. Deputy City Attorney McCourt said we are dealing with constitutional rights, and we need to return the equity back to the property owners. He recommended disposition of the properties in an auction to the highest bidder.

Mayor McEachern asked if we could make this affordable housing. Deputy City Attorney McCourt said he does not know if this is the right vehicle for affordable housing and would entail the expenditure of some substantial funds of the city.

Councilor Bagley asked for information back on where this has been done before in the city. Deputy City Attorney McCourt said the Council would be better served for a report back on how other communities have handled this type of matter in the past.

Motion passed.

XII. CONSENT AGENDA

- A. Letter from JerriAnne Boggis, Black Heritage Trail, requesting permission to use the African Burying Ground Memorial for the Juneteenth celebration on Wednesday, June 19, 2024 from 10:30 a.m. – 1:00 p.m. ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- B. Letter from Latrice Smith, National Multiple Sclerosis Society, requesting permission to hold the 2024 MS Walk on Saturday, June 1, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- C. Letter from Ken La Valley, Out of the Darkness Portsmouth Chapter, requesting permission to hold Out of the Darkness Walk on Saturday, September 28, 2024 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***
- D. Letter from Crystal Cronin, Portsmouth Babe Ruth, requesting approval for temporary signage at Leary Field for the 2024 baseball season May 1st through the end of October ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Email Correspondence

Councilor Lombardi moved to accept and place on file. Seconded by Councilor Denton and voted.

XIV. MAYOR McEACHERN

- 1. Acceptance of Resignations:
 - Jayne Begala from the Planning Board
 - Herb Lloyd from the Sustainability Committee
 - Steve DeTrolio from the Sustainability Committee

Councilor Tabor moved to accept with regret the resignations of Jayne Begala, Herb Lloyd and Steve DeTrolio with a letter of thanks to be sent for their service to the City of Portsmouth. Seconded by Councilor Moreau.

Mayor McEachern read a statement thanking Ms. Begala for her efforts in serving on the Planning Board. He spoke about the work of the Planning Board and said we need the involvement of everyone to keep the energy up for service to the city.

Motion passed.

2. Appointments to be Voted:
 - Reappointment of Samantha Collins to the Conservation Commission
 - Reappointment of Kathleen Bergeron to the Portsmouth Housing Authority
 - Reappointment of Kathryn Lynch to the Recreation Board

Councilor Blalock voted to reappoint Samantha Collins to the Conservation Commission until April 1, 2027; reappoint Kathleen Bergeron to the Portsmouth Housing Authority until April 1, 2029; and reappoint Kathryn Lynch to the Recreation Board until April 1, 2027. Seconded by Councilor Bagley and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR COOK

1. Single-Use Service-ware Policy

Councilor Cook moved to send the draft Single-Use Food Service-ware or “Skip the Stuff” Policy to the Sustainability Committee for report back to the City Council in May 2024, and to the student participants at Student Government Day for their consideration on April 12, 2024. Seconded by Councilor Denton.

Councilor Cook said that she is bringing this policy forward and through discussions with the Legal Department and Sustainability Committee we heard the ordinance would be difficult to enforce and we are trying to encourage more information for the community to possibly bring an ordinance forward.

Councilor Blalock said he is interested in hearing what the students will do with this at Student Government Day on April 12th.

Motion passed.

At 8:07 p.m., Mayor McEachern declared a brief recess. At 8:15 p.m., Mayor McEachern called the meeting back to order.

B. COUNCILOR BAGLEY

1. Establish a Renters’ Resource Page on the City Website

Councilor Bagley moved to create a dedicated webpage on the Portsmouth City website, designed specifically for renters. This page will feature a comprehensive collection of helpful links and resources, including but not limited to state and city housing ordinances, guidelines, and regulations. Additionally, the page will offer valuable information for first-time homebuyers and other relevant topics deemed beneficial by the city, catering to the needs and interests of our renting community. Seconded by Councilor Lombardi.

Councilor Bagley said there can be an impression from some renters that their voices are not heard in the way that property owners are.

Councilor Blalock said there is a substantial portion of members of the community that don't even know that they are allowed to vote.

Councilor Tabor said we are facing an increase in long term renters, and it would be great to have renters participating in the community. He said it would be helpful to know if you discussed with staff what would be the most important things on the page.

Councilor Bagley explained it would be outreach to renters in the community and letting them know what is available to them.

Assistant Mayor Kelley asked where Councilor Bagley sees this page landing on the website. Councilor Bagley said the banner section and Community Engagement. He would like to see a page for first time buyers.

Discussion followed regarding the location of such a page on the website and the type of information that the page would contain. It was noted that this would take a great deal of time creating and maintaining such a page.

Councilor Denton said that City Manager Conard should decide what staff should manage the page.

City Manager Conard said that she would work internally with staff and provide an informative report back to the Council on this matter.

Motion passed.

XVI. APPROVAL OF GRANTS/DONATIONS

- A. Approval of Wellness Reward for Wellness Coordinators Initiatives - \$2,000.00

Councilor Tabor moved to approve and accept the Wellness Award in the amount of \$2,000.00 as presented. Seconded by Councilor Cook and voted.

- B. Acceptance of Donation to the Fire Department for EMS Improvements in Memory of Edward Markiewicz - \$500.00

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

- C. ARPA Funded Grant Amendment No. 1 for Mechanic Street Pump Station Improvements

Assistant Mayor Kelley moved to authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Mechanic Street Pump Station Improvements Project by six months to a completion date of January 21, 2025. Seconded by Councilor Blalock and voted.

D. ARPA Funded Grant Amendment No. 1 for Sewer Rehabilitation Project

Councilor Lombardi moved to authorize the City Manager to enter into Amendment No. 1 of the ARPA Grant Agreement with the State of New Hampshire Department of Environmental Services for modification of the anticipated project substantial completion date to the Sewer Rehabilitation Project by six months, to a completion date of March 31, 2025. Seconded by Councilor Bagley and voted.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. Update on Community Policing Facility

Public Works Director Rice reported that they are working on modifications needed to driveways and making progress along with consultants and the Police Department with right sizing. He stated that they should have a presentation for the City Council sometime in May.

2. Report of Donations

City Manager Conard reported we received four donations for the maintenance of the City's historic cemeteries in the amount of \$170.00.

Councilor Cook thanked City Manager Conard for the report on the donations and said she likes the layout of the report.

3. Upcoming April Environmental Events

City Manager Conard announced five events taking place in April:

- Household Hazardous Waste Collection Day – Saturday, April 13th between 8:00 a.m. and 12:00 p.m. at the Department of Public Works.
- Sustainability Fair – Sunday, April 14th from 12:00 p.m. to 3:00 p.m. at the Portsmouth Public Library.
- "Water Has a Memory" Exhibit – Late April marks the opening of the enhanced exhibit at Strawberry Banke Museum.
- Arbor Day – Friday, April 26th at 8:30 a.m. the Department of Public Works Parks and Greenery Division will host its annual celebration of Arbor Day with tree planting and reading of the Mayor's Arbor Day Proclamation.
- Earth Week – Portsmouth High School Eco-Club will celebrate Earth Week from May 5th to May 11th.

4. DPW Fuel Station Replacement Update

City Manager Conard said the project to replace the Department of Public Works Fuel Station is underway and is anticipated to take three to four months. She said during that time you will see city vehicles fueling up at commercial gas stations.

XVIII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

Assistant Mayor Kelley said that she assists the business group for Future Business Leaders of America and this is the first time in ten years that they will participate in the competition with other schools, and the competition begins tomorrow.

XIX. ADJOURNMENT

At 8:45 p.m., Assistant Mayor Kelley moved to adjourn the meeting. Seconded by Councilor Moreau and voted.

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

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, Article 4, Section 10.440, Article 8, Sections 10.810 and 10.843, Article 11, Section 10.1112.32, and Article 15, Section 10.1530, 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 4: Zoning Districts and Use Regulations

Section 10.440: Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

ARTICLE 8: Supplemental Use Standards

Section 10.810: Residential and Institutional Residence or Care Uses

Section 10.843 Motor Vehicle, Marine Craft and Equipment Sales, Service and Related Uses

ARTICLE 11: Site Development Standards

Section 10.1112.32 Parking Requirements for Nonresidential Uses

and

ARTICLE 15: Site Development Standards

Section 10.1530 Terms of General Applicability

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
11. Motor Vehicle-Related Uses																		
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	N	N	N	N	N	N	N	N	N	S CU	S CU	N CU	S CU	N	N	S CU	N	10.581 (lot area) 10.592 (location) 10.843 (motor vehicle related uses)
11.21 Car wash	N	N	N	N	N	N	N	N	N	CU	CU	N	CU	N	N	CU	N	
19. Accessory Uses																		
19.60 EV fueling space A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10.811 (Accessory uses to permitted residential uses)
19.70 EV fueling space B	N	N	N	N	N	CU	N	N	N	P	CU	CU	CU	N	N	P	N	10.843 (motor vehicle related uses)

Section 10.810 Residential and Institutional Residence or Care Uses

10.811 Accessory Uses to Permitted Residential Uses

10.811.10 The following **uses** are permitted as **accessory uses** to permitted residential **uses**, in addition to those **accessory uses** listed in Section 10.440:

- (a) The keeping of dogs and cats and other **household pets**, but not including **kennels**.
- (b) **Yard sale**.
- (b) The **outdoor storage** of one travel trailer or camper that is not used for occupancy or business purposes. The connection of any utility or service such as electrical, water, gas or sewage to the travel trailer or camper for any continuous period exceeding 48 hours shall be prima facie evidence that it is being used for habitation or business purposes.
- (c) Roadside stand or display area in conjunction with a farm for the sale of products raised on the premises by the owner or lessee thereof provided that all the following conditions are met:
 - (1) Such stand or display area shall not cover more than 150 square feet of **gross floor area** or ground area.
 - (2) Such stand or display area shall be located at least 30 feet from the **street** right-of-way.
 - (3) Adequate **off-street parking** shall be provided and arranged in such a way that vehicles will not back into the **street**.
- (d) **EV fueling space A**.

10.843 Motor Vehicle, Marine Craft and Equipment Sales, Service and Related Uses

Motor Vehicle Service Stations

All repairs and service work shall take place within an enclosed **building**.

Repaired or rebuilt vehicles shall not be sold upon the premises.

10.843.34 Except for **EV fueling space A**, all above ground **EV** charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all **lot lines**.

All pump islands shall be set back at least 40 feet from all **lot lines**.

10.843.35 Sale of **convenience goods 1** and **2** as an **accessory use**

Article 11 Site Development Standards

10.1112.32 *Parking Requirements for Nonresidential Uses*

10.1112.321 The required minimum number of **off-street parking** spaces for **uses** other than 1.10 through 1.90 shall be based on the following table.

Table of Minimum Off-Street Parking Requirements for Nonresidential Uses

Use No.	Use	Requirement
11. Motor Vehicle-Related Uses		
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400 sf GFA EV fueling spaces A and B may count towards minimum parking requirements

Article 15 Definitions

Section 10.1530 Terms of General Applicability

EV (Electric Vehicle)

An **EV** is a motor vehicle that derives some or all of its primary motive power from an electric motor that draws electricity from a battery and is charged from an external source.

EV fueling space A

A public or private parking space with adjacent above ground charging support equipment that uses customary residential electric service for charging EVs.

EV fueling space B

A public or private parking space with adjacent above ground charging support equipment that uses greater than customary residential electric service for charging EVs.

Motor vehicle service station

An **establishment** that sells fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) to ~~individual EVs and motor~~ vehicles. A **motor vehicle service station** may include:

- **motor vehicle repair;**
- **convenience goods 1 and 2;**
- retail sale of propane and kerosene;
- ~~retail sale of motor vehicle and EV maintenance products; required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items;~~
- ~~minor automotive maintenance such as the addition of fluids, replacement of wiper blades and similar activities; and~~
- ~~retail sale of over the counter consumer merchandise.~~
- **EV fueling spaces A and B;**
- the sale and exchange of EV batteries; and
- electric charging facilities for electric mobility devices

A **Motor vehicle service station** shall not include any of the following:

- **motor vehicle painting or body work;**
- motor vehicle sales, leasing or rental; and
- **outdoor storage** or display of motor vehicles, boats, motor vehicle parts or other merchandise, except for:
 - (a) small sample displays of motor vehicle accessory items; or
 - (b) batteries or tires located **adjacent** to the **principal building** or on islands or designated areas that support fueling infrastructure

~~Motor vehicle service station 4~~

~~A motor vehicle service station that includes not more than 12 square feet of display area for the retail sale of consumer merchandise, and that does not include any of the following:~~

- ~~▪ motor vehicle repair;~~
- ~~▪ motor vehicle painting or body work;~~
- ~~▪ motor vehicle sales, leasing or rental;~~

~~*—outdoor storage or display of vehicles, boats, automobile parts or other merchandise, except for (a) small sample displays of automotive accessory items or (b) batteries or tires located adjacent to the principal building or on the pump islands.~~

~~**Motor vehicle service station 2**~~

~~A motor vehicle service station that include the activities and limitations of motor vehicle service station 1 and also includes motor vehicle repair.~~

~~**Motor vehicle service station 3**~~

~~A motor vehicle service station that includes the activities and limitations of motor vehicle service station 1 and also includes sale of convenience goods 1 or 2.~~

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

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Monday, April 15, 2024 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 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP of the Ordinances of the City of Portsmouth, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance as follows (additions to existing language **bolded**; remaining language unchanged from existing). The complete Ordinance is outlined below for review and will be posted in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

That the Zoning Map be amended so that the following described parcels are rezoned from Office Research (OR) to **Gateway Neighborhood Business (G1)**:

City Tax Map 267, Lot 4
City Tax Map 267, Lot 5
City Tax Map 267, Lot 6
City Tax Map 267, Lot 7
City Tax Map 267, Lot 8
City Tax Map 252, Lot 1
City Tax Map 252, Lot 1-7
City Tax Map 234, Lot 3
City Tax Map 234, Lot 7-7
City Tax Map 234, Lot 2

That the Zoning Map be amended so that the following described parcels are rezoned from Garden Apartment/Mobile Home Park (GA/MH) to **Gateway Neighborhood Business (G1)**:

City Tax Map 291, Lot 1-1
City Tax Map 285, Lot 1

That the Zoning Map be amended so that the following described parcels are rezoned from General Business (GB) to **Gateway Neighborhood Business (G1)**:

City Tax Map 234, Lot 7-6
City Tax Map 234, Lot 5
City Tax Map 234, Lot 6
City Tax Map 234, Lot 51
City Tax Map 174, Lot 12
City Tax Map 174, Lot 13
City Tax Map 175, Lot 11
City Tax Map 175, Lot 4

City Tax Map 175, Lot 5
City Tax Map 236, Lot 35
City Tax Map 236, Lot 34
City Tax Map 236, Lot 33 (portion of)
City Tax Map 236, Lot 36
City Tax Map 236, Lot 39
City Tax Map 237, Lot 56 (portion of)
City Tax Map 237, Lot 57

That the Zoning Map be amended so that the following described parcels are rezoned from Single Residence B (SRB) to **Gateway Neighborhood Business (G1)**:

City Tax Map 243, Lot 66
City Tax Map 229, Lot 6
City Tax Map 229, Lot 6A
City Tax Map 268, Lot 97

That the Zoning Map be amended so that the following described parcels are rezoned from Mixed Residential Business (MRB) to **Gateway Neighborhood Business (G1)**:

City Tax Map 217, Lot 1 (portion of)
City Tax Map 217, Lot 2A (portion of)

That the Zoning Map be amended so that the following described parcels are rezoned from General Residence A (GRA) to **Gateway Neighborhood Business (G1)**:

City Tax Map 174, Lot 14;

That the Zoning Map be amended so that the following described parcels are rezoned from Industrial (I) to **Gateway Neighborhood Business (G1)**:

City Tax Map 273, Lot 5

That the Zoning Map be amended so that the following described parcels are rezoned from Industrial (I) and General Residence A (GRA) to **Gateway Neighborhood Business (G1)**:

City Tax Map 173, Lot 9

That the Zoning Map be amended so that the following described parcels are rezoned from Single Residence B (SRB) to **Gateway Neighborhood Mixed Use Center (G2)**:

City Tax Map 246, Lot 1

That the Zoning Map be amended so that the following described parcel is rezoned from Gateway Neighborhood Business (G1) and Office Research (OR) to **Garden Apartment/Mobile Home Park (GA/MH)**.

City Tax Map 215, Lot 9

The City of Portsmouth Zoning Map will be amended and reissued by the Planning Board to incorporate these amendments pursuant to Chapter 10, Article 4, ZONING AND DISTRICT USE REGULATIONS, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance.

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.

KELLI L. BARNABY, MMC/CNHMC
CITY CLERK

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- City Tax Map 175, Lot 11
- City Tax Map 175, Lot 4
- City Tax Map 175, Lot 5
- City Tax Map 236, Lot 35
- City Tax Map 236, Lot 34
- City Tax Map 236, Lot 33 (portion of)
- City Tax Map 236, Lot 36
- City Tax Map 236, Lot 39
- City Tax Map 237, Lot 56 (portion of)
- City Tax Map 237, Lot 57

That the Zoning Map be amended so that the following described parcels are rezoned from Single Residence B (SRB) to Gateway Neighborhood Business (G1):

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- City Tax Map 229, Lot 6
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All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

KELLI L. BARNABY,
MMC/CNHMC
CITY CLERK

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 10, ZONING ORDINANCE, CITY OF PORTSMOUTH ZONING MAP of the Ordinances of the City of Portsmouth, be amended to change the zoning designation of the following parcels pursuant to Chapter 10, Article 4, Zoning and District Use Regulations, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

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City Tax Map 236, Lot 35
City Tax Map 236, Lot 34
City Tax Map 236, Lot 33 (portion of)
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City Tax Map 236, Lot 39
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City Tax Map 229, Lot 6
City Tax Map 229, Lot 6A
City Tax Map 268, Lot 97

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City Tax Map 217, Lot 1 (portion of)
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City Tax Map 273, Lot 5

That the Zoning Map be amended so that the following described parcels are rezoned from Industrial (I) and General Residence A (GRA) to **Gateway Neighborhood Business (G1)**:

City Tax Map 173, Lot 9

That the Zoning Map be amended so that the following described parcels are rezoned from Single Residence B (SRB) to **Gateway Neighborhood Mixed Use Center (G2):**

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That the Zoning Map be amended so that the following described parcel is rezoned from Gateway Neighborhood Business (G1) and Office Research (OR) to **Garden Apartment/Mobile Home Park (GA/MH).**

City Tax Map 215, Lot 9

The City of Portsmouth Zoning Map will be amended and reissued by the Planning Board to incorporate these amendments pursuant to Chapter 10, Article 4, ZONING AND DISTRICT USE REGULATIONS, Section 10.421, District Location and Boundaries, Section 10.421.10 of the Zoning Ordinance.

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



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Memorandum

To: Planning Board

From: Peter Stith, Planning Manager

Date: February 29, 2024

Re: Recommendations for the February 29, 2024 Planning Board Meeting

I. PUBLIC HEARINGS – NEW BUSINESS – CONTINUED FROM FEBRUARY 15th MEETING

*The Board's action in these matters has been deemed to be quasi-judicial in nature.
If any person believes any member of the Board has a conflict of interest,
that issue should be raised at this point or it will be deemed waived.*

- A.** Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Business (G1) as follows: from Office Research (OR): Map 267 Lot 4, Map 267 Lot 5, Map 267 Lot 6, Map 267 Lot 7, Map 267 Lot 8, Map 252 Lot 1, Map 252 Lot 1-7, Map 233 Lot 145, Map 234 Lot 3, Map 234 Lot 7-7, Map 234 Lot 2; from Garden Apartment/Mobile Home Park (GA/MH): Map 291 Lot 1-1 and Map 285 Lot 1; from General Business (GB): Map 234 Lot 7-6, Map 234 Lot 5, Map 234 Lot 6, Map 234 Lot 51, Map 174 Lot 12, Map 174 Lot 13, Map 175 Lot 11, Map 175 Lot 4, Map 175 Lot 5, Map 236 Lot 35, Map 236 Lot 34, Map 236 Lot 33 (portion of), Map 236 Lot 36, Map 236 Lot 39, Map 237 Lot 56 (portion of) and Map 237 Lot 57; from Single Residence B (SRB): Map 243 Lot 66, Map 229 Lot 6, Map 229 Lot 6A, and Map 268 Lot 97; from Mixed Residential Business (MRB): Map 217 Lot 1 (portion of) and Map 217 Lot 2A (portion of); from General Residence A (GRA): Map 174 Lot 14; from Industrial (I): Map 273 Lot 5; from Industrial (I) and General Residence A (GRA): Map 173 Lot 9.

Amend the Zoning Map to change the zoning designation to Gateway Neighborhood Mixed Use Center (G2) as follows: from Single Residence B (SRB): Map 246 Lot 1.

Amend the Zoning Map to change the zoning designation to Garden Apartment/Mobile Home Park (GA/MH) as follows: from Gateway Neighborhood Business (G1) and Office Research (OR): Map 215 Lot 9.

Background

The Land Use Committee (LUC) was created to look at diversifying Land Use Regulations within the City. It was established by the prior Council on February 7, 2022 to look at diversifying land use regulations within the City. The LUC was tasked with reviewing current zoning and policies surrounding housing and development to encourage sustainable, diverse, and affordable development including expanded multi-modal transportation. The Committee was charged with reporting back to the City Council on recommended alterations to the zoning and existing policies along with any new zoning or policies to be considered important to furthering the City’s Goals.

Over the past 2 years, amendments were made to building height standards, Accessory Dwelling unit regulations and workforce housing incentives in the Character Districts as initially recommended by the Committee. In the late summer and fall of 2023 the Committee looked at potential parcels to rezone to Gateway to create more opportunities for housing development.

The LUC reviewed the current Gateway zoning and identified parcels adjacent to existing Gateway parcels that could extend or connect the district. There was a broader discussion about eliminating some of the outdated districts such as OR and GB. The LUC identified close to 60 parcels for consideration and split the list into short-term and long-term, with the short-term list consisting of parcels the LUC came to a consensus on rezoning. The list of consensus parcels was presented to City Council on January 16, 2024 and referred to Planning Board for a recommendation back per the action below:

31. **Gateway Rezoning** – Voted to request that an ordinance amendment be drafted to change the zoning of the “consensus properties” as described in the memorandum and that the drafted ordinance amendment be sent to the Planning Board for its consideration and recommendation in February with the intention to bring back an ordinance amendment for first reading at the City Council meeting in March.

Additional Background

This section will provide additional background and supporting information from the Master Plan and the Land Use Committee.

Below are some excerpts from the results of the public outreach process for the current Master Plan that are relevant to the map amendment discussion:

Page 24 states the following:

“The Study Circles described the need for diversity in the form of mixed-use neighborhood zoning, housing that meets the needs of all ages and incomes, and less reliance on tourism as an economic driver. Specific priorities included:

- *Equity throughout the community, with as much focus on the neighborhoods as downtown.*

- *A diverse supply of housing for all economic levels and types from young to old; single or families; abled or disabled;*
- *A diverse built environment, not just replicating the past, but authentic to Portsmouth, new and old;*
- *Diverse modes of transportation that is affordable, intermodal and regional; and*
- *A balanced local economy that includes opportunities for small businesses and entrepreneurship as well as tourism.*

Page 26 states the following:

Participants responded to three potential strategies to increase the availability of housing in Portsmouth and marked on maps where each strategy should be used:

Redevelopment of gateway commercial areas;

Densification with second units or parcel splits;

Greenfield development on unbuilt parcels.

Residents overwhelmingly supported redevelopment of existing commercial areas over greenfield development or increasing density in existing neighborhoods. Some residents spoke in favor of in-law or accessory dwelling units as a strategy for both providing affordable housing and increasing income for residents with larger homes and fixed incomes.

During the corridor development meeting, participants consistently gave higher ratings to more activated streetscapes, with multistory buildings close to the streets, landscaping, and bicycle and pedestrian amenities (Page 27).

Every group chose to include a mix of residential and commercial uses on their site, and most designs were at least two stories tall and placed buildings closer to the street than existing development (Page 28).

The Master Plan contains a section on Corridors on pages 121 – 133 which speaks to promoting more mixed-use development along the corridors. See link below to the Master Plan to review this section.

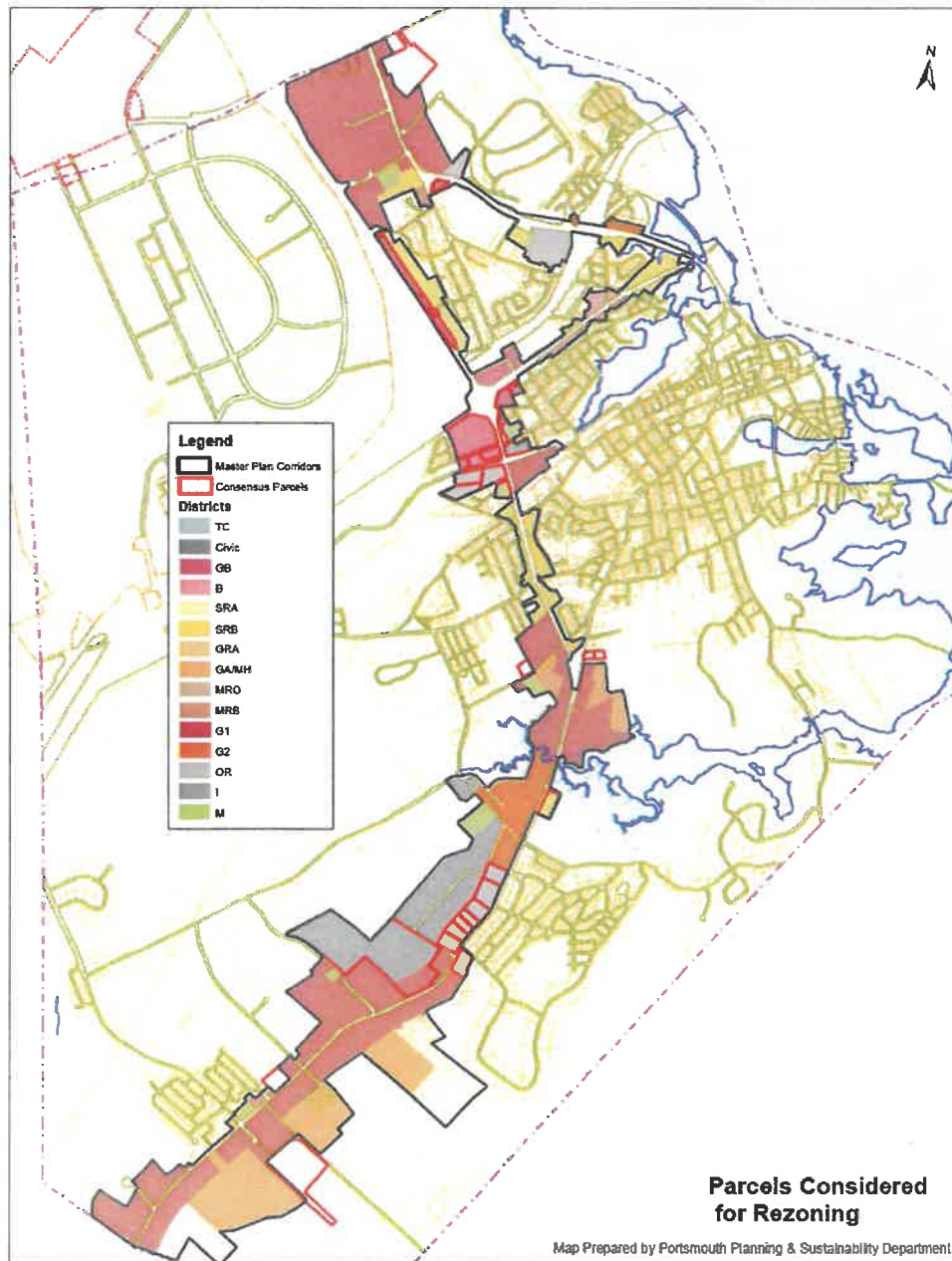
<https://view.publitas.com/city-of-portsmouth/portsmouth-master-plan-adopted-2-16-2017/page/1>

Among the goals in the Corridor section, Goal 1.2 below supports mixed-use development along the commercial corridors.

- *Goal 1.2 – Encourage walkable Mixed-use development along existing commercial corridors.*
 - *1.2.1 Encourage mixed-use development in existing commercial areas by adopting new and enhancing existing flexible zoning techniques such as Gateway Planned Development option.*

- 1.2.2 Promote redevelopment along the Route 1 Bypass north of the traffic circle that is compatible with adjoining neighborhoods.

The map below shows the subject parcels in relation to the corridors outlined in the Master Plan. The corridor boundary in the Master Plan is broad and not parcel specific. Most of the parcels fall entirely within the corridor areas, and several are located adjacent to the corridor areas. These proposed amendments are a continuation of the rezoning efforts the Board and Council have been engaged in the past few years which implement recommendations of the 2025 Master Plan, which also include corrections to the zoning map.



The table below includes the subject parcels with the current zoning, current use and address and approximate acreage. Those parcels that have split zoning just represent the acreage that is proposed to be rezoned. Attached to the memo is a comparison of permitted uses in each district.

MAPLOT	Cur_Zone	Prop_Zone	Comments	Phy_Addres	Acres
0173-0009-0000	I/GRA	G1	Car dealership	500 Route 1 Bypass	3.56
0174-0012-0000	GB	G1	Vacant/Storage	153 Boyd Rd	1.26
0174-0013-0000	GB	G1	Billboard parcel	No Address	0.07
0174-0014-0000	GRA	G1	Dental Office	185 Cottage Rd	0.91
0175-0004-0000	GB	G1	Hotel	300 Woodbury Ave	1.81
0175-0005-0000	GB	G1	Hotel parcel	304 Woodbury Ave	0.13
0175-0011-0000	GB	G1	Hotel/Restaurant	580 Route 1 Bypass	3.68
0215-0009-0000	G1/OR	GA/MH	Oriental Gardens	Oriental Gardens	20.61
0217-0001-0000	G1/MRB	G1	Rite Aide	1303 Woodbury Ave	1.51
0217-002A-0000	G1/MRB	G1	Rite Aide out parcel	Rite Aide parcel	0.14
0229-0006-0000	SRB	G1	Dental office	545 Lafayette Rd	0.97
0229-006A-0000	SRB	G1	Greek Church vacant lot	Off Ledgewood	1.00
0233-0145-0000	M	M	Municipal	Off Rt 1 Bypass	2.73
0234-0002-0000	OR	G1	Public Service Co	Off Borthwick Ave	4.77
0234-0003-0000	OR	G1	Public Service Co	Off Borthwick Ave & Rt. 1 Bypass	5.13
0234-0005-0000	GB	G1	Hotel	505 Rt 1 Bypass	2.58
0234-0006-0000	GB	G1	Granite Group	100 Coakley Rd	1.23
0234-0007-0006	GB	G1	Hotel	650 Borthwick Ave	2.97
0234-0007-0007	OR	G1	Public Service Co	Off Borthwick Ave	4.29
0234-0051-0000	GB	G1	Car dealership	549 Rt 1 Bypass	18.07
0236-0033-0000	GB	G1	Car dealership	120 Spaulding Tpke	2.90
0236-0034-0000	GB	G1	office w apartment	155-157 Farm Ln	0.42
0236-0035-0000	GB	G1	Commercial	150 Spaulding Tpke	0.22
0236-0036-0000	GB	G1	Strip of land	Off Spaulding Tpke	0.12
0236-0039-0000	GB	G1	Car dealership	180 Spaulding Tpke	1.25
0237-0056-0000	GB	G1	NE Marine	200 Spaulding Tpke	5.90
0237-0057-0000	GB	G1	4 Unit Apt.	201 Spaulding Tpke	0.35
0243-0066-0000	SRB	G1	Crossroads	200 Greenleaf Ave	1.94
0246-0001-0000	SRB	G2	Church	1035 Lafayette Rd	4.15
0252-0001-0000	OR	G1	Eversource	1700 Lafayette Rd	4.23
0252-0001-0007	OR	G1	US Army	Lafayette Rd	6.32
0267-0004-0000	OR	G1	Service Credit Union Bank	2032 Lafayette Rd	3.83
0267-0005-0000	OR	G1	Service Credit Union	2010 Lafayette Rd	2.91
0267-0006-0000	OR	G1	Employment Security	2000 Lafayette Rd	2.27
0267-0007-0000	OR	G1	Two office condos	1950 Lafayette Rd	2.14
0267-0008-0000	OR	G1	Medical Buildings	1900 Lafayette Rd	3.98
0268-0097-0000	SRB	G1	Westerly	2075 Lafayette Rd	4.15
0273-0005-0000	I/G1	G1	Water Country	2300 Lafayette Rd	74.27
0285-0001-0000	GA/MH	G1	Patriots Park front section	Freedom Circle	4.40
0291-0001-0001	GA/MH	G1	Service Credit rear lot	Off Lang Rd	26.69

The recommendation below removes a parcel that is owned by the City and was shown as being zoned OR, however per Section 10.421.20 below, the property has been changed to the Municipal district and is recommended to remain and not be changed to Gateway.

10.421.20 Any property owned or leased by the City of Portsmouth and not shown on the Zoning Map as being in the Municipal or Natural Resource Protection district shall be deemed to be in the Municipal district, and when so identified shall be placed in that district.

Four small parcels that were originally considered by the LUC were not included in the January list the Council referred to the Planning Board. These parcels were included in the notice and are called out in the recommendation below.

Three map and lot numbers from the January referral were corrected for the notice and are called out in the recommendation below.

Planning Department Recommendation*

- 1) *Vote to recommend to City Council the map amendments as follows:*
 - 1.1) *Remove Map 233 Lot 145 because it is municipally owned.*
 - 1.2) *Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.*
 - 1.3) *Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 7-1 and Map 268 Lot 97.*

****Motion was "to recommend approval to City Council as presented with the following..."***



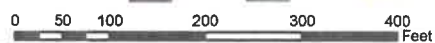
Parcels Considered for Rezoning

Legend

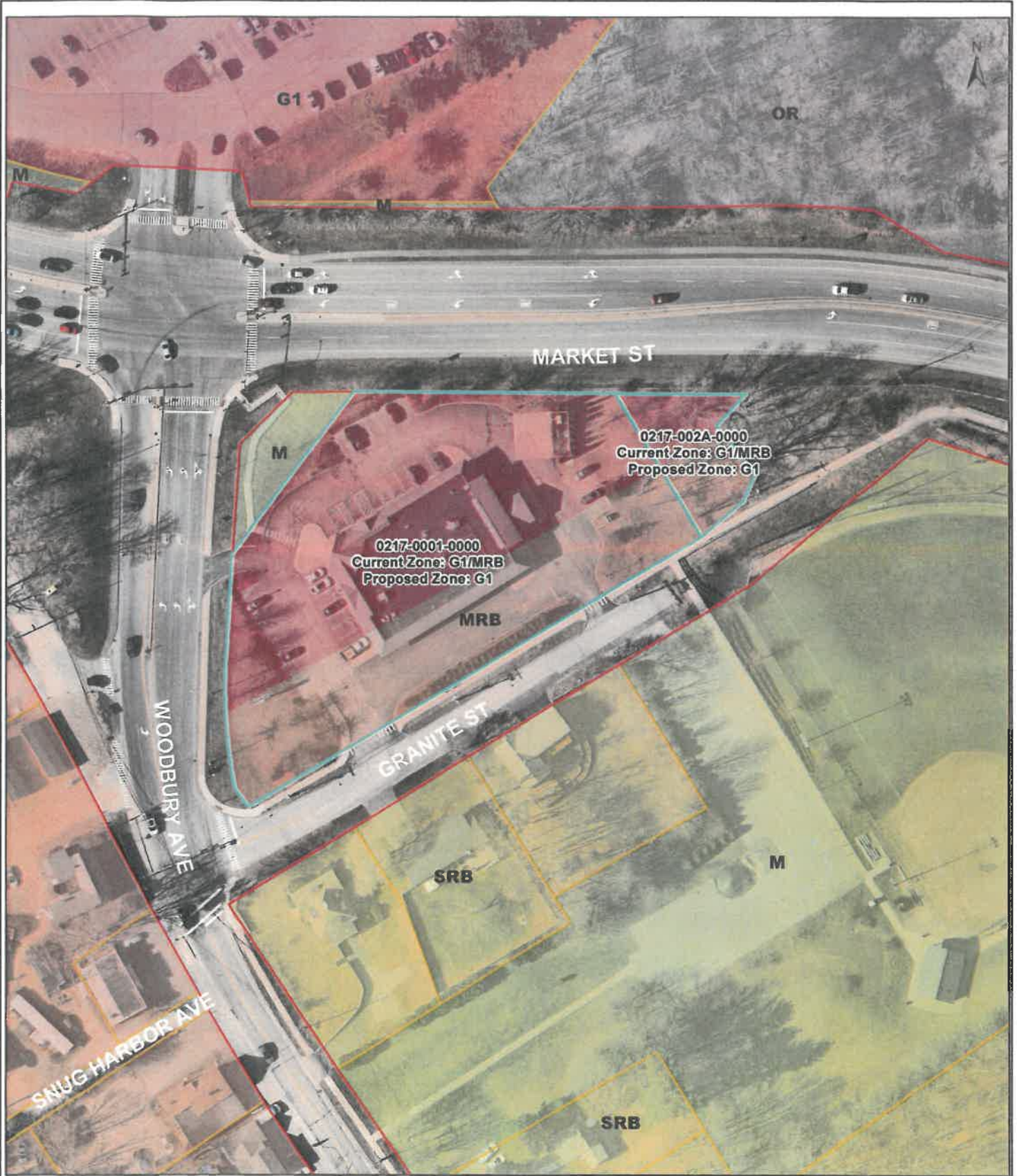
Concensus Parcels

Zoning

 CD4-W	 ABC	 SRB	 MRB	 M
 CD5	 GB	 GRA	 G1	 NRP
 CD4	 B	 GRB	 G2	
 Civic	 WB	 GRC	 OR	
 CD4-L1	 R	 GAMH	 I	
 CD4-L2	 SRA	 MRO	 WI	
 PI				

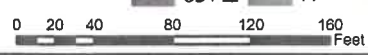


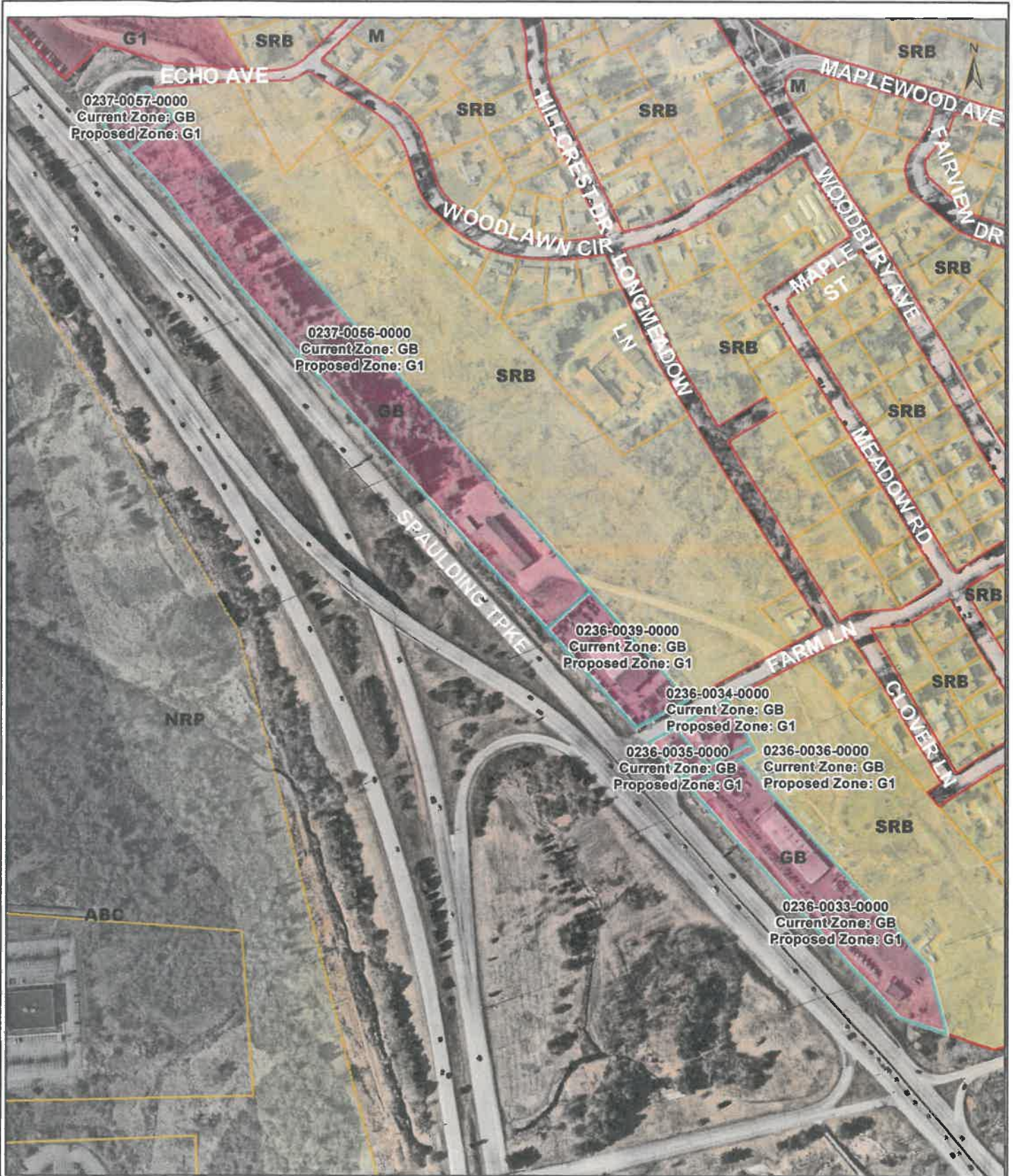
1 inch = 194 feet



Parcels Considered for Rezoning

Legend	Zoning	CD4-W	ABC	SRB	MRB	M
Concensus Parcels	Districts	CD5	GB	GRA	G1	NRP
	TC	CD4	B	GRB	G2	
	Civic	AIR	WB	GRC	OR	
	CD4-L1	AI	R	GAMH	I	
	CD4-L2	PI	SRA	MRO	WI	





0237-0057-0000
Current Zone: GB
Proposed Zone: G1

0237-0056-0000
Current Zone: GB
Proposed Zone: G1

0236-0039-0000
Current Zone: GB
Proposed Zone: G1

0236-0034-0000
Current Zone: GB
Proposed Zone: G1

0236-0035-0000
Current Zone: GB
Proposed Zone: G1

0236-0036-0000
Current Zone: GB
Proposed Zone: G1

0236-0033-0000
Current Zone: GB
Proposed Zone: G1

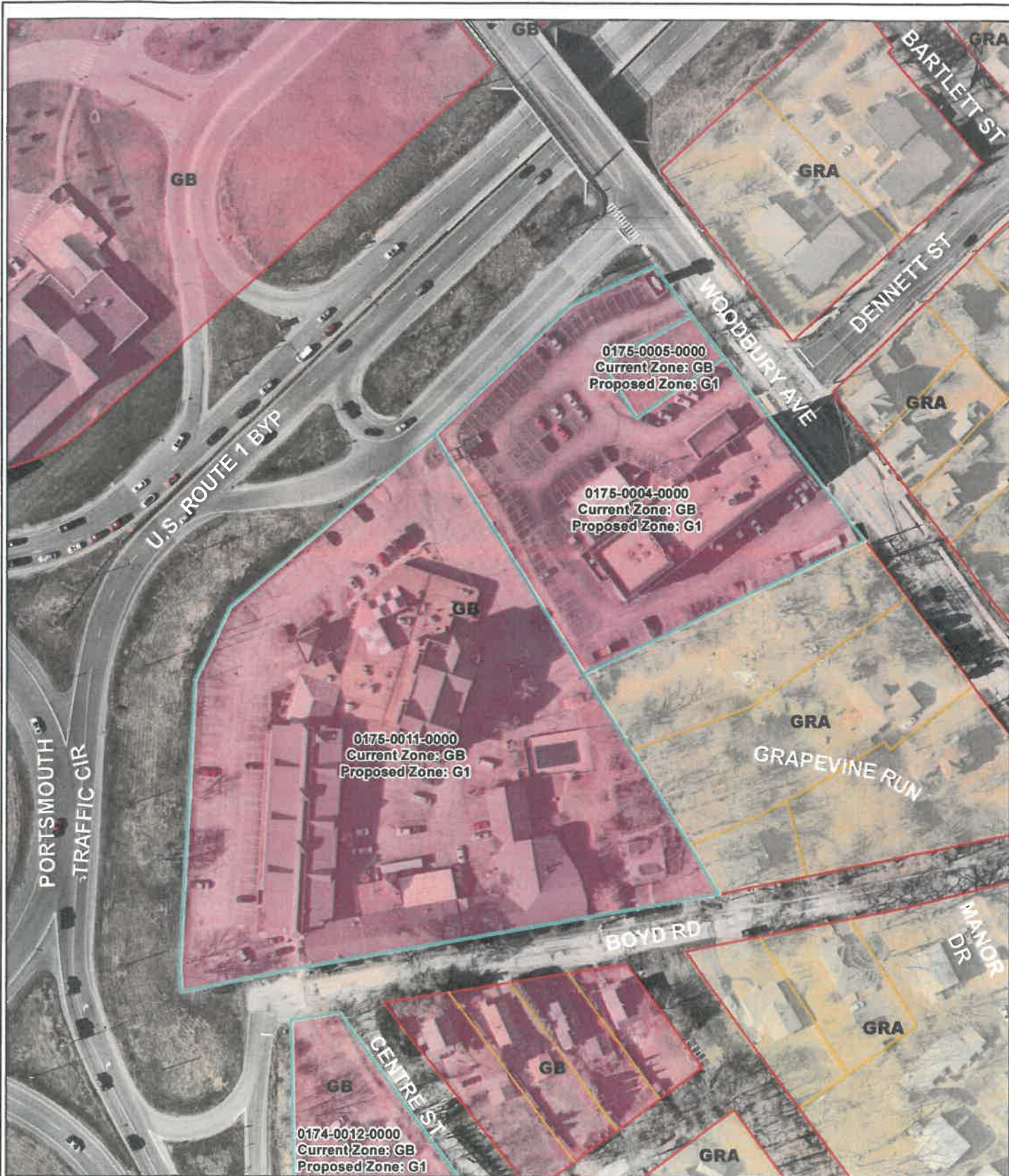
Parcels Considered for Rezoning

Legend

Concensus Parcels

Zoning

 CD4-W	 ABC	 SRB	 MRB	 M
 CD5	 GB	 GRA	 G1	 NRP
 TC	 B	 GRB	 G2	
 Civic	 WB	 GRC	 OR	
 CD4-L1	 R	 GAMH	 I	
 CD4-L2	 SRA	 MRO	 W	
 PI				



Parcels Considered for Rezoning

Legend

Consensus Parcels

Zoning

Districts

TC

Civic

CD4-L1

CD4-L2

CD4-W

CD5

CD4

AIR

AI

PI

ABC

GB

B

WB

R

SRA

SRB

GRA

GRB

GRC

GA/MH

MRO

MRB

G1

G2

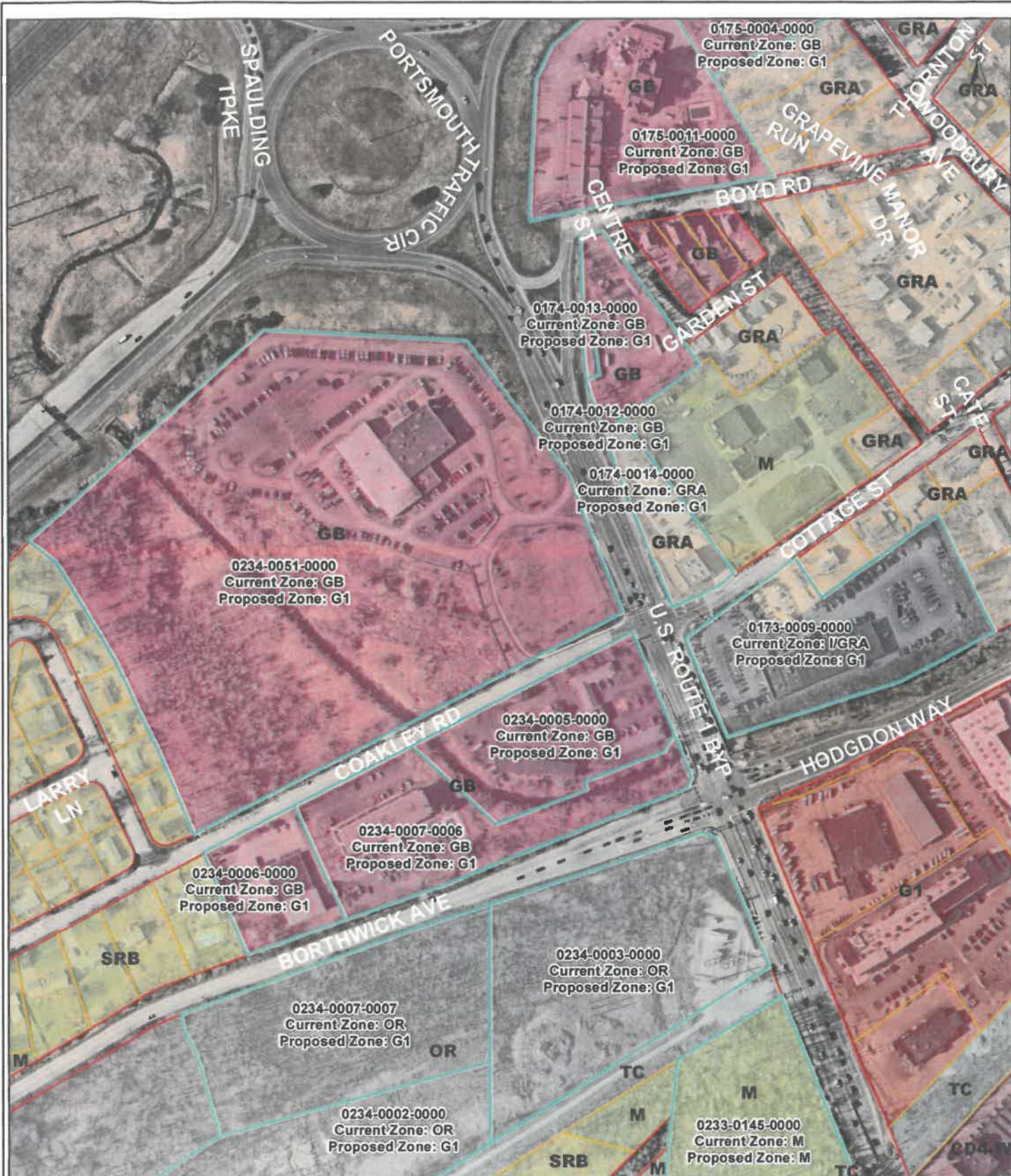
OR

I

W

M

NRP

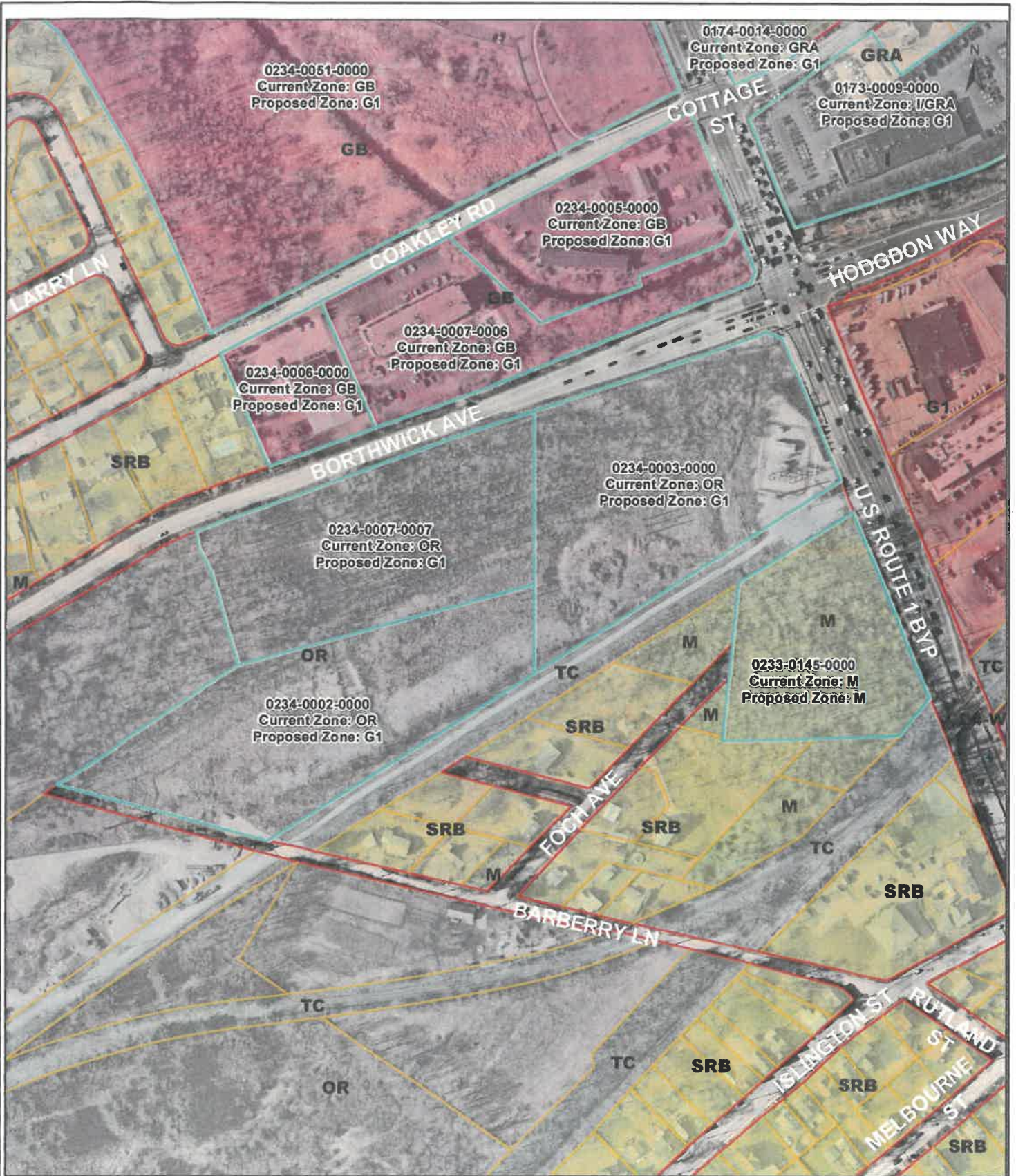


Parcels Considered for Rezoning

Legend

Consensus Parcels

Zoning	Districts	CD4-W	CD5	CD4	AIR	AI	PI	CD4-L1	CD4-L2	ABC	GB	B	WB	R	SRA	MRO	SRB	GRA	GRB	GRC	GA/MH	MRB	G1	G2	OR	I	WM	M	NRP



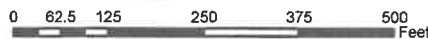
Parcels Considered for Rezoning

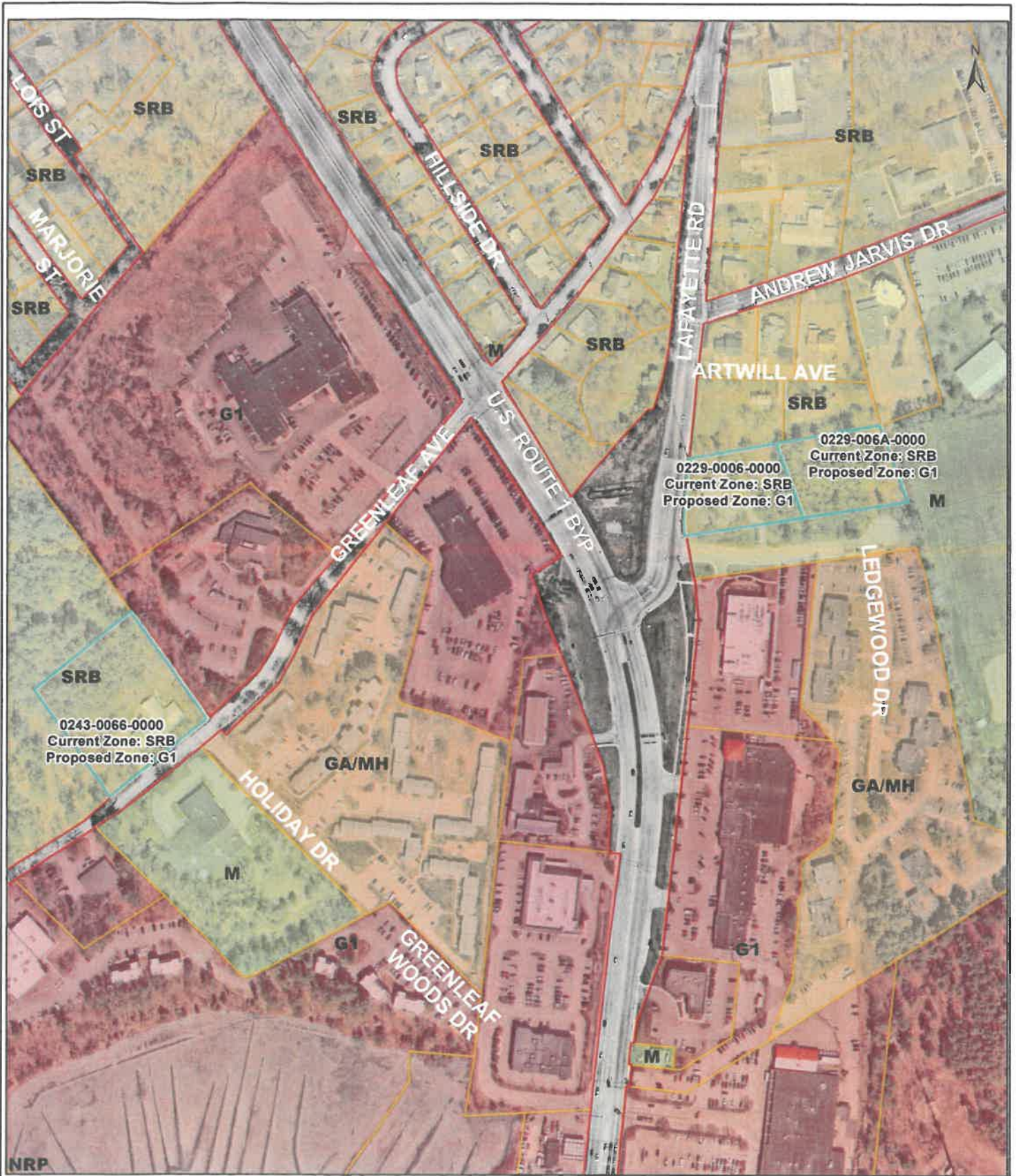
Legend

Concensus Parcels

Zoning

 CD4-W	 ABC	 SRB	 MRB	 M
 CD5	 GB	 GRA	 G1	 NRP
 TC	 B	 GRB	 G2	 OR
 Civic	 WB	 GRC	 I	 WI
 CD4-L1	 R	 GAMH	 PI	
 CD4-L2	 SRA	 MRO		





Parcels Considered for Rezoning

Legend

Concensus Parcels

Zoning



1 inch = 290 feet



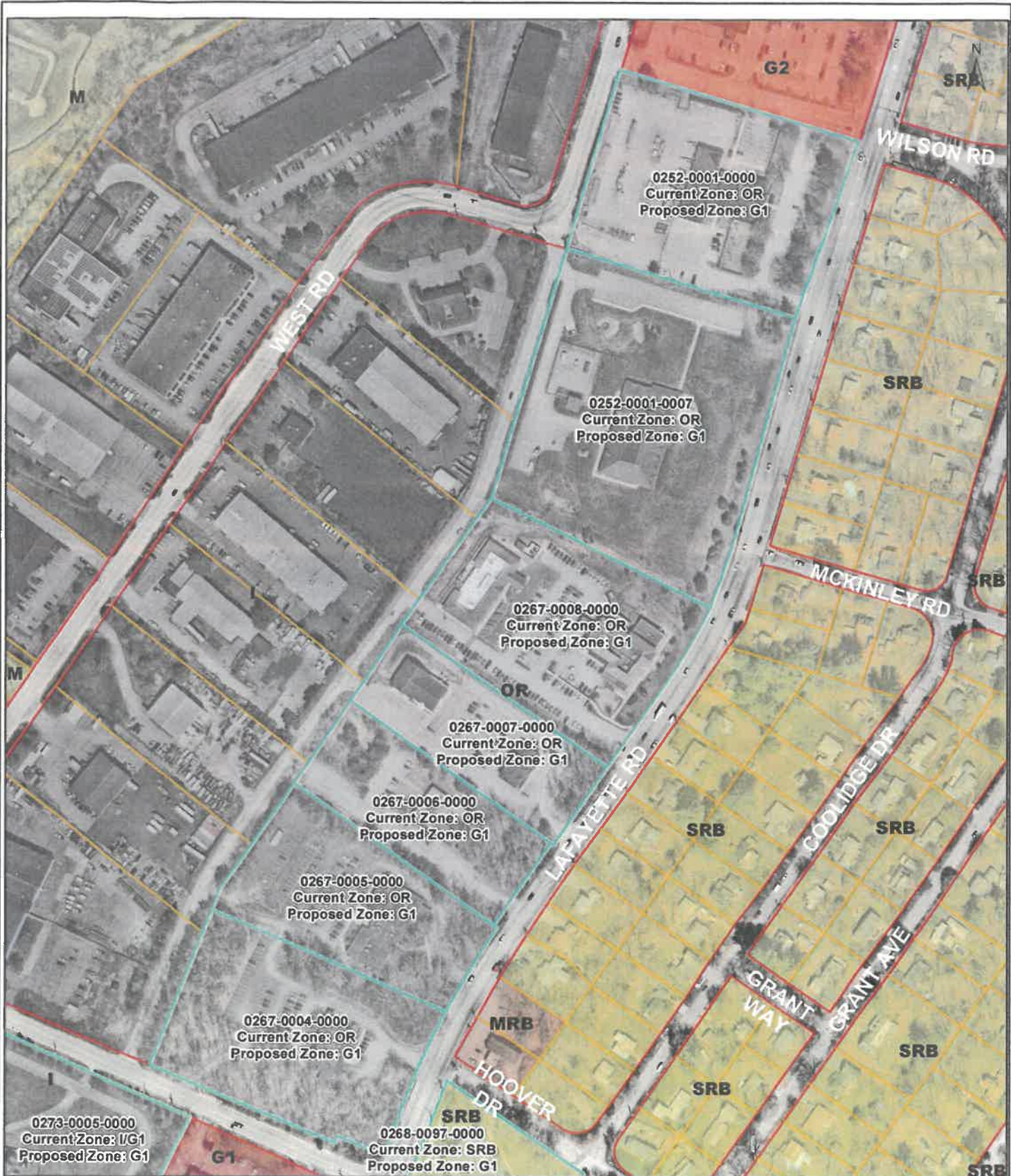
Parcels Considered for Rezoning

Legend

 Concensus Parcels

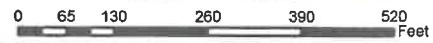
Zoning

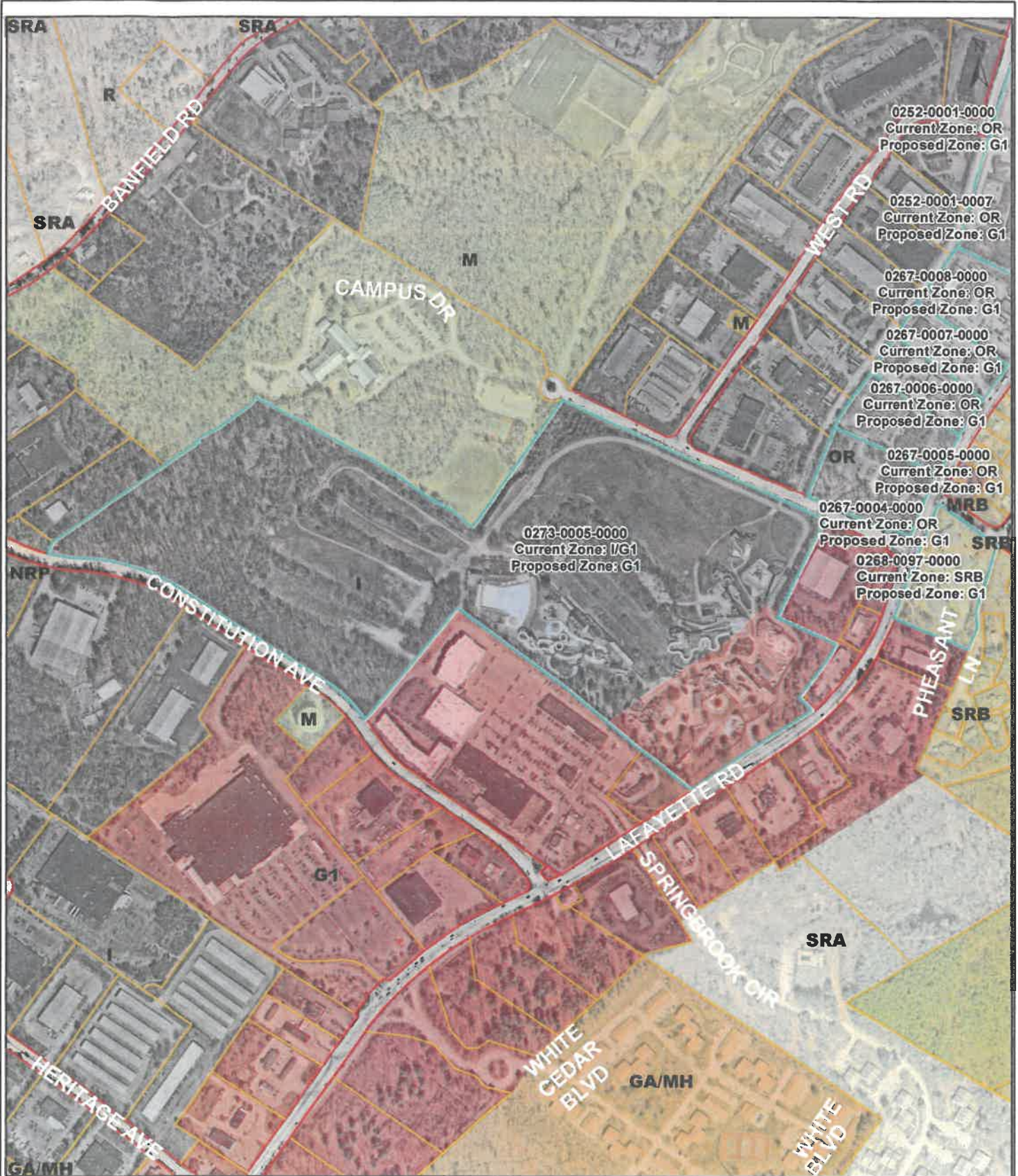
 CD4-W	 ABC	 SRB	 MRB	 M
 CD5	 GB	 GRA	 G1	 NRP
 TC	 B	 GRB	 G2	
 Civic	 WB	 GRC	 OR	
 CD4-L1	 R	 GAMH	 I	
 CD4-L2	 SRA	 MRO	 WI	
 PI				



Parcels Considered for Rezoning

Legend	Zoning	CD4-W	ABC	SRB	MRB	M
Consensus Parcels	Districts	CD5	GB	GRA	G1	NRP
		TC	B	GRB	G2	
		Civic	AIR	GRC	OR	
		CD4-L1	AI	GAMH	I	
		CD4-L2	PI	SRA	WM	
				MRO		





0252-0001-0000
Current Zone: OR
Proposed Zone: G1

0252-0001-0007
Current Zone: OR
Proposed Zone: G1

0267-0008-0000
Current Zone: OR
Proposed Zone: G1

0267-0007-0000
Current Zone: OR
Proposed Zone: G1

0267-0006-0000
Current Zone: OR
Proposed Zone: G1

0267-0005-0000
Current Zone: OR
Proposed Zone: G1

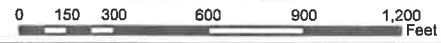
0267-0004-0000
Current Zone: OR
Proposed Zone: G1

0268-0097-0000
Current Zone: SRB
Proposed Zone: G1

0273-0005-0000
Current Zone: I/G1
Proposed Zone: G1

Parcels Considered for Rezoning

Legend	Zoning	CD4-W	ABC	SRB	MRB	M
Consensus Parcels	CD5	GB	GRA	G1	NRP	
	TC	B	GRB	G2		
	Civic	WB	GRC	OR		
	CD4-L1	R	GA/MH	I		
	CD4-L2	PI	SRA	WM		
			MRO			





Parcels Considered for Rezoning

Legend
 Census Parcels

Zoning		Districts	
CD4-W	ABC	SRB	MRB
CD5	GB	GRA	G1
CD4	B	GRB	G2
Civic	WB	GRC	OR
CD4-L1	R	GA/MH	I
CD4-L2	PI	SRA	WI
		MRO	





CITY OF PORTSMOUTH

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

Karen S. Conard
City Manager

Date: April 11, 2024

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 April 15, 2024

I. Work Session – South Meeting House:

Before the regular City Council Meeting this evening, staff will provide a brief presentation relative to the status of the South Meeting House at 6 pm in a Work Session. Please find below [and attached pertinent information relative to the site](#). With the recent relocation of Portsmouth Public Media (PPMtv), the City is once again in a position to evaluate how to best maintain, preserve and utilize the South Meetinghouse.

Located at 280 Marcy Street, the first building was known as the Old South Meeting House, built in 1731 for the South Parish/Church. In 1826, the congregation moved to a new granite meeting house that still stands today along State Street. The old building enjoyed various uses until 1863, when the first building was demolished and a new structure was completed in 1866 as a true meeting house and has since been used as a ward hall for the Third Ward, school, church, meeting space and room rental by Strawberry Banke, until 1980 when the City put the property up for lease or sale. Portsmouth Advocates commissioned a study that evaluated three (3) different options for reuse: a community arts center, a combination home and occupation, and two (2) residential condominiums along with a draft application for the building's inclusion in the National Registry of Historic Places. That application was submitted by the newly formed Children's Museum which opened in 1983 and remains an important protection for the building.

In 2008, the Museum relocated to larger space in Dover. In FY2010, after the formation of a subcommittee by the Friends of the South End, the City allocated \$203,000 in Urban Development Action Grant (UDAG) funding to renovate the building, a project which entailed work to the bell tower, weathervane and clock as well as roof, paint and siding work. In June 2010, the Friends of the South End supported the renovation efforts with a contribution of \$2,283 specifically for the removal of the storm windows and the restoration of the frames to match the window trim. In the spring of 2010, Portsmouth Public Media (PPMtv) moved into the building.

Existing Site Conditions and List of Current Needs:

Per the property card, the property is valued at \$1,779,900 (2023) - \$765,400 for the land and \$1,014,500 for the building which includes 4,120 square feet of usable area and 20 parking spaces. [Please see attached a site map of the property.](#)

The historic nature of this building and its materials require a much higher level of attention than most buildings. Based on our experience in caring for this building and others like it, as well as actual proposals from contractors, the following cost estimate would stabilize this building for further renovations for its next use.

- \$65,000 for window restoration - 30 very large historic windows, including historic glass replacement, re-paint and new storm windows (includes consideration of lead paint)
- \$225,000 for painting of entire building (includes consideration of lead paint)
- \$7,500 for gutter and downspout repairs
- \$75,000 for miscellaneous carpentry items on siding and doors
- \$50,000 for HVAC repairs and upgrades
- \$20,000 for ADA compliance - repairs /replacement to de-commissioned chair lift
- \$50,000 for slate roofing repairs - active leaks during severe wind driven storms

Total: \$492,500

Zoning Considerations:

The property is in the Municipal Zoning District. Per Section 10.433 of the City's Zoning Ordinance, if the property is owned or leased by the City, the property could be used for whatever the City Council determines is in the best interest of the City, therefore it is ultimately a policy decision by the City Council as to how to treat the property as long as the City continues to own it.

If the Council were to sell the property, the zoning designation would likely default to General Residence B (GRB), as it is surrounded by that district. For residential use, the GRB requires 5,000 square feet per dwelling (the lot size is 10,018 square feet). A duplex is allowed by right, so this could accommodate two units. A Special Exception would allow 3-4 multifamily units, but there is not enough lot area per dwelling to allow for three units. A boarding house is not permitted. Staff has determined that this use could include a club, fraternal or service organization without lodging.

Recommendation:

The City is fortunate to have this opportunity to weigh all possible options for appropriate reuse of this historic property. It should be noted that City management does not have an identified municipal use in mind. When considering options for this site, the City wishes to emphasize from the outset that any user will value the restoration and historic preservation of the property, contemplate a use that is compatible with the surrounding adjacencies and neighborhood, provide financial stability, take care of operation and maintenance needs, and in short be an appropriate fit.

Staff recommends that the City issue a Request for Proposals to solicit interest and elicit conceptual proposals, which would identify desired end use. Additional submittal information that may be requested of interested parties would evolve out of the work session and ensuing decision-making, to include such considerations as lease or sale of property, long-term or short-term in duration, residential or other use, parking needs, and the plan for long-term preservation and maintenance. The process for review of any proposals received should also be part of the City Council conversation. Ultimately the nature of the reuse of the South Meeting house is a policy decision by the City Council.

X. Public Hearing and Vote on Ordinances and/or Resolutions:

A. First Reading of Ordinance Amending Chapter 10 – Various Articles Relative to Electric Vehicle Charging Stations:

At its May 2, 2022 meeting, the City Council referred draft zoning ordinance amendments submitted by Councilor Denton relative to electric vehicle charging stations to the Planning Board for review and recommendation.

Currently, an electric vehicle charging station, as a principal use, is allowed by special exception in the GB, G1, B, CD4-W and I zones under the motor vehicle service station classification. An EV charging station is currently allowed as an accessory use to any permitted principal use on any Citywide lot.

The Planning Board began discussion of these amendments in November 2023 and has been working on revisions since then. The original referral included adding specific charging levels (1, 2 & 3) to the use tables in the Ordinance. With the speed of change in the industry, having broad definitions that will not become obsolete is the best approach. For example, when the Board began discussion of this topic there were Level 1, 2 and 3 chargers and now there are level 4 chargers, fully automated battery exchange stations and soon there may be wireless charging for EVs. The Planning Board took a broad approach during the course of its work on these amendments so the Ordinance would not be quickly outdated once adopted. The proposed amendments capture EV charging and infrastructure that should remain relevant with the future technology anticipated.

At its February 29, 2024 meeting, the Planning Board voted to schedule a public hearing on the amendments after legal review. Legal reviewed the draft with staff and the Chair and made edits to simplify and condense [the attached amendments](#).

The Planning Board held a public hearing at their March 21, 2024 meeting and considered the revised amendments. The Board voted to recommend the City Council hold first reading on the zoning amendments dated 3/14/24 with the following edits:

- To change EV fueling space 1 and 2 to EV fueling space A and B; and
- To change Use 19.70 EV fueling space B as an accessory use from Permitted to Conditional Use Permit in the G1, G2, B, and CD4-W districts.

The motion passed unanimously.

I recommend that the City Council move to pass first reading and schedule a public hearing and second reading at the May 6, 2024 City Council meeting.

B. Public Hearing and Second Reading of Ordinance Amending Chapter 10, Zoning Ordinance, City of Portsmouth Zoning Map:

At the January 16, 2024 meeting, the City Council referred proposed zoning map amendments to the Planning Board for a report back and recommendation. Prior to the Planning Board's February 15 and February 29, 2024 public hearing on the zoning map amendments, staff reviewed the parcel list referred by Council and made the corrections listed below. The ordinance presented tonight for second reading reflects those edits.

The Planning Board considered the map amendments at their February 29, 2024 meeting and voted to recommend to City Council the approval of the map amendments as presented with the following:

- Remove Map 233 Lot 145 because it is municipally owned.
- Include the following lots that were considered by the Land Use Committee but not included in the referral from City Council: Map 175 Lot 5, Map 236 Lot 36, Map 174 Lot 13 and Map 217-2A.
- Correct the following map and lot numbers for three parcels: Map 273 Lot 5, Map 252 Lot 1-7 and Map 268 Lot 97.

The motion passed 6-3. [Attached is the staff memo that was in the Planning Board packet with maps of the subject parcels.](#)

I would recommend that the City Council move to pass second reading and schedule a third and final reading at the May 6, 2024 City Council meeting.

XI. City Manager's Items Which Require Action:

1. **Approval of Renewal for Chief of Police Newport's Employment Agreement:**

Attached please find a memorandum from the City's Labor Negotiator, Tom Closson, along with a proposed employment agreement for Chief of Police Mark Newport.

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

2. **Request for 3-Month Extension of Existing Franchise Agreement with Comcast:**

Comcast provides cable television services to the City of Portsmouth pursuant to a five-year franchise agreement originally set to expire February 29, 2024, but extended by action of the City Council earlier this year to April 30, 2024. Deputy City Manager/Regulatory Counsel Suzanne Woodland (who will be available to answer questions) reports that the parties have been negotiating in good faith, but there have been unexpected challenges in scheduling additional meetings of the Cable Commission which has delayed completion of the negotiations. A three-month extension is being requested to give additional time to the parties.

A copy of the current franchise agreement can be found at <https://portsnh.co/broadband>.

I recommend that the City Council move to authorize the City Manager to finalize and execute the Extension Agreement as presented.

XVII. City Manager's Informational Items:

1. **Update on Community Policing Facility:**

City staff will provide a verbal update regarding progress updates for the proposed Community Policing Facility.

THOMAS M. CLOSSON
ATTORNEY AT LAW PLLC

379 Amherst Street, Suite #2
PMB 231
Nashua, New Hampshire 03063
603-759-6614
thomas.closson@nhlaborlaw.com

To: City Manager Conard, Mayor McEachern, and Members of the
Portsmouth City Council
cc: Chairperson Coyle, Portsmouth Police Commission
Human Resources Director Harper
From: Tom Closson
Re: Proposed Employment Agreement with Police Chief Mark Newport
Date: April 8, 2024

Attached for your consideration is a proposed five (5) year Employment Agreement between the Portsmouth Police Commission and Police Chief Mark Newport. This Employment Agreement provides for an initial annual base salary of one hundred seventy-five thousand dollars (\$175,000.00), effective February 1, 2024. Effective February 1, 2025, 2026, 2027, and 2028, this initial base salary will increase by five thousand dollars (\$5,000.00). In recognition of Chief Newport's Master's degree, this Employment Agreement also includes an annual Educational Attainment Bonus, equal to one percent (1%) of his base salary in the first year of the Employment Agreement; two percent (2%) of his base salary in the second year of the Employment Agreement; and three percent (3%) of his base salary in each of the third, fourth, and fifth years of the Employment Agreement. There are no other salary step increases or COLAs during the term of this Employment Agreement.

The other provisions in, and format of, this Employment Agreement are consistent with the template that the City uses for other senior leadership positions.

The Police Commission has approved this Employment Agreement, and I am pleased to recommend it to you for your approval.

EMPLOYMENT AGREEMENT

1. Preamble

This Agreement is entered into between the Police Commission, City of Portsmouth, New Hampshire (hereinafter called "Commission") and Mark Newport (hereinafter called "Employee"). This Agreement is null and void unless approved by the Portsmouth City Council.

2. Term, Domicile, And Successor Agreement

The Commission agrees to employ the Employee and the Employee agrees to accept employment in the position of Chief of Police of the City of Portsmouth, New Hampshire for a term commencing on February 1, 2024, and ending on January 31, 2029. The parties may, by written agreement executed by both parties and approved by the Portsmouth City Council, agree to extend the term of this Agreement. The Commission and the Employee acknowledge that this is a full-time, year-round position including extensive obligations in the evenings and on weekends. The Employee agrees to devote his professional efforts to the successful fulfillment of the responsibilities of Chief of Police as described by New Hampshire Statute, the Charter of the City of Portsmouth, the rules and regulations of the Portsmouth Police Department, and as reasonably directed by the Commission.

The Employee will be required to maintain his primary domicile in Portsmouth, New Hampshire throughout the term of this Agreement. The Employee's failure to comply with this requirement will be grounds for termination for cause as per the provisions of Section 5 below.

If either the Employee or the Police Commission are not interested in pursuing a successor agreement, this Agreement will automatically expire on January 31, 2029, and the Employee will not be entitled to the severance benefits described in Section 6 below. If the Employee is interested in pursuing a successor agreement, the Employee will notify the Police Commission of such interest, in writing, between March 1, 2028, and March 31, 2028. Upon receipt of this written notice of interest from the Employee, if the Police Commission is not interested in pursuing a successor agreement, this Agreement will automatically expire on January 31, 2029, and the Employee will not be entitled to the severance benefits described in Section 6 below. If, however, upon receipt of this written notice of interest from the Employee, the Police Commission is also interested in pursuing a successor agreement, the parties will begin good faith negotiations on a successor agreement and will continue such good faith negotiations until June 1, 2028. If a successor agreement has not been reached by June 1, 2028, either party may then terminate good faith negotiations by providing a written notice of termination to the other party by June 30, 2028. Such written notice of termination will result in this Agreement automatically expiring on January 31, 2029, and the Employee will not be entitled to the severance benefits described in Section 6 below. If, however, neither party provides a written notice of

termination, and the parties instead continue good faith negotiations past June 30, 2028, if those good faith negotiations do not result in a successor agreement, this Agreement will still automatically expire on January 31, 2029, but the Employee will then be entitled to the severance benefits described in Section 6 below.

3. Base Salary

Effective February 1, 2024, the Employee will be paid an annual base salary of one hundred seventy-five thousand dollars (\$175,000.00), subject to such deductions as may be authorized by the Employee and/or as may be required by law. Effective February 1st of 2025, 2026, 2027, and 2028, the Employee will receive an annual increase to base salary in the amount of five thousand dollars (\$5,000.00).

The Commission and the Employee shall annually define such performance objectives as they may determine necessary for the proper operation of the Portsmouth Police Department and in attainment of the Commission's policy objectives and shall further establish a relative priority among those various objectives, these objectives to be reduced to writing. The objectives shall generally be attainable within the time limitations as specified and the annual operating and capital budgets and appropriations provided. At the completion of the review and evaluation, the Commission shall provide the Employee with a summary written statement of its findings and provide adequate opportunity for the Employee to discuss the review and evaluation with the Commission. The parties may, by written addendum executed by both parties and approved by the Portsmouth City Council, agree to provide additional compensation to the employee in recognition for his accomplishment of the performance objectives identified by the Commission.

4. Certification

During the term of this Agreement, the Employee will be required to maintain certification as a full-time police officer as required by the New Hampshire Police Standards and Training Council.

5. Termination for Cause

This Agreement may be terminated by the Commission at any time for cause, i.e., failure on the part of the Employee to comply with any term or condition of this Agreement, the laws, rules and regulations of the State of New Hampshire, or the rules and regulations of the Commission, or the City of Portsmouth; or malfeasance, misfeasance, nonfeasance, or insubordination in carrying out the responsibilities of the position as specified in the Municipal Charter of the City of Portsmouth or as directed by the Commission.

Termination for cause shall take place only following written notification specifying the reasons for termination. Unless the Employee submits to the Commission, within twenty (20) days of receipt of such notification, a written request for a hearing before the Commission, the Agreement shall be considered terminated as of the date which

falls thirty (30) days after the Employee's receipt of notification. If the Employee requests a hearing, the Commission shall hold this hearing within twenty (20) days after receipt of such request. The Commission shall render a written decision to the Employee within ten (10) days of the hearing. In the event of a termination for cause, the Employee shall receive no severance and no further compensation beyond the last day worked. Nothing in this paragraph will limit the Employee's rights under the provisions of NH RSA 105:2-a.

6. Termination with Severance Benefits

If at any time the Commission in its discretion shall so determine, the Commission may, without cause and with or without prior notice, relieve the Employee of his duties under this Agreement. In such event the Employee will be entitled to severance benefits. Such severance benefits will be equal to twelve (12) months salary, and the City will pay the cost to continue health insurance for the Employee and all his covered dependents, for a period of twelve (12) months, after which time, the Employee will be provided access to health insurance continuation pursuant to the provisions of the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

As set forth above in Section 5, if the termination is for cause, the Employee shall not be entitled to severance benefits. Severance benefits shall not be paid upon the voluntary resignation of the Employee, except that the Employee will be paid for his accrued sick time and unused vacation time.

7. Termination by Mutual Consent/Voluntary Resignation

This Agreement may be terminated at any time by mutual consent of the Commission and the Employee or by voluntary resignation of the Employee. In the event the Employee voluntarily resigns before the expiration of the term of this Agreement or any renewal thereof, the Employee shall give the Commission thirty (30) days written notice in advance of such resignation. In the event of voluntary resignation, the Employee shall not be eligible for severance benefits.

8. Severance Constitutes Release

The acceptance by the Employee of the severance benefits provided under this Agreement shall constitute a full and complete release of any other rights, claims, or causes of action whether in law, equity or otherwise, that the Employee may have against the Commission, the City of Portsmouth, and the employees, elected or appointed officials, officers, agents, representatives and attorneys of such entities, including any rights that the Employee may have under NH RSA 105:2-a.

9. Benefits

Except as otherwise provided herein, the Employee's fringe benefits shall be established by the collective bargaining agreement currently in place between the City of Portsmouth and the Professional Management Association ("the PMA

CBA"). The exceptions shall be described in detail in Section 10 below.

10. Exception to Benefits in Section 9

In lieu of or in addition to the compensation enumerated in Section 9, the Employee shall also be entitled to the following:

- a. The Employee will maintain the following fringe benefits consistent with the terms of the Portsmouth Police Ranking Officers CBA and not the PMA CBA: workers' compensation insurance; longevity stipend; long-term disability liability insurance; and the Employee's level of clothing allowance, vacation accrual and personal day accrual as of the date of this Agreement.
- b. In the first year of this Agreement, the Employee will be paid an annual Educational Attainment Bonus equal to one percent (1%) of his then current base salary to recognize his Master's degree. In the second year of this Agreement, the Employee will be paid an annual Educational Attainment Bonus equal to two percent (2%) of his then current base salary. In the third, fourth, and fifth year of this Agreement, the Employee will be paid an annual Educational Attainment Bonus equal to three percent (3%) of his then current base salary.
- c. The Employee will maintain the paid leave that he has currently accrued. The employee's maximum accrued vacation leave will not exceed sixty (60) days, measured at the end of the calendar year. In the event the Employee has accumulated more than sixty (60) days of unused vacation at the end of the calendar year, the Employee will be paid at his per diem rate for no more than ten (10) accumulated days over sixty (60) days, such payment to be made in the first payroll in February in the following calendar year. With respect to his accrued sick leave, the Employee will continue to have his total accrual capped at 226 days, and he will remain entitled to a payout of up to 150 days at a pay rate of 90% of his current rate upon his retirement or voluntary termination as per the terms of the Portsmouth Police Ranking Officers CBA.
- d. The Employee will be provided with a suitable automobile for use in the performance of his duties under this Agreement. Recognizing that the Chief of Police is always on-call, it is understood that the automobile may also be used for personal business.
- e. Subject to budgetary constraints, the Commission agrees to cover the cost of tuition and textbooks for courses and/or other classes for improved job performance as part of a career development program. Prior approval by the Commission of all courses is required. If the Employee fails to successfully complete the course and/or class with a final passing grade, he will be required to reimburse the Commission for the entire cost of tuition and textbooks.
- f. The Commission recognizes that certain expenses of a non-personal and generally job-related nature will be incurred by Employee, and hereby agrees to reimburse or to pay said general expenses upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavits, subject to budgetary authorization to be

approved by the Commission as an element of the annual Department budget.

- g. The Commission hereby agrees to pay, within budgetary constraints and subject to the prior approval of the Commission, the professional dues and subscriptions of the Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations, necessary and desirable for his continued professional participation, growth and advancement.

AGREED: The parties below acknowledge that this Agreement is subject to the approval of the Portsmouth City Council without which approval this Agreement is without force and effect.

For The Commission

Date

Date

Date

Employee

Date

Approved By The Portsmouth City Council

Date

Certified By The Portsmouth City Clerk

Date

**EXTENSION OF THE CABLE TELEVISION
FRANCHISE AGREEMENT
BETWEEN
THE CITY OF PORTSMOUTH, NEW HAMPSHIRE
AND
COMCAST OF MAINE/NEW HAMPSHIRE, Inc.**

In its statutory role as Franchising Authority, pursuant to the laws of the State of New Hampshire, the City of Portsmouth (the "City") hereby extends the current Cable Television Franchise Agreement due to expire February 29, 2024 (the "Franchise Agreement"), granted to Comcast of Maine/New Hampshire, Inc. upon the same terms and conditions contained therein, for a period from 12:01 AM May 1, 2024 to July 31, 2024 ("Extension"), or until such time as the Franchise is renewed for a longer term, whichever occurs sooner.

This extension shall under no circumstances be construed or deemed to be a renewal of the Franchise Agreement under either state or federal law(s) or the terms of said Franchise Agreement. The City and Comcast reserve all of their lawful rights pursuant to all applicable state and federal (laws).

This extension is subject to the terms and conditions contained in the regulations of the FCC; the Cable communications Policy Act of 1984 (the "1984 Cable Act"); the Cable Television Consumer Protection and Competition Act of 1992 (the "1992 Cable Act") and all City, State, and Federal statutes and by-laws of general application.

Nothing herein shall be construed in any manner whatsoever as a waiver, release or surrender of any rights that the City and/or Comcast may have under Section 626 and Section 635 of the 1984 Cable Act with respect to this Extension. The City expressly reserves all rights under applicable provisions of the 1984 Cable Act-including Section 626 and Section 635.

The Franchising Authority and Comcast agree to negotiate diligently and in good faith during this second extension period to finalize a long term agreement.

In Witness Whereof, this ___ day of _____, 2024, this Extension is hereby executed by the City Manager pursuant to vote of the Portsmouth City Council, as Franchising Authority, on _____, all terms and conditions are hereby agreed to by Comcast of Maine/New Hampshire.

City of Portsmouth

Comcast of Maine/New Hampshire, Inc.

By: _____
Karen S. Conard
City Manager

By: _____
Carolyn Hannan
Senior Vice President
New England Region

DRAFT

RECEIVED

APR -1 REC'D

CITY MANAGER
PORTSMOUTH, NH



March 19th, 2024

City Manager and City Council
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801

Dear Karen Conard and City Council,

Since 2005, Yoga in Action has offered free, therapeutic, community yoga classes in Prescott Park. I am writing today to request once again to use Prescott Park as the site of our annual series, "Yoga in the Park." For the past nineteen summers, local teachers and studios have volunteered their time to share free classes to the public in this beautiful park on Marcy Street.

Yoga in the Park is part of YiA's community outreach programming designed to make yoga accessible to Seacoast residents and visitors regardless of experience, health and wellness, or finance. We offer 22+ free classes per week, including Yoga & Cancer, Yoga for Diverse Abilities, Chair Yoga, Yoga for Veterans and Yoga for Recovery. Our Prescott Park classes are a unique opportunity to bring together not just the at-risk populations we serve, but any yoga and wellness enthusiasts in our area: a perfect expression of inclusion and community.

We would like to use the Whale Statue lawn for a one-hour class each Tuesday at Noon for the months of June, July and August.

I look forward to hearing from you. Please feel free to contact me if you have any further questions.

Regards,



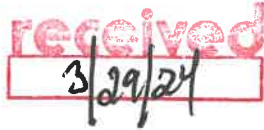
Michelle James
Yoga in Action
michelle.james@yogainaction.org
207.451.0581
PO Box 265
Greenland, NH 03840



PORTSMOUTH PROFESSIONAL FIRE FIGHTERS

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL
1313

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



March 13, 2024

Mayor Deaglan McEachern and the City Council
Portsmouth City Hall
1 Junkins Ave.
Portsmouth, NH 03801

Honorable Mayor McEachern and members of the City Council:

The International Association of Firefighters (IAFF) is the largest contributor to the Muscular Dystrophy Association (MDA) nationwide. The Portsmouth Professional Firefighters Local 1313 membership are proud members of the IAFF and have annually supported the MDA with their fundraising efforts for many years. Last year the members of Local 1313 raised over \$6,000 through our Fill-the-Boot campaign.

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

Once again, we are asking for the City Council to support our efforts in assisting the MDA. We respectfully request permission to hold a boot drive this year on Saturday, August 3, 2024. We would collect donations between the hours of 8 am to 4 pm. We would like to continue to utilize the Market Square location as it has been very successful for us in the past.

The Portsmouth Professional Firefighters began its fundraising efforts for MDA over 15 years ago. Each year the money collected has benefited afflicted children from Portsmouth, the surrounding seacoast, and across the State of New Hampshire. This year our goal is to raise \$10,000 for this worthy cause, and with the City Council's support, we believe we can achieve this.

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

Sincerely,

Allan Scholtz, Secretary
Portsmouth Professional Firefighters Local 1313



Friends of the South End
PO Box 443
Portsmouth, NH 03802

March 27, 2024

Mayor & City Council
Portsmouth City Hall
One Junkins Avenue
Portsmouth, NH 03801

Dear Mayor & City Council,

On behalf of the Friends of the South End and the **20th Annual Fairy House Tour** event, I am seeking the City's permission to host this event on Saturday, September 21, 2024 and Sunday, September 22, 2024 from 10 a.m.- 3 p.m. both days, as well as to help clear the area from conflicting events.

As in years past, the Tour will take place on the grounds of the Governor John Langdon House, Strawberry Banke Museum, The Players' Ring and in collaboration with the Prescott Park Arts Festival. We are asking the City of Portsmouth for permission to use Pierce Island for parking as well as the use of Prescott Park. We would again like to close Washington Street between Hancock and Court Streets to through traffic from 9:30 a.m.- 4 p.m. both days.

In addition, for the safety of event participants, we request that no races (bike or running) be scheduled on abutting streets especially during the Saturday of our event as we would like to add a children's fairy parade to celebrate the opening of our 20th Fairy House Tour. We propose the following parade route concluding on the Strawberry Banke grounds: start at Parrott Avenue parking lot on Pleasant Street, left onto Hancock Street then left onto Marcy Street and left at Puddle Dock Restaurant entrance into Strawberry Banke. We anticipate hiring two police officers throughout the event to aid in the public's crossing over Marcy Street at the Prescott Park flagpole and at the intersection of Mechanic Street.

We look forward to working with the city staff to bring one of our area's most beloved community events to life in Portsmouth. Please let me know if you need additional detailed information at this time so that this request can be added to the next Town Council meeting agenda for timely scheduling and approval.

Thank you for helping us to again create a magical event in the South End for the benefit of our children and community.

Debra C. Smith
2022 Event Manager
info@fairyhousetour.com
860/836-7370 cell
603/292-5862 home

Cc: Mary Thomas, FOSE Co-President
Jessica Griffin, Town Manager Office



April 2, 2024

Portsmouth City Manager and Officials
1 Junkins Ave.
Portsmouth, NH 03801

Ms. Conard and City Officials,

The Music Hall respectfully submits the following requests for the City of Portsmouth's approval to include the closure of Chestnut Street to vehicular traffic for upcoming outdoor, live music, special events, and festivals taking place in 2024, as outlined below. Each event will include all requirements the City of Portsmouth puts forth, including recommendations from its health, police, and fire departments. Additionally, if outdoor alcohol service is being requested, proper licensing will be sought from the NH State Liquor Commission, and beverage service will be provided by The Music Hall's team of professional ServSafe and T.E.A.M. certified bartenders. The Music Hall will also communicate approved street closures in advance with abutting neighbors.

A diagram for our *Live Under the Arch* Concert Series has been attached, and diagrams for other events can be provided upon request.

TEDx Portsmouth
(Friday, May 10, 2024 / 8AM - 4PM)

TEDx Portsmouth returns to The Music Hall on Friday, May 10, 2024, for an all-day event. The same use of the street as in previous years is planned to include welcoming attendees for registration with coffee and water service served on three tables placed on the street along the theater's exterior. At lunchtime, from approximately 12PM-1PM, cafe tables and chairs will be placed on Chestnut Street to allow guests to eat their "bagged lunches" provided by TEDx. The Music Hall team will provide waste receptacles and thoroughly sweep the street post-event to ensure it is kept clean and trash-free. Porter Street will remain unobstructed for the duration of the event. No alcohol service or consumption will be provided outside.

***Live Under the Arch* Concert Series**
(4-6 concerts taking place between Saturday, June 1st, and Sunday, September 29th, 2024)
Dates for consideration include:
Friday, June 14

Saturday, July 27 or Sunday, July 28

Thursday, August 8

Sunday, August 25

Saturday, August 30 or Sunday, August 31

Saturday, September 21 or Sunday, September 22

Between Saturday, June 1st, and Sunday, September 29th, 2024, The Music Hall requests to present 4-6 outdoor concerts on Chestnut Street as part of our annual *Live Under the Arch* summer music series. Once these dates are confirmed with artists, The Music Hall will notify the proper contacts at the City of Portsmouth and secure necessary police detail.

We would like to plan for the same seating layout approved last year to include a combination of “theater-style” seating in rows for two-thirds of the street, with an additional 12 high-top tables placed around the marquee area where attendees can stand in pairs. We would also offer three “premium” tables by the stage for sponsors in front of the first row of chairs. Based on capacity guidelines granted by the City of Portsmouth in 2023, we envision a total capacity of 250 patrons: 12 at the front three tables, 200 in 20 rows of 10 with an aisle dividing the rows into 6 & 4, and a standing-room area accommodating 50 more guests at the top of Chestnut Street. Please see the attached diagram for more information.

In addition to the closure of Chestnut Street, we request approval for alcohol to be served on Chestnut Street under The Music Hall’s liquor license. We would utilize the existing bar in the lower lobby of The Music Hall Historic Theater and the bar in our Members Club space at 104 Congress with access to Chestnut Street, opening in April 2024. With the event ending no later than 10PM, alcohol service will cease by 9:30PM at the latest.

In terms of entertainment at these events, we will feature local, regional, and national talent on an 18’x16’ stage. In the event of an emergency, the stage could be pulled out of the way for emergency vehicles to gain access to Chestnut Street. In the event of rain, each concert will move inside to The Historic Theater, except for events falling between July 9-August 2, which will move to The Lounge. Porter Street will continue to remain accessible to vehicular traffic.

Emerging Artist Benefit Concert (Pre-Show Welcome)

(Wednesday, July 3, 2024 / 5PM - 7PM)

We are pleased to announce Grammy-award winner Jason Mraz will perform at our Historic Theater on July 3, 2024, as part of The Music Hall’s second annual Emerging Artist Benefit Concert. In addition to the concert, a red carpet on the street will be added to include photo opportunities by the marquee. Additionally, The Music Hall is awarding grants to New England-based aspiring musicians through application-based submissions. The winners of the grants will perform on-stage in the theater, with “runner-up” applicants performing on

Chestnut Street as guests arrive so they may showcase their talents and provide attendees entertainment in a festive atmosphere. Production needs are minimal, including a portable PA and a smaller 8-foot by 8-foot platform stage. The Music Hall team will provide waste receptacles and thoroughly sweep the street to keep it clean and trash-free. No alcohol service or consumption will be provided outside. Porter Street will continue to remain accessible to vehicular traffic.

Telluride by the Sea Film Festival

(Fri. September 13, 2024, through Sun. September 15, 2024)

Back for its 25th year at The Music Hall, this year's *Telluride by the Sea* Film Festival will continue to operate with the same street layout and offerings as in years past.

We request that Chestnut Street be closed from 9AM to 11PM on all three days of the festival to allow ample time for setting up stanchions. The expected attendance for this event is approximately 800 guests per day. Guests will be welcomed to queue up in pass holder-specific lines separated by these stanchions for each film screening throughout the weekend.

On Friday night, September 13, 2024, a local band will be featured at the top of Chestnut Street for attendees to listen to while they queue in line. No sound reinforcement or equipment will be needed for the artists.

On Saturday night, September 14, 2024, as in years past, we hope to host a "festival party" on Chestnut Street after that day's final film for all ticket-holding festival attendees. We would utilize our stanchions to designate an enclosed area for alcohol service and consumption, with light appetizers offered at the top section of the street. Typically, this event lasts between 60-90min, from 10PM-11:30 PM. Porter Street will remain unobstructed for the duration of the event. The Music Hall team will provide waste receptacles and thoroughly sweep the street each night to keep it clean and trash-free throughout the festival weekend.

New Hampshire Film Festival

(Thu. October 17, 2024, through Sun. October 20, 2024 / 8AM-11PM)

Celebrating its 22nd year and now officially under the reins of The Music Hall, approval for Chestnut Street closure is submitted for the festival duration, Thursday, October 17, through Sunday, October 20, 2024, from 8AM to 11PM each festival day.

On Friday, October 18, 2024, the festival plans to host once again the opening night "Red Carpet Gala" on Chestnut Street. This event will occur from 6:30PM-8PM, but will require all-day set-up with our event production team. We hope to include alcohol service at this event by offering an enclosed area for service and consumption. Porter Street will remain unobstructed for the duration of the event. The Music Hall team will provide waste

receptacles and thoroughly sweep the street each night to keep it clean and trash-free throughout the festival weekend.

Frozen Outdoor Winter Carnivals

Sat. November 30 / 12:00p-8:00p

Sat. December 14 / 12:00p-8:00p

Sat. December 21 / 12:00p-8:00p

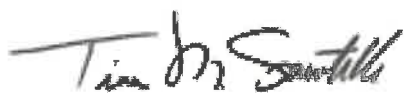
In conjunction with this year's 32-show holiday presentation of *Frozen the Musical*, in partnership with the Ogunquit Playhouse, The Music Hall would like to transform Chestnut Street into a family-friendly winter carnival complete with ice sculptures, holiday decor, specialty lighting, and festive food and beverage options. These carnivals will only take place on the Saturdays of the show run with the exception of Sat. December 7, 2024, slated for Portsmouth's Annual Holiday Parade. The Music Hall team will provide waste receptacles and thoroughly sweep the street post-event to ensure it is kept clean and trash-free. Porter Street will remain unobstructed for the duration of the event. No alcohol service or consumption will be provided outside.

Thank you for your time in reviewing these requests. Events such as these have a tremendous economic impact, not only for The Music Hall and its corporate sponsors but also for local restaurants, retailers, and musicians. We are so grateful to the City of Portsmouth officials, council people, and citizens for their continued support of our institution.

We look forward to ongoing collaborations so that we may continue to provide our community with rich and diverse cultural live experiences.

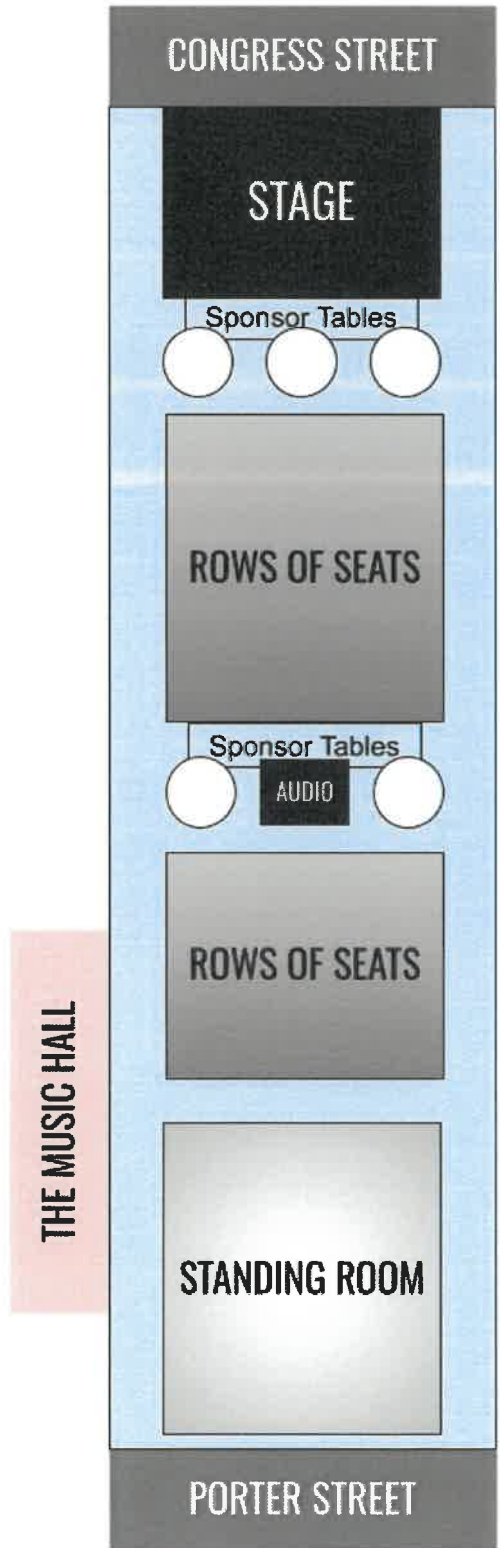
If you have any additional questions, please contact Ashleigh Tucker Pollock at atucker@themusichall.org.

Sincerely,



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

Live Under the Arch 2024 Concert Series Diagram
The Music Hall - Chestnut Street Closure Request





To: The Honorable Mayor Deaglan McEachern and Portsmouth City Council

From: The Seacoast Half Marathon Organizing Committee

Date: April 1, 2024

Dear Mr. Mayor and Members of the City Council,

The Seacoast Half Marathon Organizing Committee is formally requesting the city's permission to hold the 19th Annual Seacoast Half Marathon on Sunday, October 27st 2024. This is a charity event with 100% of the proceeds going to a new Seacoast non-profit beneficiary every year. The organizing committee is volunteer only. This year's recipient is the Mainspring Collective. The race has raised over \$1.6M in its 18 years, in most years contributing \$100K to its selected beneficiary.

As in the past we intend to cap the registrations to have no more than 1,000 runners and walkers on course with walkers starting at 8:00AM and the runners at 8:30AM. Our official course closing time is 11:30AM.

The start is at the base of Summit Ave by the high school and the finish is at the parking area by the cafeteria of the high school. PHS has already agreed to reserve the date for an outside event. The route of the event includes South St. from the HS to Broad St. to Jones and then Sagamore heading towards Foye's Corner (Circle) to Pioneer into Rye. The return re-enters Portsmouth at Foye's back down Sagamore turning right onto Wentworth Rd to New Castle and re-entering Portsmouth along the causeway from New Castle to New Castle Ave. and up South St. back to PHS.

Each year in the past we met with the head of the DPW and Police Department and agree on a safety detail and hire the recommended police for traffic control (no road closures). In addition, we have over 45 volunteers on course at each intersection and blind curve to keep runners and drivers safe. In addition to our beneficiary, we give \$500 each to 5 non-profit organizations to host the water stops along the way in safe locations away from traffic.

Thank you for your consideration and I look forward to an opportunity to discuss this request in more detail once you have an opportunity to review.

With Best Regards

Bruce Hurley

Seacoast Half Marathon Organizing Committee

Cell (603) 373-8323 bhurley@globallaminates.com

www.seacoasthalfmarathon.com

SEACOAST HALF-MARATHON

PORTSMOUTH, NEW HAMPSHIRE



Certified Course



NH06011RF



PO Box 49
Durham, NH 03824-0049
<https://www.seacoastjazz.org>

The Seacoast Jazz Society is registered with the State of New Hampshire as a Charitable Trust with nonprofit 501(c)(3) status.

To:

Honorable Mayor: Deaglan McEachern

Assistant Mayor: JoAnna Kelley

City Councillors: Josh Tabor Jr, Josh Denton, Beth Moreau, Andrew Bagley, Vincent Lombardi, Rich Blalock, Kate Cook

Asst. City Clerk: Valerie French (vafrench@cityofportsmouth.com)

From: Mike Effenberger, Seacoast Jazz Society

Re: Permission for sidewalk performers (professional jazz musicians) for Jazz In The Streets on six Saturdays this summer (our proposed dates are 7.6, 7.13, 7.20, 7.27, 8.3, and 8.10 but we can be flexible on this) from 1230pm-2pm in three central downtown locations (*Vaughan Mall stage, Tugboat open area, Market Square in front of North Church*)

About the Seacoast Jazz Society:

The Seacoast Jazz Society was formed in 1990 with the objective of supporting and promoting jazz in Portsmouth and the surrounding communities from Newburyport to Kennebunkport. Our goal is to increase understanding of and enthusiasm for jazz by sponsoring educational opportunities for adults and youth, supporting musicians, and engaging with the community through a series of events throughout the year, including the annual Tommy Gallant Jazz Festival held each summer--including this year on August 26, during the Prescott Park Arts Festival.

Our Request:

We would like permission to hold a street performance in three locations each day, approx. one-and-a-half hours in length on the dates and times listed above where we can bring live professional jazz to downtown Portsmouth and preview some of what the community can experience at the upcoming August 28 Tommy Gallant Jazz Festival in Prescott Park.

We are requesting permission to set up the musicians on the Vaughan Mall stage, in the open space area by the tugboats, and in Market Square (by the North Church). We will not obstruct

the sidewalk and we will work within whatever guidelines you stipulate. I have been in touch with the North Church and they have no conflicting events on the proposed dates above.

I would also like to ask for the city's permission to allow light-volume percussion as well as similarly light amplification of keyboards at all three of these locations. This would represent a change from the approach in the past, but the waiving of the restriction on drums and light amplification would greatly increase our ability to provide more musical diversity for this event. In the past, the restriction made it impossible or near-impossible to present bass players, keyboard players, percussionists, drummers, and the like. We are happy to be exceedingly sensitive about the decibel level of those instruments and can promise that they would be no louder than already-approved saxophones or trumpets.

About the Musicians:

The groups will be composed of not more than four musicians. All will be professional jazz musicians from the Portsmouth area. Once we have approval of our request we will enlist the musicians. We are sure we will be able to work within your street performance guidelines.

Thank You for Your Consideration:

We would greatly appreciate it if you could consider this request at your upcoming city meeting.

Sincerely,



Mike Effenberger

Board member, Seacoast Jazz Society

603.759.0311

mike.effenberger@seacoastjazz.org



Millennium Running
138 Bedford Center Rd.
Bedford, NH 03110
Tel: 603-488-1186
www.millenniumrunning.com

March 25, 2024

Karen S. Conard, Town Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Event Request - Eastern States 20 Miler & Half Marathon

Dear Ms. Conard,

I am writing you, on behalf of Millennium Running, for the City of Portsmouth's approval for the Eastern States 20 Miler & Half Marathon to be held in the City of Portsmouth on Sunday, March 16, 2025.

Just as we do for other events in the City of Portsmouth and in the State of NH, we will work in complete cooperation with our local municipal Police and Fire Departments and venue partners to ensure a safe event.

The Eastern States 20 Miler & Half Marathon has been a legacy event for the area for over 20 years. The event starts in Kittery, ME and runs predominately along Route 1A to the Town of Hampton, MA while winding through the Towns of Portsmouth, Rye, North Hampton, before ending in Hampton.

The course map can be viewed at <https://www.mapmyrun.com/routes/view/5460428053/>

This event will be making charitable donations to our official charity the Special Olympics NH, as well as numerous local high school organizations from Exeter, Winnacunnet, Oyster River, and Portsmouth High Schools. To date, Millennium has distributed over \$1.3 Million to local organizations from our signature events. We look forward to producing safe, first-class events for our running community while raising funds for our charitable partners.

Further information on the race can be found at <http://www.millenniumrunning.com/easternstates> or by contacting us directly (Permits@MillenniumRunning.com) with any questions and/or concerns.

Thank you,

Mike Peabody, COO
Millennium Running

CITY COUNCIL E-MAILS

Received: April 1, 2024 (after 5:30 p.m.) – April 12, 2024 (before 9:00 a.m.)

April 15, 2024 Council Meeting

Submitted on Tue, 04/02/2024 - 13:16

First Name

Scott

Last Name

Fales

Email

scottfales57@gmail.com

Address

151 Aldrich Road

Message

BUILDING HEIGHT ORDINANCE CHANGE

April 2, 2024

Portsmouth has a relatively small footprint with 15.6 square miles of land area. Open space for building is at a premium. We must also maintain areas of open space, both public and private, to prevent further harm to the environment; to protect the watershed and the habitats for all the diverse species that live among us.

We need a different approach. A change to the car-centric way of thinking by not paving over paradise to put up parking lots and to stop the lateral spread of buildings by thinking in three dimensions instead of only two.

Let's allow for increased density within a smaller footprint. To build UP and not OUT. I'm not suggesting that we build 50 or 60 story skyscrapers, but I am suggesting that we be more flexible and more lenient by allowing taller housing units within the City.

Presently, we have structures with 6 and even 7 stories of living space and we seem to be very comfortable with the presence of these buildings. There are a couple of dormitory buildings at UNH in Durham that are 10 stories and you would not know that until you drive up next to them because they blend in with their surroundings.

I propose that Portsmouth change existing zoning ordinances to allow housing units of 10 stories, or more if desired. Relax the height restrictions as an incentive to developers to commit 2 or 3 floors to housing that people in the 50% to 80% AMI bracket can afford.

Meanwhile, the developers get to offer penthouse units in the same building at a premium to balance out costs. To me that looks like a win-win for everybody.

Sincerely,

Scott Fales

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

Submitted on Tue, 04/02/2024 - 18:14

First Name

Mary Ann

Last Name

Blanchard

Email

maryannblanchard@gmail.com

Address

100 Lafayette Road Unit 202

Message

I think the circles concept for discussion and recommendations doesn't go far enough to be as inclusive of interested parties. There is an important role here for the voice of the business community and not just the hospitality sector. It is definitely in their best interests to participate and help provide solutions. I'm sure there are financial incentives and initiatives that could especially establish broader transportation for employees. Just rewriting zoning laws for Portsmouth just plays havoc with existing neighborhoods, challenges environmental sensitive land and increases tax burden. Also creates air pollution from increasing traffic congestion and tree cutting.

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

Submitted on Wed, 04/03/2024 - 13:24

First Name

Rick

Last Name

Downes

Email

freedom639@hotmail.com

Address

Portsmouth, New Hampshire. 03801

Message

Hello,

I recently attended a meeting in the Portsmouth City Hall Council chambers. There was a large turnout. Without paying much attention, I settled next to one of the few empty seats. It was a black seat among the sea of red and was designated to be kept free - the POW/MIA Chair.

My father is still missing in action inside North Korea. Sitting down next to that particular seat was like sitting down next to my father.

Throughout the session, he and the thousands of other missing men were very much there with me.

Thank you for making that experience possible.

Rick

Richard Downes, Executive Director

Coalition of Families of Korean & Cold War POW/MIAs

25th Anniversary (1998-2023)

P.O. Box 4194

Portsmouth, NH 03802

www.coalitionoffamilies.org

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, 04/08/2024 - 15:15

First Name

Catherine

Last Name

Keenan

Email

cek03802@gmail.com

Address

New Hampshire

Message

Dear City Manager and Members of the City Council,

I am writing to you as a concerned resident of Portsmouth, having been engaged and observant of our community's evolving housing challenges. The recent "Places to Live Study Circle Dialogue Report Out" dated February 22, 2024, has highlighted a pressing need that resonates with many of us: the urgent requirement for more worker and affordable housing to sustain our city's diversity, vibrancy, and economic health.

For decades, Portsmouth has been a beacon of opportunity, a place that prides itself on inclusivity and community. Yet, as outlined in the study circles, an increasing number of our service-level workers and essential contributors to the local economy are finding themselves priced out of living in the city they serve. This exodus not only threatens the fabric of our community but also the very operations and sustainability of our local businesses.

The detailed discussions and recommendations from the study circles, encompassing a wide range of residents and stakeholders, underscore the complexity of this issue. From zoning and land use regulations that stifle the development of affordable options to the need for innovative housing initiatives, it's clear that actionable solutions exist. However, these solutions require collective will, decisive action, and creative collaboration between the city, developers, and community members.

I strongly support the calls for an "Administrative Attitude of Yes," fostering a city-wide ethos that not only welcomes but actively facilitates diverse housing options. Such an approach, coupled with adjustments to current ordinances, innovative use of city-owned land for PHA projects, and enhanced public transportation links, could significantly alleviate our housing crisis.

Furthermore, the emphasis on accountability and the plea for action over more reports echo my sentiments. We have a wealth of insights and a community ready to support change. What we need now is for our city leaders to harness this momentum and translate it into tangible progress.

I urge you, our esteemed City Manager and Council Members, to consider the comprehensive feedback and innovative ideas presented in the "Places to Live" report. Let us move beyond dialogue to implement strategies that will ensure Portsmouth remains a city "of the open door," where everyone who contributes to our community can afford to live.

Thank you for your attention to this critical matter. I look forward to seeing our city take bold steps towards more inclusive, diverse, and sustainable housing solutions.

Sincerely,
Catherine Keenan

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

Submitted on Tue, 04/09/2024 - 01:37

First Name

J. Dennis

Last Name

Robinson

Email

dennis@myseacoastnh.com

Address

101 Crescent Way

Message

I'm not aware of a downtown resident from my era who got rich performing music, writing, acting, dancing, painting, sculpting, teaching, waiting tables, preserving history, or doing any of the things that helped transform the city into a must-see heritage destination. A string of roommates and I shared a \$225-a-month apartment for 10 years. That's equivalent to about \$900/month today which we split two ways. We would not have called that "below market housing." The term makes no sense when luxury apartments are the new norm. If housing costs should be 30% of our income, and apartments are renting for \$3,000 a month – none of the creative, hard-working, people I knew in their 20s and 30s could have survived. We would have gone elsewhere rather than devoting countless volunteer hours to making Portsmouth a go-to-city. It's simple math. Will those struggling to pay "market value" today have the added time and energy to give back to the community? Can they afford to start a family? Can they afford to simultaneously save enough to become Portsmouth homeowners in a million-dollar market? Or are we simply abandoning young residents in favor of those who can (and don't ask me how) afford the market rate of luxury apartments? Where will they be if the bubble bursts? I don't have the answers. Too darn busy in my Golden Years working 24/7 to cover a nagging mortgage and the latest property tax assessment in order to stay afloat in my cherished town.

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

Submitted on Tue, 04/09/2024 - 10:38

First Name

Jeffrey

Last Name

Randall

Email

jcrandall1956@gmail.com

Address

80 Diamond dr

Message

I would hope that for all traffic/bicycle/pedestrian decisions, your guiding principles include the following:

1. I remember the freedom I had to travel throughout Portsmouth when I was in middle school, to visit friends by bike. And I want that safety, freedom, and joy for the future of Portsmouth. Thinking 20-40 years forward.
2. The standard is Zero crashes, and zero injuries, and while unachievable should still be the only goal.
3. A line of paint does not in and of itself protect anyone from a 4000 pound moving vehicle. Ever.

Jeff Randall

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

Submitted on Tue, 04/09/2024 - 12:08

First Name

Jonathan

Last Name

Sandberg

Email

jfsandberg@yahoo.com

Address

160 Bartlett Street

Message

Dear City Council,

I am writing to express my frustration with the glacial pace at which bicycle facilities are being improved in Portsmouth. A very good Bike/Ped plan was created in 2014 and very few of the recommendations made in that document have been implemented. encouraging more people to cycle by making our streets safer and more welcoming for bikes goes a long way to solving many of the problems that our city faces such as affordability, traffic, parking, health, pollution, and safety. Please make creating a bicycle network more of a priority.

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

Submitted on Wed, 04/10/2024 - 10:13

First Name

Marcio

Last Name

von Muhlen

Email

marciovm@gmail.com

Address

303 Thaxter Rd

Message

Dear City Council,

I urge you to re-legalize housing that is affordable-by-design by removing density restrictions throughout the city. The current re-zoning plan is a step in that direction, although it is not nearly as bold as we need for builders to meet the booming demand for housing in Portsmouth. Portsmouth should be zoned for 100k+ residents, or even more if needed for supply to match demand in our beautiful, coastal, Boston-adjacent location. Small cities like Burlington, VT and big cities like Austin, TX are showing the way.

My son was born in Portsmouth not too long ago. I am hopeful that Portsmouth can be his home for our 500th anniversary, as it was my home for the 400th. To build that future, I sincerely hope our policies prioritize solving our housing shortage, with simple and free-to-implement changes like removing blockers to more supply. For too long Portsmouth, like most New England cities, has instead prioritized subsidizing the aesthetic and exclusionary preferences of a minority of residents. It's time to change that, or we'll be to blame when my son—and every other young family without a trust fund—is forced to leave for places that look forward instead of backwards.

Sincerely,

Marcio

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

Submitted on Wed, 04/10/2024 - 15:31

First Name

Gail

Last Name

Knowles

Email

gailknowles@comcast.net

Address

234 Sherburne Road

Message

My name is Gail Knowles. When I first moved to Portsmouth in 1989 I was able to rent a two bedroom apartment downtown in Portsmouth for \$500 a month all inclusive. When I decided that I wasn't interested in living downtown, that is I didn't want to be kept awake by all the

people leaving the Portsmouth Brewery, I was able to rent a 1/2 of a small duplex in Atlantic Heights, once again for \$500 a month. I met my husband in 1992. We married in 1995. Our side of the duplex needed some work, so when the property manager sent us all mail saying that the people that owned the property wanted to sell them and offer them to the tenants first, we were very excited. I won't tell you what we paid for both sides of the duplex, because it would seem mean with today's prices. Notwithstanding all of the things that we had to fix once we owned it.

When we bought our today home in 2005 in, and renovated it ourselves, because it also needed so much work. It would never have occurred to me that my daughter, who graduated from college in 2021, and had a good job working at a veterinary hospital would basically have to live with us for the rest of her life, as an \$18 an hour job wouldn't have allowed her to rent anywhere without a lot of roommates. We live in the Pannaway Manor neighborhood, and in fact our house is much closer to the Lister Academy, then many of the other houses in our neighborhood. One of the only reasons that I was previously against using the Lister building as a space for workforce housing was because the ball field behind the school was one of the few softball fields where the Portsmouth girls softball Association played in town. In the last year? I believe the City Of Portsmouth needs workforce housing no matter how it happens.

My biggest concern is that housing will be built, and whoever is developing it, will only do so if they can charge "market rate" rents in part of the buildings.

I'd be forever grateful if the members of the City Council and other bodies of Portsmouth government could see their way to trying to help younger or any age people who don't necessarily have thousands of dollars sitting in an account so they can have a nice safe place to live. With the weather events getting worse every year, if people that work in our town could walk, ride a bike, or use mass transit to get to their place of employment instead of driving 45 minutes each way and dealing with "paid parking"? But that's another matter.

If Portsmouth is really interested in being "The City of the Open Door?" We might want to put our money where our mouth is. Is Portsmouth to become the city of millionaires, buying up property to rent them at ridiculous prices? The city has been very clear about not wanting lots of Airbnbs and short term rentals. But the city seems perfectly OK with venture capitalist and hedge funds buying houses in lovely quiet neighborhoods and charging ridiculous amounts of rent.

I know I don't have all the answers, or even some, but I would love to think that our city would put as much effort and money into giving the next generation a chance of success. Affordable housing is a great start.

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

Submitted on Wed, 04/10/2024 - 20:20

First Name

Nancy

Last Name

Pearson

Email

nespearson@gmail.com

Address

Portsmouth, New Hampshire. 03801

Message

Dear Mayor and Council:

This regarding your upcoming discussions and eventual vote on solar panels and the HDC. I apologize in advance for how long this correspondence is. Sorry!

First, I write in my capacity as the current President of the Trustees of the Portsmouth Historical Society, a member of the Public Art Review Committee, and a proprietor of the Athenaeum. I also have some perspective as a former council member and liaison to the HDC.

First, I am very much in favor of the council's goals, stated on the City website. Councilor Blalock referred to the first two goals (affordable housing and sustainability, resilience & climate change) frequently during the April 10 HDC work session. I hope you watch that session, Chair Reagan Reudig made some excellent points about working with applicants and keeping within not only HDC criteria but also what the solar industry itself recommends in historic districts.

I wanted to point out that although it was not mentioned, you also have a goal to "support the needs of residents, businesses, nonprofits, arts and cultural institutions" and this goal specifically refers to implementing the newly adopted cultural plan.

In the cultural plan, on page 16, is Pillar Number 5 which is "preserving our historical identity." In that pillar, is the following sub section:

Identify spaces/sites, funding and areas of programmatic support and education for historical preservation initiatives.

1. Space/Sites

- i. Preserve buildings and open spaces contributing to Portsmouth's unique character;
- ii. Nominate sites for the National Register of Historic Places; and
- iii. Collaborate with City entities and preservation groups to create a plan to help.

I want to make the following three points.

1. Sustainability and historic preservation can go hand in hand. The City, and residents who own property in the historic district, can get to “yes.” Many other historic cities and districts across the country have been able to have these two philosophies co-exist, and so can we.
2. We have preservation groups and organizations in the city who can advise and educate the HDC on this and other preservation matters. There are many things to consider that these experts can illuminate.
3. We just spent an entire year celebrating the historic heritage of our city, which was 400 years in the making. Personally, I think of the environment and our natural world in the same way as I think about our historic heritage and historic neighborhoods. Both are special and deserve to be protected. Both add to our quality of life. In both cases, once they are destroyed, they are gone forever.

The Portsmouth Historical Society, Portsmouth Advocates and the many historical preservation professionals in Portsmouth and around New Hampshire have and do serve as a resource in advising the HDC and the city in this specific matter and others with regard to sustainability and preservation.

As you deliberate on this issue in the coming weeks, please consider all of your own adopted policies and goals, including culture and history. Please don't throw the baby out with the bathwater. The HDC does serve a purpose in protecting our historic neighborhoods and heritage. We can have both. We can get to yes.

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

Submitted on Thu, 04/11/2024 - 08:54

First Name

Brittany

Last Name

Guillemette

Email

bnguillette@gmail.com

Address

678 Maplewood Ave

Message

Dear Members of City Council,

I am writing to you today as a concerned resident of Portsmouth, and as someone who has called this town home for the past five years. Over this time, I have witnessed firsthand the struggle of many individuals, particularly millennials like myself, to find and afford suitable housing in our beloved town.

As a member of the service industry, which is the heartbeat of Portsmouth and a significant attraction for tourists, I have seen the dedication and hard work of my colleagues who help make this town thrive. However, it saddens me to say that many of us in the service industry are finding it increasingly difficult to live where we work. Despite working two jobs, I am still forced to share housing with roommates in order to make ends meet. I dream of having my own place soon and also living in Portsmouth, but unfortunately it seems like that will not happen.

The lack of affordable housing options is not only affecting the quality of life for residents but also poses a threat to the vitality of our community. Without affordable housing, we risk losing the diverse and vibrant population that contributes so much to the fabric of Portsmouth. You risk losing your young millennials that are the heartbeat of this town everyday. They keep coffee shops, the arts, restaurants and bars afloat when the weather drops and the tourists cannot be found. I have already watched many of my friends leave Portsmouth for more affordable surrounding towns, where they now are building new lives in their new cities and rarely visiting the one they used to call home.

I urge the Portsmouth Housing Committee to prioritize the development of affordable housing initiatives that cater to the needs of individuals like myself who work tirelessly to serve our community. By investing in affordable housing, we can ensure that Portsmouth remains a place where everyone, regardless of their income level, can afford to live and thrive.

I have been on the waitlist for affordable workforce housing for endlessly months now without any communication of hope of getting off the waitlist and into housing. I look forward to seeing positive steps taken towards addressing the affordable housing crisis in our town.

Thank you for your attention to this pressing issue.

Sincerely,

Brittany Guillemette

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

Submitted on Thu, 04/11/2024 - 10:18

First Name

Connie

Last Name

Eppich

Email

connie.eppich@gmail.com

Address

1275 Maplewood Ave

Message

My husband and I moved to Portsmouth in 2021. We are avid cyclists and are happy to have found a place to live on Maplewood Ave. where we can bicycle into town or to the beach. However, every time we ride Maplewood into town we feel like we are putting our lives at risk for the several blocks before we turn left onto Court or State streets. Can you tell me if the city has a plan to put in place safer bicycle lanes and markings for that section of Maplewood?

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 Thu, 04/11/2024 - 11:18

First Name

Scott

Last Name

Fales

Email

scottfales57@gmail.com

Address

151 Aldrich Road

Message

Please, please, please give 100% support for the PHA below market housing project at the former Sherburne School. Every day that this project is delayed causes hardship for people that need this housing. I urge you to make it happen NOW!! Thank you.

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



April 9, 2024

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

RE: 140 West Rd.
Building Permit BLDG-22-961

Mayor McEachern and City Council members,

On behalf of the property owner, Road to The West LLC we respectfully request a refund of the building permit fee associated with permit number BLDG-22-961. The fee of \$25,000 was paid on Jun 5, 2023 and building permit issued. Since that time construction costs for the proposed project have far exceeded anticipated figures. Work on the project has not commenced and the owner will not move forward with the scope of work as designed. Per city ordinance 12023.2.15, the building official is authorized to issue of refund of not more than 50%. At this time, we request that the council consider a full refund of the fee as work has not commenced and is considered inactive per ordinance section 1202.2.7.

The owner intends to move forward with an alternate building use and smaller scope of work. Currently a separate building permit application has been submitted and the owner will pay the associated fee when this new permit is ready for issuance.

Thank you for your consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark R. Gianniny', with a long horizontal flourish extending to the right.

Mark R. Gianniny, AIA
Principal

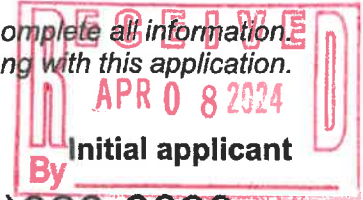
Cc: Shanti Wolph, Chief Building Inspector
Alex Choquette, Road to the West LLC



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: Planning Board

Name: Anthony Coviello Telephone: (603)828-8833

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

Street address: 341 Dennett St.

Mailing address (if different): _____

Email address (for clerk's office communication): tonycoviello@yahoo.com

How long have you been a resident of Portsmouth? 25 years

Occupational background:

Civil Engineer - 25 years

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

Planning Board Member 2005-2009, City Councilor 2009-2013

➡ 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 would like to serve my community where I can leverage my skills as an engineer.

Please list any organizations, groups, or other committees you are involved in:
UNH Civil Engineering Advisory Board (2015-Present), New Portsmouth Police Station Facility Study Committee (2024), Portsmouth Revised Principles Parking Committee (2023-Present)

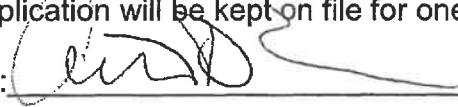
Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Eric Spear, Mt. 49 Vernon Street, (603) 436-8060
Name, address, telephone number

2) Christopher Clement, 43 Market Street, (603)285-5316
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: 4/1/2024

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: _____

Initial applicant

Name: _____ Telephone: _____

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

Street address: _____


Mailing address (if different): _____

Email address (for clerk's office communication): _____

How long have you been a resident of Portsmouth? _____

Occupational background:

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: _____

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

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

1) _____
Name, address, telephone number

2) _____
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: _____

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

Attachment C: Corporation By-Laws

CPCNH

2.3.18 Assign, delegate, or contract with a Member or third party to perform any of the duties of the Board, including, but not limited to, acting as administrator of the Corporation;

2.3.19 Carry out other duties as required to accomplish other responsibilities as set forth in the JPA; and

2.3.20 Exercise all other powers necessary, proper, and lawful to carry out the Articles of Agreement and these By-Laws.

2.3.21 Defend, hold harmless, and indemnify, to the fullest extent permitted by law, each Member from any liability, claims, suits, or other actions.

**ARTICLE III
MEMBERSHIP**

Section 3.1 Members

The initial Members of CPCNH shall be the towns, cities, and counties that entered into the JPA on or before its effective date of October 1, 2021. Pursuant to NH RSA 53-E, the following shall be also eligible to become members of CPCNH:

Section 3.2 Municipalities

Any city, town, unincorporated place, or village district within the state. Any such entity (hereinafter "*Municipality*") shall be eligible for membership in CPCNH.

Section 3.3 Counties

Any county within the state. Any such entity (hereinafter "*County*") shall be eligible for membership in CPCNH.

Section 3.4 Joint Powers Authority Any group of municipalities and counties that have chosen to jointly operate a community power aggregation in accordance with NH RSA 53-A and RSA 53-E shall be eligible for membership in CPCNH as a Joint Powers Authority in lieu of individual municipal or county memberships.

Section 3.5 Manner of Becoming a Member

Any city, town, unincorporated place, village district, county, or joint powers authorities may become a Member at any time upon an affirmative vote by the governing body of the proposed new Member to approve and join the Community Power Coalition of New Hampshire Joint Powers Agreement and by an affirmative vote of a majority of the Board of Directors to approve the new Member.

Section 3.6 Designation of Member Representatives; Voting

The governing body of each Member shall designate in writing to the Chief Executive Officer, or Chair of the Board in the absence of a Chief Executive Officer, an elected or appointed official as a Member representative who shall attend Member Meetings and vote on behalf of the Member. The governing body of each Member may also designate in writing an alternate to serve when the primary representative is

Attachment C: Corporation By-Laws

unavailable. The designated representative or alternate may also be employees or volunteers of the Member. Each Member shall be entitled to one vote on the election of Directors and all other matters submitted to a vote of the membership.

Section 3.7 Voluntary Withdrawal of Membership

A Member's membership with CPCNH may be withdrawn by the Member's governing body upon notifying the Chair of the Board of Directors in writing and complying the provisions of Section 3.9.

Section 3.8 Involuntary Termination of Membership

A Member's membership with CPCNH may be terminated by a two-thirds (2/3) vote of the entire Board of Directors, with the exception of the terminated Member's representative if they are also a Director, for reasons deemed good and sufficient by the voting Directors. Default under a Project Contract, failure to satisfy the material terms of its Cost Sharing Agreement, as defined in the JPA, with the Corporation, and material non-compliance with the provisions of the JPA are each ground for terminating membership.

Section 3.9 Continuing Obligations

Any withdrawn or terminated Member shall execute all reasonable and necessary documents to effectuate such withdrawal or termination and such Members' continuing obligations shall be pursuant to the same terms for continuing obligations as provided for under Article IV, Section 6 of the JPA.

ARTICLE IV

MEMBERSHIP MEETINGS

Section 4.1 Annual Membership Meeting of CPCNH

Each April there shall be an annual meeting ("Annual Membership Meeting") of the Members at a specific date, time, and place established by the Board of Directors ("Board"). Written notice thereof shall be sent to the principal executive officers and primary and alternate representatives of each Member by the Chief Executive Officer or Chair of the Board not less than thirty (30) days prior to the Annual Membership Meeting date. The notice shall set forth the number of Directors to be elected by the Members, as well as any other items of business to be conducted at the Annual Membership Meeting. Only those items set forth in the notice shall be acted upon at the Annual Membership Meeting.

Section 4.2 Regular Meetings of CPCNH

The Members may vote to hold periodic meetings. An annual schedule for such meetings may be established or amended by a majority vote of the Members. Written notice for each such meeting shall be sent to the principal executive officers and primary and alternate representatives of each Member by the Chief Executive Officer or Chair of the Board not less than ten (10) days prior to the date of the meeting. The

CITY OF PORTSMOUTH, NH
Public Art Review Committee

March 31, 2024

Memorandum

To: Honorable Mayor and City Council

From: Public Art Review Committee (PARC)

Subject: Changes to Public Art Ordinances

PARC requests the support from the City Attorney's office and/or the City Council's Governance committee to support updating the various ordinances and policies that relate to public art. The list below includes changes to be considered.

1. Consolidate in one ordinance: the Funding for Public Art Ordinance (Article XVII), 1.17); the Public Art Review Committee Ordinance (Section 1.412; and the Public Art Referral and Acquisition Policy (Council Policy 2022-002). Having three separate documents is confusing to the public and there is considerable overlap.
2. Article XVII: Retain as part of the definition of public art Section 1.1701 instead of the definition in 1.412. Note specifically the importance of referring to the "enduring original artwork of the highest quality and craftsmanship" and the point about artworks being "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."
3. Article XVII: In Section 1.1702, revise the minimum and maximum limits on municipal projects to \$5,000,000 minimum and \$30,000,000 maximum.
4. Article XVII: In Section 1.1705, consider whether there should be more flexibility in use of funds.
5. Article XVII: In Section 1.1705, refer to PARC as the standing committee to replace general language in B. 2 and B. 3
6. PARC 1.412: In A clarify whether member of city staff is a voting member or a non-voting liaison.

7. PARC 1.412: Remove from the definition the limitations on public art as confined to municipally owned or controlled property. Expand to include public art projects on property subject to land use board approvals, e.g., HDC. Clarify that works of art may be temporary as well as permanent.
8. PARC 1.412: In section C, add land use boards to 1.
9. Add a section about the process of de-accessioning of artwork.

**Amendments for First Reading Regarding Electric Vehicle Charging
Station Ordinance Amendments**

Motion to Add a Section 10.1112.23 to Section 10.1112.20 “Calculation of Number of Required Spaces” that reads, “10.1112.23 Parking spaces occupied by EV chargers and supporting equipment shall be deducted from the number of parking spaces required by Article 11.”

Motion to Delete “(including, but not limited to, generators and transformers)” from Section 10.843.34 that now reads, “Except for **EV fueling space A**, all above ground **EV** charging support equipment (including, but not limited to, generators and transformers) shall be set back 10 feet from all **lot lines**.”

Motion to Add to Section 10.450 “Table of Uses – Pease/Airport Districts” the following “21. Electric Vehicle Charging Stations” table:

21. Electric Vehicle Charging Stations	AIR	AI	PI	ABC
EV fueling space A as an accessory use	Permitted			
EV fueling Space B as an accessory use	Permitted			
Motor vehicle service station as a principal use	Permitted			





PARKING and TRAFFIC SAFETY COMMITTEE

ACTION SHEET

8:30 A.M. – April 4, 2024
Conference Room A

PRESENT: **Members:** Chairman Andrew Bagley, Steve Pesci, Public Works Director Peter Rice; Erica Wygonik; Stefanie Casella, Planning Department; Deputy Police Chief Mike Maloney; Dave Allen; Fire Chief Bill McQuillen; Mark Syracuse

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">• None

- None

- **Roll Call**
- **Annual selection of chair:** **Voted** to elect Councilor Andrew Bagley as chair and Steve Pesci as Vice Chair.
- **Financial Report:** **Voted** to accept and place on file Financial Report dated February 29, 2024.
- **Public Comment Session:** There were nine speakers: Bill Davis, Jonathan Sandberg (Z), Martin Ryan (Z), Teresa Hill (Z), and Becky Vardell (Z) spoke regarding the intersection at Bartlett and Thornton Streets. Justin Richardson, Matt Glenn (Z), and Stacey Szmyt (Z) spoke regarding traffic calming on Woodbury Avenue. Annie Poubeau spoke regarding both Woodbury Avenue and the intersection at Bartlett Street and Thornton Street.
- **Request for 15-minute parking space on Hanover Street at Vaughan Mall, by business owner:** **Voted** to refer to staff for evaluation of existing 15-minute spaces in the area and report back with recommendations.
- **Woodbury Avenue, discussion on alternative traffic calming measures:** Informational; no action required.
- **Bartlett Street and Thornton Street intersection, request for approval of raised intersection as part of Bartlett Street reconstruction, by DPW:** **Voted:** to approve construction of a raised intersection on Bartlett Street at Thornton Street and remove stop signs on Bartlett Street at the intersection, as part of the Bartlett Street reconstruction project.
- **Police monthly accident report:** Informational; no action required.
- **Construction project updates:** Informational; no action required.

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

April 4, 2024

MINUTES

I. CALL TO ORDER

Councilor Andrew Bagley called the meeting to order at 8:30 AM.

II. ATTENDANCE

Members Present:

Councilor Andrew Bagley
Steve Pesci (Z)
Public Works Director Peter Rice
Stefanie Casella, Planning Department
Deputy Police Chief Mike Maloney
Erica Wygonik
Dave Allen
Fire Chief William McQuillen
Mark Syracuse

Absent

Mary Lou McElwain

City Staff Present:

Parking Director Ben Fletcher
City Engineer – Parking, Transportation and Planning Eric Eby
Associate Engineer Tyler Reece

- A.** [00:05:07] Annual Selection of Chairman. Peter Rice moved to elect Councilor Andrew Bagley as chair and Steve Pesci as vice chair, seconded by Erica Wygonik. Motion carried on roll call vote, 9-0.

III. FINANCIAL REPORT

[00:06:37] Mark Syracuse moved to accept the financial report dated February 29, 2024, seconded by Erica Wygonik. On roll call vote, motion carried 9-0.

IV. PUBLIC COMMENT

[0:07:35] There were nine speakers: Bill Davis, Jonathan Sandberg (Z), Martin Ryan (Z), Teresa Hill (Z), and Becky Vardell (Z) spoke regarding the intersection at Bartlett and Thornton Streets. Justin

Richardson, Matt Glenn (Z), and Stacey Szmyt (Z) spoke regarding traffic calming on Woodbury Avenue. Annie Poubeau spoke regarding both Woodbury Avenue and the intersection at Bartlett Street and Thornton Street.

V. PRESENTATIONS

None

VI. NEW BUSINESS

(No public comment during Committee discussion without Committee approval.)

- A. [00:27:39] Request for 15-minute parking space on Hanover Street at Vaughan Mall, by business owner. Erica Wygonik made a motion to refer to staff for evaluation of existing 15-minute spaces in the area and report back with recommendations, seconded by Peter Rice. Motion passed on roll call vote, 9-0.

VII. OLD BUSINESS

- A. [00:29:45] Woodbury Avenue, discussion on alternative traffic calming measures. Staff to place additional speed feedback signs and continue to investigate options.
- B. [00:52:35] Bartlett Street and Thornton Street intersection, request for approval of raised intersection as part of Bartlett Street reconstruction, by DPW. Peter Rice moved to approve construction of a raised intersection on Bartlett Street at Thornton Street and remove stop signs on Bartlett Street at the intersection, as part of the Bartlett Street reconstruction project. Motion seconded by Erica Wygonik. On a 9-0 roll call vote, motion carried. Staff to also consider installation of RRFBs on Bartlett Street approaches as part of this project.

VIII. INFORMATIONAL

- A. [01:00:04] Police monthly accident report
- B. [01:00:27] Construction project updates

IX. MISCELLANEOUS

[01:04:18] Peter gave an update on the Rail Trail. We have received a grant to create two access parking points. There will also be an access point at the Skate Park. The official opening will be in October.

X. ADJOURNMENT

Chairman Bagley adjourned the meeting at 9:32am.

Respectfully submitted,
Leila Birr
Administrative Assistant
Department of Public Works