

The first step in the eminent domain process is to schedule a public necessity hearing. At this hearing, the City Council will view the site and then receive evidence regarding the necessity of the easements. Following acceptance of evidence, the City Council will vote as to whether necessity, as defined by law, exists for the proposed land acquisition.

The Legal Department requests that the City Council schedule a hearing to determine the public necessity to take by eminent domain drain line easements over 90 Maplewood Avenue, Tax Map/Lot 0125-0019, owned by 90 Maplewood LLC and over 0 Bartlett Street, Tax Map/Lot 0164-0004, owned by CSX Transportation, Inc ([drain line outlined in black on the attached map](#)).

The Legal Department believes it is important to take this first step of scheduling a hearing while it continues to negotiate with the parties for the needed easement rights.

*I recommend that the City Council move to schedule a public necessity hearing to begin at 5:00 p.m. on March 25, 2024 in Eileen Dondero Foley City Council Chambers.*

**7. Report Back on Request to Remove Salter Street from Waterfront Business District:**

The City Council, at its January 16, 2024 meeting, requested a report back from the Legal Department on [Marcia MacCormack’s letter requesting that the Council](#) “...eliminate the Waterfront Business designation from Salter Street.” In order to eliminate the Waterfront Business designation, the Council would need to amend the City’s Zoning Map through the ordinance amendment process.

By way of background, many streets in the South End that lead to the waterfront are zoned General Residence B but change to Waterfront Business near the water. [Please see section of the City’s Zoning Map attached](#). Salter Street has been zoned Waterfront Business since approximately 1965. Chapter 10, Article 4, Section 10.410 of the City’s Zoning Ordinance defines the purpose of each zoning district. The Waterfront Business District’s purpose is “[t]o accommodate and support business uses that depend on the ocean or the Piscataqua River for transport or resources.” The General Residence District’s purpose is “[t]o provide areas for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities ranging from approximately 5 to 12 dwelling units per acre, together with appropriate accessory uses and limited services.” Use and dimensional requirements differ in each district. As presently defined, residential uses are prohibited in the Waterfront Business District. Residential properties in the Waterfront Business District are either preexisting nonconforming uses or permitted through variances.

The City Council has voted to rezone parcels from Waterfront Business to Single Residence in the past. In two separate actions in 2010 and 2015, the Council voted to rezone parcels on Sagamore Grove from Waterfront Business to Single Residence B. One request was on behalf of several lot owners on Sagamore Grove and the other was a subdivision.

The decision to change a zoning district is ultimately a policy decision of the Council governed by the City Charter (4.5), City Council Rules (30) and City Council Policies (2014-01).

This policy decision is made in consideration of the Master Plan and is further informed by a report back from the Planning Board prior to first reading (Chapter 10, Article I, Section 10.152).

If the Council supports or would like more information regarding Marcia MacCormack’s request to rezone Salter Street from Waterfront Business to General Residence B (to match the surrounding residential zone), the Council should refer the matter to the Planning Board for a report back.

*I recommend that the City Council move to refer Marcia MacCormack’s January 7, 2024 letter requesting Salter Street be rezoned from Waterfront Business to General Residence B to the Planning Board for its recommendation in a report back to City Council; or*

8. **Request to Establish Polling Hours for the Ward 1 State Representative Special Election on March 12, 2024:**

In accordance with RSA 659:4, the City Council shall determine the polling hours for the election. I would request that the polling hours for the Special Election for Ward 1 State Representative on March 12, 2024, be set from 8:00 a.m. to 7:00 p.m.

*I recommend that the City Council move to establish polling hours for the Ward 1 State Representative Special Election on March 12, 2024 from 8:00 a.m. to 7:00 p.m.*

## ***XII. Consent Agenda***

A. **Projecting Sign Request – 51 Islington Street Unit 1A:**

Permission is being sought to install a projecting sign at [51 Islington Street Unit 1A](#) that extends over the public right of way, as follows:

Sign dimensions: 36” x 36”

Sign area: 9 sq. ft.

The proposed sign complies with zoning requirements. If a license is granted by the City Council, no other municipal approvals are needed. *Therefore, I recommend approval of a revocable municipal license, subject to the following conditions:*

- 1) The license shall be approved by the Legal Department as to content and form;*
- 2) Any removal or relocation of the sign, for any reason, shall be done at no cost to the City; and*
- 3) Any disturbance of a sidewalk, street or other public infrastructure resulting from the installation, relocation or removal of the signs, 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.*

REC'D  
1/8/24

January 7, 2024

Dear Mayor McEachren and City Council Members,

This letter is my appeal to eliminate the Waterfront Business designation from Salter Street.

Recently the property at the end of Salter Street underwent extensive reconstructions, enlargements, expansion of parking, changes in use and is now referred to as Point of View Condominium Association.

I've lived in my house next door to this property since 1972. There was nothing at the time to believe it was anything but a quiet residential area.

In 1974 my neighbor started boat building, boat repair, and setting lobster traps claiming the right to do so under the ordinance.

This business was unimaginably disruptive eventually, resulting in the City being involved in a lawsuit to stop it. However various variances were granted by the Board of Adjustment allowing it to continue with restrictions until 1988.

Salter Street is a narrow congested dead end. There are no businesses that currently exist in the Waterfront Business zone that would be appropriate down here.

Bait shops, restaurants, private yacht clubs, marinas and fish markets are all existing and legal uses but they all have access on roads that are not dead ended.

Salter Street may remain residential as it is today but I've learned from experience the unexpected is also possible. The ordinance is a potential harbinger for problems.

Please schedule this for discussion.

Thank you

Sincerely,



Marcia MacCormack

53 Salter Street



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 08/24/2023  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

1" = 166.84064491741188 ft

# Map Theme Legends

## Zoning

### Residential Districts

- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GA/MH Garden Apartment/Mobile Home Park

### Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

### Business Districts

- GB General Business
- B Business
- WB Waterfront Business

### Industrial Districts

- OR Office Research
- I Industrial
- WI Waterfront Industrial

### Airport Districts

- AIR Airport
- AI Airport Industrial
- PI Pease Industrial
- ABC Airport Business Commercial

### Conservation Districts

- M Municipal
- NRP Natural Resource Protection

### Character Districts

- CD5 Character District 5
- CD4 Character District 4
- CD4W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

### Civic District

- Civic District

### Municipal District

- Municipal District

### Overlay Districts

- OLOD Osprey Landing Overlay District
- Downtown Overlay District
- Historic District

City of Portsmouth