

CITY COUNCIL MEETING

MUNICIPAL COMPLEX
DATE: MONDAY, MAY 5, 2025

PORTSMOUTH, NH
TIME: 7:00PM

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

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:07 p.m.

IV. ROLL CALL

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

ABSENT: Assistant Mayor Kelley

V. INVOCATION

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

VI. PLEDGE OF ALLEGIANCE

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

VII. ACCEPTANCE OF MINUTES – APRIL 21, 2025

Councilor Tabor moved to accept and approve the minutes of the April 21, 2025, City Council meeting. Seconded by Councilor Moreau voted.

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Crossing Guards Appreciation Day

Mayor McEachern acknowledged the work of the Crossing Guards and presented Certificates of Appreciation for all they do for our community. He stated there is no better example of people who work for the city with the goal of providing services to the public that keep us safe and secure in the knowledge that someone is looking out for us – especially for the youngest and potentially most vulnerable. He also declared next Tuesday, May 13th as Crossing Guard Appreciation Day.

Councilor Lombardi moved to suspend the rules to bring forward Item XIII. B. – Presentation of US Route 1 Corridor Improvement Project. Seconded by Councilor Blalock and voted.

B. US Route 1 Corridor Improvement Project – Hans Weber & David McNamara

Hans and David provided design updates from changes made since November. Hans reported on the changed northbound lanes through the roundabout to single lanes near Constitution Avenue. He stated that this will maintain an acceptable level of traffic operations, increase ease of use by pedestrians, and reduce costs and impacts to the Right of Way.

Project Refinements to the Campus Drive area:

- Include pedestrian crossing in vicinity of Campus Drive
- Coordinate best crossing location with City
- Project layout near McKinley Road - It is planned to retain southbound right turn to Atlantic Orthopedic:
- This was as a requirement for development of the site
- DOT will meet with property owner in the future to discuss whether it is acceptable to retain or not, as they paid for it. Also, to determine if the loss of the turning lane does not negatively impact Route 1 traffic operations NHDOT will consider eliminating the lane

Project Refinements near Hoover Drive:

- 6' shift to west between Hoover Drive and McKinley Road
- Will minimize property acquisition on all parcels and eliminate property impacts on most along residential side
- Expect that this is still needed to acquire temporary easement for construction of slopes
- PAC provided guidance on the typical section for this segment

Project Refinements – Moved opening of second northbound lane to north of McKinley Road

- Improvements to McKinley Operations
- Reduces Right of Way Impacts
- Reduce costs and impervious/paved area

Project Refinements

- No shift between McKinley and Wilson Roads; Wilson Road Intersection layout does not allow it to happen
- Expect at a minimum that there will be a need to acquire temporary easements for construction of slopes
- PAC provided guidance on the typical section for this segment

Hans reported final design for engineering and environmental permitting will be from 2025 – 2027 and the acquisition of property rights and construction will be 2028 – 2030.

IX. PUBLIC COMMENT SESSION

Paige Trace spoke on the proposed recommended tier fees by the Recreation Board. She said the fees are for upkeeping the fields that is currently done by the Public Works Department, and she feels the fees are too high. She spoke opposed to charging fees to players when we should be charging impact fees for large developments.

Petra Huda spoke opposed to impact fees for the Recreation Department. She said money for providing these suggested services is currently part of the Public Works and School Departments budgets. She urged the City Council to vote this recommendation down.

Tyler Garzo spoke about widening the road for Route 1 which now has 5-foot shoulders. He said the roundabout is two lanes and none of these changes are for the better. He stated this is to have the larger vehicles move faster. He asked that the City Council not support the project.

Esther Kennedy said this is also Teacher Appreciation Week and there has been no recognition for teachers and the work they do for children. She spoke about the amount of zoning going on without a Master Plan. She said there are many changes happening without a plan in place.

Arthur Clough spoke about the number of hours employees for Portsmouth work compared to other municipalities. He said it is time for the city to conduct an analysis on why there are so many employees in Portsmouth compared to other communities.

Kathy Hersey said that the State has collaborated with residents on Lafayette Road and if they do not take property from owners, she would support the project. She said she is not in support however, of the roundabout.

Matt Glen invited everyone to attend the Mayor's 6-mile route ride. He thanked the DOT for listening and answering questions from the residents and public. He expressed his support for the project and encouraged the City Council to support the plan as well.

Marsha Highland spoke in support of the work being done by the DOT on Lafayette Road. She asked about the trees in the area and expressed concern regarding the Right of Way.

Elizabeth Bratter provided information on the NEIOD and a comparison of a Conditional Use Permit in Character District 4, Character District 5, and Character District 4W. She spoke to serious issues coming onto Route 4 and heading south at the new circle. She stated trying to get to Spur Road is difficult. She said people think that they do not need to slow down once you get to the middle, and she stated you cannot cross the roadway.

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

Public Hearing and Second Reading of Ordinance:

- A. PUBLIC HEARING AND SECOND READING of Ordinance Amendment to Chapter 10, Zoning Ordinance, Article 4, Zoning Districts and Regulations by Adding Coliving as a New Use; Article 8, Supplemental Use Standards, be Amended by Adding Section 10.815 – Coliving; and Article 15, Definitions

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

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

Peter Stith, Planning Manager, provided a brief presentation. He said that the Planning Board has been working on amendments for the last year. He stated that the City Council held first reading on April 7th and directed to change the definition of family for coliving. He spoke to the Character Districts and how this would affect them and the need for a Conditional Use Permit. He reviewed the number of residents allowed in such facilities. He further stated that the permit process would be managed through the City Clerk's office as the licensing authority.

Petra Huda said that coliving must be no more than two people. She said a manager on site should be required or things will get out of control. She spoke about parking requirements and said that people that cannot afford to live in the city will not pay to park in the parking garage. She questioned why the Health Officer is not part of the ordinance and urged the City Council not to put any more burdens on the City Clerk's office.

Elizabeth Bratter said that managers should be on site at these facilities. She expressed concern with the 30 days for a brief period. She said she wants to make sure these do not become Airbnb's. She spoke about parking issues in the Islington Creek Neighborhood and how this would impact them.

Esther Kennedy said there needs to be a Master Plan in place and asked why you are not making sure we can take care of the working person in the city. She spoke about living in New England and the hardships we face during winter months and how people will not use a bicycle to commute around the city, people need transportation and that means vehicles. She said only one person will benefit from this spot zoning and that is Mr. McNabb.

Tyler Garzo said he bikes year-round in the community. He stated that the city is focusing on a small number of the population that have the potential not to own a car. He said parking is priced too low and should be put under the Parking Director with an 85% occupancy target rather than the city commission. He did indicate that the (RPP) Residential Parking Program is an innovative idea.

Paige Trace said she looks at this as dorm living with common areas. She said that is not what the city is about. She spoke to the lack of a Master Plan. She said free residential parking has come and the time is now. Ms. Trace said you must give taxpayers potential to park in the city. She urged the Council to take a good hard look at this before moving forward.

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

Councilor Cook said before the last election we called for coliving in the downtown because we have a severe housing crisis. She spoke of a time in her life that she lived in a coliving situation. She said we are moving forward with the Master Planning Process and there is a lot of planning and guidance around zoning.

Councilor Blalock said he is excited to have this coming before the City Council. He said that we are trying to provide more affordable housing downtown. He stated he would love to provide more chances to live in the city. He said this is all about how you manage this, and he would like a manager on site for forty residents or more.

Councilor Bagley spoke in support of the ordinance. He said people do not come to the city for parking, people want to be downtown and walk around. He said that the going rate is \$100.00 for a parking pass per month. Councilor Bagley stated to look at the cost of rentals this provides innovative ways of housing for diverse types of living. He said coliving could be the solution for this.

Councilor Moreau moved to pass second reading and hold third and final reading at May 19, 2025, City Council meeting. Seconded by Councilor Blalock.

Councilor Moreau asked the City Attorney to confirm that this is not spot zoning. City Attorney Morrell said the Legal Department does not believe that this is spot zoning.

Councilor Moreau moved to amend the ordinance by striking "to be allowed in the downtown" under 10.815.10 – Purpose and Eligibility. Seconded by Councilor Blalock and voted.

Councilor Moreau said we need to create a management system. She said that this is an innovative way to allow diverse types of people. She stated that she feels that this will enhance the downtown.

Councilor Denton moved to amend 10.815.21 from shall not be rented for less than 30 days continuous occupancy to *“shall not be rented for less than 6 months continuous occupancy.”* Seconded by Councilor Bagley.

Discussion followed regarding time frames for renting.

Councilor Denton accepted the friendly amendment to amend the motion to *“shall not be rented for less than 3 months continuous occupancy.”* Councilor Bagley agreed as the second to the motion. On a roll call vote 2-6, motion failed to pass. Councilors Tabor and Denton voted in favor. Councilors Cook, Blalock, Bagley, Moreau, Lombardi, and Mayor McEachern voted opposed.

Main motion passed.

Councilor Blalock moved to suspend the rules to take up third and final reading. Seconded by Councilor Bagley and voted. Councilor Denton voted opposed.

Councilor Bagley moved to pass third and final reading. Seconded by Councilor Blalock and voted.

At 9:10 p.m., Mayor McEachern called a brief recess. Mayor McEachern called the meeting back to order at 9:15 p.m.

XI. CITY MANAGER’S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Osprey Landing Gas Line Relocation

City Manager Conard reported that all city departments have approved this.

Councilor Lombardi moved to grant the License to Unitil Gas for relocation of the existing natural gas line for Osprey Landing for the private parcel now owned by Chinburg Development, LLC into the Right of Way for Portsmouth Boulevard. Seconded by Councilor Bagley and voted. Councilor Denton abstained from voting on this matter.

2. Second Extension of Temporary Construction License for 2 Congress Street, the North Church of Portsmouth

City Manager Conard said this second extension would run through June 16th.

Councilor Tabor moved that the City Manager be authorized to execute and accept a Second License Extension to encumber the sidewalk area along 2 Congress Street that abuts the North Church as requested. Seconded by Councilor Moreau.

Councilor Moreau moved that this license be limited to June 13th. Seconded by Councilor Blalock and voted.

Councilor Blalock moved to waive the licensing fees. Seconded by Councilor Bagley and voted.

Main motion passed as amended.

3. Report Back on Hanover/Hill Street Zoning

Councilor Moreau moved to suspend the rules to bring forward Item XV. C.1. – Neighborhood Zoning Changes. Seconded by Councilor Tabor and voted.

Councilor Moreau said that the Planning Board made progress, and she feels we cannot put off making these changes when they have been looked at for over 5 years. She said the difference is dwelling units per lot. She said it will help to look at what it will become when it has been built.

Councilor Moreau moved to schedule first reading at the May 19, 2025, City Council meeting for the proposed changes regarding Zoning Map, Building Height Map, and aligning both the North End Incentive Overlay District and the Downtown Overlay District. Seconded by Councilor Blalock.

Councilor Bagley said the neighborhood was made many promises that were not fulfilled because of the pandemic. He said due to the history of the project we should move forward.

Councilor Blalock said he supports them and thanked the Planning Board, but we should not kick the can down the road.

Councilor Cook asked if this changes the zoning overlay district and does it include changes to Sheafe Street and Court Street. Councilor Moreau said no because she feels that should be part of the Master Plan.

Councilor Denton asked would this impact plans currently before the Planning Board. Councilor Moreau said that the 361 location is vested.

Mayor McEachern said the Planning Board vested in the last meeting and had no impact on that. He said that this was an oversight, and we should start where we expected it to start from.

Motion passed.

XII. CONSENT AGENDA

- A. Request from Bradley Chartier of Heritage Home Service to install a Projecting Sign at 28 Deer 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 no cost 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 Michael Hudson, St. John's Lodge, requesting permission to hold the annual St. John's Sunday Parade on Sunday, June 22, 2025 ***(Anticipated action – move to refer to the City Manager with Authority to Act)***

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

XIII. PRESENTATIONS AND WRITTEN COMMUNICATIONS

- A. Community Resource Network (CRN) Website Introduction and Presentation – Susan Turner & Kim McNamara

Health Officer McNamara spoke to the Community Resource Network. She spoke about the number of services contained in the network and introduced Susan Turner as the creator of the network.

Susan Turner spoke regarding the beginning of the program being on index cards that were used to help the most vulnerable people in our community. She provided a demonstration of the site and announced that it has been online for one month. She said an important feature of the program is that people can make updates to the site for their services.

City Manager Conard said that this was an early need that came forward and was addressed

Mayor McEachern thanked Susan for all her work and showing the product to the Council and its working abilities.

- C. Email Correspondence

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

XIV. MAYOR McEACHERN

1. Appointments to be Voted:
- Appointment of Heather Loney to the Arts & Cultural Commission
 - Appointment of Cassandra Lund to the Arts & Cultural Commission
 - Reappointment of Peter Splaine to the Cemetery Committee

- Appointment of Oliver Chag as an Alternate to the Conservation Commission
- Reappointment of Scott Chaudoin to the Recreation Board
- Reappointment of Kory Sirmaian to the Recreation Board
- Appointment of Ian Hanley to the Trees & Public Greenery Committee
- Reappointment of Jeffrey Mattson to the Zoning Board of Adjustment

Councilor Cook moved to appoint/reappoint the applicants listed above to the various Committees, Commissions, and Boards as indicated. Seconded by Councilor Lombardi and voted.

2. Resignation of Susan Sterry from the Historic Cemetery Committee and African Burying Ground Blue Ribbon Committee

Councilor Tabor moved to accept with regret the resignation of Susan Sterry from the Historic Cemetery Committee and African Burying Ground Blue Ribbon Committee with a letter of thanks for her service. Seconded by Councilor Moreau and voted.

XV. CITY COUNCIL MEMBERS

A. COUNCILOR DENTON

1. Electric Vehicle Charging Stations

Councilor Denton moved for a report back on the development of an electrification plan under BI-20-PW-46: Level 2 (120/208 Volt Single Phase) & Level 3 (480 Volt Three Phase) Electric Vehicle (EV) Charging Stations). Seconded by Councilor Bagley.

Councilor Denton said the plan was to add level 2 and level 3 electric vehicle charging stations.

Councilor Cook said it is vital to have electric vehicles in the city and whether we are prepared to meet the needs.

Motion passed.

B. COUNCILOR BLALOCK

1. Portsmouth Recreation Department Impact Fees: Non-Profit Organizations

Councilor Blalock said that these proposed fees were voted upon by the Recreation Board.

Recreation Director Henley explained that all non-profit organizations are not charged for the use of the fields and lights. He reported as we start seeing more organizations that are made up of non-residents, we feel that the non-resident fee should be reinstituted. He said that the non-resident fee has not been in place since 2020. He spoke to the process that would be followed for receiving funds for the use of the fields and lights.

Councilor Bagley said he understands the reason, but he is concerned that the benefit might not fit the need here and could result in the loss of organizations.

Councilor Blalock said if an organization does not have the means to pay for using the fields and lights Recreation Director Henley could waive the fee.

Discussion followed on the process to be followed when charging for the use of fields and lights and that they would not charge for use of rooms at the facilities.

Councilor Blalock moved to approve as presented. Seconded by Councilor Denton.

Councilor Cook moved to refer this to the Fee Study Committee for review and report back to the City Council. Seconded by Councilor Moreau.

Councilor Cook said because we will be collecting fees it would be helpful to have a report back to the City Council on what we expect to charge and how much the city would receive in revenue.

Councilor Moreau said if information exists, we will postpone this to get information on what the fees were built upon and that it would be more helpful than having a meeting.

Councilor Blalock said he would like the City Council to learn more about the Recreation Board.

Mayor McEachern said that he does not support sending this to the Fee Study Committee and it would be better suited with the Recreation Board.

Councilor Bagley asked when the fees would take effect. Recreation Director Henley said right away, for the start of Spring season.

Mayor McEachern said he would like to know what a person would be expected to pay. He said he is concerned with increasing the fees.

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

On a roll call vote 4-4, motion to approve as presented failed to pass. Councilors Tabor, Cook, Denton and Blalock voted in favor. Councilors Bagley, Moreau, Lombardi, and Mayor McEachern voted opposed.

XVI. APPROVAL OF GRANTS/DONATIONS

A. Donations in Memory of Skatepark Committee Member Chris Rice

Councilor Blalock moved to authorize the City Manager to accept donations in any amount in memory of Chris Rice for use in sponsoring in-need families to participate in skateboarding programs through the Recreation Department. Seconded by Councilor Cook and voted.

Councilor Moreau moved to suspend the rules to continue the meeting beyond 10:30 p.m. Seconded by Councilor Cook and voted. Councilor Bagley voted opposed.

XVII. CITY MANAGER'S INFORMATIONAL ITEMS

1. FY26 Budget

City Manager Conard announced that the FY26 Budget has been released, and the budget schedule of meetings are depicted in the agenda packet. She stated that public comments will be heard at each meeting. She further stated that the budget put forth is a responsible and comprehensive budget that level funds services.

2. Report Back on Steps that New Businesses Can Take to Open and Potential Options to Streamline Process

City Manager Conard reported that interim steps have been taken. She has met with the Health, Planning and Sustainability, Economic and Community Development, and Inspection Departments to review how the city has evolved over time advising many for the good of the community. She spoke to the exemplary webpage of the Health Department which hosts a Restaurant Construction Guide that we want to give more notoriety to and share with the public. She stated a coming attraction will be to create a landing page on our main website to make it easier for the public and businesses to know how to better navigate. She stated that the Health, Fire, and Inspection Departments hold meetings on site with businesses regarding permitting and this is free of charge. In addition, the city will be looking for ways to enhance communication with the public.

3. Cellular Service Survey

City Manager Conard said the Deputy City Manager/Regulatory Counsel Woodland has been supporting the City's Cable and Broadband Internet Commission on putting out an on-line survey regarding residents' experiences with cellular service in our community. She said that the survey will assist the city in knowing how cellular services can better serve the city.

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

XIX. ADJOURNMENT

At 10:35 p.m., Councilor Moreau moved to adjourn the meeting. Seconded by Councilor Bagley 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