



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE

PUBLIC MEETING NOTICE
MONDAY, SEPTEMBER 15, 2025 AT 11:00 A.M.
City Hall Complex, Conference Room A
1 Junkins Avenue
Portsmouth, NH 03801

*Members of the public also have the option to join the meeting over Zoom.
(See below for more details)**

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1. Welcome and Call to Order
 2. Roll Call
 3. Approval of the minutes of the August 11, 2025 Governance Committee meeting
 4. Draft Encumbrance Ordinances:
Short-Term Encumbrance Permits, Extensions and Licenses
Department of Public Works: Peter Rice, Director of Public Works; Ben Fletcher,
Director – Parking and Transportation; Mike Casad, Parking General Foreman; Jennifer
Wentworth, Administrative Assistant; and Mike Finn, Dispatcher
 5. Other Business
 6. Public Comment
 7. Announcements
 8. Adjournment

***Join Zoom Meeting**

When: September 15, 2025 11:00 AM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us06web.zoom.us/meeting/register/PZ8kbyVHRwKbvN4pK4XUag>

After registering, you will receive a confirmation email containing information about joining the meeting.



CITY OF PORTSMOUTH, NEW HAMPSHIRE
GOVERNANCE COMMITTEE
MEETING MINUTES
Monday, August 11, 2025
City Hall Complex, Conference Room A
1 Junkins Avenue, Portsmouth, NH

1. **Welcome and Call to Order:** The meeting was called to order at 11:00 a.m.
2. **Roll Call:** Councilor Katherine Cook; Councilor Vincent Lombardi; and Councilor John Tabor were present. Assistant Mayor Joanna Kelley was absent.

Staff: Carl Weber, Deputy City Manager; Jane Ferrini, Senior Assistant City Attorney; Kelli Barnaby, City Clerk; Peter Britz, Director of Planning and Sustainability; and Peter Stith, Planning Manager

3. **Review and Approval of the Minutes of the July 14, 2025 meeting:** Councilor Lombardi moved to accept the minutes of the July 14, 2025 meeting. Seconded by Councilor Tabor. All in favor. The motion was approved.

4. **Draft Encumbrance Ordinances:**

- **Projecting Signs:** Peter Britz and Peter Stith explained the current process to request approval of a projecting sign from the City Council and provided statistics on the number of sign permits. Attorney Ferrini provided clarification that projecting signs are permanently affixed and have an indefinite term and A-frame signs are temporary and have an annual term. With the goal of making the process of finding information and applying for a sign permit easier for the public, the Committee discussed organizing all the sign information currently found throughout the ordinances into one place and to provide links to the information. The Committee discussed various ways to shorten the approval process and if these items could be taken off the City Council agenda to accomplish this. An omnibus approach to approval was discussed, which would entail requests being administratively approved by staff, and presented to the City Council as informational for approval. Councilor Tabor asked if these requests could be a consent agenda item. Attorney Ferrini stated that they could along with other licenses. Councilor Cook stated she is concerned about delays and was in favor of improvements to streamline the process, along with being consistent with our rules and to maintain an appeal process to the City Council. Reference was made to the various sections in the encumbrance ordinance and zoning ordinances that refer to signs, and that the permit information and applications on OpenGov should align with any revisions made to these ordinances.
- **Sidewalk Obstructions:** Per Chapter 9, sidewalk obstruction applications are processed through the City Clerk's office, and these are considered temporary in

nature. City Clerk Kelli Barnaby provided a brief history of flag permits and statistics for A-frame sign licenses (23 licenses in 2025). The City Clerk did note that there are no flag licenses despite the fact that there are flags in the City. Discussion ensued that people might not be aware that they need a permit and this could be rectified by an educational campaign. The City Clerk's office worked with the City Manager's Director of Communications & Community Engagement to create a "Did You Know" pamphlet which includes a QR code to bring the applicant directly to the application for sidewalk obstruction permits in OpenGov. Councilor Cook shared the 2009 Projecting Sign Policy, which states that a business can have either a projecting sign or an "open for business" directional flag. Discussion ensued regarding whether a business owner could have both an A-frame sign and a flag or either type of signage. The Councilors requested "to serve the public good" or similar language be included in any permit revisions. Other sidewalk obstructions items, such as banners, special event flags, planters and tables and chairs were generally discussed.

- The Committee agreed to postpone making a decision on how certain permits would be approved until meeting with other departments because the same procedural approval matters that will arise for all permits. The Committee will be meeting with the Department of Public Works at the next Governance Committee meeting to discuss encumbrances and licenses for construction and parking spaces.

5. Other Business: None
6. Public Comment: None
7. Announcements: The next Governance Committee meeting was scheduled for Monday, September 15, 2025 at 11:00 a.m.
8. Adjournment: Councilor Lombardi moved to adjourn the meeting, seconded by Councilor Tabor. All in favor. Motion was approved. Meeting adjourned at 1:23 p.m.

Meeting Minutes prepared by:
Barbara Zulkiewicz

Minutes approved: _____

ARTICLE __: LICENSE AND ENCUMBRANCE PERMITS FOR USE OF PUBLIC PROPERTY

Section __.101: **STATEMENT OF PURPOSE**

The purpose of this ordinance is to establish a comprehensive framework for the licensing and encumbering of public property within the City and aims to ensure the responsible use and management of public assets, create an efficient and transparent approval process and safeguard the interests of the community while promoting economic development. By regulating the use of public property, the City seeks to:

1. **Enhance Efficiency and Transparency:** Establish efficient and transparent procedures for issuing licenses and encumbrance permits for use of public property.
2. **Promote Fair Access:** Provide the public with equitable access to public property.
3. **Preserve Public Assets:** Maintain and preserve the integrity of public property.
4. **Facilitate Economic Development:** Support local businesses and economic activities by providing clear guidelines for the use of public property.
5. **Maintain Public Safety:** Ensure that public property is used in a manner that protects the health, safety, and welfare of residents and visitors.

Section __.102: **AUTHORITY**

The City has an interest in regulating all uses of public property.

The City Manager is authorized to oversee City property and to establish and publish rules, regulations, and procedures related to all permits and licenses that regulate the temporary placement, installation, location or use of any obstruction on, in or over public property, including but not limited to structures, fixtures, objects, equipment or other encroachment ("Encumbrance"). Public property includes but is not limited to public roads, right-of-way, streets, lanes, alleys, sidewalk, parking space, loading zone and other City property, including intrusions into the airspace over public property ("Public Property").

Encumbrances on Public Property will not be permitted if they: endanger public safety; impede access to public utilities; unreasonably interfere with or impede the flow of pedestrian or vehicular traffic, including but not limited to any legally parked or stopped vehicle and the ingress or egress for any residence or business; and impede access to poles, posts, traffic signs or signals, hydrants, mailboxes or other objects or structures necessary for government use.

The City Manager, or their designee, shall prescribe the forms necessary for the issuance and management of encumbrance permits and licenses under this Chapter. All rules, regulations and procedures associated with these licenses and permits shall be

reviewed and approved by the City Manager and will be published on the City's website. The City Manager shall provide regular updates to the City Council regarding the issuance of encumbrance permits and licenses under this Chapter.

Permits and Licenses are required for Encumbrances of all Public Property located within the City and will be issued upon compliance with permit requirements, the payment of fees pursuant to Chapter 1, Article XVI, Section 1.1601.1 and notification to immediate abutters, as more fully described below.

Section _____. 103: ENCUMBRANCE PERMITS, LICENSES AND USE OF PUBLIC PROPERTY

No person shall place or erect an Encumbrance that projects over the airspace of Public Property unless the City has issued a permit or license.

No license or permit will be issued for an Encumbrance that endangers public safety, impedes the free path of travel for the public, including pedestrian and vehicular traffic, or impedes egress or access to driveways, entrances, hydrants, poles, utilities, traffic signs or other government use.

Permits and licenses for Encumbrances may be temporarily or permanently suspended in an emergency or if the public interest requires such termination.

Permits and Licenses may be issued for the following Encumbrances that are in compliance with the provisions set forth above, the published rules, regulations and procedures for permits and licenses described in Section 102 and the specific provisions set forth below:

A. Projecting Signs and Awnings

Dimensional requirements for permanently affixed signs and awnings that project over the airspace of Public Property shall comply with the height, setback and dimensional standards set forth in the City's Zoning Ordinance.

B. Flags

An annual permit may be issued for one flag per business over Public Property that does not exceed 12 square feet in area and has at least 7 feet of clearance above Public Property. A flag may be either an "open" flag or a flag that advertises the name of the business. The limitation of one flag per business does not apply to the American Flag. If the business has a flag, other than the American Flag, an A-Frame sign described in paragraph C below will not be permitted. Flags defined in this Section are not considered signs under the City's Zoning Ordinance.

C. A- Frame Signs

An annual permit may be issued for one A-Frame sign located in front of a business on Public Property that does not exceed 8 square feet in area on each side. If the business has a flag as described in paragraph B above, an A- Frame sign will not be permitted.

D. Tables, Chairs and Benches

Annual permits may be issued for tables, chairs and benches for use by the general public on Public Property if, among other things, the number, size and location of the tables, chairs and benches do not impede the free path of travel for the public.

E. Planters

Annual permits may be issued for planters on Public Property if, among other things, the size and location of the planters do not impede the free path of travel for the public. Permits will be revoked if the plants in the planters are not maintained.

F. Mannequins and Clothing Racks

An annual permit may be issued for either a mannequin or one clothing rack on Public Property in front of a business that sells clothing if, among other things, the size and location of the mannequin or clothing rack does not impede the free path of travel for the public. Permits will be revoked if the mannequin or clothing rack is placed in front of or impedes access to the Public Property in front of an abutter.

G. Short-Term Encumbrance Permits

Encumbrances of Public Property may be permitted through the issuance of either a Short-Term Encumbrance Permit or revocable License. Permits and revocable Licenses may be granted for construction project Encumbrances that may include but not be limited to scaffolding, fencing and laydown areas for construction materials. Permits and revocable Licenses may also be issued for non-construction related Encumbrances that may include but not be limited to moving trucks, equipment and vehicles associated with window washing and landscaping. All other permits required for construction projects, such as Excavation, Flagging and Driveway Permits, are issued after administrative review by the Department of Public Works and are not subject to this ordinance. (1)

1. Short-Term Encumbrance Permits

Encumbrance Permits for up to 30 calendar days will be administered and issued by the Department of Public Works.

2. Short-Term Encumbrance Permit Extensions

Short-Term Encumbrance Permits may be extended for up to an additional 30 calendar days after administrative review by the Department of Public Works. Extensions may require new conditions and fees. Any request for an extension over 60 and less than 90 calendar days may be granted by the City Manager for good cause.

H. Licenses

Requests for Encumbrances of Public Property for over 90 calendar days will be granted only after approval by the City Council.

I. Revocable Licenses Requiring Recording

When the City identifies encroachments in the City right-of-way or other Public Property, the City Council may require the Owner to record a revocable License at the Rockingham County Registry of Deeds that sets forth the City and Owner's rights and responsibilities and memorializes the location of the encroachment. Revocable Licenses for recording may include but not be limited to Encumbrances for steps, walls, fences, pipes and underground monitoring wells.

J. Licenses for Public Utilities

City Council approval is required for all revocable Licenses for utility Encumbrances that include but are not limited to poles, wires and conduits that are in, on, over or within the City right-of-way or other Public Property.

¹ The following ordinance sections will be deleted:

Chapter 7, Vehicles, Traffic and Parking, Article I, Parking Meters, Section 7.114 Construction Permit (paragraph); Chapter 8, Incumbrances and Injurious Practices in Streets, Article I, Incumbrances, Section 8.101 Incumbrances, General (paragraph); 8.105, Digging Up a Street (paragraph). Section 8.106, License to Obstruct Street (paragraph), 8.108, Projections Forbidden (paragraph), 8.109 Grating (paragraph); License Fees for Encumbrances, 2018-02 (one page) **Also,**