



Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager *RB*
DATE: Friday, February 12, 2021
SUBJECT: City Manager's Report for Tuesday, February 16, 2021

*6:45 p.m. Non-meeting
Tentative Agreement with Water/Wastewater Employees Association-Union*

Unfinished Business (under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 11-21: Supplemental Appropriation to Reconstruct and Repair Nadeau Street.**

Resolutions

- A. Resolution No. 29-21: To Authorize the City Manager to Contract with Continental Paving of Londonderry, NH for Fiscal Year 2020-2021 Road Improvements.** Again, the Finance Committee voted to accept Staff's recommendation to award Continental Paving the bid for these road improvements. Their bid was the lowest of the three (3) received and their reputation in the State is very good.
- B. Resolution No. 30-21: To Authorize the City to Use Funding from the Municipal and Transportation Fund for the Fiscal Year 2020-2021 Road Resurfacing Program.** Again, the Finance Committee voted to support this action. This Resolution will provide \$12,992 as contingency for the Road Resurfacing Projects.
- C. Resolution No. 31-21: City Council to Provide Guidance for Budget Preparation for the use of Fund Balance as Part of the School Department Budget.** Again, the Finance Committee met and asked Staff to draft this action item. If adopted this Budget Guidance will generally run parallel with the Tax Cap Guidance directive that the City Manager issues each year by February 1st.

New Business (under Section 15 of Agenda)

Ordinances

- A. **Ordinance No. 12-21:** To Amend Chapter 19, Zoning, Section 13 - Riparian and Wetland Buffer District Ordinance. Attached is a *red-lined* version of this section of the Ordinance that shows the recommended changes as well as a memorandum from Director Michelle Mears identifying some of the changes and the rationale. The Public Works & Environment Committee reviewed the Conservation Commission's recommendations with Scott Orzechowski, Chairman. Scott will be available to answer any questions. Further changes were made following City Attorney review. I recommend a Public Hearing at the next regular Council meeting.

Resolutions

- A. **Resolution No. 32-21:** City Council Vote to Restructure the Membership of the Sustainability Committee. Attached is a copy of the latest Committee membership Resolution that was passed in 2016.
- B. **Resolution No. 33-21:** A Vote to Affirm the City of Somersworth's Commitment to the Sustainability of the Somersworth Youth Connection Program. The School Board and Somersworth Youth Connection Task Force have voted to support this Program and the Resolution itself.

Other

- A. **Vote to Approve the Amendments to the Stewart's Ambulance Service, Inc. Agreement and Extend the Term through July 31, 2027.** The Public Safety Committee met on February 3rd and voted to support the Amendments to this Agreement. Attached is a *red-lined* copy of these changes. Please see my attached comments from the Public Safety meeting minutes.
- B. **Vote to Ratify the Wage and Working Agreement between the City of Somersworth and Water/Wastewater Employees Association.** Attached is a *Confidential* Memorandum outlining the tentative Agreement.
- C. **Vote to Authorize the Sale of City Surplus Property – per Administrative Code, Chapter 29, Section 8.5 Disposal of City Property: Fire Apparatus - Engine 2.** The Public Safety Committee met on February 3rd and voted to support moving forward with the sale of Engine 2. Attached is a memorandum from Chief George Kramlinger. City Council has already voted to provide funding for a replacement apparatus.
- D. **In accordance with Resolution 31-21, the City Council to Provide Guidance for Budget Preparation for the Use of Fund Balance as Part of the School Department Budget; the City Council votes to Authorize the use of \$ 419,671 of the Anticipated School Department FY 2021 Surplus of \$ 432,305 as a Revenue Source as Part of the School Department/School Board FY 2021-2022 Budget.** Attached is Budget information provided by Superintendent Robert Gadowski. He and Assistant Superintendent Lori Lane will be available to answer any questions.

City Manager's Items (under section 11 of Agenda)

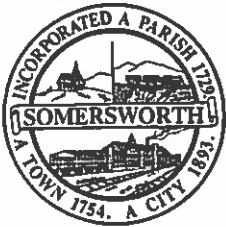
A. Informational Items

1. **FY 2021/2022 Geosyntec Contract-Landfill Superfund Site.** In keeping with past practice, and without objection, I will be signing the attached Draft Contract Amendment for proposed monitoring work to be done by Geosyntec Consultants as required by the EPA, this would cover FY 21/22. This Remedial Action Services contract outlines our compliance obligations in accordance with the existing EPA Consent Decree and Record of Decision (ROD) as well as other work that may be required by the EPA from time to time. The Contract costs and other associated budgeted expenses are split between the City at 50.5% and GE at 49.5%.
 2. **Assistance to Firefighters Grant (AFG).** As reported to the Public Safety Committee, I have authorized Chief Kramlinger to move forward with a Grant Application for equipment listed in his attached memorandum to me. The Grant total is \$114,762, with a City match of \$5,738 (5%), total equipment costs equals \$120,500.
 - **Upcoming City Council Special Meetings.** I will be asking Mayor Hilliard to approve these proposed Budget meetings. If we follow last year's schedule, it would be as follows: Saturday, April 3 at 8:30 a.m.: Budget Workshop includes Community Support/Nonprofits; Monday, April 5 at 6:00 p.m. – Budget Presentation & 7:00 p.m. Budget Public Hearings; Monday, April 12 at 7:00 p.m., Special Budget Meeting.

**Monday, April 19, 7:00 p.m. Regular Council Meeting.
- **Monday, March 8**
 - 6:00 pm: Joint City Council & School Board Budget Workshop
 - **Saturday, March 13**
 - 8:30 am: City Council Goal Setting Workshop

Attachments

1. **City Attorney Certifications Three (3)**
2. **Department Head Reports**



City of Somersworth – Ordinance

Ordinance No: 11-21

SUPPLEMENTAL APPROPRIATION TO RECONSTRUCT NADEAU STREET

February 1, 2021

THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 7.7(A) of the City Charter:

The Annual Budget for the City of Somersworth for Fiscal Year 21 is amended as follows:

Appropriate \$92,452 (Ninety-Two Thousand Four Hundred Fifty-Two dollars) from the General Fund unassigned fund balance to the Capital Outlay section of the FY20-21 General Fund budget as follows:

Revised Budget
\$ 404,700

Amendment
\$ 92,452

Revised Budget
\$ 497,152

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Jonathan Slaven
City Clerk

Background:

This Ordinance appropriates funding to reconstruct Nadeau Street and bring it up to City standards. In accordance with Resolution 8-21 the City will contribute \$15,000 toward this project, and the total cost of the project less the \$15,000 contribution will be pro-rated and assessed equally against each of the three abutting properties through a betterment assessment.

This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and Section 7.7 (A) of the City Charter.

This Ordinance will take effect upon passage.

Authorization

Sponsored by Councilors:
David A. Witham
Donald Austin
Martin P. Dumont, Sr.
Martin Pepin

Approved:
City Attorney

City of Somersworth – Ordinance 11-21

History

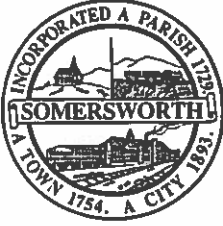
First Read Date:	2/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

02/1/2021

Ordinance No. 11-21 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On // Ordinance 11-21		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 29-21

**TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH
CONTINENTAL PAVING OF LONDONDERRY, NH FOR FISCAL
YEAR 2020-2021 ROAD IMPROVEMENTS**

February 1, 2021

WHEREAS the City prepared and requested bids from qualified contractors for road improvements to the following roads;

Drew Road
Edmund Street
Fox Court
Laurier Street
Lemelin Court
Rowland Street
Shady Lane
Wilson Street
Locke Avenue

Portland Street
South Street
Ben Rich Drive
Lil-Nor Avenue
Pinkham Street
Primrose Lane
Midway Park
Bartlett Avenue
Cass Street, AND

WHEREAS, in addition to the aforementioned roads, the City requested a bid for the reconstruction of Nadeau Street, the cost of which is \$85,752 (Eighty Five Thousand Seven Hundred Fifty Two dollars), such amount will be included with the total contract costs for all the road work, and will be assessed to the abutting property owners through a 10 year betterment assessment less a \$15,000 (Fifteen Thousand dollars) City contribution, and

WHEREAS, City staff reviewed the results of the bids received and recommends contracting with Continental Paving of Londonderry, NH to make these road improvements at a cost of \$1,054,771 (One Million Fifty-Four Thousand Seven Hundred Seventy-One dollars), and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed the recommendation by staff to award the contract to Continental Paving, and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Continental Paving of Londonderry, NH for road improvements to the aforementioned roads at a cost of \$1,054,771 (One Million Fifty Four Thousand Seven Hundred Seventy

One dollars) and to take any other actions on behalf of this project determined to be in the best interest of the City.

Authorization	
<i>Sponsored by Councilors:</i> David Witham Donald Austin Martin Pepin Martin Dumont, Sr.	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 29-21

History			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

02/01/2021

Resolution No. 29-21 will remain in first read until call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			



City of Somersworth – Resolution

Resolution No: 30-21

**TO AUTHORIZE THE CITY TO USE FUNDING FROM THE
MUNICIPAL AND TRANSPORTATION FUND FOR THE FISCAL
YEAR 2020-2021 ROAD RESURFACING PROGRAM**

February 1, 2021

WHEREAS, the City Council authorized funding as part of the Fiscal Year 2020-2021 budget for the annual road resurfacing program, and

WHEREAS, additional funding is required to complete the road resurfacing program as bid out, and

WHEREAS, the City Council intends to utilize \$190,000 (One Hundred Ninety Thousand dollars) from the Municipal and Transportation Fund to be used for this year's road resurfacing program, and

WHEREAS, the City Council is designated as agents to expend these funds,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City may utilize \$190,000 (One Hundred Ninety Thousand dollars) from the Municipal and Transportation Fund for the Fiscal Year 2020-2021 road resurfacing program.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Martin Pepin Martin P. Dumont, Sr.	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 30-21

History

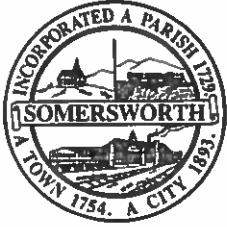
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

02/01/2021

Resolution No. 30-21 will remain in first read until call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On //	Resolution 30-21	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 31-21

CITY COUNCIL TO PROVIDE GUIDANCE FOR BUDGET PREPARATION FOR THE USE OF FUND BALANCE AS PART OF THE SCHOOL DEPARTMENT BUDGET

February 1, 2021

WHEREAS, the School Department/School Board is required to prepare an annual budget for consideration and action by the City Council, and

WHEREAS, each year the School Department's annual budget may provide unexpended funds/ surplus funds that will lapse to the City's fund balance; and

WHEREAS, during the annual budget development of the School Department/School Board's budget conditions may be such that all or a portion of any such anticipated surplus within the current budget would be advantageous to use as a revenue source in the upcoming budget, and

WHEREAS, the Finance Committee unanimously recommends adoption/ratification of the following considerations, to be reviewed annually by the City Council:

1. The School Department/School Board will report each February to the City Manager the estimated amount of surplus, if any, that will lapse to the City's General Fund as result of current unexpended budget funds.
2. The School Department/School Board will develop an amount, if any, of the estimated surplus that they recommend be used as a revenue source in the ensuing budget.
3. Once the City Manager receives the aforementioned information, the City Council will deliberate and take action on the amount, if any, that may be used as a revenue source in the ensuing School Department/School Board budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the guidance and considerations for budget preparation as outlined be adopted upon passage of this Resolution.

Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Martin Pepin
Martin P. Dumont, Sr.

Approved:

City Attorney

City of Somersworth – Resolution 31-21

History

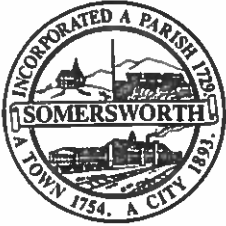
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

02/01/2021

Resolution No. 31-21 will remain in first read until call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On //	Resolution 31-21	PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 12-21

TO AMEND CHAPTER 19, ZONING, SECTION 13 - RIPARIAN AND WETLAND BUFFER DISTRICT ORDINANCE

February 16, 2021

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19, Zoning, Section 13 - Riparian and Wetland Buffer District Ordinance, by deleting it in its entirety, and replacing it with:

Section 13 Riparian and Wetland Buffer District Ordinance

Section 1. Title and Authority

19.13.1.A. Title: This Ordinance shall be known as the “Riparian and Wetland Buffer District Ordinance” of the City of Somersworth, New Hampshire.

19.13.1.B. Authority: Pursuant to the authority granted by RSA 483-B:8, Municipal Authority; RSA 674:17 I., Purposes of Zoning Ordinances; RSA 674:21, Innovative Land Use Controls; this Ordinance is hereby adopted by the City of Somersworth, New Hampshire to protect the public health, safety, and general welfare.

Section 2. Purpose

19.13.2.A. The purpose of this Ordinance is to protect the quality of surface waters and wetlands; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of land resources.

19.13.2.B. The streams and rivers of Somersworth supply much of the water required by Somersworth citizens for their drinking water supply and other municipal and industrial uses. The Somersworth City Council finds that the protection of the surface waters and wetlands of Somersworth is vital to the health, safety and economic welfare of its citizens. It is the desire of Somersworth to protect and maintain surface water resources by implementing these regulations for the establishment, protection, and maintenance of a vegetated buffer adjacent to all surface water bodies and wetlands within our jurisdictional authority.

Section 3. Intent

19.13.3.A. It is therefore the intent of this Ordinance to establish a riparian and wetland buffer of regulated development and limited land use adjacent to all wetlands in Somersworth to preserve the economic values, public benefits and environmental resources provided by buffers including but not limited to:

- a. Protecting public and private water supplies;
- b. Trapping sediment and other pollutants in surface runoff;
- c. Providing groundwater recharge through infiltration of runoff;
- d. Promoting bank stabilization and reducing erosion;
- e. Protecting riparian wetlands;
- f. Minimizing the impact of floods and private property damage;
- g. Maintaining stream base flow;
- h. Protecting streams;
- i. Protecting wildlife habitat;
- j. Generally maintaining water quality; and
- k. Providing scenic value and recreational opportunity such as hunting, fishing, kayaking, bird watching and hiking.

Section 4. Applicability

19.13.4.A. Riparian and Wetland Buffer District. The Riparian and Wetland Buffer District of the City of Somersworth, New Hampshire is an overlay district superimposed over the existing conventional zoning districts of the municipality. It includes within its boundary a protected buffer to all perennial streams, streams, wetlands and vernal pools, as defined by this Ordinance, located within the municipality. The Riparian and Wetland Buffer District does not apply to no longer active fire ponds and farm ponds as defined in this Ordinance.

19.13.4.B. District Boundaries. The boundaries of the Riparian and Wetlands Buffer District ("the District") shall encompass all land within a horizontal distance of:

- a. 100 feet perpendicular from the boundary of any perennial streams, wetlands and vernal pools as defined by this Ordinance.
- b. 25 feet from any intermittent or ephemeral stream as defined by this Ordinance. It is the responsibility of an applicant to fully identify and delineate on a property all streams, wetlands and vernal pools.

19.13.4.C. Interpretation of District Boundaries. Where uncertainty exists as to the exact location of district boundary lines, the Director of Planning and Community Development or designee shall be the final authority as to boundary locations. To the extent the Director or designee requires the service of a certified third-party wetland or soil scientist to assist in his/her determination of the boundary of the district she/he may engage such a professional at the expense of the applicant.

19.13.4.D. This Ordinance shall apply to proposed developments, structures, uses, activities and disturbances, and changes in use on all parcels of land within the Riparian and Wetland Buffer District unless otherwise specified in this Ordinance.

19.13.4.E. This Ordinance shall apply to all timber harvesting activities not permitted under RSA 227: J.

- a. Applicant shall comply with all applicable state laws including but not limited to obtaining and filing the following: Intent-to-cut form per RSA 79:10;

- b. Notification of Forest Management Activities Having Minimum Wetlands Impact per RSA 482-A:3
- c. NHDES Wetland Permit per RSA 482-A

19.13.4.F. This Ordinance shall apply to surface mining operations except those operations that are operating in compliance with an approved permit from the City of Somersworth under Section 11, Excavation of Earth Products.

19.13.4.G. This Ordinance shall not apply to the following:

- a. Agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of best management practices (BMPs).
- b. Footpaths and trails composed of pervious materials and limited to six (6) feet in width with minimal removal of vegetation and configured in a manner that will not concentrate storm water runoff or contribute to erosion.
- c. Water quality monitoring and stream gauging are permitted, as approved by the NHDES.

Section 5. Definitions

19.13.5.A. Best Management Practices (BMPs) - a proven or accepted structural, non-structural, or vegetative measure - the application of which reduces erosion or sedimentation, stabilizes stream channels, or reduces peak storm discharge, or improves the quality of stormwater runoff, or diminishes the quantity of stormwater runoff flowing to a single location by using multiple BMPs at separate and dispersed locations. BMPs also include construction site maintenance measures such as removing construction debris and construction waste from construction sites and disposing of debris and waste appropriately in order to reduce contamination of stormwater runoff.

19.13.5.B. Canopy – the more or less continuous vegetative cover formed by tree crowns in a wooded area.

19.13.5.C. Development is defined as:

- a. The improvement of property for any purpose involving building;
- b. Subdivision or the division of a tract or parcel of land into two or more parcels excluding condominium conversions; and,
- c. The preparation of land for any of the above purposes.

19.13.5.D. Disturbance – an activity in which natural vegetation is removed, soil is exposed, and/or removed, or the land surface is altered.

19.13.5.E. Farm Pond – a depression made in the land surface or constructed with berms, usually made of earth, to detain water for irrigation, waterfowl, other farm uses or activities, or for recreation.

19.13.5.F. Fire Pond - a depression made in the land surface or constructed with berms, usually made of earth, used to store water for the purpose of fire suppression or prevention.

19.13.5.G. Ground Cover – any herbaceous or woody plant which normally grows to a mature height of 2 feet or less, especially mat forming vegetation which stabilizes the soil.

19.13.5.H. Impervious Surface – any areas covered by material that cannot absorb water or effectively infiltrate water into the soil. Examples of impervious surfaces include buildings, roofs, decks, patios, and paved, gravel or crushed stone driveways, paths, parking areas, and walkways.

19.13.5.I. Lot of Record – a legally created parcel, the plat or description of which has been recorded at the registry of deeds for the County in which it is located.

19.13.5.J. Natural Vegetation – trees, shrubs, herbaceous plants and other woody plants that arises from or is found in nature and not modified by human intervention.

19.13.5.K. Non-Conforming Lot – a single lot of record, which, at the effective date of adoption or amendment of this Ordinance does not meet the dimensional requirements of the district in which it is located or a lot that does not meet the requirements of this Ordinance.

19.13.5. L. Non-Conforming Structure – a structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance, or a structure that does not meet the requirements of this Ordinance

19.13.5. M. Non-Conforming Use – use of buildings, structures, premises, land or parts therefore which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time of this amendment.

19.13.5.N. Nonpoint Source Pollution - pollution that is generated by various land use activities rather than from an identifiable or discrete source, and that is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than by direct discharges.

19.13.5.O. Riparian and Wetland Buffer - a vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream, or wetland.

19.13.5.P. Setback – the horizontal distance from the reference line of a water body to the nearest part of a structure, road, parking space or other regulated object or area.

19.13.5.Q. Stream, Ephemeral – a drainage feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent stream.

19.13.5.R. Stream, Intermittent – a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated

with the conveyance of water. Intermittent streams (or portions thereof) are portrayed as dashed blue lines on a USGS topographic map, where mapped.

19.13.5.S. Stream, Perennial - a stream that normally flows year-round because it is sustained by ground water discharge as well as by surface water. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. Perennial streams (or portions thereof) are portrayed as solid blue lines on a USGS topographic map, where mapped.

19.13.5.T. Stream or River – means a free-flowing body of water or segment or tributary of such water body (RSA 483:4, XVII.)

19.13.5.U. Structure – anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on, at grade, or in the ground, excluding fences. The term includes structures temporarily or permanently located, such as but not limited to decks, patios, satellite dishes, stormwater management facilities, driveways, septic systems and parking lots.

19.13.5.V. Stormwater or Surface Water Runoff – water that flows over the surface of land resulting from rainfall or snowmelt. Surface water enters streams and rivers to become channelized stream flow.

19.13.5.W. Stormwater Management Plan – an analysis and plan designed in accordance with rules adopted by the NH DES under RSA 541-A for terrain alteration under RSA 485-A:17, to manage stormwater and control erosion and sediment, during and after construction.

19.13.5.X. Surface Waters and Water Bodies – those portions of waters of the state as defined by RSA 482-A:4, which have standing water or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes, and ponds (Env-Wt101.88).

19.13.5.Y. Surface Water Pollution - contamination of surface water by introduction of sediment, nutrients, toxicants, chemicals, pesticides or fertilizer derived from a land use, activity or point source.

19.13.5.Z. Vernal Pool – an ephemeral shallow surface water body in a depression that lacks a permanent outflow, fills with water seasonally (mostly during spring and early summer), and generally dries out for most of the year. (adapted from U.S. Fish & Wildlife Service and Vernal Pools: Natural History and Conservation by Elizabeth A. Colburn, 2004).

19.13.5.AA. Water Dependent Use or Structure – a use or structure that services and supports activities that require direct access to, or contact with the water, or both, as an operational necessity and that requires a permit under RSA 482-A, including but not limited to a dock, pier, breakwater, beach, boathouse, retaining wall, or launching ramp. Hydroelectric facilities, including, but not limited to, dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent structures; however, these uses are exempt from the requirements of this Ordinance.

19.13.5.AB. Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (RSA 482-A:2). For the purpose of this Ordinance, vernal pools shall be included in this definition.

Section 6. Riparian Buffer and Wetland Buffer Requirements

19.13.6.A. The riparian buffer and wetland buffer shall consist of a strip of land extending 100 feet perpendicular from the boundary of all streams, wetlands and vernal pools. As described in Section 19.13.6.B., the riparian and wetland buffer width shall be adjusted to include contiguous areas such as steep slopes or erodible soils, where development or disturbance may adversely affect surface waters and wetlands.

19.13.6.B. The riparian buffer and wetland buffer width shall be modified if steep slopes are within close proximity to or drain into surface water bodies and wetlands. In those cases, the riparian and wetland buffer width shall be expanded to include all contiguous slopes greater than 20 percent as measured over a 10-foot horizontal interval.

19.13.6.C. No-build Vegetated Buffer. The following standards apply to maintenance of a vegetated buffer:

19.13.6.C.1. The no-build vegetated buffer shall be those protected shorelands within 0 to 50 feet of the boundary of all streams, wetlands and vernal pools. The purpose of this buffer shall be to protect the quality of public waters while allowing property owner discretion with regard to water access, safety, viewscape maintenance, and lot design.

19.13.6.C.2. Within the no-build vegetated buffer all of the following prohibitions and limitations shall apply:

- a. No chemicals, including pesticides of any kind or fertilizers of any kind except those specified in RSA 483-B:9, II(d) as amended from time to time, shall be applied.
- b. Rocks and stumps and their root systems shall be left intact in the ground
- c. No natural ground cover or trees shall be removed except as necessary for a foot path to water as provided herein.

19.13.6.C.3. Owners of lots that were legally developed prior to the effective date of this Ordinance may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the vegetated buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required.

19.13.6.C.4 Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom 1/2 of the trees or saplings, and to a 50% opacity level spread evenly across the view.

19.13.6.C.5. When necessary for the completion of water-dependent construction activities, a temporary 12-foot-wide access path shall be allowed. The access path shall be completely restored and replanted with native vegetation upon completion of construction.

19.13.6.D. Woodland Buffer. A natural woodland buffer shall be maintained from 50 to 100 feet of the boundary of all streams, wetlands and vernal pools. The purpose of the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland. The following standards apply to maintenance of a woodland buffer:

19.13.6.D.1. At least 50 percent of the area outside of impervious surfaces shall be maintained in an undisturbed state. Owners of lots legally developed prior to the effective date of this Ordinance that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area maintained in an undisturbed state, except as may be required as part of a Conditional Use Permit. The percentage of area maintained in an undisturbed state on nonconforming lots shall not be decreased.

19.13.6.D.2. Dead, diseased, or unsafe trees, saplings, or shrubs that pose an imminent hazard to structures or have the potential to cause personal injury may be removed, regardless of any requirements that pertain to the natural woodland buffer under this chapter. Such exemptions shall not be used to contravene the intent of the law.

19.13.6.D.3. Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

19.13.6.D.4. Native species planting efforts that are beneficial to wildlife are encouraged.

19.13.6.D.5. The total area of a lot's original woodland buffer shall not be covered by more than 25% impervious surface. The area defined as the original woodland buffer shall remain set when the lot is established, and shall not be recalculated, for the lifetime of the lot.

19.13.6.E. Setbacks for Structures. Within the Riparian and Wetland Buffer District, structures shall be located a minimum distance of 50 feet from the buffer of all streams, wetlands and vernal pools.

19.13.6.F. All stormwater runoff from residential and commercial development must be treated before discharge within the Riparian and Wetland Buffer District in accordance with the standards of the City of Somersworth Site Plan Regulations and Subdivision Regulations.

19.13.6.G. A site plan, in accordance with the requirements of the City of Somersworth Site Plan Regulations and Subdivision Regulations shall be submitted to the Department

of Development Services with all applications for a building, grading or clearing permit or other disturbance proposed within the Riparian and Wetland Buffer District.

19.13.6.H. Any development activities on any properties within the Riparian and Wetlands Buffer District shall be required to secure a Conditional Use Permit from the Somersworth Planning Board in accordance with the provisions herein. The Planning Board shall have the authority to approve a Conditional Use Permit for these properties where full compliance with these provisions is impractical, provided that the Planning Board finds that all the following criteria have been met:

19.13.6.H.1. The proposed use is consistent with the stated purpose and intent of the district;

19.13.6.H.2. All reasonably feasible measures have been taken by the applicant to protect adjacent surface waters and wetlands from adverse effects;

19.13.6.H.3. The proposed activity minimizes the degradation to or loss of wetlands, wetland buffers, vernal pools and vernal pool buffers and minimizes any adverse impact to the functions and values of wetlands, wetland buffers, vernal pools and vernal pool buffers, as determined by a wetlands evaluation in accordance with the New Hampshire Method, New Hampshire authored by the Audubon Society, as amended.

19.13.6.H.4 The proposed activity minimizes the environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources.

19.13.6.H.5 The proposed activity or use cannot practicably be located elsewhere on the site to eliminate or reduce the impact to the wetland and/or its buffer area

19.13.6.H.6. A written recommendation on the proposal has been submitted by the Conservation Commission;

19.13.6.J. All municipal projects are exempt from the requirements of this Ordinance.

Section 7. Riparian and Wetland Buffer District Regulations

19.13.7.A. Prohibited Uses, Structures and Activities

The following uses, structures and activities are prohibited within the Riparian and Wetland Buffer District:

19.13.7.A.1. Establishment or expansion of salt storage yards, automobile junk yards and solid or hazardous waste facilities.

19.13.7.A.2. Establishment or expansion of animal feedlot operations, dry cleaning establishments, and automobile service and repair shops.

19.13.7.A.3. Laundry/car wash establishments not on municipal or public sewer.

19.13.7.A.4. Disposal or land application of bio-solids, including septage, sewage sludge, animal manure.

19.13.7.A.5. Subsurface disposal of pollutants from sewage treatment facilities, other than on-site septic systems.

19.13.7.A.6. Storage of hazardous waste and substances (as defined under RSA 147-A), including but not limited to road salt, de-icing chemicals, herbicides, pesticides, or fertilizer. Limestone may be used within 25 feet of the reference line of any property.

19.13.7.A.7. The use of any fertilizer that is not low phosphate, slow release nitrogen fertilizer or limestone shall not be used.

19.13.7.A.8. Bulk or temporary storage of chemicals above or below ground.

19.13.7.A.9. Bulk or temporary storage of petroleum products or hazardous materials above or below ground, excluding normal residential or business use of liquid petroleum products and heating fuels for on-premise use.

19.13.7.A.10. Sand and gravel excavations (as defined in RSA 155-E).

19.13.7.A.11. Mining or the processing of excavated materials.

19.13.7.A.12. Dumping or disposal of snow and ice collected from roadways or parking areas from outside the district.

19.13.7.B. Conditional Uses in the Riparian and Wetland Buffer District

Any development, land clearing, removal of vegetation, grading, or alteration of the land surface within the Riparian and Wetland Buffer District shall require a Conditional Use Permit from the Planning Board unless specifically exempted from these provisions. The Planning Board may grant a Conditional Use Permit, concurrently with site plan or subdivision approval or before issuance of a building permit, after proper public notice and public hearing for the following uses and activities within the District:

19.13.7.B.1. The undertaking of a use not otherwise permitted by right or exemption in the District, which may include the erection of a structure, dredging, filling, drainage or otherwise altering the surface configuration of the land.

19.13.7.C. Conditional Use Permit Applications.

19.13.7.C.1 Before the Planning Board undertakes a conditional use review, the applicant shall make application, on forms provided in the Department of Development Services, to the Conservation Commission for review and comment. The Planning Board shall review and make part of the record any comments or recommendations from the Conservation Commission with regard to the request for a conditional use permit.

19.13.7.C.2. The Planning Board may attach such conditions to the granting of a conditional use permit as it deems necessary to carry out the purposes of the

Riparian and Wetland Buffer Ordinance. Such conditions may include but shall not be limited to:

- a. Erosion control measures;
- b. Modifications in project design to maintain natural hydrologic conditions of surface water bodies and wetlands, riparian and wetland buffers, and circulation of waters.
- c. Dedication of easements to protect surface water bodies and wetlands, and riparian and wetland buffers;
- d. Modification of waste disposal and water supply facilities;
- e. Limitations on the total portion of any lot within the District that may be graded, filled or otherwise altered;
- f. Requirements that structures be elevated on piles or otherwise protected from natural hazards; and
- g. Planting or replanting of vegetation within the District and construction of new surface water bodies or wetlands equivalent to damaged or destroyed areas.

19.13.7.C.3. All applications for a Conditional Use Permit shall be accompanied by a site plan in accordance with the requirements of the City of Somersworth Site Plan Review Regulations and Subdivision Regulations.

Section 8. Non-Conforming Lots, Uses and Structures

19.13.8.A. General Purpose. It is the intent of this Ordinance to promote the conforming use of land located within the Riparian and Wetland Buffer District, except that non-conforming lots, structures and uses that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements as set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming lot, use or structure shall not be permitted to become more non-conforming.

19.13.8.B. Non-Conforming Lots. Non-conforming, undeveloped lots of record that are located within the Riparian and Wetland Buffer District shall comply with the following restrictions, in addition to any other requirements of the Somersworth Zoning Ordinance:

19.13.8.B.1. Conditions may be imposed which, in the opinion of the Somersworth Planning Board, more nearly meet the intent of this Ordinance, while still accommodating the applicant's rights.

19.13.8. B.1.Building on non-conforming lots of record also include but not limited to docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures, consistent with this Ordinance.

19.13.8.C. Non-Conforming Uses. Existing uses, which are non-conforming under this ordinance, may continue until the use ceases to exist or the use is discontinued for a period of one year. Within the Riparian and Wetland Buffer District, an existing non-conforming use may not be changed to another non-conforming use and an existing nonconforming use may not be expanded. Existing non-conforming uses shall be required to meet the requirements of this ordinance to the maximum extent possible.

19.13.8.D. Non-Conforming Structures. Except as otherwise prohibited, non-conforming structures, erected prior to the effective date of this Ordinance or amendments thereto, located within the Riparian and Wetland Buffer District may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent structure. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted. An expansion that increases the sewage load to an on-site septic system, or changes or expands the use of a septic system or converts a structure to condominiums or any other project identified under RSA 485-A:29-44 and rules adopted to implement it shall require NH DES approval. Between the primary building line and the reference line, no alteration shall extend the structure closer to the adjacent water body, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line.

19.13.8.D.1. Any applicant requesting a variance shall meet with the Somersworth Conservation Commission prior to appearing before the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant a variance from these provisions only after receipt of a written recommendation from the Conservation Commission.

19.13.8.D.2. All variance requests shall be accompanied by a conceptual plan depicting how the site could be developed in conformance with all provisions herein. The purpose of the conceptual plan will be to illustrate the potential of the parcel if it was required to be subject to all provisions of this ordinance.

Section 9. Conflict With Other Regulations

19.13.9.A. Where the standards and management requirements of this buffer ordinance are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply.

This Ordinance shall take effect upon its adoption.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin P. Dumont Sr. Matt Gerding	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 12-21

History

First Read Date:	02/16/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On // 2021	Ordinance 12-21	PASSED	FAILED



MEMORANDUM

DATE: January 20, 2021

TO: Robert M. Belmore
City Manager

FROM: Michelle Mears, AICP
Director of Planning and Community Development

SUBJECT: Zoning Ordinance Chapter 19 Section 13 Riparian and Wetland Buffer District Ordinance Update

The Conservation Commission has drafted changes of Zoning Ordinance Chapter 19 Section 13 Riparian and Wetland Buffer District Ordinance with these essential changes:

- Removal of redundant language that had been taken from state riparian RSA.
- Removal and rewording of ambiguous languages about percentages.
- Reduction of the minimum distance from the 75 feet to 50 feet.
- Protection of vernal pools within the same buffer distance as wetlands.

Section 13 – Riparian and Wetland Buffer District Ordinance Review & Comment
Ordinance cleanup focused on removing RSA language that was inapplicable, clarification of ambiguous sections, particularly around impervious impact percentages.

Specific notes/comments from the January 13, 2021 Conservation Committee meeting:

- 19.13.3.A – end – modify to ‘including but not limited to:’
- 19.13.4.A – add ‘no longer active’ to farm and fire pond exclusion
- 19.13.4.B.a – change ‘perennial stream’ to ‘perennial streams’
- 19.13.6.D.5 – Change to: The total area of a lot’s original woodland buffer shall not be covered by more than 25% impervious surface. The area defined as the original woodland buffer shall remain set when the lot is established, and shall not be recalculated, for the lifetime of the lot.”
- Add to site plan requirements;
 - Requirement for buffer lines to be noted in support of 19.13.6.D.5 on all applicable plans

Section 13 Riparian and Wetland Buffer District Ordinance

Section 1. Title and Authority

19.13.1.A. Title: This Ordinance shall be known as the "Riparian and Wetland Buffer District Ordinance" of the City of Somersworth, New Hampshire.

19.13.1.B. Authority: Pursuant to the authority granted by RSA 483-B:8, Municipal Authority; RSA 674:17 I., Purposes of Zoning Ordinances; RSA 674:21, Innovative Land Use Controls; this ~~ordinance-Ordinance~~ is hereby adopted by the City of Somersworth, New Hampshire to protect the public health, safety, and general welfare.

Section 2. Purpose

19.13.2.A. The purpose of this ~~ordinance-Ordinance~~ is to protect the quality of surface waters and wetlands; to protect riparian and aquatic ecosystems; and to provide for the environmentally sound use of land resources.

19.13.2.B. The streams and rivers of Somersworth supply much of the water required by Somersworth citizens for their drinking water supply and other municipal and industrial uses. The Somersworth City Council finds that the protection of the surface waters and wetlands of Somersworth is vital to the health, safety and economic welfare of its citizens. It is the desire of Somersworth to protect and maintain surface water resources by implementing these regulations for the establishment, protection, and maintenance of a vegetated buffer adjacent to all surface water bodies and wetlands within our jurisdictional authority.

Section 3. Intent

19.13.3.A. It is therefore the intent of this ~~ordinance-Ordinance~~ to establish a riparian and wetland buffer of regulated development and limited land use adjacent to all ~~surface water bodies and wetlands~~ in Somersworth to preserve the economic values, public benefits and environmental resources provided by buffers including ~~but not limited to:~~

- a. ~~19.13.3.A.1.~~ Protecting public and private water supplies;
- b. ~~19.13.3.A.2.~~ Trapping sediment and other pollutants in surface runoff;
- c. ~~19.13.3.A.3.~~ Providing groundwater recharge through infiltration of runoff;
- d. ~~19.13.3.A.4.~~ Promoting bank stabilization and ~~reduce reducing~~ erosion;
- e. ~~19.13.3.A.5.~~ Protecting riparian wetlands;
- f. ~~19.13.3.A.6.~~ Minimizing the impact of floods ~~and private property damage~~;
- g. ~~19.13.3.A.7.~~ Maintaining stream base flow;
- h. ~~Protecting streams;~~
- i. ~~19.13.3.A.8.~~ Protecting wildlife habitat;
- j. ~~19.13.3.A.9.~~ Generally maintaining water quality; and
- k. ~~19.13.3.A.10.~~ ~~Providing~~ Providing scenic value and recreational opportunity such as hunting, fishing, kayaking, bird watching and hiking.

Section 4. Applicability

19.13.4.A. Riparian and Wetland Buffer District. The Riparian and Wetland Buffer District of the City of Somersworth, New Hampshire is an overlay district superimposed over the existing conventional zoning districts of the municipality. It includes within its boundary a protected ~~shoreland on either side of all 1st, 2nd, 3rd and 4th order and higher rivers and streams, a protected shoreland adjacent to all surface waters, and a buffer to all~~ perennial streams, streams, wetlands and vernal pools, as defined by this Ordinance, located within the municipality. The Riparian and Wetland Buffer District does not apply to no longer active fire ponds and farm ponds as defined in this ~~ordinance~~Ordinance.

19.13.4.B. District Boundaries. The boundaries of the Riparian and Wetlands Buffer District ("the District") shall encompass all land within a horizontal distance ~~of of:~~

- a. 100 feet perpendicular from ~~the boundary of any the reference line of any surface waters and perennial streams,~~ wetlands and vernal pools as defined by this Ordinance.
- b. 25 feet from any intermittent or ephemeral stream as defined by this ~~ordinance~~Ordinance. It is the responsibility of an applicant to fully identify and delineate on a property all ~~surface waters and~~ streams, wetlands and vernal pools.

19.13.4.C. Interpretation of District Boundaries. Where uncertainty exists as to the exact location of district boundary lines, the ~~Code Enforcement Officer~~ Director of Planning and Community Development or designee shall be the final authority as to boundary locations. To the extent the ~~Code Enforcement Officer~~ Director or designee requires the service of a certified third-party wetland or soil scientist to assist in his/her determination of the boundary of the district she/he may engage such a professional at the expense of the applicant.

19.13.4.D. This ~~ordinance~~Ordinance shall apply to proposed developments, structures, uses, activities and disturbances, and changes in use on all parcels of land within the Riparian and Wetland Buffer District unless otherwise specified in this Ordinance.

19.13.4.E. This ~~ordinance~~Ordinance shall apply to all timber harvesting activities not permitted under RSA

227:J. Applicant shall c-Comply with all applicable state laws including but not limited to obtaining and filing the following: an

- a. Intent-to-cut form per RSA 79:10;
- b. Notification of Forest Management Activities Having Minimum Wetlands Impact per RSA 482-A:3
- c. NHDES Wetland Permit per RSA 482-A
intent to cut form according to RSA 79: 10, and filing a complete Notification of Forest Management Activities Having Minimum Wetlands Impact according to RSA 482-A:3, or obtaining a State Wetlands permit from DES according to RSA 482-A;

19.13.4.F. This ~~ordinance~~ **Ordinance** shall apply to surface mining operations except those operations that are operating in compliance with an approved permit from the City of Somersworth under Section ~~XI-11~~, Excavation of Earth Products.

19.13.4.G. This ~~ordinance~~ **Ordinance** shall not apply to the following:

- a. ~~19.13.4.G.1~~ Agricultural operations that are covered by an approved Natural Resources Conservation Service (NRCS) conservation plan that includes the application of best management practices (BMPs).
- b. ~~19.13.4.G.2~~ Footpaths and trails composed of pervious materials and limited to six (6) feet in width with minimal removal of vegetation and configured in a manner that will not concentrate storm water runoff or contribute to erosion.
- c. ~~19.13.4.G.3~~ Water quality monitoring and stream gauging are permitted, as approved by the ~~state agency~~ NHDES. **(new)**

Section 5. Definitions

~~19.13.5.A. For the purposes of this chapter, the terms "shoreland" and "riparian" shall be used interchangeably to refer to uplands connected to or immediately adjacent to the shoreline or bank of a stream, river, pond, lake or reservoir and adjacent to wetlands. The terms "riparian buffer" shall refer to the shoreline, floodplain or upland area adjacent to surface waters and "wetland buffer" shall refer to the upland area adjacent to wetlands in the Riparian and Wetland Buffer District.~~

19.13.5.~~AB~~ **Best Management Practices (BMPs)** - a proven or accepted structural, non-structural, or vegetative measure - the application of which reduces erosion or sedimentation, stabilizes stream channels, or reduces peak storm discharge, or improves the quality of stormwater runoff, or diminishes the quantity of stormwater runoff flowing to a single location by using multiple BMPs at separate and dispersed locations. BMPs also include construction site maintenance measures such as removing construction debris and construction waste from construction sites and disposing of debris and waste appropriately in order to reduce contamination of stormwater runoff.

~~19.13.5.C. Base flow - the groundwater contribution to stream flow arising from submerged springs and seeps.~~

19.13.5.~~BD~~ **Canopy** - the more or less continuous vegetative cover formed by tree crowns in a wooded area.

19.13.5.~~CE~~ **Development** is defined as:

- a. ~~19.13.5.E.1~~ The improvement of property for any purpose involving building;
- b. ~~19.13.5.E.2~~ Subdivision or the division of a tract or parcel of land into two or more parcels excluding condominium conversions; and,
- c. ~~19.13.5.E.3~~ The preparation of land for any of the above purposes.

19.13.5.~~DF~~. **Disturbance** – an activity in which natural vegetation is removed, soil is exposed, ~~and/or~~ removed, or the land surface is altered.

19.13.5.~~EG~~. **Farm Pond** – a depression made in the land surface or constructed with berms, usually made of earth, to detain water for irrigation, waterfowl, other farm uses or activities, or for recreation.

19.13.5.~~FH~~. **Fire Pond** - a depression made in the land surface or constructed with berms, usually made of earth, used to store water for the purpose of fire suppression or prevention.

~~19.13.5.I. First Order Streams—~~are intermittent and perennial streams identified as either dashed lines or solid lines on the New Hampshire Hydrography Dataset (NHHDD) or the most recent edition of USGS topographic maps, where mapped.

19.13.5.~~GJ~~. **Ground Cover** – any herbaceous or woody plant which normally grows to a mature height of 2 feet or less, especially mat forming vegetation which stabilizes the soil.

~~19.13.5.K. Headwater Streams—~~intermittent streams and perennial streams of first and second order.

19.13.5.~~HL~~. **Impervious Surface** – any areas covered by material that cannot absorb water or effectively infiltrate water into the soil. Examples of impervious surfaces include buildings, ~~r~~oofs, decks, patios, and paved, ~~and~~ gravel or crushed stone driveways, paths, parking areas, and walkways.

19.13.5.~~MI~~. **Lot of Record** – a legally created parcel, the plat or description of which has been recorded at the registry of deeds for the County in which it is located.

19.13.5.~~NJ~~. **Natural Vegetation** – trees, shrubs, herbaceous plants and other woody plants ~~that arises from or is found in nature and not modified by human intervention.~~

19.13.5.~~OK~~. **Non-Conforming Lot** – a single lot of record, which, at the effective date of adoption or amendment of this Ordinance does not meet the dimensional requirements of the district in which it is located or a lot that does not meet the requirements of this Ordinance.

19.13.5.~~PL~~. **Non-Conforming Structure** – a structure which does not meet any one or more of the following dimensional requirements: setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance ~~or subsequent amendments take effect~~, or a structure that does not meet the requirements of this Ordinance

19.13.5.~~QM~~. **Non-Conforming Use** – use of buildings, structures, premises, land or parts therefore which is not permitted in the district in which it is situated, but which is allowed to

remain solely because it was in lawful existence at the time this Ordinance, ~~or subsequent amendments take effect, or a use that does not meet the requirements of this Ordinance~~

19.13.5.~~RN~~. **Nonpoint Source Pollution** - pollution that is generated by various land use activities rather than from an identifiable or discrete source, and that is conveyed to waterways through natural processes, such as rainfall, stormwater runoff, or groundwater seepage rather than by direct discharges.

~~19.13.5.S. **Ordinary High Water Mark** — the line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.~~

~~19.13.5.T. **Reference Line** — is defined by this Ordinance as follows:~~

~~19.13.5.T.1. for natural fresh water bodies without artificial impoundments, the natural mean high water level (including the natural mean high water level for waterbodies as determined by the NH Department of Environmental Services in the List of Public Waters published by the Department pursuant to RSA 271:20 II.);~~

~~19.13.5.T.2. for artificially impounded fresh water bodies with established flowage rights, the limit of the flowage rights, and for water bodies without established flowage rights, the~~

~~waterline at full pond as determined by the elevation of the spillway crest;~~

~~19.13.5.T.3. for third and fourth order and higher rivers and streams, the ordinary high water mark;~~

~~19.13.5.T.4. for first and second order streams, the extent of the defined channel; and~~

~~19.13.5.T.5. for wetlands as defined by this ordinance, the edge of wetlands~~

19.13.5.~~UQ~~. **Riparian and Wetland Buffer** - a vegetated area, including trees, shrubs, and herbaceous vegetation that exists or is established to protect a stream, ~~river, lake, pond, reservoir,~~ or wetland.

19.13.5.~~VP~~. **Setback** – the horizontal distance from the reference line of a water body to the nearest part of a structure, road, parking space or other regulated object or area.

~~19.13.5.W. **Shoreland** — the area of land adjacent to the reference line of a stream, river, pond, lake, or other similar body of water.~~

19.13.5.~~XQ~~. **Stream, Ephemeral** – a drainage feature that carries only stormwater in direct response to precipitation with water flowing only during and shortly after large precipitation events. An ephemeral stream may or may not have a well-defined channel, the aquatic bed is always above the water table, and stormwater runoff is the primary source of water. An ephemeral stream typically lacks the biological, hydrological, and physical characteristics commonly associated with the continuous or intermittent stream.

19.13.5.~~YR~~. **Stream, Intermittent** – a well-defined channel that contains water for only part of the year, typically during winter and spring when the aquatic bed is below the water table. The flow may be heavily supplemented by stormwater runoff. An intermittent stream often lacks the biological and hydrological characteristics commonly associated with the conveyance of water. Intermittent streams (or portions thereof) are portrayed as dashed blue lines on a USGS topographic map, where mapped.

19.13.5.~~ZS~~. **Stream, Perennial** - a stream that normally flows year round because it is sustained by ground water discharge as well as by surface water. A perennial stream exhibits the typical biological, hydrological, and physical characteristics commonly associated with the continuous conveyance of water. Perennial streams (or portions thereof) are portrayed as solid blue lines on a USGS topographic map, where mapped.

~~19.13.5.AA. **Stream Order** – a classification system for streams based on stream hierarchy based on the number of tributaries. The higher up in the watershed and the smaller the stream, the lower its numerical classification. For example, a first-order stream does not have tributaries and is a headwaters stream that originates from concentrated overland flow, springs and/or seeps. (See Figure 1.)~~

19.13.5.~~ABT~~. **Stream or River** – means a free-flowing body of water or segment or tributary of such water body (RSA 483:4, XVII.)

19.13.5.~~AGU~~. **Structure** – anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on, at grade, or in the ground, excluding fences. The term includes structures temporarily or permanently located, such as but not limited to decks, patios, satellite dishes, stormwater management facilities, driveways, septic systems and parking lots.

19.13.5.~~ADV~~. **Stormwater or Surface Water Runoff** – water that flows over the surface of land resulting from rainfall or snowmelt. Surface water enters streams and rivers to become channelized stream flow.

19.13.5.~~AEW~~. **Stormwater Management Plan** – an analysis and plan designed in accordance with rules adopted by the NH DES under RSA 541-A for terrain alteration under RSA 485-A:17, to manage stormwater and control erosion and sediment, during and after construction.

19.13.5.~~AFX~~. **Surface Waters and Water Bodies** – those portions of waters of the state as defined by RSA 482-A:4, which have standing water or flowing water at or on the surface of the ground. This includes but is not limited to rivers, streams, lakes, and ponds (Env-Wt101.88).

19.13.5.~~AGY~~. **Surface Water Pollution** - contamination of surface water by introduction of ~~sediment, nutrients~~~~sediment, nutrients~~, toxicants, chemicals, pesticides or fertilizer derived from a land use, activity or point source.

19.13.5.~~AHZ~~. **Vernal Pool** – an ephemeral shallow surface water body in a depression that lacks a permanent outflow, fills with water seasonally (mostly during spring and early summer), and

generally dries out for most of the year. (adapted from U.S. Fish & Wildlife Service and Vernal Pools: Natural History and Conservation by Elizabeth A. Colburn, 2004).

19.13.5.AIAA. **Water Dependent Use or Structure** – a use or structure that services and supports activities that require direct access to, or contact with the water, or both, as an operational necessity and that requires a permit under RSA 482-A, including but not limited to a dock, pier, breakwater, beach, boathouse, retaining wall, or launching ramp. Hydroelectric facilities, including, but not limited to, dams, dikes, penstocks, and powerhouses, shall be recognized as water dependent structures; however, these uses are exempt from the requirements of this Ordinance.

19.13.5.AJAB. **Wetland** - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (RSA 482-A:2). For the purpose of this Ordinance, vernal pools shall be included in this definition.

Section 6. Riparian Buffer and Wetland Buffer Requirements

19.13.6.A. The riparian buffer and wetland buffer shall consist of a strip of land extending 100 feet perpendicular from the ~~reference line and along the full~~ boundary of all ~~surface water streams, bodies and~~ wetlands ~~and vernal pools~~. As described in Section ~~VI-B 19.13.6.B.~~, the riparian and wetland buffer width shall be adjusted to include contiguous areas such as steep slopes or erodible soils, where development or disturbance may adversely affect surface waters and wetlands.

19.13.6.B. The riparian buffer and wetland buffer width shall be modified if steep slopes are within close proximity to or drain into surface water bodies and wetlands. In those cases, the riparian and wetland buffer width shall be expanded to include all contiguous slopes greater than 20 percent as measured over a 10-foot horizontal interval.

19.13.6.C. **No-build** Vegetated Buffer. The following standards apply to maintenance of a vegetated buffer:

19.13.6.C.1. The **no-build** vegetated buffer shall be those protected shorelands within 0 to 50 feet of the ~~reference line~~ boundary of all streams, ~~lakes, ponds and~~ wetlands ~~and vernal pools~~. The purpose of this buffer shall be to protect the quality of public waters while allowing property owner discretion with regard to water access, safety, viewscape maintenance, and lot design.

19.13.6.C.2. Within the **no-build** vegetated buffer all of the following prohibitions and limitations shall apply:

~~19.13.6.C.2.a.~~

- a. No chemicals, including pesticides of any kind or fertilizers of any kind except those specified in RSA 483-B:9, II(d) as amended from time to time, shall be applied.

- b. ~~19.13.6.C.2.b.~~ Rocks and stumps and their root systems shall be left intact in the ground
- c. ~~19.13.6.C.2.e.~~ No natural ground cover or trees shall be removed except as necessary for a foot path to water as provided herein.

~~19.13.6.C.3. Starting from the northerly or easterly boundary of the property, and working along the shoreline, the vegetated buffer shall be divided into 50 by 50 foot segments. Within each segment a minimum combined tree and sapling score of at least 50 points shall be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained in the partial segment shall be proportional to that required of a full segment.~~

~~19.13.6.C.3.a. Tree and sapling diameters shall be measured at 4 1/2 feet above the ground and are scored as follows:~~

~~Diameter Score~~

~~1 inch to 6 inches 1~~

~~greater than 6 inches to 12 inches 5~~

~~greater than 12 inches 10~~

~~19.13.6.C.3.b. Dead, diseased, or unsafe trees or saplings shall not be included in scoring.~~

~~19.13.6.C.3.c. If the total tree and sapling score in any 50 foot by 50 foot segment exceeds 50 points, then trees and saplings may be removed as long as the sum of the scores for the remaining trees and saplings in that segment does not total less than 50 points. Trees and saplings may be removed from partial segments provided that the sum of the scores for the remaining trees and saplings in that partial segment is equal to or greater than the proportional point requirement.~~

~~19.13.6.C.3.d. Any action that would result in a combined tree and sapling score less than the minimum score required where the segment initially meets the minimum score or would result in any reduction of the combined tree and sapling score where the segment does not initially meet the minimum score is not permitted.~~

~~19.13.6.C.3.e. Where the Planning Board, after review and comment by the Conservation Commission, determines that an analysis of the tree points on the property is not necessary to determine the merits of an application, it may waive the requirement that an applicant undertake such an analysis. Any waiver shall be provided in writing and shall be included in the application for a Conditional Use permit.~~

19.13.6.C.3. Owners of lots that were legally developed prior to the effective date of this Ordinance may maintain but not enlarge cleared areas, including but not limited to existing lawns and beaches, within the vegetated buffer. Conversion to or planting of cleared areas with native species of ground cover, shrubs, saplings, and trees is encouraged but shall not be required unless it is necessary to meet the requirements.

19.13.6.C.4 Normal trimming, pruning, and thinning of branches to the extent necessary to protect structures, maintain clearances, and provide views is permitted. Trimming, pruning, and thinning of branches for the purpose of providing views shall be limited to the bottom 1/2 of the trees or saplings, and to a 50% opacity level spread ~~spread~~ evenly across the view.

19.13.6.C.5. When necessary for the completion of water-dependent construction activities, a temporary ~~12-foot-wide~~ 12-foot-wide access path shall be allowed. The access path shall be completely restored and replanted with native vegetation upon completion of construction.

19.13.6.D. Woodland Buffer. A natural woodland buffer shall be maintained from 50 to 100 feet of the ~~reference line boundary of all streams, wetlands and vernal pools.~~ The purpose of the natural woodland buffer shall be to protect the quality of public waters by minimizing erosion, preventing siltation and turbidity, stabilizing soils, preventing excess nutrient and chemical pollution, maintaining natural water temperatures, maintaining a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland. The following standards apply to maintenance of a woodland buffer:

19.13.6.D.1. At least 50 percent of the area outside of impervious surfaces shall be maintained in an undisturbed state. Owners of lots legally developed prior to the effective date of this Ordinance that do not comply with this standard are encouraged to, but shall not be required to, increase the percentage of area maintained in an undisturbed state, except as may be required as part of a Conditional Use Permit. The percentage of area maintained in an undisturbed state on nonconforming lots shall not be decreased.

19.13.6.D.2. Dead, diseased, or unsafe; trees, saplings, or shrubs that pose an imminent hazard to structures or have the potential to cause personal injury may be removed, regardless of any requirements that pertain to the natural woodland buffer under this chapter. Such exemptions shall not be used to contravene the intent of the law.

19.13.6.D.3. Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

19.13.6.D.4. Native species planting efforts that are beneficial to wildlife are encouraged.

~~19.13.6.D.5E. The total area of a lot's original woodland buffer shall not be covered by more than 25% impervious surface. The area defined as the original woodland buffer shall remain set when the lot is established, and shall not be recalculated, for the lifetime of the lot.~~

~~Total area of any development within the woodland buffer, including pre-existing development, shall not exceed 25% impervious surface coverage on any one lot. The total area of woodland buffer including any preexisting development within the buffer on any single lot may not be covered by no more than 25% impervious surface~~

Comment [MM1]: Con Comm changed the language at the 1/13/2021 meeting.

~~over timeframe of lot development~~ on any lot or portion of a lot within the Riparian and Wetland Buffer District shall not exceed ten percent (10%). The percent impervious surface area shall be calculated based on the area of any parcel or lot located within the Riparian and Wetland Buffer District.

19.13.6.~~EF~~. Setbacks for Structures. Within the Riparian and Wetland Buffer District, structures shall be located a minimum distance of ~~75-50~~ feet from the ~~reference line~~buffer of all ~~first-order and higher streams, lakes, ponds, reservoirs and wetlands~~ and vernal pools. ~~Structures of 160 square feet or less shall be located a minimum distance of 50 feet from the reference line of all first order and higher streams, lakes, ponds, reservoirs and wetlands.~~

19.13.6.~~FG~~. All stormwater runoff from residential and commercial development must be treated before discharge within the Riparian and Wetland Buffer District in accordance with the standards of the City of Somersworth Site Plan Regulations and Subdivision Regulations.

19.13.6.~~GH~~. A site plan, in accordance with the requirements of ~~Section VIII, the City of Somersworth's Site Plan Regulations and Subdivision Regulations~~ shall be submitted to the ~~Code Enforcement Officer~~Department of Development Service with all applications for a building, grading or clearing permit or other disturbance proposed within the Riparian and Wetland Buffer District.

19.13.6.~~IH~~. Any development activities on any properties ~~determined by the NHDES to be exempt from the requirements of the Comprehensive Shoreland Protection Act within the Riparian and Wetlands Buffer District~~ shall be required to secure a Conditional Use Permit from the Somersworth Planning Board in accordance with the provisions herein. The Planning Board shall have the authority to approve a Conditional Use Permit for these properties where full compliance with these provisions is impractical, provided that the Planning Board finds that all the following criteria have been met:

19.13.6.~~IH~~.1. The proposed use is consistent with the stated purpose and intent of the district;

19.13.6.~~IH~~.2. All reasonably feasible measures have been taken by the applicant to protect adjacent surface waters and wetlands from ~~adverse affects~~adverse effects;

19.13.6.~~IH~~.3. The proposed activity minimizes the degradation to or loss of wetlands, wetland buffers, vernal pools and vernal pool buffers and minimizes any adverse impact to the functions and values of wetlands, wetland buffers, vernal pools and vernal pool buffers, as determined by a wetlands evaluation in accordance with the New Hampshire Method, New Hampshire authored by the Audubon Society, as amended.

19.13.6.H.4 The proposed activity minimizes the environmental impact to abutting or downstream property and/or hydrologically connected water and/or wetland resources.

19.13.6.H.5 The proposed activity or use cannot practicably be located otherwise elsewhere on the site to eliminate or reduce the impact to the wetland and/or its buffer area. All reasonably feasible measures have been taken by the applicant to comply with the provisions herein; and,

19.13.6.I.4H.6. A written recommendation on the proposal has been submitted by the Conservation Commission;

19.13.6.J. All municipal projects are exempt from the requirements of this Ordinance.

Section 7. Riparian and Wetland Buffer District Regulations

19.13.7.A. Prohibited Uses, Structures and Activities

The following uses, structures and activities are prohibited within the Riparian and Wetland Buffer District:

19.13.7.A.1. Establishment or expansion of salt storage yards, automobile junk yards and solid or hazardous waste facilities.

19.13.7.A.2. Establishment or expansion of animal feedlot operations, dry cleaning establishments, and automobile service and repair shops.

19.13.7.A.3. Laundry/car wash establishments not on municipal or public sewer.

19.13.7.A.4. Disposal or land application of bio-solids, including septage, sewage sludge, animal manure.

19.13.7.A.5. Subsurface disposal of pollutants from sewage treatment facilities, other than on-site septic systems.

19.13.7.A.6. Storage of hazardous waste and substances (as defined under RSA 147-A), including but not limited to road salt, de-icing chemicals, herbicides, pesticides, or fertilizer. Limestone may be used within 25 feet of the reference line of any property.

19.13.7.A.7. ~~Twenty-five to one hundred (100) feet beyond the reference line. The use of any fertilizer that is not only~~ low phosphate, slow release nitrogen fertilizer or limestone ~~may be used on lawns or areas with grass.~~ shall not be used.

19.13.7.A.8. Bulk or temporary storage of chemicals above or below ground.

19.13.7.A.9. Bulk or temporary storage of petroleum products or hazardous materials above or below ground, excluding normal residential or business use of liquid petroleum products and heating fuels for on-premise use.

19.13.7.A.10. Sand and gravel excavations (as defined in RSA 155-E).

19.13.7.A.11. Mining or the processing of excavated materials.

19.13.7.A.12. Dumping or disposal of snow and ice collected from roadways or parking areas from outside the district.

19.13.7.B. Conditional Uses in the Riparian and Wetland Buffer District

Any development, land clearing, removal of vegetation, grading, or alteration of the land surface within the Riparian and Wetland Buffer District shall require a Conditional Use Permit from the Planning Board unless specifically exempted from these provisions. The Planning Board may grant a Conditional Use Permit, concurrently with site plan or subdivision approval or before issuance of a building permit, after proper public notice and public hearing for the following uses and activities within the District:

19.13.7.B.1. The undertaking of a use not otherwise permitted by right or exemption in the District, which may include the erection of a structure, dredging, filling, drainage or otherwise altering the surface configuration of the land.

~~19.13.7.B.2. Any waiver or variance granted by the state from the requirements of the Comprehensive Shoreland Protection Act.~~

~~19.13.7.B.3. Roads, driveways, bridges, access ways, and utilities in accordance with the following standards:~~

~~19.13.7.B.3.a. The applicant shall be required to provide an analysis to ensure that no feasible alternative is available to avoid or minimize impacts to the riparian and wetland buffer.~~

~~19.13.7.B.3.b. The right-of-way should be the minimum width needed to allow for maintenance and installation of an access way or utility right of way.~~

~~19.13.7.B.3.c. The angle of the crossing shall be perpendicular to the riparian and wetland buffers in order to minimize clearing requirements and shall be located to minimize overall disturbance to the buffer.~~

19.13.7.B.3.d. The minimum number of road crossings should be used within each subdivision, to provide access.

19.13.7.B.4. Marinas developed in accordance with the following requirements:

19.13.7.B.4.a. Minimum shoreland frontage shall be 300 feet with an additional 25 feet of shoreland frontage per boat slip;

19.13.7.B.4.b. Off street parking shall be provided at a rate of 360 square feet per parking space;

19.13.7.B.4.c. Submission of an environmental impact study including measures to mitigate potential negative impact on the adjacent waters, including but not limited to:

19.13.7.B.4.c.i. Measures to prevent leakage or spills of fuels, lubricants, wastewater and other potential pollutants into the public waters;

19.13.7.B.4.c.ii. Assurances that impact on wetlands and other related sensitive areas have been avoided;

19.13.7.B.4.d. Submission of a site plan which includes locations of rest rooms, buildings, parking areas and all related support facilities with assurances that these facilities shall be permanently available to the project.

19.13.7.B.4.e. Receipt of a wetland permit from NH DES.

19.13.7.B.5. Water dependent uses and structures including, but not limited to, docks, wharves, boat ramps, etc. A Conditional Use Permit shall be approved only in accordance with the following requirements:

19.13.7.B.5.a. The use is in keeping with the purpose and intent of this Ordinance.

19.13.7.B.5.b. The least impacting route and methodology for the use have been selected as the best practicable alternative;

19.13.7.B.5.c. Canopies and seasonal covers extend only over the boat slips and shall be removed during the non-boating season.

19.13.7.C. Conditional Use Permit Applications.

19.13.7.C.1 Before the Planning Board undertakes a conditional use review, the applicant shall make application, on forms provided in the Department of Development Services, to the Conservation Commission for review and comment. The Planning Board shall review and make part of the record any comments or recommendations from the Conservation Commission with regard to the request for a conditional use permit.

19.13.7.C.2. The Planning Board may attach such conditions to the granting of a conditional use permit as it deems necessary to carry out the purposes of the Riparian and Wetland Buffer Ordinance. Such conditions may include but shall not be limited to:

- a. ~~19.13.7.C.2.a.~~ Erosion control measures;
- b. ~~19.13.7.C.2.b.~~ Modifications in project design to maintain natural hydrologic conditions of surface water bodies and wetlands, riparian and wetland buffers, and circulation of waters;
- c. ~~19.13.7.C.2.c.~~ Dedication of easements to protect surface water bodies and wetlands, and riparian and wetland buffers;
- d. ~~19.13.7.C.2.d.~~ Modification of waste disposal and water supply facilities;
- e. ~~19.13.7.C.2.e.~~ Limitations on the total portion of any lot within the District that may be graded, filled or otherwise altered;
- f. ~~19.13.7.C.2.f.~~ Requirements that structures be elevated on piles or otherwise protected from natural hazards; and
- g. ~~19.13.7.C.2.g.~~ Planting or replanting of vegetation within the District and construction of new surface water bodies or wetlands equivalent to damaged or destroyed areas.

19.13.7.C.3. All applications for a Conditional Use Permit shall be accompanied by a site plan in accordance with the requirements ~~of Section VIII.8. of the City's~~ City of Somersworth Site Plan Review Regulations and Subdivision Regulations.

~~19.13.7.C.4. The Planning Board shall act on a conditional use application within thirty (30) days of the close of the public hearing. Except where additional information is required by the Planning Board, then such action may be extended by ninety (90) days. In acting on the application the Planning shall, in writing, deny, approve, or conditionally approve the proposed activity.~~

Section 8. Site Plan Requirements

~~19.13.8. A. For all development proposed within the Riparian and Wetland Buffer District, a site plan shall be submitted and include an informative, conceptual, and schematic representation of the proposed activity by means of maps, graphs, charts, or other written or drawn documents so as to enable the Planning Board an opportunity to make a reasonably informed decision regarding the proposed activity.~~

~~19.13.8.B. All plans submitted and prepared for recording and all right of way plans shall clearly show:~~

~~19.13.8.B.1. Show the extent of any forest buffer on the subject property;~~

~~19.13.8.B.2. Label all riparian and wetland buffers;~~

~~19.13.8.B.3. Provide a note to reference any riparian and wetland buffer stating "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the local and state regulations"; and~~

~~19.13.8.B.4. Provide a note to reference any protective covenants governing riparian and wetland buffers areas (if applicable stating: "Any riparian and wetland buffer shown hereon is subject to protective covenants that may be found in the land records and that restrict disturbance and use of these areas."~~

~~19.13.8.C. For all development proposed within the Riparian and Wetland Buffer District, a site plan shall be submitted and contain the following information:~~

~~19.13.8.C.1. A location or vicinity map;~~

~~19.13.8.C.2. The scale of plans should be 1"=50' to 1"=100' scale to provide sufficient detail of the project site and its features;~~

~~19.13.8.C.3. Field delineated and surveyed streams, springs, seeps, bodies of water, and wetlands (include a minimum of 200 feet into adjacent properties) with the direction of flow shown;~~

~~19.13.8.C.4. Field delineated and surveyed riparian and wetland buffers, with plans signed and stamped by a certified wetland scientist and a licensed professional surveyor;~~

~~19.13.8.C.5. Limits of the 100-year floodplain~~

~~19.13.8.C.6. High intensity soil maps Hydric soils mapped in accordance with the SOCIETY OF SOIL SCIENTISTS OF NORTHERN NEW ENGLAND "Site-Specific Soil Mapping Standards for New Hampshire/Vermont" dated 2006. NRCS soil survey of the site area;~~

~~19.13.8.C.7. Slopes greater than 20 percent as measured over a ten foot interval for all lands within the Riparian and Wetland Buffer District;~~

~~19.13.8.C.8. Tree inventory in accordance with the standards of Section VI; and~~

~~19.13.8.C.9. A narrative of the species and distribution of existing vegetation within the buffer.~~

~~19.13.8.C.10 Location of all temporary and permanent erosion control including stump berms and silt socks. Silt fence and haybales are not permitted as erosion control in the Riparian and wetlands buffer.~~

~~19.13.8.D. For all projects approved under a Conditional Use Permit, signs shall be placed at the end of the vegetated buffer. These signs shall be provided by city at the cost of the applicant.~~

Comment [DLC2]: Section 8. to be removed from the Zoning Ordinance and placed into the Site Plan and Subdivision Regulations.

~~For all projects approved under a Conditional Use Permit, permanent markers in the form of signage approved provided by Planning Board, and paid for by the applicant shall be placed at the edge of the vegetated buffer to delineate the boundary. Markers shall be installed prior to any site work unless otherwise specified by the Planning Board.~~

Section 9 Riparian and Wetland Buffer Management and Maintenance

19.13.9.A. Within the District, riparian and wetland buffers shall be managed to enhance and maximize the unique value of the resource. Management includes specific limitations on alteration of the natural conditions of these resources. The following structures, practices, and activities are permitted in riparian and wetland buffers without the need to obtain a Conditional Use permit:

19.13.9.A.1. Tree pruning, including the removal of dead, diseased, unsafe, or fallen trees, saplings, shrubs is permitted. Individual trees that are in danger of falling, causing damage to dwellings or other structures, or causing blockage of the stream may be removed; however the required point score within the vegetated buffer shall be maintained (refer to the requirements of Section VI.C).

19.13.9.A.2. Preservation of dead and living trees that provide dens and nesting places for wildlife is encouraged.

19.13.9.A.3. Planting and reforestation efforts to restore the natural vegetation is encouraged.

19.13.9.A.4. Stream restoration projects, facilities and activities approved by the state are permitted.

19.13.9.A.5. ~~Water quality monitoring and stream gauging are permitted, as approved by the state.~~

19.13.9.A.6. Other timber cutting techniques may be undertaken under the advice and guidance of a state or federal forestry agency or the Natural Resource Conservation Service if necessary to preserve the forest from extensive pest infestation, disease infestation, or threat from fire.

19.13.9.A.7. No mechanized logging, no clear cutting of trees, and no removal of rocks or stumps, and no cutting or removal of vegetation or natural ground cover below three (3) feet in height shall be permitted with the exception of forest management that is not associated with shoreland development or land conversion, and is conducted in compliance with RSA 227-J:9 and a Notification of Forest Management or Timber Harvest Activities having Minimum Wetlands Impact Form (or its subsequent equivalent if there is a name change) has been submitted to the New Hampshire Department of Environmental Services.

19.13.9.B. Riparian and wetland buffers may be allowed to grow into a vegetated state through natural regeneration, but methods to enhance the successional process such as active

reforestation may be used when deemed necessary by the Somersworth Planning Board to ensure the preservation and propagation of the buffer area. Forest buffer areas may also be enhanced through reforestation or other growth techniques as a form of mitigation for achieving buffer preservation requirements.

Section 8. Non-Conforming Lots, Uses and Structures

19.13.8.A. General Purpose. It is the intent of this Ordinance to promote the conforming use of land located within the Riparian and Wetland Buffer District, except that non-conforming lots, structures and uses that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements as set forth in this section. Except as otherwise provided in this Ordinance, a non-conforming lot, use or structure shall not be permitted to become more non-conforming.

19.13.8.B. Non-Conforming Lots. Non-conforming, undeveloped lots of record that are located within the Riparian and Wetland Buffer District shall comply with the following restrictions, in addition to any other requirements of the Somersworth Zoning Ordinance:

~~19.13.10.B.1. Except when otherwise prohibited by law, present and successive owners of an individual undeveloped lot may construct a building or structure on it, notwithstanding the provisions of this Ordinance.~~

19.13.8.B.1. Conditions may be imposed which, in the opinion of the Somersworth Planning Board, more nearly meet the intent of this Ordinance, while still accommodating the applicant's rights.

19.13.8.B.12. Building on non-conforming lots of record also include but not limited to docks, piers, boathouses, boat loading ramps, walkways, and other water dependent structures, consistent with this Ordinance.

19.13.8.C. Non-Conforming Uses. Existing uses, which are non-conforming under this ordinance, may continue until the use ceases to exist or the use is discontinued for a period of one year. Within the Riparian and Wetland Buffer District, an existing non-conforming use may not be changed to another non-conforming use and an existing nonconforming use may not be expanded. Existing non-conforming uses shall be required to meet the requirements of this ordinance to the maximum extent possible.

19.13.8.D. Non-Conforming Structures. Except as otherwise prohibited, non-conforming structures, erected prior to the effective date of this Ordinance or amendments thereto, located within the Riparian and Wetland Buffer District may be repaired, renovated, or replaced in kind using modern technologies, provided the result is a functionally equivalent structure. Such repair or replacement may alter the interior design or existing foundation, but no expansion of the existing footprint or outside dimensions shall be permitted. An expansion that increases the sewage load to an on-site septic system, or changes or expands the use of a septic system or

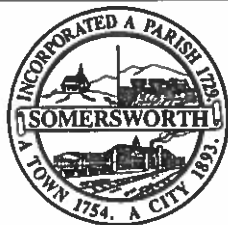
converts a structure to condominiums or any other project identified under RSA 485-A:29-44 and rules adopted to implement it shall require NH DES approval. Between the primary building line and the reference line, no alteration shall extend the structure closer to the adjacent water body, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line.

19.13.8.D.1. Any applicant requesting a variance shall meet with the Somersworth Conservation Commission prior to appearing before the Zoning Board of Adjustment. The Zoning Board of Adjustment may grant a variance from these provisions only after receipt of a written recommendation from the Conservation Commission.

19.13.8.D.2. All variance requests shall be accompanied by a conceptual plan depicting how the site could be developed in conformance with all provisions herein. The purpose of the conceptual plan will be to illustrate the potential of the parcel if it was required to be subject to all provisions of this ordinance.

Section 9. Conflict With Other Regulations

19.13.9.A. Where the standards and management requirements of this buffer ordinance are in conflict with other laws, regulations, and policies regarding streams, steep slopes, erodible soils, wetlands, floodplains, timber harvesting, land disturbance activities, or other environmental protective measures, the more restrictive shall apply.



City of Somersworth – Resolution

Resolution No: 32-21

CITY COUNCIL VOTE TO RESTRUCTURE THE MEMBERSHIP OF THE SUSTAINABILITY COMMITTEE

February 16, 2021

WHEREAS, the Somersworth City Council adopted Resolution 17-11 to form the Sustainability Committee no later than March 1, 2011, and

WHEREAS, citizen Committees such as the Sustainability Committee provide a valuable Community service, and

WHEREAS, the makeup of these Committees should be reviewed from time to time in order to keep them efficient and engaged for the benefit of the Committee and the Community at large,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the membership of the Sustainability Committee shall be restructured as follows:

- Mayor or the Mayor's designee
- One City Councilor
- City Manager or the City Manager's designee
- Two (2) Mayoral appointees; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT members of the Committee must be residents or employees of the City of Somersworth and shall be appointed for a two-year term.

Authorization

Sponsored by:
Mayor Dana S. Hilliard

Approved:
City Attorney

RESOLUTION NO. 35-16 AMENDNG CITY OF SOMERSWORTH
SUSTAINABILITY COMMITTEE.

Somersworth, NH
April 18, 2016

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOMERSWORTH that the "Sustainability Committee", formed by Resolution No. 17-11 and adopted on February 2, 2011 **be amended as to membership, function and goals.**

Be it further resolved that the Committee shall hereby be comprised of the following members:

- The Mayor or his/her designee.
- One member of the City Council appointed by the Mayor.
- The City Manager or his/her designee.
- The Director of Planning & Community Development or his/her designee.
- Four members of the community at large, and/or Somersworth business community, appointed by the Mayor.
- One student approved by the Mayor.
- One member of the Conservation Commission appointed by the Chair of the Conservation Commission.

Members of the Committee must be residents or employees of the City and shall be appointed for a two-year term.

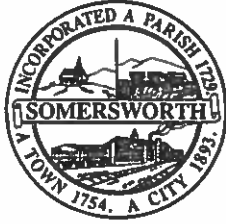
Be it further resolved that the Committee shall hereby:

- Serve as a resource and clearinghouse for the City Council and City Departments concerning issues of sustainability.
- Develop recommendations for the implementation of the goals in the Master Plan related to sustainability.
- Identify existing sustainable practices and identify areas needing improvement.
- Assist in coordinating efforts of various departments in implementing sustainability projects.
- Adopt an open meeting concept to encourage involvement of the community at large in the activities of the Committee.
- Promote public awareness of sustainability issues.
- Report regularly to the City Council on the meetings and activities of the Committee.
- Develop recommendations to prepare the city for, and reduce the city's contribution to, climate change.

Amendments Introduced by

Mayor Dana S. Hilliard
Councilor Jennifer G. Soldati

Approved:
City Attorney



City of Somersworth – Resolution

Resolution No: 33-21

A VOTE TO AFFIRM THE CITY OF SOMERSWORTH'S COMMITMENT TO THE SUSTAINABILITY OF THE SOMERSWORTH YOUTH CONNECTION PROGRAM

February 16, 2021

WHEREAS, the Somersworth Youth Connection (SYC) has been a fabric within the Hilltop City for 15 years; and

WHEREAS, Somersworth Youth Connection (SYC) offers academic support, enrichments and social emotional growth opportunities for youth grades K-8; and

WHEREAS, Somersworth Youth Connection (SYC) has become a national and state wide model of blended collaboration between various non-profits, businesses, government partners and stakeholders; and

WHEREAS, Somersworth Youth Connection (SYC) has provided quality afterschool and summer learning programs for the Somersworth Community; and

WHEREAS, Somersworth Youth Connection (SYC) has kept kids safe, inspired them to learn and offered support to working families; and

WHEREAS, the City of Somersworth is committed to ensuring the long-term fidelity of the Somersworth Youth Connection (SYC) Program;

WHEREAS, the Somersworth School Board and Somersworth Youth Connection Task Force both voted to support this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that the Somersworth City Council and the Somersworth School Board are committed to seeking, implementing and ensuring the long-term sustainability of the Somersworth Youth Connection (SYC) Program; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that the Somersworth Youth Connection (SYC) Program is a fabric of the Hilltopper Community and continues to offer support and fostering aspirations of all of Somersworth youth.

Authorization		
<i>Sponsored by:</i> Mayor Dana S. Hilliard <i>Councilors:</i> Donald Austin Richard R. Michaud David A. Witham Crystal Paradis Matt Gerding Martin P. Dumont, Sr. Nancie Cameron Martin Pepin Kenneth Vincent	<i>School Board Members:</i> Steven Potter Coty Donohue Edward Levasseur Gerri Cannon Maggie Larson Matthew Hanlon John O'Brien Todd Marsh Thomas McCallion	<i>Approved:</i> City Attorney
City of Somersworth – Resolution 33-21		

History			
First Read Date:	02/16/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On // Resolution 33-21		PASSED	FAILED

**City Manager's Comments from Public Safety Committee Meeting on
February 3, 2021**

Proposed Amendments to Stewart's Ambulance Service Agreement

- 1. Term: Additional four additional years term beginning on August 1, 2023 through July 31, 2027. Adding Advanced-EMT ALS level service (and an option for 2 more years in 2027).
- 3. EMS: Adding Advanced-EMT ALS level service – since there may be times when a Paramedic is not available. Also, 56 hours per week to be mutually agreed upon by the Contractor and the City. – This more accurately reflects current practice.
- 9. Traffic Control Device: Presently they are located on Rte. 108, a State road, and there has been no need to install a preemption device. Added- Should the Contractor move its base of operations... the City may require one to be installed by Stewarts.
- 16. Quality Improvement: Stewart's Ambulance to provide up to \$5,000.00 per year in EMS/First aid educational scholarships to City personnel, scholarships to be paid after successful completion of coursework. This expands the potential for staff to get training in addition to EMT basic course work.
- 17. Heart Safe Community: Stewart's Ambulance Service shall provide the City with two AEDs annually, and training for them. Presently, we have AED devices in all our City buildings.
- 28. Billing, Dispatch and customer service office; senior management: We thought it important to require a NH based office and preclude the Contractor from transferring these functions to another State. Additionally, the new language provides more protection to terminate or renegotiate the contract if there is a change in management.

AGREEMENT

CITY OF SOMERSWORTH & STEWART'S AMBULANCE SERVICE, INC.

1. **Term and Termination.** This Agreement, between the City of Somersworth (City) and Stewart's Ambulance Service, Inc. (Contractor), expires on July 31, 2023; it is hereby amended -shall be for a term of four (4) additional years beginning on August 1, 2023~~15~~, through July 31, 2027~~20179~~, unless terminated earlier by the rights stated herein. This Agreement may be terminated by either party upon the material breach of this Agreement by the other party if such breach is not cured within thirty (30) days after written notice ("Breach Notice") thereof to the other Party. The Breach Notice must specifically identify the material breach and specifically request remedy. Either party may terminate this Agreement without cause by ninety (90) days written notice to the other party.

The City of Somersworth reserves the right to extend the term of this agreement for an additional ~~four~~two (24) year term beginning July 31, 2027~~19~~ through July 31, 2029~~23~~. The Contractor should be notified 90 days in advance of the conclusion of the Agreement's amended term of July 31, 2027 ~~initial~~four (4) year term of the City's intention to exercise the right to extend the aAgreement.

2. **Ambulance.** The Contractor will provide one (1) Type III (box) ambulance, dedicated to the City of Somersworth. This ambulance shall be no more than 5 years of age or no more than 250,000 miles; with a custom graphics package stating, "dedicated to the Somersworth Community", or similarly approved City identifying graphic.
3. **Emergency Medical Services.** The Contractor shall provide emergency medical ambulance services, with level of care to be provided at the Paramedic level within the City service area during the Term of this Agreement, twenty-four (24) hours per day, and seven (7) days per week. The Contractor shall also supply a second emergency medical ambulance services with level of care to be provided at the Paramedic/Advanced-EMT ALS level for 56 hours per week, such hours to be ~~scheduled by mutually agreed upon by the Contractor and~~ the City. The 2nd emergency ambulance will be available outside the City determined 56 hours if it is NOT engaged in another call. Contractor shall respond immediately in accordance with applicable dispatch protocols. If Contractor is unable to immediately respond an ambulance due to multiple calls or disaster situation/s, the Contractor will supply a service unit at the paramedic, intermediate, or basic level, or if necessary, City approved mutual aid backup services will be arranged. The Contractor agrees the EMS Supervisor shall respond to incidents if required by the City. Any additional coverage hours that are provided or requested for incidents of long duration not specified in section 14 will count towards the additional 56 unit hours.

The Contractor will re-supply the Fire Department with disposable supplies used during incidents.

Contractor shall maintain with the City procedures to utilize Fire Department personnel during emergency incidents, especially prior to arrival of the ambulance as soon as possible, and also develop with the City an on-going protocol education process.

4. **Accreditation.** Contractor shall provide proof of accreditation (Commission on Accreditation of

Ambulance Services or similar accreditation) and agrees to keep accreditation current during the term of this contract.

The Contractor's personnel shall be licensed at the appropriate level with the State of New Hampshire and shall be certified at appropriate NIMS levels, ICS 100, 200, NIMS 700, and 800. The contractor shall be licensed by the State of New Hampshire and maintain such at the ALS level.

5. **Response Time Standards.** Contractor shall respond to all requests for emergency service from persons within the limits of the City such that response times will average no more than seven (7) minutes from the time the ambulance acknowledges receiving the call for EMD assigned Charlie, Delta, and Echo priority calls. Calls received while the dedicated ambulance(s) is/are available for services (i.e., not on another call in the City or severe weather event) will be used for the purpose of this computation.
6. **Reporting.** Contractor shall provide monthly, a copy of the record of incidents to the City including the time a request for service is received; the time the ambulance arrived at the scene, and whether or not the request was made by a City Department. Incident reports may only exclude confidential data which is only available to the patient. If the record of incidents indicates a failure to meet the response times in Paragraph 3 for two consecutive months, then Contractor shall pay a penalty to the City of \$5,000.00 per two-month period. Said failure must be solely attributable to actions or omissions on the part of Contractor.
7. **Disaster Response and Planning.** Contractor shall respond to disasters and hazardous material incidents provided in the City's Emergency Management Plan and participate in scheduled and unannounced tests of the Plan as determined by the City.
8. **Radio Communications.** Contractor shall provide two-way radio communication between the ambulance base station and the ambulance(s). The City shall tone out the Contractors personnel for all emergency medical requests that the City receives, as well as continue to communicate by radio ~~to on~~ the City with all appropriate and necessary information.

The Contractor also shall be able to communicate with the Somersworth Fire Department and Police Department on their principal radio frequencies, in their mobile units and in their dispatch at the Contractor's expense. The Contractor will operate on Somersworth Fire Department's primary frequency unless otherwise directed by the City.

The Contractor shall maintain electronic tracking of its mobile units.

9. **Traffic Control Device.** ~~If Should the Contractor relocate its base of operations and~~ it becomes necessary in the City's opinion that a traffic control device is required, the Contractor shall install and pay all charges and maintenance of the traffic control device at the entrance to Contractor's building.
- 10. Billing for Emergency Medical Services.** Contractor will bill and keep all fees for emergency medical services provided from its ambulances. Contractor will be responsible for the collection of any and all fees due and owing to it by those persons furnished with emergency medical services.

Contractor will bill emergency medical services at its usual and customary rate. The City will not seek fees or payment from Contractor, patients or any other third-party payers for any emergency medical services. Contractor shall accept assignment from Medicare, Medicaid, and all private insurance carriers which Contractor has a valid agreement with.

- a. City residents, who qualify for financial hardship, shall be offered a Compassion Care program, which may adjust or eliminate claims owed based on individual financial need. Program details shall be submitted to the City for review and approval for use during the term of this agreement.

11. **No Subsidy.** The Contractor shall receive no subsidy from the City for the provision of services outlined in this agreement.

12. **Bills for the Transportation of City Officials.** There will be no charge for transportation of City Fire Fighters, Police Officers or other City officials representing the City and injured in the line of duty, or while conducting City business.

13. **Housing.** Contractor shall be responsible for appropriate housing of its base facility, within the City limits and in a location and facility acceptable to the City of Somersworth.

14. **Stand by Services.** Contractor shall provide stand-by service to the City at no cost for the following scenarios:

- City sponsored civic and sporting events where EMS is requested.
- Emergency services drills where EMS is requested.
- FF rehabilitation at Fire and Emergency scene pursuant to NFPA protocol.
- City opened shelters due to an emergency situation (storm, flood, fire and etc.)
- Contractor shall purchase and maintain an MCI trailer for 100 patients at the Somersworth location and make it available for 24-hour dispatch.
- Community outreach programs to include community CPR, a mock high school disaster event scheduled at the high school's discretion and a Basic EMT scholarship for two (2) high school students annually. Eligible participants for the scholarship can be students attending Somersworth High School, or residents of Somersworth attending another public high school, private high school, or being home schooled.

15. **Standard of Emergency Medical Services.** Contractor will provide emergency medical services in accordance with prevailing industry standards of quality and care applicable to the emergency medical services industry. Contractor's staff and vehicles will be licensed, certified and equipped in accordance with applicable federal, state or local laws. Vehicles assigned to the contractor's Somersworth facility shall be registered in the City of Somersworth.

16. **Quality Improvement.** Contractor and the City agree to meet not less than quarterly, or more frequently upon request by either party to review quality assurance data and any other issues pertinent to the performance of this Agreement.

The City shall notify the Contractor relative to performance issues of any employees based upon complaint of a patient or City staff. The Contractor shall investigate any such claim, and if the complaint is justified, disciplinary action will be taken. The Contractor shall remove from service on this contract any employee who demonstrates less than adequate patient care skills or the ability to work with City staff. If the second justified complaint is lodged, Contractor shall remove the employee immediately.

The Contractor shall provide at no cost to the City, annual CPR certification to all Police Officers and

Firefighters. The Contractor ~~also shall provide annual EMT re-certification, with American Ambulance for Firefighter's and~~ shall invite the City to participate in all EMT continuing education program ~~offered sponsored~~ by the Contractor.

The Contractor shall provide up to \$5,000 per year in EMS/First aid educational scholarships to City personnel with the recipients to be determined by the City. ~~??~~ Said scholarships shall be provided to recipients after their successful completion of coursework. ~~??~~

~~The Contractor shall offer a biannual EMT basic course to Somersworth Fire and Police personnel, training to occur within the Seacoast Region with a minimum of 4 preregistered City personnel.~~

~~The Contractor shall offer a biannual EMT-A course to Somersworth Fire personnel, training to occur within the Seacoast Region with a minimum of 4 preregistered City personnel.~~

The Contractor shall allow Somersworth Fire and Police personnel to gain didactic skills in their ambulances.

17. Somersworth strives to be a "Heart Safe" Community. Contractor shall provide City with two (2) AEDs annually to further promote a "Heart Safe" community for the residents of Somersworth. The Contractor annually shall provide updated training for Somersworth employees at facilities with AEDs. Contractor shall provide at no cost AED maintenance and training of city staff.

~~17. The Contractor annually shall provide updated training for Somersworth employees at facilities with AED's. Contractor shall provide at no cost AED maintenance and training of City staff~~

18. ~~_____~~ **Insurance.** Contractor will obtain and maintain throughout the term of this Agreement, comprehensive automotive insurance, comprehensive general liability insurance, and professional liability insurance. Throughout the Term of this Agreement, Contractor will provide the City with proof of insurance annually.

a. Insurance coverage shall be maintained throughout the Term of this Agreement at the following levels:
General Liability Aggregate: \$6,000,000; General Liability per Occurrence: \$2,000,000; Personal Injury: \$2,000,000; Automobile Liability: \$5,000,000, Worker's Compensation: \$ 1,000,000; Professional Liability: \$10,000,000 (per occurrence aggregate). The City shall be named as "Additional Insured".

~~The contractor also agrees to provide the City with a payment bond and a performance bond, each in an amount not less than \$500,000, for the duration of this contract and any extensions thereof.~~

~~Performance and payments bonds may be issued on an annual basis by a surety acceptable to the City and renewed or continued annually at the option of the Contractor's surety. If the performance and payment bond are not renewed, Contractor shall arrange for replacement bonds or provide another form of security acceptable to the City.~~

19. **Indemnity.** Contractor shall indemnify, defend and hold the City, its employees and agents harmless against any claims, liability, losses or damages, incurred by it which may arise from the breach of this Agreement or any negligent, intentional or other tortuous act or failure to act by Contractor related to the performance of this Agreement.
20. **Relationship.** In the performance of this Agreement, each party hereto shall be, as to the other, an independent Contractor and no party shall have the right or authority, express or implied, to bind or otherwise legally obligate the other. It will be understood that once dispatched to a call, said ambulance will fall under the rules of the Incident Command System and/or the National Incident Management System.
21. **No Influence of Referrals.** It is not the intent of any party to this Agreement that any remuneration, benefit or privilege provided for under this Agreement shall influence or in any way be based on the referral or recommended referral by either party of patients to the other party or its affiliated providers, if any, nor shall it be based on the purchasing, leasing, or ordering of any services other than specific services described in this Agreement.
22. ~~_____~~ **Governing Law.** This Agreement shall be interpreted and enforced in accordance with the laws of the State of New Hampshire.
23. ~~_____~~ **Compliance with Laws.** Each party shall be in material compliance with all applicable federal, state or local laws, including the federal Anti-Kickback Statute.
24. ~~_____~~ **Amendments to Agreement.** This Agreement contains all agreements of the parties with respect to the matters covered herein, superseding any prior agreements and may not be changed other than by an agreement in writing signed by the parties hereto.
25. ~~_____~~ **Notice.** Any notice required or permitted by this Agreement shall be in writing and shall be delivered as follows, with notice deemed given as indicated:
- (a) By personal delivery, when delivered personally.
 - (b) Overnight courier, upon written verification of receipt.
 - ~~(c)~~ ~~(e)~~ By certified or registered mail, return receipt requested, upon verification of receipt. Notice shall be sent to the following addresses:

If to Stewart's Ambulance:

ATTN: Paul Robidas
Stewart's Ambulance Service 183 Route 108
Somersworth, NH 03878

If to City of Somersworth:

ATTN: ~~Robert M. Belmore~~, City Manager
Robert M. Belmore
City Hall

One Government Way, Somersworth, NH 03878

cc: City Clerk
City Hall
One Government, Way Somersworth, NH 03878

26. ~~_____~~ **Force Majeure.** Contractor shall not be responsible for any delays in or failure of performance resulting from acts of God, Riot, War, Civil Unrest, Natural Disaster, Labor Dispute or other circumstance not reasonably within its control.
27. ~~_____~~ **HIPAA.** Each party shall comply with the privacy provisions of the Health Insurance Portability and Accountability Act of 1996 and the regulations hereunder ("HIPAA"), and with such other requirements of HIPAA that may become effective during the Term. All Patient medical records shall be treated as confidential so as to comply with all state and federal laws.
- 28. Compliance Program and Code of Conduct.** The City acknowledges that Contractor has made available to the City a copy of its Compliance Program and Code of Conduct at Contractor's website, located at www.AmericanAmbulanceSvc.com as may be changed from time-to-time. Contractor warrants that its personnel shall comply with Contractor's compliance policies, including training related to the Anti-Kickback Statute.
- ~~1-29.~~ **Non-Exclusion.** Each party represents and certifies that it has not been convicted of any conduct identified on Exhibit "A". Each party further represents and certifies that it is not ineligible to participate in Federal health care programs or in any other state or federal government payment program. Each party understands that if New Hampshire Department of Health and Human Services or the Office of the Inspector General excludes it, or any of its employees who provide health care services, from participation in federal health care programs, the party must notify the other party within 5 days of knowledge of such fact, and the other party may immediately terminate the Agreement.
- ~~2-30.~~ **Billing, Dispatch and Customer Service Office.** Contractor shall be required to have a New Hampshire based billing, dispatch and customer service office.
- ~~3.~~ **Senior Management.** In entering into this Agreement, the City is relying upon the experience and proven capabilities of Contractor's senior management team. Should material changes occur to the senior management team; that the City, at its sole discretion, may terminate the Agreement with sixty (60) days' notice. -
- 31.**

| In WITNESS WHEREOF, the parties have hereto executed this Agreement.

|

CITY OF SOMERSWORTH

STEWART'S AMBULANCE SERVICE, INC

ROBERT M BELMORE
CITY MANAGER
DATE:

JUSTIN M VAN ETEN
EXECUTIVE CHAIRMAN
DATE:

|

Exhibit "A"

Overview ~~of law~~ regarding exclusion from Medicare and State Health Care Programs 42 U.S.C. 1320a-7

- a) **Mandatory exclusion.** The Secretary shall exclude ~~the following~~ the following individuals and entities from participation in any Federal health care program (as defined in section 1320a-7b(t) of this title):
- b) **Conviction of program-related crimes.** Any ~~individual or~~ individual or entity that has been convicted of a criminal offense related to the delivery of an item or service under subchapter XV 111 of this chapter or under any State health care program.
- c) **Conviction relating to patient abuse.** ~~Any individual or individual entity or that entity has~~ has been convicted, under Federal or State law, of a ~~criminal offense~~ criminal offense relating to neglect or abuse of patients in connection with the delivery of a health care item or service.
- d) **Felony conviction relating to health care fraud.** Any individual or entity that has been convicted for an offense which occurred after August 21, 1996, under Federal or State law, in connection with the delivery of a health care item or service or with respect to any act or omission in a health care program {other than those specifically described in paragraph (I)} operated by or financed in whole or in part by any Federal, State, or local government agency, of a criminal offense consisting of a felony relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or ~~other financial~~ other financial misconduct.
- e) **Felony conviction relating to controlled substance.** Any ~~individual or~~ individual or ~~entity that~~ entity that has been convicted for an offense which occurred after August 21, 1996, under Federal or State law, of a criminal offense consisting of a felony relating to the unlawful manufacture, distribution, prescription, or dispensing of a controlled substance.
- f) **Permissive exclusion.** The Secretary may exclude individuals and entities from participation in any Federal health care program. These Permissive Exclusions are for misdemeanors of the above (see 42 USC 1320a-7(b) (J - 15)) offenses plus other infractions that shall be determined on an individual case-by-case basis.

(NOTE: the DHHS and OIG list of ~~excluded~~ excluded individuals/entities are available through the Internet at <http://www.hhs.gov/oig>)



City of Somersworth

Fire Department

195 Maple Street – Somersworth, NH 03878-1594



George Kramlinger
Fire Chief & Emergency Management Director
gkramlinger@somersworth.com

Business: (603) 692-3457
Fax: (603) 692-5147
www.somersworth.com

To: Mr. Robert Belmore, City Manager

Re: Proposal to Sell Engine-2

1. Mr. Manager, the Fire Department has three pumper trucks on our roster designated Engine-4 (primary), Engine-3 (reserve), and Engine-2 (spare).
2. With phased construction on the new Fire Station, we will only have enough heated parking space for E-4, E-3, Truck-1 (ladder truck), and the Forestry Unit (F-1). The water in these vehicles necessitates indoor parking during the cold months.
3. E-2 is 25 years old, is slated to be sold when the new pumper arrives in the summer of 2022, and is used very rarely as the reserve engine when either E-4 or E-3 are out of service for an extended time due to maintenance.
4. I propose we sell Engine-2 in the early spring of this year (2021) so that we do not have to find a place to store the vehicle once phased fire station demolition begins.
5. The ladder truck is unique in that it has a high-capacity pump, water tank, and hose load so that if necessary, it can be used as a pumper in addition to its role as an aerial ladder.
6. A fire truck's re-sale value can diminish significantly after 25 years of service.
7. With our investments in fleet-wide preventative maintenance over the last year and the ladder truck's pumper capability, I am confident that we will not need E-2 over the next 18 months. From a logistics and financial perspective, selling Engine-2 in the near future is advantageous.
8. Please contact me with any questions or concerns.

Respectfully

George

authorized or receipts. Petty cash shall be replenished by check upon submission of receipts and supporting documentation on form(s) to be prescribed by the Finance Department.

29.8.4.6 Cooperative Purchasing

Where prices on goods or services have been determined by competitive procurement by an agency of the State of New Hampshire or any other entity through which the City purchases cooperatively, that price shall be considered sufficiently competitive for the purchase of authorized items is obtained as outlined above. This specifically includes equipment and supplies available through bidding of the New Hampshire Department of Transportation and similar agencies for trucks, cars and related equipment.

29.8.5 Disposal of City Property

Where an item is surplus to the needs of a department, it shall be made available to other departments in the City for their use. Transfer of equipment between departments shall be recorded in the general Fixed Assets Group of Accounts (if applicable).

Property Valued at Less than \$1,000 other than Real Estate

Upon request of the proper department head, the City Manager may authorize the sale of any surplus municipal supplies, materials and equipment valued at less than \$1,000 and no longer required by any City Department. The method of disposal may include sealed bid, auction, trade-in, or any other method deemed appropriate to include worldwide auction sites such as EBay and/or other available mediums.

Property Valued at \$1,000 or More and Real Estate

No municipal supplies, materials and equipment valued at \$1,000 or more and no real estate whatsoever shall be offered for sale unless and until the City Council so orders. Any such sale authorized by the City Council may be conducted by competitive bidding, public auction, or any other means authorized by the City Council. The City may reject any and all bids or auction offers.

(Amended 05/03/2010.)

29.8.5.1 Disposal of City's Natural Resources

No transferral of the City's natural resources whether through barter, trade, or through sale, shall take place without authorization of the City Council.

(Passed 03/29/1988.)

Somersworth 2020-2021 Estimated Budget Savings

BUDGET SAVINGS

Account Number	Description	Total Amount	Estimated Amount
Various Salary and Benefit Accounts	Regular Education Summer School Savings	18,190.00	18,190.00
Various Salary and Benefit Accounts	Substitute Coordinator Salary/Benefits	3,230.00	3,230.00
Various Salary and Benefit Accounts	Unfilled Building Aid Salary and Benefit Savings	38,702.00	38,702.00
Various Salary and Benefit Accounts	SPED Summer School Savings	39,156.00	39,156.00
Various Salary and Benefit Accounts	Unfilled ESOL Assistant Salary and Benefits	18,697.00	18,697.00
10-2318-5330-90-00-00000	Legal Fees Savings	15,000.00	15,000.00
10-2319-5330-90-00-00000	SPED Legal Fees Savings	4,000.00	4,000.00
10-2721-5519-90-00-00000	Regular Education Transportation Savings	30,000.00	30,000.00
10-2900-5250-90-00-00000	Unemployment Compensation	10,000.00	10,000.00
10-2900-5260-90-00-00000	Workers Compensation Savings	14,950.00	14,950.00
Total Budget Savings		191,925.00	191,925.00

ESTIMATED BUDGET SAVINGS

Account Number	Description	Total Amount	Estimated Amount
Various Salary and Benefit Accounts	Substitute Salaries/Benefit Savings	144,760.00	72,380.00
Various Salary and Benefit Accounts	Unfilled Paraprofessional Positions	165,000.00	65,000.00
Various Salary and Benefit Accounts	Custodial Substitutes Salary and Benefit Savings	11,841.00	0.00
Various Salary and Benefit Accounts	Custodial Overtime Salary and Benefit Savings	14,000.00	0.00
10-2622-5422-90-00-00000	Performance Contract Lease	103,000.00	103,000.00
Total Estimated Budget Savings		438,601.00	240,380.00

Total		630,526.00	432,305.00
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OTHER CONSIDERATIONS

Account Number	Description	Total Amount	Estimated Amount
Various Utility Accounts	Utilities Savings	Unknown	
10-2722-5519-90-00-00000	SPED Transportation Savings	Unknown	
10-2723-5519-33-00-00000	CTC Transportation Savings	Unknown	
10-2724-5519-21-00-00000	MS Athletic Transportation Savings	Unknown	
10-2724-5519-31-00-00000	HS Athletic Transportation Savings	Unknown	

Bob Belmore

From: Brenda Breda
Sent: Tuesday, February 09, 2021 11:59 AM
To: Bob Belmore; Scott A. Smith
Subject: FW: Documents
Attachments: FY 2021 Estimated Budget Savings.pdf

From: Robert Gadowski [mailto:RGadowski@SAU56.ORG]
Sent: Tuesday, February 09, 2021 11:53 AM
To: Brenda Breda
Subject: FW: Documents

*From
Superintendent*

Brenda,

Let me know if you need anything more than this information.

Thanks

Bob

Bob/Scott,

Attached are the supportive documents for the unexpended funds resolution. The board would be asking to use \$419,671. Dave Witham thought that the attached information would be helpful in their decision making process. The first shows the budget reductions that we have identified. If we have the \$419,671, it would allow us to return tier 2 and tier 3 cuts back into our budget. The

Somersworth 2021-2022 Budget Reductions**Budget Summary**

Total FY 2021-2022 Proposed Budget		27,925,422.00
Total FY 2021-2022 Estimated Revenue		8,364,485.00
Total FY 2021-2022 Net Budget		19,560,937.00
Total Amount to be Raised by Taxes	Per Tax Cap	18,896,366.00
Total Amount Over Tax Cap		664,571.00

Tier One Budget Reductions

Technology Reductions	12,507.00
ESOL Assistant	16,000.00
Elementary Teacher	62,000.00
Elementary Teacher	65,000.00
SAU Reductions	89,393.00
	<u>244,900.00</u>

Tier Two Budget Reductions

Truancy Officer	65,000.00
Elementary Teacher	65,000.00
Building Aid Idlehurst	50,000.00
Building Aid Maple Wood	50,000.00
	<u>230,000.00</u>

Tier Three Budget Reductions

Early Childhood Interventionist	94,671.00
High School Teacher	95,000.00
	<u>189,671.00</u>

Total Budget Reductions	664,571.00
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**Somersworth School District-Fund Balance History
2014-2020**

	Expenditure Balance	Revenue Balance	Total Funds Returned
2019-2020	718,801.68	151,230.02	870,031.70
2018-2019	29,794.94	227,132.53	256,927.47
2017-2018	225,981.14	62,177.16	288,158.30
2016-2017	44,783.80	(6,096.58)	38,687.22
2015-2016	75,584.88	397,593.74	473,178.62
2014-2015	161,974.25	245,213.07	407,187.32

CONTRACT AMENDMENT FOR July 2021 to June 2022

Pursuant to the existing Remedial Action Services Contract for the Somersworth Landfill Superfund Site between Geosyntec Consultants, Inc. and the Somersworth Landfill Group dated, 13 January 2000, as amended, (the "Agreement"), the parties, in consideration of the reciprocal benefits conferred herein and intending to be mutually bound hereby agree to amend said contract, effective on the 1st day of July 2021, as follows:

ARTICLE 1 – BACKGROUND AND OBJECTIVES**1.1 Background**

Geosyntec Consultants (Geosyntec) shall provide Remedial Action (RA) Services associated with monitoring of the Chemical Treatment Wall (CTW), permeable landfill cover and bedrock extraction components of the Preferred Remedial Action (PRA) at the Somersworth Sanitary Landfill Superfund Site (the "Site") in Somersworth, New Hampshire for the Work Settling Defendants (WSDs) for the Site. In addition, Geosyntec shall provide services related to the monitoring of landfill gas (LFG) and per- and polyfluoroalkyl substances (PFAS) and assist the WSDs in addressing other environmental issues at the Site that may occur.

The Site has completed the RA implementation stage of the Superfund program consistent with the Consent Decree (CD) for the Site (USEPA, 1995). A "100% Design and Demonstration of Compliance Plan" dated April 1999 (the "100% Design") (Beak and Geosyntec, 1999) for PRA at the Site was approved by the United States Environmental Protection Agency (USEPA) and New Hampshire Department of Environmental Services (NHDES). The major construction related components of the PRA were: (i) the installation of a permeable zero-valent iron CTW in the subsurface between the landfill and the wetland; (ii) the construction of a permeable cover over the landfill; and (iii) the installation of a bedrock groundwater extraction and infiltration system (currently shut down with USEPA approval). Based on the results of LFG monitoring conducted in 2001 and 2002 the USEPA and NHDES believed there was a need for a perimeter LFG venting trench. This venting trench was installed in 2003 as a component of the RA for the Site.

In 1999, Geosyntec prepared the engineering design of the 100% Design for the PRA and since that time has provided Construction Quality Assurance (CQA), Construction Management (CM), and RA services during the construction of the CTW and permeable cover components of the PRA at the Site. Geosyntec also prepared the Sampling and Analysis Plan (the "SAP") (Geosyntec, 1999b; 2001, 2010, 2020) for the PRA, and has conducted the baseline and other groundwater monitoring since that time as per the SAP.

1.2 Objectives

The objectives of this work are to monitor the performance of the PRA through continued implementation of the groundwater and soil gas monitoring program, to assist the WSDs with ongoing maintenance and to respond to other environmental issues raised by the USEPA and NHDES. Geosyntec will conduct all work in accordance with all applicable regulations and standard practices. Geosyntec will immediately advise the WSDs of any issues that arise in relation to the project.

ARTICLE 2 - SCOPE OF SERVICES

2.1 Introduction

The scope of services required at the Site includes the following tasks:

- Task 1: Groundwater Monitoring for 2021 (Fall)
- Task 2: Sampling for PFAS in 2021-2022
- Task 3: Annual Monitoring Report for 2021-2022 (Spring 2022)
- Task 4: Communications with USEPA July 2021 to June 2022
- Task 5: General site maintenance 2021-2022

LFG monitoring is conducted biennially and is not included in the 2021-2022 proposal. Table 1 presents a summary of all estimated costs for the above tasks compared with the budget for 2020-2021.

2.2 Task 1: Groundwater Monitoring for 2021 (Fall)

Geosyntec will complete the annual groundwater monitoring of wells for the CTW as described in the Sampling and Analysis Plan (SAP, draft submitted to USEPA November 30, 2020). The groundwater monitoring event will involve a combination of the passive diffusion bag (PDB) sampling method and conventional sampling methods. The event will also include a synoptic round of water level measurements and collection of field duplicate samples. This year, hydraulic testing of the CTW transect wells will not be completed as it is required only every other year. For the sampling round, a total of 16 wells will be sampled using conventional purging and 19 wells sampled using PDBs (total 35). In 2017, recommendations were made to modify the program and move several monitoring wells to either biennial or 5-year. USEPA accepted the recommendations in 2018 so the above numbers reflect the updates to the program. All data will be compiled for submittal to the USEPA. Proposed costs are given in Table 2.

2.3 Task 2: Sampling for Per- and Polyfluoroalkyl Substances (PFAS) in 2021-2022

As of 2018, the USEPA and NHDES have requested that PFAS be included twice a year as part of the ongoing groundwater sampling at the Site. This task will include sampling 15 locations

at the Site for PFAS in the fall 2021 and spring 2022 (plus associated QA/QC samples), provide a memo response for each event to the USEPA/NHDES and incorporate the memo results into the 2021 and 2022 annual monitoring reports, respectively. Proposed costs are given in Table 3.

2.5 Task 3: Annual Monitoring Report for 2021-2022 (Spring 2022)

Geosyntec will complete the Annual Monitoring Report with data collected in 2021 before the end of March 2022. In addition, the groundwater data collected during 2021 (including spring 2021 PFAS sampling event) will be compiled into a draft report for submittal to the USEPA for review and approval. This report will include evaluation of: (1) the performance of the CTW; (2) the performance of the natural attenuation remedy; (3) the evaluation of PFAS; and (4) the statistical analyses for Monitored Natural Attenuation (MNA) requested by the USEPA (per the recommendation in the Optimization Report, July 2018), at wells exceeding interim cleanup levels outside of the point of compliance. The fourth task consists of reporting statistical trend data for detected chlorinated ethene (CE) concentrations at plume monitoring locations, particularly those outside of the point of compliance. Proposed costs are given in Table 4.

2.6 Task 4: Communications with USEPA for July 2021 to June 2022

Geosyntec will prepare progress reports for the USEPA following groundwater monitoring events and communicate with the USEPA if issues arise, for conference calls or if they contact Geosyntec for information about the Site. This task will include addressing normal communications as well as any further discussions with the USEPA on their comments on the Annual Reports, the CTW-20 Transect area, and PFAS. The cost estimate includes costs for two conference calls, and the preparation of an additional memo on the response to comments on the draft SAP submitted November 30, 2020 (including any updates requested by EPA) if needed, the 2020 Annual Report that the USEPA will receive in spring 2021, and the ongoing PFAS sampling efforts. We do not know what, if any, additional work may result from these discussions and as such have not provided any additional cost estimate. If additional work results from these discussions with the USEPA, then Geosyntec will prepare a cost estimate once the scope has been defined and obtain WSD approval via a change order prior to completing the work. Proposed costs are given in Table 5.

2.7 Task 5: General Site Maintenance (2021-2022)

During the 2020-2021 monitoring season, field personnel reported that several wells (B-8R, OB-101U and OB-5R) required repair as the casing has sunk below the top of the PVC well pipe. It has been confirmed that the well seals are intact, and only the casings require repair. In addition, the casing at OB-22R has rusted and holes have developed. Arrangements are being made as part of the current contract to repair the first three wells in spring 2021, but a driller will be required to replace the casing at OB-22R.

The method to repair B-8R, OB-101U and OB-5R will include carefully measuring the stick-up of the existing PVC, cutting the PVC well pipe below the existing casing and then measuring the new stick-up of the PVC pipe. Geosyntec staff will enter the new well stick-ups into the database so the new elevations of the tops of casings will be as accurate as possible for determination of groundwater elevations. Eventually, however, a resurvey of these wells would be preferable to ensure the best accuracy. As OB-22R will require a resurvey after the casing has been replaced, Geosyntec therefore recommends engaging a local surveyor to resurvey these four wells. To maximize the cost benefit of engaging the surveyor and oversight, Geosyntec will include up to 5 wells near the CTW that have been recommended for re-surveying but was not completed in fall 2020.

It is evident that the trails and access paths to the wells in the wetland regularly deteriorate and become difficult to navigate (i.e., potential safety hazards). It is recommended that Geosyntec staff continue to schedule a day or two annually in advance of the regular monitoring program to improve the trails and markers for the wells. This work might include: replacing stakes or erecting more permanent markers along the paths to make them easier to follow; building simple boardwalks/boards over really wet or boggy areas; and clearing brush more extensively to provide access routes from within the wetland. Proposed costs are given in Table 6.

Ongoing Task from 2020-2021

In an email dated November 15, 2019, the USEPA requested that at least three co-located surface water and sediment samples be collected from the wetlands and analyzed for total and dissolved arsenic. USEPA will compare the results with the National Recommended Water Quality Criteria (NRWQC) for Aquatic Life and Probable Effects Concentrations (PECs) to evaluate potential ecological risk. Initially, the task was to be completed in spring 2020. However, due to COVID-19 pandemic restrictions, this task could not be completed and the USEPA indicated they would expect the task to be completed once restrictions were lifted. At the time this proposal was being prepared, a date to complete this task had not been scheduled. It is anticipated that the task will be completed early in spring 2021 once sampling of surface water can be practicably achieved. However, it should be noted that if restrictions continue, the timeline for completing this task may be moved into the 2021-2022 schedule. There are no additional costs associated with this event, as the budget was previously allocated. However, if the USEPA has further requests regarding this task, an appropriate change order would be discussed and requested by Geosyntec.

ARTICLE 3 – MISCELLANEOUS PROVISIONS

3.1 Compensation

Compensation for Consultant's services covered under this Amendment shall be in accordance with the terms and conditions of the original Agreement subject to the estimated fee contained in **Table 1** of this Amendment. As discussed, our billing rates have been updated to new WSD preferred rates, as shown in **Table 7**. Geosyntec will not surpass the authorized amount without first identifying the basis for any change and submitting an appropriate change order request to the WSDs for review and consideration prior to incurring any costs in excess of the authorized amount. Invoices will be submitted on a monthly basis reflecting services provided to date.

3.2 Entire Agreement

This amendment, together with the Agreement and other documents incorporated therein by reference, shall constitute the entire agreement, and supersedes all prior negotiations, representations or agreements, between the parties. This Contract can only be amended by written document executed by the Group and Consultant.

IN WITNESS WHEREOF the Group and Consultant have made and executed this Contract as of the day and year first written above.

**THE SOMERSWORTH LANDFILL GROUP
THE CITY OF SOMERSWORTH**

GEOSYNTEC CONSULTANTS, INC.

By: _____

By: _____

Title: _____

Title: _____

THE GENERAL ELECTRIC COMPANY

By: _____

Title: _____

TABLE 1
ESTIMATED COSTS FOR PROJECT TASKS
REMEDIAL ACTION - SOMERSWORTH SUPERFUND SITE, NH

2020-21 Task Number and Description (TR0237K)		2020-21 Budget	2021-22 Task Number and Description (TR0237L)		2021-22 Budget	Individual Task Comparison (237L to 237K)	Comments
01	Groundwater Monitoring	\$55,096	01	Groundwater Monitoring	\$49,518	-\$5,578	Hydraulic pumping not included in 2021-2022 but was part of 2020-2021; WMD Full List was included in 2020-2021; Sucontractor expenses have increased.
02	PFAS Sampling	\$51,656	02	PFAS Sampling	\$51,074	-\$582	PFAS Sampling - 2 events (fall and spring), but only 1 memorandum (spring 2022). Fall will only be included in annual report. Assumes 15 samples plus QA/QC for each event.
03	Landfill Gas Monitoring	\$6,469			\$0	-\$6,469	Not included in 2021-22 (biennial).
04	Annual Monitoring Report	\$46,167	03	Annual Monitoring Report	\$45,105	-\$1,062	Similar reporting, no LFG or WMD Full List
05	Communication with USEPA	\$15,066	04	Communication with EPA	\$15,238	\$172	Includes costs to support all questions from USEPA, no change in hours from 2021-21.
-	Surface Water and Sediment Sampling	\$0	-	Surface Water and Sediment Sampling	\$0	\$0	Sediment and Surface Water Sampling Task was part of 2019-20 budget. Assumed it will be completed in spring 2021 as part of TR0237K. No budget or Task Number assigned in 2020-2021 or 2021-2022.
06	General Site maintenance	\$4,667	05	General Site maintenance	\$15,696	\$11,029	Increase in 237L includes driller, surveyor and oversight to replace casing at OB-22R, and survey repaired wells in fall 2021.

Total Budget 2020-2021: \$179,121

Total Budget 2021-2021: \$176,631
 2021-2022 comparison with 2020-21: -\$2,490

Notes:

LFG - landfill gas
 PFAS - per- and polyfluoroalkyl substances
 USEPA - United States Environmental Protection Agency
 VOCs - volatile organic compounds
 WMD Full List - New Hampshire Department of Environmental Services, Waste Management Division's Full List of VOCs

TABLE 3
DETAILED BREAKDOWN OF ESTIMATED COSTS
Somerworth Sanitary Landfill Superfund Site, New Hampshire

TASK 02: Sampling for PFAS in 2021-2022

Activity	Company Category	Person	Hourly Rate	Gavvyntus:														Other		ACTIVITY TOTAL (\$)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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Planning and Document Review PFAS Sampling - to be completed in Fall 2021 and Spring 2022 Lab Analysis - PFAS (15 samples plus QA/QC) x 2 Events (Fall Spring) Data Compilation & Reporting Validation Data Compilation and Validation, Measurement Project Management				4							6																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	</

Notes:
Alpha - Alpha Analytical
PFAS - per- and polyfluorinated substances

TABLE 4
DETAILED BREAKDOWN OF ESTIMATED COSTS
 Somersworth Sanitary Landfill Superfund Site, New Hampshire

TASK 03: Annual Monitoring Report for 2021-2022

Activity	Company Category Person Hourly Rate	Geosyntec												Other		ACTIVITY TOTAL (\$)			
		P DB 188	PD SO 188	PM SW 155	FM SH 123	DBM CC/JS 155	SR ST Field 104	STAF Field 91	GRPH JK 109	PA TG 72	Total Prof. Time (\$)	Disbursements (\$)					Company Total (\$)	Cost (\$)	Notes
												Travel	Phone	Copies	Freight				
Data Compilation & Validation		8		16			5					4,504				4,504			4,504
Compilation of Sampling Reports into Database				2	8	10	20					4,924				4,924			4,924
Evaluation of Temporal Trends - Water Levels		4		8	4	8						3,724				3,724			3,724
Evaluation of Temporal Trends - GW Chemistry		4		8	4	3						2,949				2,949			2,949
Statistical Evaluation of MNA per Optimization Report recommendations		8		22		16	4		20			9,990				9,990			9,990
Evaluation of CTW Performance		8		20		3	2					5,277				5,277			5,277
Preparation of Draft Report for USEPA Submittal		8		30	10	3			20		4	10,029				10,029			10,029
Project Management		5		16								3,708				3,708			3,708
TASK TOTAL (\$)	Total	0	45	122	26	43	31	0	40	4		45,105	-	-	-	45,105			45,105

Notes:

CTW - chemical treatment wall
 MNA - monitored natural attenuation
 USEPA - United States Environmental Protection Agency

TABLE 5
DETAILED BREAKDOWN OF ESTIMATED COSTS
REMEDIAL ACTION - SOMERSWORTH SUPERFUND SITE, NH
TASK 04: Communications with USEPA for 2021-2022

Activity	Company Category	Geosyntec											Other		ACTIVITY TOTAL (\$)	
		P DB 188	PD SO 188	PM SW 155	FM SH 123	Grph 109	PA TG 72	Total Prof. Time (\$)	Disbursements (\$)				Company Total (\$)	Cost (\$)		Notes
									Travel	Hotel	Meals	Phone				
Communications			36	50					10	15,238						15,238
Total Hours TASK TOTAL (\$)		0	36	50	0	0	10	15,238								15,238

Notes:
USEPA - United States Environmental Protection Agency

TABLE 6
DETAILED BREAKDOWN OF ESTIMATED COSTS
REMEDIATION ACTION - SOMERSWORTH SUPERFUND SITE, NH

TASK 05: General Site Maintenance 2021-2022

Activity	Company Category	Geosynvec																				Other		ACTIVITY TOTAL (\$)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
		P		DB		TRK		PD		SW		FM		JSCC		SR		ST		STAF		GRPH			PA		Total Prof. Time (\$)	Disbursements (\$)			Company Total (\$)	Cost (\$)	Notes																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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Site visit to perform general maintenance and manual repairs ¹	Person																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														

Notes:

- ¹ Maintenance and repair work (performed without a driller) may include:
 - Clearing trails and erecting markers along wetland paths (ongoing issues)
 - Completing minor repairs on wells (e.g., cutting PVC pipe so locks can be replaced, replacing damaged locks, repairing VPs to prevent squeaking)
 - Replacing staff gauges that have been destroyed or irreparably damaged (i.e., SG-5R)
 - Completing minor repairs around wells (e.g., erosion control around VP-6)
- ² Materials includes items and rental equipment to complete above types of repairs.
- ³ Budget for Driller and Surveyor is estimated. Final quotes will be obtained in fall 2021 if work is approved.

TABLE 7
2021 RATE SCHEDULES
REMEDIAL ACTION - SOMERSWORTH SUPERFUND SITE, NH

Labor Category	2021 Labor Rate ¹ (\$/hr)
Senior Principal	\$217.00
Principal	\$188.00
Senior Professional	\$169.00
Project Professional	\$155.00
Professional	\$123.00
Senior Staff Professional	\$104.00
Staff Professional	\$91.00
Graphics Professional	\$109.00
Senior Technician I	\$72.00
Project Administrator	\$72.00
Clerical	\$54.00
Subcontractor / Direct Expenses Cost	Cost plus 5%
Personal Automobile (per mile)	Current Government Rate

Notes:

1. Geosyntec rates for Somersworth have been increased between 1.1 and 3.4% in 2021, depending on Labor Category. Subcontractor expenses were not increased.

Brenda Breda

From: George D. Kramlinger
Sent: Thursday, February 11, 2021 4:05 PM
To: Bob Belmore
Cc: Brenda Breda
Subject: Updated Grant Calculations/Numbers

Boss

Here are the numbers as submitted using FEMA nomenclature and FEMA math (like new math only worse):

Project Budget (includes setup and installation for each item)

One (1) NFPA 1851 compliant Washer/Extractor (two (2) set capability) - \$9,200.

One (1) NFPA 1851 compliant SFPE forced ambient air, drying tree - \$9,300.

One (1) SCBA Washer (supports NFPA 1852) - \$31,000.

One (1) NFPA and DOT compliant SCBA compressor/cascade/fill station system - \$71,000.

Total Equipment Costs - \$120,500.

Local Match (5%) - \$5,738.
(1.05 calc used)

TOTAL FEDERAL SHARE REQUESTED = \$114,762.

Thanks

George

George Kramlinger
Fire Chief/EMD
City of Somersworth
(603) 692-3457



City of Somersworth

Fire Department

195 Maple Street – Somersworth, NH 03878-1594



George Kramlinger
Fire Chief & Emergency Management Director
gkramlinger@somersworth.com

Business: (603) 692-3457
Fax: (603) 692-5147
www.somersworth.com

To: Mr. Robert Belmore, City Manager

Re: Assistance to Firefighters Grant (AFG)

1. Mr. Manager, the Assistance to Firefighters Grant (AFG) is a Federal program that provides funding to Fire Departments for high priority equipment as determined by FEMA.

2. Respiratory protection and cancer prevention equipment are within the FEMA high priority criteria.

3. I propose submitting an AFG application for the following:

- Turnout Gear Washer - \$8500
- SCBA (self-contained breathing apparatus) Washer - \$29,000
- Turnout Gear Drying Rack - \$9100
- SCBA cylinder fill system: compressor, air cascade storage cylinders, and SCBA cylinder fill station - \$70,000

** Revised numbers w/ setup & installation
\$9,200*

\$31,000

\$9,300

\$71,000

4. The current gear washer is very old and becoming increasingly difficult to repair. The SCBA cylinder fill system is also very old, does not meet all current safety standards, and is owned by the Community Mutual Aid Association. We do not have the other pieces of equipment which are now accepted as best practices.

5. The total grant request is \$110,700 with a minimum match of 5% or \$5,738 by the City.

\$120,500 TOTAL COSTS

*\$5,738 - match
\$114,762 - GRANT*

6. The AFG application window closes on 12 February.

7. Request approval to apply for an AFG grant as detailed above.

8. Please contact me with any questions or concerns.

Thank you

George

*Suggested by
Public Safety
Committee JB*

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
LACONIA, NEW HAMPSHIRE 03246
www.mitchellmunicipalgroup.com

WALTER L. MITCHELL
LAURA A. SPECTOR-MORGAN
NAOMI N. BUTTERFIELD
JOSEPH H. DRISCOLL, IV
JUDITH E. WHITELAW (OF COUNSEL)

TELEPHONE (603) 524-3885

February 10, 2021

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 12-21

Title: **TO AMEND CHAPTER 19, ZONING, SECTION 13 -
RIPARIAN AND WETLAND BUFFER DISTRICT ORDINANCE**

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

Date: 2/10/21

By 

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
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JUDITH E. WHITELAW (OF COUNSEL)

TELEPHONE (603) 524-3885

February 10, 2021

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 32-21

Title: CITY COUNCIL TO VOTE TO RESTRUCTURE THE
MEMBERSHIP OF THE SUSTAINABILITY COMMITTEE

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced resolution. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

Date: _____

2/10/21

By: _____



MITCHELL MUNICIPAL GROUP, P.A.

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JUDITH E. WHITELAW (OF COUNSEL)

TELEPHONE (603) 524-3885

February 10, 2021

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 33-21

Title: **A VOTE TO AFFIRM THE CITY OF SOMERSWORTH'S
COMMITMENT TO THE SUSTAINABILITY OF THE
SOMERSWORTH YOUTH CONNECTION PROGRAM**

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced resolution. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

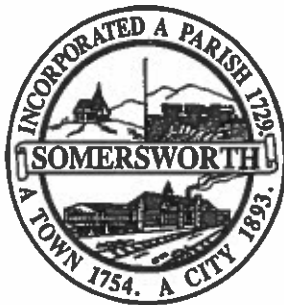
MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

Date: _____

2/10/21

By: _____





MEMORANDUM

To: Bob Belmore, City Manager

From: Scott Smith, Director of Finance and Administration

Date: February 11, 2021

Re: Monthly Report

Finance Department:

- Working with Departments on developing FY21-22 budget proposal.
- Participated in Union Negotiations
- Received draft Cyber Security audit report. Have started implementing some of the recommendations, following up on the final report.
- Bids:
 - Road Paving – Received 1/14/21
 - Franklin/Fremont CIPP Line Drain – Received 1/7/21
 - Library – Accessibility Analysis – Due 3/25/21

City Clerk:

- Prepared for and took minutes at two scheduled City Council meetings, and various standing committee meetings during the month.
- Started the 2020 Annual Report.
- Cash receipts for the month were \$5,762.
- Permits:
 - Somersworth Festival association – Frosty the Snowman Drive-by
 - Elizabeth Kenton – Public Demonstration

Tax Collector:

- Started preparation of the Notice of arrearage for property tax and utility bills.
- Motor vehicle registrations were a total of \$173,089 during the month.
- Collected \$5,740 for Municipal Transportation Fund during month.
- Total receipts for the month were \$2,548,952.

Library

- The Library started to inventory the collection and ensure the accuracy of the catalog.
- Staff has started weekly online story times and crafts.
- The Library had 1,487 visits in January.

Human Services:

- Total assistance for the month was \$2,350. That compares to \$5,469 for the month of December 2020 and \$8,331 for January 2020.
- 1 new case was opened compared to 4 in 2020.
- 4 cases were approved for varying levels of assistance. 29 cases were referred to other agencies for support.

Information Technology

- Spent time in general server maintenance, checked systems, checked and cleared logs.
- Prepared a quote for the FY20-21 financial server upgrade project. This project will be scheduled during the spring of 2021.

Assessing

- The Assessing Department is conducting year 1 of cyclical inspections.
- Started accepting abatement requests. Taxpayers can file until March 2021.

Date: January 31, 2021

To: Bob Belmore, ICMA-CM
City Manager

From: Michelle Mears, AICP
Director of Planning and Community Development & D.D.S. Staff

Re: Department of Development Services January 2021 - Monthly Report

In addition to the Department's various activities listed in the attached staff reports, City Staff attended or assisted with the following Land Use Board meetings all Via ZOOM:

- Zoning Board – January 6
- Conservation Commission – January 13
- Planning Board – January 20
- SRTC – January 13
- Historic District Commission meeting – No Meeting

Building and Health Departments:

Major Building Permits Applied for in December 2020

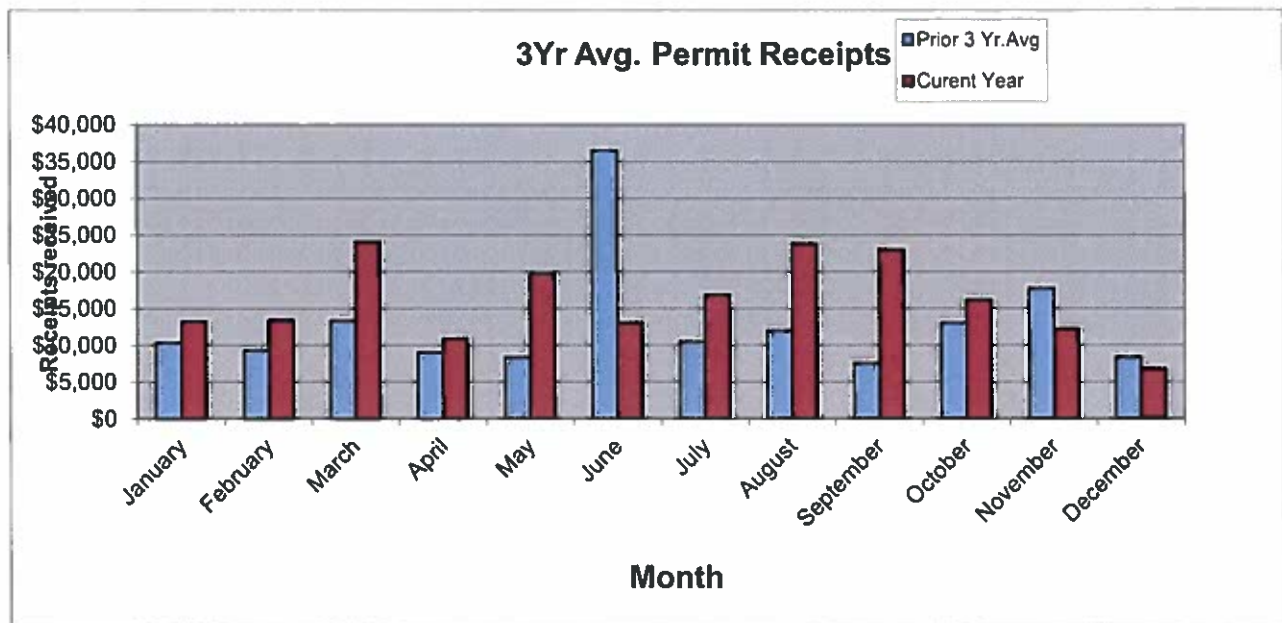
Address		Construction Costs	Fees
410	Sherwood Glen MI-IP	\$ 44,730.00	\$ 561.76
37	Whippoorwill Way	\$ 170,000.00	\$ 1,555.00
Totals		\$ 214,730.00	\$ 2,116.76

Minor Building Permits Applied for in December 2020

Address		Construction Costs	Fees
49	Salmon Falls Rd	\$ 22,500.00	\$ 227.50
9	Ford St	\$ 2500.00	\$ 47.50
24B	Maple St	\$ 4,000.00	\$ 61.00
17	Rocky Hill Rd	\$ 1,199.00	\$ 43.00
61	Indigo Hill Rd	\$ 5,000.00	\$ 70.00
28	Myrtle	\$ 3,820.00	\$ 60.00
249	High St	\$ 500.00	\$ 37.00
63	Sunningdale Dr	\$ 33,135.00	\$ 323.22
35	Pleasant	\$ 1,050.00	\$ 34.25
207	High St	\$ 19,703.00	\$ 202.33
Totals		\$ 93,407.00	\$ 1,106.00

Permit Receipts as of December 30TH, 2020

PERMIT RECEIPTS					
	2018	2019	2020	DIFFERENCE this year to last	% OF CHANGE
January	\$12,784.00	\$2,892.72	\$13,195.23	\$10,302.51	356.2%
February	\$4,087.20	\$14,382.00	\$13,438.09	-\$943.91	-6.6%
March	\$5,307.00	\$11,377.66	\$24,077.27	\$12,699.61	111.6%
April	\$7,899.24	\$12,091.95	\$10,871.58	-\$1,220.37	-10.1%
May	\$8,966.00	\$4,309.56	\$19,665.79	\$15,356.23	356.3%
June	\$7,652.50	\$91,825.41	\$13,079.55	-\$78,745.86	-85.8%
July	\$7,641.00	\$18,023.12	\$16,816.46	-\$1,206.67	-6.7%
August	\$4,329.00	\$21,606.17	\$23,823.08	\$2,216.91	10.3%
September	\$3,039.60	\$12,040.79	\$22,999.60	\$10,958.81	91.0%
October	\$7,291.00	\$25,228.33	\$16,152.79	-\$9,075.54	-36.0%
November	\$19,126.00	\$25,526.43	\$12,153.38	-\$13,373.05	-52.4%
December	\$14,154.00	\$8,211.20	\$6,765.03	-\$1,446.17	-17.6%
Year total	\$102,276.54	\$247,515.34	\$193,037.84	-\$54,477.49	
Difference of change this year to last (completed months only)	\$102,276.54	\$247,515.34	\$193,037.84	-\$54,477.49	-22.0%



Total Permits					
	2018	2019	2020	DIFFERENCE this month to last year's month	% OF CHANGE
January	29	41	63	22	34.9%
February	31	31	64	33	51.6%
March	43	51	62	11	17.7%
April	62	88	65	-23	-35.4%
May	84	59	77	18	23.4%
June	65	97	88	-9	-10.2%
July	91	85	94	9	9.6%
August	67	88	98	10	10.2%
September	56	69	117	48	41.0%
October	73	93	102	9	8.8%
November	50	85	72	-13	-18.1%
December	38	61	62	1	1.6%
YTD Totals	689	848	964	159	13.7%
Difference of changes this year to last year (Completed months only)	689	848	964	116	13.7%

Property Maintenance December 2020

*Notification Issue meaning: CN – Courtesy Notice; NOV – Violation Notice; COMPLAINT – Summons filed with Court

	Location	Complaint Type	Date of Complaint	Notifications Issued	Status
81	Franklin	Housing Violations	11/29/20	CN, NOV	COMPLETED
14/16	Franklin	Trash	12/11/20	CN, NOV	COMPLETED
17	Grand	Housing Issue	12/15/20	CN	COMPLETED
1	Granite Way	Trash	12/11/19	CN	COMPLETED
62	Green	Trash	12/16/20	CN	COMPLETED
472	High	MPV	10/30/20	CN	COMPLETED
114	High	Structure Violation	10/23/20	CN	COMPLETED
101	Indigo Hill Rd	Trash	11/29/20	CN	COMPLETED
334	Main	Trash	10/27/20	CN	COMPLETED
260	Main	Housing Issue	12/18/20	CN	COMPLETED
260	Main	Trash	12/15/20	CN	COMPLETED
50	Main	Housing Violation	12/15/20	CN	COMPLETED
283	Main	Trash	12/15/20	CN	COMPLETED
320	Main	Trash	11/30/20	CN	COMPLETED
192	Main	Housing Violation	12/17/20	CN	COMPLETED
103	Rocky Hill Rd	Trash	11/25/20	CN	COMPLETED
18	Rocky Hill Road	Trash	10/28/20	CN	COMPLETED
107	Rocky Hill Road	Trash	10/28/20	CN	COMPLETED
111	Rocky Hill Road	Trash	10/28/20	CN	COMPLETED
162	RT 108	Zoning Violation	11/21/19	CN	COMPLETED
165	RT 108	Dumpster	12/16/20	CN	COMPLETED
6	Union	Trash	12/1/20	CN	COMPLETED
85	W. High	MPV	12/10/20	NOV	COMPLETED
49	Cemetery	Dumpster	12/16/20	CN	PENDING
37	Franklin	MPV	10/20/20	CN	PENDING
41-43	Franklin	MPV	10/20/20	CN	PENDING
138/140	Green	MPV	12/20/20	CN, NOV	PENDING
55	Green	Trash	12/28/20	CN	PENDING

PLEASE NOTE – All matters shown as “Completed” were active matters which were closed in the month of December 2020 due to violations being brought into compliance. All matters shown as “Pending” are current, active matters.

- In the month of December, 2020, twenty-three (23) open matters became compliant and were closed.
- In December 2020, the Code Compliance Office issued:
 - Twenty (20) Courtesy Notices; and
 - Four (4) Violation Notices.

COURT MATTERS – Active

The following matters have been scheduled for a Case Status Hearing on January 27, 2020.

- **City v. Yuan Ze, LLC – 85 Washington Street (Shiva Market)**
 - Dumpster visible to public and parking lot signs deteriorated and inhibiting snow removal and pedestrian traffic on Constitutional Way sidewalk.
- **City v. Gopalkrishna Patel – 62/64 Market Street**
 - Wide variety of housing issues, including improper handrail height, exposed electrical wiring, leaking plumbing, malfunctioning electrical outlets, water penetration from roof.
 - The Code Dept. is working with the property owner, through counsel, to resolve this case prior to the hearing date. The majority of the violations have been addressed, but there are a few outstanding.
- **City v. Capco Properties – 355 Main Street**
 - Water penetrating windows of residential unit causing draft issues, mold / mildew issues.
 - The property owner has recently installed new windows to cure the violation. On 1/13/21, an inspection was performed to confirm the proper installation of the new windows. This case will be Nolle Pros'ed prior to the hearing.
- **City v. 17-31 Market Street Apartments, LLC**
 - Case revolves around the lack of painting on several staircases at 17-31 Market Street, pursuant to HDC orders to have stairs painted.
 - This is a longstanding issue, and one that could have been corrected easily by the property owner, therefore, the Code Dept. will be seeking monetary fines from the Court.
- **City v. Neale Hubbard (Owner of Cale's Auto) – 208 RT 108**
 - Suit was initiated due to several site plan violations present at the property, including the lack of a sufficient landscaping buffer between the property and the abutting residential homes, and, the prohibited parking of vehicles off of paved surfaces.

- **City v. Karen & Andrew Goldstein d/b/a KAB Realty – 48 Green Street**
 - Suit was filed in 2019 due to abhorrent living conditions within the lower-leftmost unit of 48 Green Street. A resolution could not be reached between the Code Dept. and the defendant; therefore, a trial was scheduled for March of 2020. Due to COVID, the trial was cancelled.
 - Since the filing of the suit in 2019, the tenants residing at the unit in question have since been evicted. Discussion is ongoing with counsel for the defendant regarding settlement. The Code Dept's position is that all violations must be cured prior to the re-leasing of the unit in question. Due to the nature of the violations at this property, as well as the investment of time into this case, monetary fines will be sought.
- **14 Indigo Hill Rd. –** Through counsel, the City moved for Summary Judgment against the property owner in early August. On September 4, 2020, Judge Howard ruled in the City's favor, ordering a civil penalty of \$33,550.00 to be paid to the City along with attorney's fees and costs.

Additionally, Judge Howard ordered a permanent prohibitory injunction against the property owner, requiring permanent compliance with state and local regulations. The property owner was thus ordered to clean the property of all junk and trash by September 25, 2020.

- Despite the order, the property owner has failed to clean the property. Therefore, the City is making arrangements to move onto the property, clean any refuse that exists, and bill the property owner, per the judge's order granting the City authorization to do so.
 - The Code Dept. is continuing to try to arrange for a forcible removal of all junk and trash at this property this season, but it is likely that the actual removal will take place in the Spring of 2021.
- **62 Green Street Apartments –** Through counsel, suit was filed against this property owner, Bill Goldstein, in mid-August. The City's motion sought preliminary and permanent injunctions against the storage of garbage on the premises.
 - On Friday, October 2, 2020, a telephonic hearing was held with regard to the temporary injunction. The judge took the matter under advisement, and we expect to receive his ruling by the end of this week (10/09/2020).
 - In late November, Judge Howard granted the City's petition for a preliminary injunction. Since that time, the property owner has increased monitoring of the property, and there has been a notable decrease in trash violations present at the property. Discussions are

ongoing between both parties' counsel to reach a settlement, and plan for compliance moving forward.

Land Use Boards:

Conservation Commission January 2021:

- Wentworth Douglass Hospital, 23 Works Way, in the Commercial Industrial (CI) District, Assessor's Map 61 Lot 14B, CUP# 08-2019. Application for conditional use permit for a 1-mile long nature trail in the wetland buffer was **tabled**.

Historic District Commission January 2021:

- There was no HDC meeting in January

Planning Board January 2021:

The Planning Board had no applications before them in January.

Site Review Technical Committee January 2021:

SRTC

- Geoffrey Aleva, PE. On behalf of Somersworth Industrial Park LLC, is seeking site plan approval to construct a 40,000 sf. Contractor storage and office building with associated infrastructure on a property located at 187 Route 108, in the Commercial/Industrial (CI) District, Assessor's Map 44 Lot 28, SITE# 01-2021

Zoning Board January 2021:

The Zoning Board of Adjustment reviewed the following:

- Samsav Realty LLC, 215-217 High Street, in the Residential Duplex (R2) District, Assessor's Map 14 Lot 47, ZBA# 11-2020. The Zoning Board made the following decisions for the request for variances of:
 - **Approval** of variance request for professional business office and personal service establishment.
 - **Denied** the request for a variance for trade craft establishment, medical dental services and artist studio.
- Daniel Vincent & Assiah Russell 21 Linden Street, in the Residential Single Family/ A (RIAH) District, Assessor's Map 11 Lot 118, ZBA# 12-2020. Application for a variance from Section 19.6.C.1a to allow the expansion of a non-conforming structure was **approved**.
- Mark Harrington Enterprise Drive, in the Commercial/Industrial (CI) District, Assessor's Map 48 Lots 24D & 24H, ZBA# 13-2020. Application for a variance from Table 4.A.5 to allow a moving & storage business was **tabled**.

Economic Development – January 2021

- **The January Highlight** is that the old Fairpoint building, located at 100 Tri-City avenue, was purchased almost a year ago. Since then, the building has been completely redesigned and constructed as an Incubator for Industrial Businesses. The refurbishment is “First-Class” and has already attracted four businesses. The site is 52, 138 SF and it has 20 units of Industrial space from 1,506 SF to 6,733SF. Units can be combined for a larger footprint too. This accomplishment is a huge asset for Somersworth!
 - ✓ The Police Station: An interested developer/investor has been waiting for the results of the Brownfields (environmental clean-up) application, and has recommitted his interest in the site, noting that he is “very patient”. He has a plan, and has made a commitment for a purchase and redevelopment of that site for a mixed-use concept
 - ✓ Aclara: The interested buyer and current owner extended *due- diligence* to allow for more time to explore environmental conditions, and the buyer is waiting for results from Aclara
 - ✓ The Plaza: An interested developer / investor presented his concept for the New Plaza (mixed -use) design to the City Manager. He will use the *Opportunity Zone* for capital
 - ✓ Sports Dome: The proposed Sports Dome for Route 108 is moving forward
 - ✓ Indonesian Cultural Center: is exploring options to establish its new Community Center
 - ✓ Brownfields: The City Manager is waiting for more information about the status of both the Police Station and Bretton Cleaners
- **New Commercial Vacancy and/or for Sale**
 - ✓ The old Fairpoint Building has been remodeled and converted into 20 beautiful, top-shelf Industrial- Incubator spaces, that are in the range of 1,506-6,733SF/overhead doors/16-21’ ceilings/HVAC/200 Amp electrical service/windows, office space/bathrooms. Four units are already in the process of being leased. 16 more units can be leased
- **Vacant Space Sold or Leased: New Tenants Secured and /or in Process**
 - ✓ Lucky’s - sold to a new owner who will lease the site to a business
 - ✓ The 10-acre City owned parcel - at Malley Farm is being seriously considered for the expansion of a growing Somersworth Business, that will use the *Opportunity Zone* for the purchase and construction of a new business facility
 - ✓ Sports Dome - Willand Drive (behind Hilltop Fun Center) is moving forward
 - ✓ Firestone Tire has it’s siding up, and construction will soon be completed
- **Tenant Prospects: Business – Exploring [considering] Somersworth**
 - ✓ The Police Station – Buyer pursues interest
 - ✓ The Plaza – A proposal has been presented to the City Manager
 - ✓ Aclara – Buyer/Developer pursues interest
 - ✓ Sports Dome – Buyer /Developer pursues Interest
 - ✓ Broadband/Solar Farm – 1 acre of land being sought

- ✓ A new storage unit is in the early stages of proposal for Route 108
- **Miscellaneous Business-Related Activity**
 - ✓ ERZ – 3 Businesses will apply for the ERZ for 2020
 - ✓ Food Truck – 3 businesses considered Food Truck service, which brought to the surface the need to update/revise the Hawkers/Peddlers Permit Application
 - ✓ Opportunity Zone - The first time since the zones were established, three businesses are considering using Opportunity Zone Funds
- **Upcoming Roundtables:**
 - ✓ All Cancelled due to COVID
 - ✓ Weekly ZOOM meetings include: (1) Seacoast Economic Development Stakeholders meeting (facilitated by SRPC) and (2) State -Wide Economic Development Directors meeting (facilitated by BEA) Commissioner Taylor Caswell
- **Community Advocacy ZOOM Meetings**
 - ✓ Weekly: Seacoast Region - Economic Development Roundtable
 - ✓ Weekly: State -BEA Economic Development Roundtable
 - ✓ Monthly: CIBOR meetings to promote available commercial sites
 - ✓ Quarterly: Great Falls Economic Development Corporation – BOD
 - ✓ Quarterly: Skyhaven Airport - BOD & Marketing Committee
- **Covid19**
 - ✓ **State and Regional Partnerships:**
 - BEA, SRPC, SEDC, SBDC, SBA
 - Seacoast Chambers of Commerce
 - Seacoast Economic Development Directors
 - ✓ **SEDS:** Participate in a weekly ZOOM with Seacoast Economic Development Directors as a “Response Team” for area business. The group includes seven (7) regular participants, and several weekly “guest” experts. The group cooperative has been named: “*Seacoast Economic Development Stakeholders*” (SEDS)
 - ✓ **SRPC:** Acts as a coordinator of the Seacoast Economic Development Directors, and organizes and hosts a weekly meeting of the group
 - ✓ **Communication:** Daily email sent to Somersworth business to provide support and information about resources for COVID-19 resiliency

Parks & Recreation- January 2021

- Due to the ongoing pandemic, our winter in-person programs and events have been canceled. Recreation staff are excited to rollout new challenges and activities that all Somersworth residents will have the opportunity to participate in. All of the challenges and

activities are free to participate in and we'll be raffling off some great prizes as incentives to help keep the community motivated.

- **Fit February Community Fitness Challenge-** Staff created a Community fitness challenge that will be open to all Somersworth residents in February. The goal of this friendly fitness challenge is to get at least 30 minutes (or more!) of physical activity at least 3 days per week in each week of February. Participants will use the challenge log sheet to help keep track of weekly fitness goals. We'll be raffling off four \$50 gift cards to those who complete their log sheet & send it in by Friday, March 5th. Recreation staff will be posting additional fitness resources on our Facebook page throughout the month of February to help keep everyone motivated.
- **Snow-Mation Contest-** Somersworth residents are invited to use their imaginations this winter and have some fun outside! Our Snow-Mation Contest is open now through March 12th and is free to enter. Contest categories are Best Snowman, Coolest Snow Fort, and Most Creative Snow Sculpture. Residents may enter each category once by completing the registration form and emailing the Rec Dept. photos of their snow creations by March 12th. All submitted photos will be added to our Facebook page and we'll allow our Facebook followers to vote for their favorite creations between March 15-21st.

Family Photo Bingo- Our new Family Photo Bingo game will be offered to all Somersworth residents February 1st-19th. Participants will snap photos of the activities and or things listed on the Family Bingo card. Once they complete a row of 5 either horizontally, vertically, or diagonally they can send in their photos to the Recreation Dept. to be entered into the raffle drawing. We're also requiring participants to complete a photo waiver so we can use photos to help promote the activity. We'll be choosing four winners that will each receive a \$25 gift card.

- **RECspiration** is our ongoing activity newsletter that was created in March 2020 when the pandemic first hit. We now have over 40 editions of RECspiration available on our website & Facebook page for community members to access. Our goal with RECspiration is to provide fun and exciting activities that encourage people to get exercise, to be creative, practice mindfulness, spend time outdoors, and so much more.

MEMORANDUM from Director Public Works & Utilities

TO: Robert M. Belmore, City Manager

DATE: February 11, 2021

SUBJECT: Public Works Department Monthly Report for January 2021

FROM: Michael Bobinsky, Director of Public Works & Utilities

DIRECTOR'S COMMENTS

Highlights of the Department's activities during this reporting period are as follows:

- Participated in FY22 Budget review sessions with the City Manager and Deputy City Manager.
- The City was recognized by Region 1 EPA for the Wastewater Industrial Pretreatment Excellence Award. This is in recognition of the overall management, operations and reporting of the City's Industrial Pretreatment Program and is a high honor for the WWTF personnel.
- Received road paving bids and reviewed proposals with the City Engineer
- Highway personnel were busy with multiple snow and ice storm events during the month of January. Highway equipment including plow trucks and sidewalk tractors have been utilized effectively with minimal downtown.
- Participated in a settlement negotiation session with Consolidated Communications and other seacoast communities dealing with dual utility pole problems.
- Attended SRPC Executive and Policy Committee meetings. Reviewed project updates, regional safety indicators and preparations for project applications in the State's 10-year plan.
- WWTF project update work is continuing with steady progress being made. The contractor has noted how COVID issues have impacted delivery of certain materials and staffing levels, but is working through it effectively.
- Held project discussions with project engineers involved with the TAP Grant and the CMAQ grant. Discussed issues with NHDOT project officials including response times for reviewing and approving design submittals. Responding to feedback from NHDOT on the TAP Grant ROW/Easement acquisition plan.
- Met with the City Manager and the Deputy City Manager on the EPA Great Bay Nitrogen Removal General Permit; prepared a memo on the permit and background on a proposed Inter-municipal Agreement for implementing core provisions of the Permit.
- Participated in an E-911 Committee meeting.
- Attended a Finance Committee meeting and City Council meetings during January.

HIGHWAY DIVISION

Operations / Maintenance:

- Performed monthly metal collections
- Performed maintenance and repairs to city equipment

- Performed pothole patching city wide
- Performed city trash collection at receptacles, and city buildings
- Trimmed road side trees and brush
- Responded to 8 winter events
- Performed annual Christmas tree collection 2 separate weeks
- Washed and greased trucks
- Installed new “Snow emergency Hotline” signs around the city to include smaller signs downtown
- Removed Christmas tree downtown
- Removed all decorations from downtown poles, library, and city hall
- Performed roadside trash collection
- Repaired broken barricades
- Installed new “No Trespassing” signs around Blackwater Landfill
- Filled salt barrels around city buildings
- Cleaned up Malley farm (removed logs, turned compost, moved chips)

Recreation:

- Cut and removed dead trees by the basketball courts at Blackwater Landfill
- Installed “Park Closed” signs at Millennium Park
- Performed trash collection in the parks
- Removed dead fallen trees at Mast point dam, and Willand Pond

Water Distribution Support:

- Assisted with a water break on Blackwater road
- Assisted with a water break on West High

Sewer Collections Maintenance:

- Responded to investigate a possible sewer back up on High St, problem was found to be a private issue
- Received 24 DigSafe requests

ENGINEERING DIVISION

- Wright-Pierce completed site survey of Rocky Hill Rd culvert.
- Attended Public Works & Environment Committee Meeting.
- Attended Seacoast Stormwater Coalition meeting.
- FY2021 Road Resurfacing bids received from 3 contractors.
- Observed additional inspection of Filter # 1 by Wright-Pierce and WesTech.
- Cemetery Road final documents expected to be issued for bid mid-February.
- Completed review and approvals of driveway permits filed by applicants in Sunningdale and Greenview subdivisions.
- Attended E-911 Committee meeting.

- Met internally to determine scope/sketch of Jules Bisson park improvements for LWCF grant.

WASTEWATER DIVISION

Operations/Maintenance:

- Operating under the (A20) process which is used during the winter months. During this time, we are not under a nutrient limit instead focused on treating Biochemical Oxygen Demand & Total Suspended Solids. The winter season runs from October 1st thru April 30th.
- The facility continues to be closed to the general public until further notice due to the coronavirus pandemic. Staff is practicing social distancing and have stocked up on necessary PPE supplies to combat the pandemic.
- We continue to learn more about the new Total Nitrogen Final General Permit that was recently adopted into law. We are now reviewing a formal Intermunicipal agreement as well as budget costs associated with water shed monitoring requirements. Each community has until March 31st to notify the EPA of their intent to accept it. Should any community decline to accept the new permit, they will be given the limit of technology (3.0 mg/l) within their individual NPDES permit.
- Experienced a high flow event on 1/16/21 which caused us to implement the high flow plan. During this time, we treated a maximum daily flow of 5.0 million gallons/day. In addition, we experienced a power bump which caused several pieces of equipment to trip out. No permit exceedances were recorded during this event.
- We didn't treat any septage for the month of January due to temporary construction activities within the offloading area.

Compliance:

- Preparing monthly reports to US-EPA and NH-DES.
- Reported two permit exceedances during the month of February. Notice of exceedance was reported to EPA as required.
- Completed the 2020 annual Septage report.
- Treated a total of 55-million gallons of wastewater during the month.

Industrial Pretreatment Program (IPP):

- We are experiencing excessive foaming conditions within our final treatment process. We believe it is from one of our industrial users and are reaching out to them individually to remind them of their responsibility to minimize foam within their discharge flow.
- Received our 2020 Regional EPA Industrial Pretreatment Excellence Award. This is a great honor and we are very proud of this achievement.

Capital Improvements Plan (CIP) Items:

- Waste Water Treatment Facility upgrade – The City of Somersworth has entered into a contract with Apex Construction to complete the upcoming facility construction improvements. Project milestones include substantial completion – August 15th, 2021. Final completion – November 13th, 2021.
- Recent construction activities include complete repair of the fire alarm system, Complete demo of the influent screening equipment, Shut down of the dewatering wells along the new clarifier, New piping in the basement for plant water, New walls within the dewatering room for a new control room. Painters are now onsite beginning to prime/paint the new walls.

WATER DIVISION

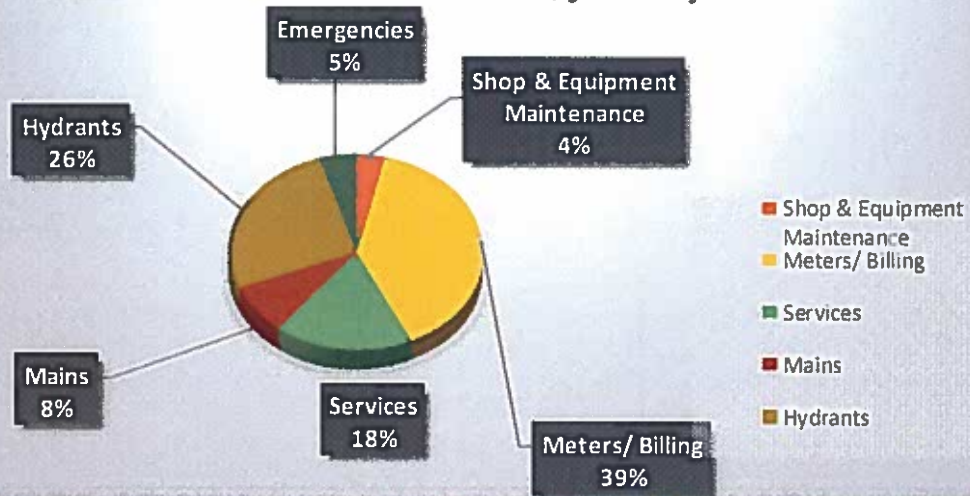
Items completed this month:

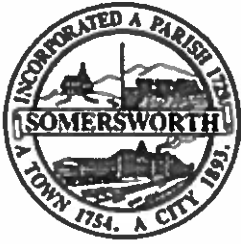
- Bacteria's and TOC's water quality testing completed
- Pumped 33,077,688 gallons of raw water
- Filtered and pumped to the city 30,920,977 of finished water
- Attended budget meeting with City management
- WesTech and Wright Pierce conducted more testing on filter # 1
- Reviewed annual SQC report with RMI
- Emery & Garrett requested information to complete well report
- Apex construction reviewed next steps to repair filter # 1
- Attended virtual conference meeting with NEWWA & NHWWA
- RJC electric repaired the control box on the sanitary sewer
- Back Bay repaired internet service line
- Began updating emergency response plan
- Responded to a resident inquiry regarding PFAS testing
- Service Experts responded to plant for boiler faults

WATER DISTRIBUTION

- Water Distribution operators completed over 90 work orders and service requests in the month of January.
- Main line valves were inspected and received maintenance as needed on Bartlett Street, Drew Road & South Street.
- Operators responded to several emergencies including a structure fire on Tates Brook Road and a water service break on Blackwater Road.
- As part of routine winter maintenance, hydrants were inspected and received maintenance as needed on several streets including Turgeon Way, Centre Street Daniel Street and Patricia Street.

Water Distribution Activities, January 2021





Somersworth Police Department

12 Lilac Lane

Somersworth, NH 03878

Business: (603) 692-3131 Fax: (603) 692-2111

David B. Kretschmar
Chief of Police

MEMORANDUM

Memo To: Bob Belmore, City Manager
From: David Kretschmar, Chief of Police
Date: February 8, 2021
Subject: Monthly Report – Month of January 2021

Bob:

Below are some of the activities of our Department for the month of January:

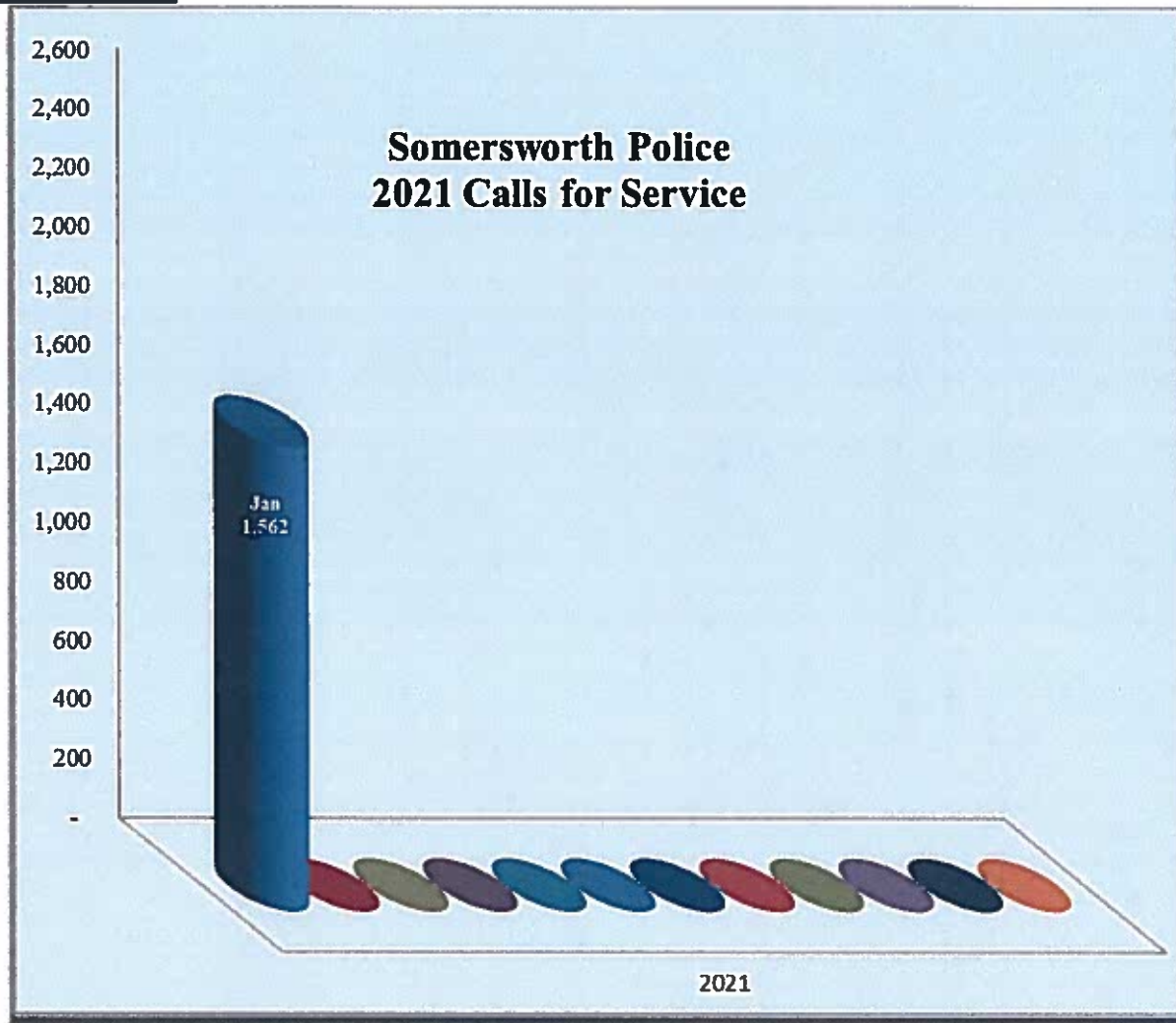
COMMUNITY POLICING:

- There was no community policing activities due to COVID-19 for the month of January.

STAFFING/TRAINING:

- We hired Certified Officer Timothy Seawards from Barrington Police Department on 1/18/21. Officer Seawards graduated from Somersworth High School and was raised in Rollinsford.
- During the month of January officers completed the following training classes: FLETC Leadership Series – A Marshals Service Perspective, ACERT – ACES & Trauma – Working towards Resiliency, Mental Health Awareness, Field Training Officer School and Active Shooter Incident Management – SRO Conference.

STATISTICS:



Yearly Comparison

Month	2021	2020	2019	2018
January	1,562	1,939	1,976	2,085
Feb		1,756	1,796	1,878
March		1,926	2,145	2,215
April		1,846	2,285	2,452
May		1,708	2,053	2,409
June		1,749	1,935	2,406
July		1,949	2,048	2,174
August		1,847	1,943	2,238
Sept		1,875	2,020	2,263
Oct		1,937	1,906	2,123
Nov		1,717	1,860	2,055
Dec		1,513	1,995	1,936
TOTAL	1,562	21,762	23,962	26,234



City of Somersworth

Fire Department

195 Maple Street – Somersworth, NH 03878-1594



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11 February, 2021

To: Mr. Robert Belmore, City Manager

Re: January 2021 Monthly Fire Department and Emergency Management Report

1. The SFD worked with the City of Dover and Strafford County Public Health to complete correct fire and life safety discrepancies at the Willand Warming Center.
2. Emergency management worked with Department Heads and County Public Health to plan for vaccinating at-risk elderly Housing Authority citizens in Phase IB.
3. The Architect, Construction Manager and myself communicate frequently to refine plans for the New Fire Station. Department members are involved in reviewing concepts and brain storming ideas.
4. Conducted ice and cold-water rescue training, cancer awareness and prevention training, and roadway incident safety training.
5. Call Volume this month with a comparison to last year:

	January 2021	January 2020
EMS Related	72	54
MVA no injuries	3	8
Down Power Lines	0	1
Fires (all types)	8	3
All Other Hazards	45	39
Total	128	105

6. We continue to receive outstanding cooperation and response from Stewart's Ambulance Service. Average response time for the latest reporting period of November 2020 is an excellent 4:41.

Respectfully submitted

George D. Kramlinger
Fire Chief / EMD
City of Somersworth



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To: Mr. Robert Belmore, City Manager

Re: Fire Department CIP Request for FY22

1. Mr. Manager, the FY22 CIP includes \$28,569 for five (5) mobile radios for the Fire Department.
2. I propose we only purchase two (2) radios to update Foresrey-1 and Engine-3 (spare pumper). Cost would be reduced to \$11,428 – a saving of \$17,141.
3. We do not require the additional three (3) radios as we plan to sell Engine-2, a new radio is included in the new Fire Station, and the Chief's vehicle has portable radios that can be used in place of a second mobile radio.
4. Please contact me with any questions or concerns.

Thank you

George

*Budget Prep
info
presented to
Public Safety
Comm. / BS*

*Presented
To Public Safety
Comm.
AB*

February 1, 2021

City of Somersworth Public Safety Committee

Fire Station Project Update

Construction Manager

The design team's focus has been to provide the construction manager (CM) with a schematic design (SD) set of drawings so that they could prepare a preliminary cost estimate. That estimate was started several weeks ago, the SD project drawings and engineering narratives have been sent to subcontractors and the estimate should be ready for review at the end of this week/beginning of next week.

The CM assisted the City and solicited bids for a Hazmat survey. The City awarded a contract to assess the existing fire station for hazardous materials, a HAZMAT survey has been done, and the results could be issued in the next week or so.

Civil Engineering

The civil engineers, Hayner/Swanson have completed a SD progress set of drawings addressing utilities, construction phasing and site drainage. There is a STRC meeting scheduled for Weds.02/03 @ 2:00pm to review the civil drawings and construction details. The civil engineer asked for clarification on the Lot Consolidation (R.O.W.) issue.

The CM has notified the electrical and gas utility companies of the project and will continue to coordinate new services once final connection loads are determined.

Architects

Schematic design drawings are complete and design development (DD) is underway, starting with coordination with the MEP & structural engineers. Areas of focus (at a minimum) are finalizing building materials, wall types, finishes, lighting, door hardware/access control, station alert systems, Owner equipment, IT requirements and extent/phasing of demolition. There will be a "temporary occupancy" drawing for the department to occupy Phase 1 while Phase 2 is constructed. Code review continues and fire separations are being detailed.

The structural engineer is focused on roof framing layouts, load bearing and foundation details.

MEP Engineers

The mechanical, electrical and plumbing (MEP) engineers produced written narratives for the SD phase and are now compiling DD drawing packages. Coordination with the architects and civil engineers is critical as the drawings and specifications progress. The MEP engineers will also create a fire protection outline scope of work and narrative. The successful F/P subcontractor will submit on the actual wet/dry sprinkler layouts.

Schedule

Design Development is scheduled for completion in mid-March, Construction Documents completed in May. Abatement / Demolition and site work could start in June.