




Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager 
DATE: Friday, February 26, 2021
SUBJECT: City Manager's Report for Monday, March 1, 2021

Unfinished Business (under Section 14 of Agenda)

Ordinances

- A. **Ordinance No. 12-21:** To Amend Chapter 19, Zoning, Section 13 – Riparian and Wetland Buffer District Ordinance. Again, the Public Works & Environment Committee reviewed the recommendations from Scott Orzechowski, Chairman of the Conservation Commission. Scott Orzechowski will be available for any questions.

Resolutions

- A. **Resolution No. 32-21:** City Council Vote to Restructure the Membership of the Sustainability Committee.
- B. **Resolution No. 33-21:** A Vote to Affirm the City of Somersworth's Commitment to the Sustainability of the Somersworth Youth Connection Program. Again, the School Board and Somersworth Youth Connection Task Force have voted to support this Program and the Resolution itself.

New Business (under Section 15 of Agenda)

Other

- A. **Vote to Approve and Authorize the City Manager to sign the following Grant agreements as requested by the Somersworth Housing Authority:**
- **Agreement to Subordinate to Rental Assistance Demonstration Use Agreement Somersworth RAD – CDBG Funds**
 - **Subordination Agreement as requested by the Somersworth Housing Authority**

Attached are the documents that I would be authorized to sign upon approval. City Attorney has reviewed these documents without any objection or concern noted by him. Somersworth Housing Authority Executive Director Debbie Evans will be available for any questions.

- B. Vote to Approve Two (2) Additional Street Lights on Willand Drive (Recommended by Public Works & Environment and Traffic Safety Committee).** Public Works & Environment Committee met on February 16th and voted to support the additional street lights. Traffic Safety Committee met on February 23rd and also voted to support the recommendation. I have attached a Memorandum from Mike Bobinsky, along with a copy of City Ordinance, Chapter 15, Poles & Wires.

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

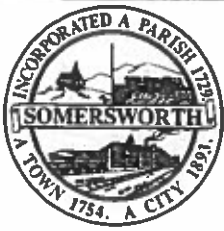
A. Projects out to Bid/RFP

- **Bid - Cemetery Road Complete Street Project.** Deadline is 2:00 p.m. on March 18
- **RFP - Architect/Engineering Serves for Feasibility Study for Accessibility at the Public Library.** Deadline is 2:00 p.m. on March 25.

B. Informational Items

1. Upcoming City Council Meetings & Workshops.

- **Monday, March 8**
 - 6:00 pm: Joint City Council & School Board Budget Workshop
- **Saturday, March 13**
 - 8:30 am: City Council Goal Setting Workshop
- **Saturday, April 3**
 - 8:30 am: City Council Budget Workshop - Non-Profits & City Departments
- **Monday, April 5**
 - 6:00 pm: FY 21/22 Budget Presentation
 - 7:00 pm: FY 21/22 Budget Public Hearing/City Council Meeting
- **Monday, April 12**
 - 7:00 pm: City Council Special Budget Meeting



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.I. 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.2. 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	
Sponsored by Councilors: David A. Witham Martin P. Dumont Sr. Matt Gerding	Approved: City Attorney

City of Somersworth – Ordinance 12-21

History

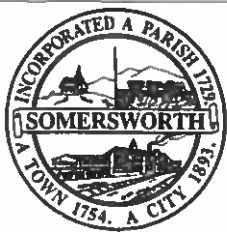
First Read Date:	02/16/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

02/16/2021

Councilor Gerding made a motion to waive Council rules to allow for a first reading of Ordinance No. 12-21 by title only. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote. City Clerk Slaven performed a first reading of Ordinance No. 12-21 by title only. Ordinance No. 12-21 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 // 2021	Ordinance 12-21	PASSED	FAILED



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

City of Somersworth – Resolution 32-21

History

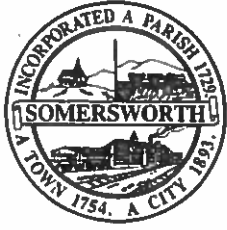
First Read Date:	02/16/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

02/16/2021

Resolution No. 32-21 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 32-21		PASSED	FAILED



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

02/16/2021

Resolution No. 33-21 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 33-21		PASSED	FAILED

Bob Belmore

To: Bob Belmore
Subject: FW: Somersworth 2015 CDBG Mortgage
Attachments: #23 - RAD Subordination Agreement - CDBG Mortgage - (Version 1) 2021-02-12.docx;
#23 - Subordination City of Somersworth - Existing CDBG Mortgage (Version 1)
2021-02-12.docx; 4329-542.pdf

From: Gregory A. Chakmakas <gchakmakas@sheehan.com>

Sent: Thursday, February 18, 2021 11:01 AM

To: Bob Belmore <bbelmore@somersworth.com>

Cc: Deborah I. Evans (dievans@somersworthhousing.org) <dievans@somersworthhousing.org>; Kenneth A. Viscarello <KViscarello@sheehan.com>; Valerie April <vapril@sheehan.com>; Steve Schuster <sschuster@evernorthus.org>

Subject: Somersworth 2015 CDBG Mortgage

Mr. Belmore,

On behalf of the Somersworth Housing Authority please allow this to serve as a summary of our request to subordinate a certain CDBG mortgage to the financing we will obtained to facilitate the rehabilitation of certain affordable housing projects in Somersworth, NH.

As you may know, the Somersworth Housing Authority granted the City of Somersworth a Mortgage Deed recorded in the Strafford County Registry of Deeds at Book 4329, Page 542 (pdf copy attached) to secure the performance of the Somersworth Housing Authority's covenants and obligations arising under the Subrecipient Agreement to expend the CDBG funds on certain energy improvements at Nadeau Homes, Bartlett Ave and Verona Street, Somersworth, NH.

Now, the Somersworth Housing Authority is in the process of structuring a transaction to rehabilitate several of its multi-family affordable housing projects through the conversion of those projects from public housing to Section 8 assistance under the Rental Assistance Demonstration ("RAD") program, pursuant to Public Law 112-55. In addition to the RAD program, Somersworth Housing Authority will also utilize tax exempt bond financing and equity funding through the syndication of Low Income Housing Tax Credits to cover the costs of the renovations.

To utilize the funding sources mentioned, the existing CDBG Mortgage must be subordinated. Attached are copies of the 2 subordination agreements we need the City to sign. I note that the subordination of CDBG Mortgages, like this one, is customary in affordable housing transactions. Without a subordination, it would not be possible to obtain the necessary funding to renovate the projects as those financing sources require CDBG funds to take a junior position.

Thank you for your time and attention to this matter. In terms of timing, this is one of the final items on our closing checklist to resolve. Any help you could provide to expedite this would be much appreciated. If you have any questions or concerns, please feel free to contact me. I would be happy to discuss.

Sincerely,

Greg A. Chakmakas

SHEEHAN PHINNEY

Sheehan Phinney Bass & Green PA

1000 Elm Street, 17th Floor

Manchester, NH 03101

T 603.627.8272

F 603.641.8769

gchakmakas@sheehan.com

www.sheehan.com

MORTGAGE DEED

Somersworth Housing Authority, a New Hampshire non-profit corporation, with a mailing address of 25 Bartlett Ave, Somersworth, New Hampshire, 03878 ("Mortgagor"), for, and in consideration of, Four Hundred and Seventyfive Thousand Dollars (\$475,000) in the form of a Community Development Block Grant ("CDBG") in said amount for the purpose of energy improvements at the Nadeau Homes, Bartlett Ave and Verona Street, Somersworth, New Hampshire, pursuant to the terms of a Subrecipient Agreement of September, 2015 between Mortgagor and the CITY OF SOMERSWORTH, a New Hampshire municipal corporation, having principal offices at One Government Way, Somersworth, New Hampshire 03878 ("Mortgagee"), and does hereby grant and convey unto the said Mortgagee, its successors and assigns, with MORTGAGE COVENANTS, certain tracts or parcels of land situated at Bartlett Ave and Verona Street, Somersworth, Strafford County, New Hampshire, more particularly described as follows on EXHIBIT A attached hereto:

This mortgage is given to secure the performance of the Mortgagor's covenants and obligations arising under the said Subrecipient Agreement with Mortgagee to expend the CDBG funds on energy improvements at Nadeau Homes, Bartlett Ave and Verona Street, Somersworth, New Hampshire and to maintain for the twenty year services benefit period for low and moderate income persons, as defined in said Subrecipient Agreement. Upon default of this condition, Mortgagee shall have the right on behalf of the New Hampshire Community Development Finance Authority, to recover all of the CDBG funds expended on said improvements, or such a portion thereof as, under terms of the Subrecipient Agreement, may be determined to be due and payable over the twenty year term as the Mortgagor and Mortgagee shall agree with the approval of the said Community Development Finance Authority.

PROVIDED, NEVERTHELESS, that if the said Mortgagor, its successors and assigns shall faithfully perform its covenants and obligations as set forth in the said Subrecipient Agreement in accordance with the foregoing condition, this mortgage shall terminate and be void; otherwise to remain in full force.

IT IS FURTHER AGREED that, on failure of the performance of the said conditions, Mortgagee shall have the statutory POWER OF SALE.

The covenants herein contained shall bind, and the benefits and advantages shall issue to the respective successors and assigns of the parties.

This mortgage is subject to and subordinate to all existing mortgages and all future mortgage(s) that secure funds to be used for anticipated. If alternative financing is used to either refinance that debt, this Mortgage Deed will automatically, without any further action, be subordinate to such future mortgage financing.

WHEREFORE, the Mortgagor executed this mortgage on this 2nd day of October, 2015.

Somersworth Housing Authority
(a New Hampshire non-profit corporation)

By: Deborah Evans
Name: Deborah Evans
Title: Executive Director

STATE OF New Hampshire
COUNTY OF STRAFFORD

On this 2nd day of October, 2015, personally appeared before me the above named Deborah Evans who acknowledged that she executed the foregoing on behalf of Somersworth Housing Authority as its Executive Director.

Before me,
Tamara J. Moore

Notary Public/Justice of the Peace
TAMARA J. MOORE, Notary Public
My Commission Expires August 22, 2017

My commission expires:



DESCRIPTION OF N.H. 6-1.
SOMERSWORTH HOUSING AUTHORITY

PARCEL 1:

A certain tract or parcel of land with the buildings thereon and known as Project Number N.H. 6-1, Somersworth Housing Authority, also known as Bartlett Avenue Project, located on the Northerly side of Bartlett Avenue and Westerly of High Street in the City of Somersworth, Strafford County, State of New Hampshire, as shown on a Site Plan, Somersworth Housing Authority Bartlett Avenue, Cass Street and Verona Street, Somersworth, New Hampshire, dated December 20, 1988, Terrascan Engineers. Surveyors to be recorded and more particularly described as follows:

Beginning at the Southeast corner of said parcel, at a granite post (FND Broken Off) and thence running N 56° 51' 27" W for a distance of 551.00' to a steel stake, thence turning and running N 33° 21' 33" E a distance of 383.95' to a steel stake, thence turning and running N 59° 34' 59" E for a distance of 131.64' to an iron fence post, thence turning and running S 57° 54' 27" E for a distance of 429.93' to an iron post, thence turning and running S 37° 18' 56" W for a distance of 121.33' to a steel stake, thence turning and running S 58° 20' 49" E for a distance of 50.04' to an iron stake, thence turning and running S 42° 35' 58" W for a distance of 102.30' to an iron stake, thence turning and running S 58° 05' 07" E for a distance of 50.00' to an iron stake, thence turning and running S 42° 04' 19" W for a distance of 39.46', thence S 42° 35' 58" W for a distance of 100.00' to an iron stake, thence turning and running S 58° 05' 07" E for a distance of 9.84' to an iron post, thence turning and running S 33° 21' 33" W for a distance of 152.73' to the point of beginning.

Additionally, any right, title, and interest accruing by adverse possession to the area designated on said plan as "fence encroachment" in the Northwesterly portion of this parcel and abutting land now or formerly owned by Jane Ann McQuillen, noted on said plan as map 15, lot 12.

PARCEL 2:

A certain tract or parcel of land with the buildings thereon and known as 15 Bartlett Avenue, located on the Northerly side of Bartlett Avenue and Westerly of Cass Street as shown on a site plan Somersworth Child Care Center, 15 Bartlett Avenue, Somersworth, New Hampshire, Joy and Hamilton Architects, Inc., dated December 12, 1990 to be recorded and described as follows:

Beginning at a point at the Southeast corner of said parcel marked by a steel stake and thence running N 59° 22' 12" W for a distance of 90.22' to a steel stake, thence running N 75° 25' 57" W for a distance of 181.50' to a steel stake, thence turning and

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running N 04° 03' 23" W for a distance of 211.05' to a steel stake, thence turning and running 75° 25' 57" E for a distance of 412.15' to a steel stake, thence turning and running S 33° 21' 33" W for a distance of 237.63' to the point of beginning.

PARCEL 3:

A certain tract or parcel of land being a portion of land formerly known as "Verona Street", a road which was never constructed and was discontinued, abandoned, and given up by the City of Somersworth by Resolution Number 17-92, approved by the City Council on February 24, 1992 and therefore reverting to the abutters of said abandoned parcel, and more particularly described as follows:

Beginning at the Northeast corner of parcel 2 and the Southeast corner of the subject parcel and running along Cass Street S 33° 21' 33" W to the center of so-called Verona Street, thence turning and running Westerly along the centerline of so-called Verona Street to a point that would be intersected by extending the Westerly boundary of parcel 2 Northerly to the center of so-called Verona Street, thence turning and running Southerly to the Northwest corner of parcel 2 and Southwest corner of the subject parcel, thence turning and running S 75° 25' 57" E 412.15' along the Northerly boundary of parcel 2 to the point of beginning.

Subject to any existing easements over said so-called Verona Street; no representation is made hereby to the existence of any easements or lack thereof.

PARCEL 4:

A certain tract or parcel of land being a portion of land formerly known as "Lenox Street", a road which was never constructed and was discontinued, abandoned, and given up by the City of Somersworth by Resolution Number 17-92, approved by the City Council on February 24, 1992 and therefore reverting to the abutters of said abandoned parcel, and more particularly described as follows:

Beginning at the Southwest corner of parcel 2 and the Southeast corner of the subject parcel and running N 04° 03' 23" W for a distance of 211.05' and then an additional distance to the centerline of so-called Verona Street and the Northwest corner of parcel 3, thence turning and running Westerly at an angle parallel to so-called Verona Street to the center of so-called Lenox Street, thence turning and running Southerly to the centerline of so-called Lenox Street to Bartlett Avenue, thence turning and running Easterly to the point of beginning.

Subject to any existing easements over said so-called Lenox Street; no representation is made hereby to the existence of any easements or lack thereof.

BK 1613760205

RECORDING REQUESTED BY

Kenneth A. Viscarello, Esq.
Sheehan Phinney
1000 Elm Street
Manchester, New Hampshire 03101

AND WHEN RECORDED RETURN TO:

Kenneth A. Viscarello, Esq.
Sheehan Phinney
1000 Elm Street
Manchester, New Hampshire 03101

Recorder's Stamp

**AGREEMENT TO SUBORDINATE TO RENTAL ASSISTANCE DEMONSTRATION
USE AGREEMENT
Somersworth RAD
CDBG Funds**

This Agreement to Subordinate to Rental Assistance Demonstration Use Agreement (the "Subordination") is entered into this ____ day of March, 2021, by the City of Somersworth, a New Hampshire municipal corporation (the "Lender" or "Agency"), and Somersworth RAD Limited Partnership, a New Hampshire limited partnership (the "Project Owner"), collectively, the "Parties."

WHEREAS, the Parties executed that certain Mortgage Deed ("Subordinate Document") dated as of October 2, 2015 and recorded in the and recorded with the Strafford County Registry of Deeds ("Recorder's Office") at Book 4329, Page 542; and

WHEREAS, HUD has authorized the conversion of Somersworth RAD (the "Project") located upon the real property described on Exhibit "A" attached hereto, from public housing to Section 8 assistance under the Rental Assistance Demonstration ("RAD") program, pursuant to Public Law 112-55; and

WHEREAS, as a condition of the RAD conversion, the Owner executed a Rental Assistance Demonstration Use Agreement dated and recorded as of substantially even date herewith (the "RAD Use Agreement") for the benefit of HUD; and

WHEREAS, HUD requires as a condition of the RAD conversion that the Parties agree to subordinate the Subordinate Document to the RAD Use Agreement;

NOW THEREFORE, let it be known to all interested parties, that for good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned do hereby agree:

1. So long as the RAD Use Agreement, and all extensions thereto, be in effect, the Subordinate Document shall in all respects be subordinate.
2. Subordination extends to and continues in effect with respect to any future amendment, extension, renewal, or any other modification of the RAD Use Agreement or the Subordinate Document.
3. In the event of conflict between/among the Subordinate Document and the RAD Use Agreement, the RAD Use Agreement controls.
4. The following amendments to the Subordinate Document require the prior written consent of HUD: Any amendment to any HUD-required provisions in the Subordinate Document, an increase in the interest rate, an increase of the total indebtedness, an acceleration of the amortization or payment schedule, and any changes that would preclude or impair a reasonable opportunity to cure any defaults by the Project Owner under the Subordinate Document.
5. This Subordination will survive bankruptcy and foreclosure.
6. This Subordination may be signed in counterparts.
7. The invalidity, in whole or in part, of any of the provisions set forth in this Subordination, shall not affect or invalidate any remaining provisions.
8. This Subordination and every covenant hereof shall be binding upon the Parties and their respective successors and assigns. This Subordination shall not be modified or amended except by a written instrument executed by all parties hereto and approved in writing by HUD.

[SIGNATURE PAGE(S) TO FOLLOW]

In witness whereof, the parties have executed this Subordination as of the date first written above.

Lender/Agency:

CITY OF SOMERSWORTH

By: _____

Name:

Title:

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

I, _____, a Notary Public of the County and State aforesaid, certify that _____, the _____ of the City of Somersworth, either being personally known to me or proven by satisfactory evidence, personally came before me this day and acknowledged that he/she, being authorized to do so, voluntarily executed the foregoing on behalf of said City of Somersworth for the purposes state therein.

Notary Public

My commission expires: _____

[Seal]

Project/Owner:

SOMERSWORTH RAD LIMITED PARTNERSHIP

By Its General Partner: SHA Homes, Inc.

By: _____

Deborah I. Evans, President

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

I, _____, a Notary Public of the County and State aforesaid, certify that Deborah I. Evans, as President of SHA Homes, Inc., the general partner of Somersworth RAD Limited Partnership either being personally known to me or proven by satisfactory evidence, personally came before me this day and acknowledged that she, being authorized to do so, voluntarily executed the foregoing on behalf of Somersworth RAD Limited Partnership for the purposes state therein.

Notary Public

My commission expires: _____

[Seal]

SUBORDINATION AGREEMENT

For value received, the **City of Somersworth**, a New Hampshire municipal corporation, holder of a Mortgage Deed from **Somersworth Housing Authority**, a New Hampshire public body corporate and politic, recorded in the Strafford County Registry of Deeds at Book 4329, Page 542, hereby subordinates the Mortgage Deed to:

- (i) the Land Use Restriction Agreement for Low-Income Housing Tax Credits by and between Somersworth RAD Limited Partnership and the New Hampshire Housing Finance Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.
- (ii) the Risk Share Land Use Restriction Agreement for Low-Income Housing by and between Somersworth RAD Limited Partnership and the New Hampshire Housing Finance Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.
- (iii) the NHHFA Bond Regulatory Agreement by and between Somersworth RAD Limited Partnership and the New Hampshire Housing Finance Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.
- (iv) the Mortgage, Security Agreement and Fixture Filing (Risk Share) from the Somersworth RAD Limited Partnership to the New Hampshire Housing Finance Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.
- (v) the Collateral Assignment of Leases and Rents from the Somersworth RAD Limited Partnership to the New Hampshire Housing Finance Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.
- (vi) the Mortgage from the Somersworth RAD Limited Partnership to the Somersworth Housing Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.
- (vii) the Mortgage Deed from the Somersworth RAD Limited Partnership to the Somersworth Housing Authority, dated March ___, 2021 and recorded in said Registry at Book ___, Page ___.

In all other respects, the above referenced security instruments shall remain in full force and effect.

EXECUTED this _____ day of March, 2021.

CITY OF SOMERSWORTH

By: _____

Name:

Title:

Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

This instrument was acknowledged before me this _____ day of March, 2021 by _____, duly authorized _____ of the City of Somersworth, a New Hampshire municipal corporation, on behalf of the corporation.

Notary Public/Justice of the Peace

My Commission Expires: _____



MEMORANDUM from Director Public Works & Utilities

Date: February 5, 2021

To: Bob Belmore, City Manager

From: Michael J. Bobinsky, Director of Public Works and Utilities

Cc: Scott Smith, Deputy City Manager

Amber Ferland, City Engineer

Re: Additional Street Lights on Willand Drive

Department staff was asked to look into the cost and feasibility of installing additional street lighting on Willand Drive due to minimal existing lighting on the street. Current street lighting consists of two (2) street light, one at the intersection of Willand Drive at Route 108 and another light at approximately 10 Willand Drive, across from Aero Manufacturing.; the street has several utility poles with wires, transformers and other equipment attached. Staff contacted Eversource officials to consider where two (2) additional light fixtures could be installed and to learn costs. The following summarizes the costs:

Installation Costs: Eversource estimated cost	\$285
---	-------

Light Fixture Costs: 2 50-Watt LED Lights \$207 each * 2=	<u>\$414</u>
---	--------------

Total costs of fixtures and installation costs:	\$699-\$700
---	-------------


Estimated annual power costs	\$266
------------------------------	-------

Eversource confirmed which poles can accept a street light fixture and updated the attached map showing the proposed locations. Attached is a copy of an aerial map showing existing and proposed street light placements.

Let me know if you have any questions or need additional information.



Legend

 Tax Parcels



Proposed Street
Light (55W LED)

LIGHT WILL BE
INSTALLED ON 701A/7

LIGHT WILL BE
INSTALLED ON 701A/14

Existing Utility Pole
with Street Light

Utility Pole, Typ.

Proposed Street
Light (55W LED)

Existing Utility Pole
with Street Light

NH Route 108

Commercial Dr

Withland Dr

CHAPTER 15

POLES & WIRES

Section 15.1

No person or corporation shall be permitted to erect in any street or public highway in the City of Somersworth any telegraph, telephone, electric light or electric power poles and structures, except if they first obtain from the City Council a license to do so.

Section 15.2

Licenses for the purpose mentioned in the first section hereof shall only be granted upon the conditions that upon streets within the compact parts of the city none but straight poles shall be erected, and only at such points as shall be specified by the City Council, or by some person duly authorized by the City Council to fix such points; that such poles shall be kept neatly painted and in an erect position; that space shall be reserved at the top of all such poles for telephone, fire alarm and police signal wires used for municipal purposes; that such poles and structures shall be erected under the supervision of the Street Commissioner of the City or some person designated by the City Council.

Section 15.3

If any person or corporation to whom a license shall be granted under the provisions of this chapter shall fail to comply with the conditions of the license granted them, they shall be subject to a fine of not less than five nor more than twenty dollars for such violation, and to a penalty of twenty dollars for each and every thirty days any pole or structure shall be maintained in violation of said license, and also such license may be revoked by the City Council.

Section 15.4 Street Lighting Request Policy.

- A. Purpose of Policy. In the City of Somersworth surroundings can vary dramatically. This policy is intended to provide a uniform procedure to be used by the City Staff, Traffic Safety Committee and City Council for review and approval or denial of streetlight requests, based on Purpose of Streetlights and Considerations.
- B. Purpose of Streetlights. Streetlights are intended to: (1) light roadway features such as edge of pavement, intersections, sharp curves, dead-ends; (2) light obstructions such as median strips and bridge piers; and (3) provide pedestrian safety. Streetlights are provided primarily for street traffic safety. Streetlights do provide an indirect benefit to security, however, should not be installed solely for security purposes unless a traffic safety benefit can be justified.
- C. Considerations. The City Staff, Traffic Safety Committee and City Council will consider roadway safety, all associated costs, excess lighting onto nearby homes, energy

consumption and if the requested streetlight is illuminating a public road when making recommendations and decisions about new streetlight installations.

D. Procedure. Residents, City Staff or City Councilors may make written requests for streetlights. All requests will be reviewed by the City Manager and forwarded to the Traffic Safety Committee for evaluation. The Traffic Safety Committee's recommendation will be forwarded to the City Council for action. If the request is denied by the City Council, the City Manager will inform the resident making the request. If the request is approved, the City Manager will inform the resident making the request and place the order with the appropriate electric company.

(Section 15.4 passed 04/17/2006.)