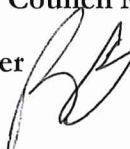


Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager 
DATE: Friday, October 6, 2023
SUBJECT: City Manager's Report for Monday, October 9, 2023 City Council Meeting

Unfinished Business (under Section 15 of Agenda)

Resolutions

- A. Resolution No. 14-24: To Authorize the City Manager to contract with J&B Contracting of Dover, New Hampshire for the Replacement of the Willand Pond Trail Bridges. Again, the Finance Committee voted to recommend J&B Contracting who provided the lowest proposed cost.

New Business (under Section 16 of Agenda)

Ordinances

- A. Ordinance 1-24: Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department. The Finance Committee met on September 20th and voted to recommend to the full Council this Supplemental Appropriation by a vote of 2-1 with Councilor Matt Gerding recusing himself. Attached is a copy of the information provided by School Business Administrator Katie Krauss to the Finance Committee regarding the School Board's request. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, October 24, 2023, in accordance with the City Charter as noted in the proposed Ordinance.
- B. Ordinance 2-24: To Amend Chapter 19, Zoning, Section 4 Use Regulations, Section 33 Solar and Section 4 Table 4.A.6 Use of Solar. These Zoning changes were approved by the Planning Board. Attached is a Memorandum from Development Services Director Michelle Mears outlining these changes. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, October 24, 2023 in accordance with City practice for passage of Ordinances.

Other

- A. Vote for the Use of a Realtor for the Sale of the Former National Guard Readiness Center Property (as recommended by the Economic Development Committee). The Economic Development Committee met on September 19th and the Committee recommends to full Council that the City hire a real estate agent for the sale of the former National Guard Readiness Center and potentially hiring Heather Kretchmar of the Bean Group.

- B. **Vote for the Use of a Consultant to Prepare Design Alternatives to Establish Public Use of the Former Bretons Cleaners Property, 1 Winter Street (as recommended by the Economic Development Committee).** The Economic Development Committee met on September 19th recommends to full Council that the City hire a Consultant. I reached out to a couple of Consultants and eventually discussed costs with Jeff Hyland of the Ironwood Design Group LLC. He suggested a budget of \$5,000 (or so) to complete 2-3 concepts, and \$30,000 (or so) to move forward with a final design of one of the concepts. The Ironwood Team designed our Veterans Memorial.
- C. **Vote to Release Bid Specifications this Year for Spring Construction for the Constitutional Way Complete Streets Project (as recommended by the Finance Committee).** The Finance Committee met on September 20th and voted to recommend to full Council. The funding for the project is coming from both the Enterprise Funds and the General Fund which is about an 80-20 split between the two funds. Attached is a Memorandum from Finance Director Scott Smith outlining project cost and tax rate impact.

City Manager's Items (under section 12 of Agenda)

Information Items

- A. **Tri-Cities Willand Road Warming Center Services.** Dover, Rochester and Somersworth will be issuing a joint Request for Proposal (RFP) to operate an extreme winter warming center. This action was the result of a meeting held last Thursday with County Commissioner George Maglaras, the 3-Mayors and City Managers (or their representative). At the meeting, it was decided to issue the RFP since last year's management team has indicated they have decided not to operate the center at this time. Attached is a copy of the SOS Executive Director John Burns' letter in regards to the Warming Center Operations.
- B. **CMAQ Grant – High Street Signals.** Attached is an update from our Project Consultant TEC, on the progress of the work schedule for this Grant to upgrade the High Street Traffic Signals equipment.
- C. **Landfill Site Solar Array.** Attached is a copy of the updated Ameresco Project Development Schedule for the Landfill Site Solar Array.

Attachments

- 1. **City Attorney Certifications:** Two (2)



City of Somersworth – Resolution

Resolution No: 14-24

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH J&B CONTRACTING OF DOVER, NEW HAMPSHIRE FOR THE REPLACEMENT OF THE WILLAND POND TRAIL BRIDGES

September 18, 2023

WHEREAS, City staff have identified the need to replace two (2) existing footbridges along the Willand Pond Trail that are in failing conditions; and

WHEREAS, City staff requested and received quotes to replace and install two (2) new aluminum footbridges from contractors that specialize in footbridges over wetland areas; and

WHEREAS, the Finance Committee has reviewed quotes with staff and supports contracting with J&B Contracting of Dover, New Hampshire for the replacement of the Willand Pond Trail bridges in an amount not to exceed \$60,000 (Sixty Thousand Dollars);

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with J&B Contracting of Dover, New Hampshire for the replacement of the Willand Pond Trail bridges in an amount not to exceed \$60,000 (Sixty Thousand Dollars) and to take any actions relative to this project determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Don Austin
Robert Gibson
Matt Gerding

Approved:

City Attorney

City of Somersworth – Resolution 14-24

History

First Read Date:	9/18/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

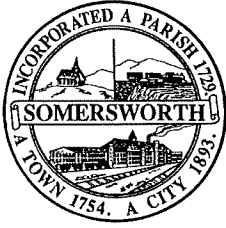
Discussion

9/18/2023

Clerk LaPanne performed a first reading of Resolution 14-24.

Resolution 14-24 will remain in first reading until the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On	Resolution 14-24	PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **1-24**

SUPPLEMENTAL APPROPRIATION OF ADDITIONAL STATE ADEQUACY GRANT FUNDING FOR THE SCHOOL DEPARTMENT

October 9, 2023

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 23-24 is amended as follows:

Appropriate \$1,953,394 (One Million Nine Hundred Fifty-Three Thousand Three Hundred Ninety-Four dollars) from additional State Adequacy Grant Revenue to the School Department Budget as follows:

Original Budget	Amendment	Revised Budget
\$ 29,109,022	\$ 1,953,394	\$ 31,062,416

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Kristen LaPanne
City Clerk

Background:

This ordinance appropriates additional State Adequacy Grant funding made available after the budget was developed for the School Department. The estimated Adequacy Grant provided by the State during the budget development process was \$7,226,170 (Seven Million Two Hundred Twenty-Six Thousand One Hundred Seventy dollars), and the actual Adequacy Grant is \$9,179,564 (Nine Million One Hundred Seventy-Nine Thousand Five Hundred Sixty-Four dollars). The intent is to use this appropriation for unanticipated Special Education Expenditures, complete the Middle/High School Roof project, complete the School Based Health Clinic, and other expenditure requests for each school and district wide.

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 shall take effect upon its passage.

Authorization

Sponsored by Councilors:

David A. Witham
Don Austin

Approved:

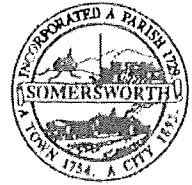
City Attorney

SCHOOL ADMINISTRATIVE UNIT FIFTY SIX**Somersworth School District**

51 West High Street

Somersworth, NH 03878

(603) 692-4450 • Fax (603) 692-9100



To: Somersworth City Finance Committee

From: Katie Krauss

Date: September 13, 2023

RE: State of New Hampshire Additional Adequacy

In November of 2022, the State of New Hampshire released an estimate of what the district would receive for Adequacy Revenue to be used in creating the FY 24 budget. Each year in September, the state then issues the final number that the district will receive in Adequacy Revenue. Since the estimate was issued in November 2022, there have been a few changes that have occurred that have resulted in an increase in adequacy funding.

- Districts have submitted current and complete ADM data for school year 2022-2023.
- The FY 24 State Budget included changes to the adequacy formula as outlined below:
 - Base aid, special education and free and reduced and ELL rates were increased.
 - Third grade reading rates were eliminated.

Adequacy Per ADMR					
Fiscal Year	Base Aid Rate	Special Education	Free & Reduced	English Language Learners (ELL)	Third Grade Reading
SFY 2023	\$3,786.66	\$2,037.11	\$1,893.32	\$740.87	\$740.87
SFY 2024	\$4,100.00	\$2,100.00	\$2,300.00	\$800.00	\$0.0
SFY 2025	\$4,182.00	\$2,142.00	\$2,346.00	\$816.00	\$0.0

- The Extraordinary Needs Grant was increased.
- The stabilization grant and relief aid grants have been removed but replaced with a new hold harmless grant which ensures any loss in funding due to the funding formula changes is at least equal to 104 percent of your FY 24 estimate. This will phase out over 10 years.

Below is a summary of how the changes affect our district:

November 2022: \$7,226,170.00

September 2023: \$9,179,564.00

Additional Revenue: \$1,953,394

There are two options available to School Districts when State Adequacy increases after school budgets are finalized:

- Apply the revenue as a credit during local tax rate setting process.
- Call a special meeting of the city council for change in education funding.

The school budget and revenue committee met on September 7th and discussed possible expenditures to recommend to the school board for approval. The school board met on September 12th and approved moving forward with a request for a supplemental appropriation in the amount of \$1,953,394. Below is an outline of how the funds will be used.

Expenditure Requests

Since we created the budget, we have had significant increases to our special education out of district and contracted services budgets. This is due to a combination of students moving into the district (6) as well as changes in placements that resulted in significant increases that were not known during the budget process and increases in placement and services costs. The total amount of increases is \$1,296,943.

Out of District Placements (26 students)

Budgeted Amount: \$1,640,471

Actual Amount: \$2,667,724

Total Increase: \$1,027,253

Of this increase \$728,301 is due to students moving into the district.

Contracted Services

Budgeted Amount: \$879,429

Actual Amount: \$1,149,120

Total Increase: \$269,690

Of this increase \$82,875 is due to students moving into the district.

Middle/High School Roof Project

The Middle/High School Roof Project is a \$3,600,000 project that is being funded through ESSER funds. There are four sections of roof that need additional structural upgrades that were not anticipated. The total amount of additional funding totals \$250,000.

School Based Health Clinic

The School Based Health Clinic is a project that is being funded through ESSER funds. The total amount of the contract is \$199,739.55. The amount that was set aside in ESSER is \$122,046.21 leaving a remaining balance of \$77,693.34. We had also removed storefront doors from the project that need to be added back in for security purposes. The Buildings and Grounds Committee and Budget Committee recommended adding \$130,000 of funding for this project.

Other Expenditures

Attached is a spreadsheet outlining additional expenditures that have been recommended by the Buildings, Grounds and Transportation Committee, Budget and Revenue Committee and Building Administration.

Summary

Total Additional Revenue: \$1,953,394

Special Education Expenditures: \$1,296,943

Middle/High School Roof Project: \$250,000

School Based Health Clinic: \$130,000

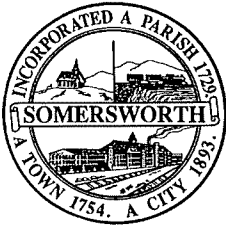
Other Expenditure Requests: \$276,451

Total Expenditures: \$1,953,394

Thank you for your consideration of this request. I will provide further details regarding expenditures at the meeting. If you have any questions, please let me know.

Expenditure Requests

Expenditure Request	Building	Total Amount
Culinary Oven	CTC	30,000
Marquee Sign for Front of Building	High School	23,811
Marching Band Uniforms	High School	10,000
High School Secretary	High School	62,000
Whiteboards (6)	Middle School	2,100
Entry Level Weight Room	Middle School	15,000
Main Hallway Tile Replacement	Middle School	40,000
Supplies	Maple Wood	12,016
Print Media	Maple Wood	3,274
Projector Bulbs	Idlehurst	2,000
Athletic Uniforms	Middle/High School	18,300
Late Bus	Middle/High School	17,000
Snowblowers	District Wide	11,299.00
Grounds Maintenance/Tractor	District Wide	20,000.00
Additional Radios	District Wide	9,650.00
Total		276,451



City of Somersworth – Ordinance

Ordinance No: 2-24

TO AMEND CHAPTER 19, ZONING, BY ADDING SECTION 4.C. CONDITIONAL USE PERMIT, SECTION 33 SOLAR AND TABLE 4.A.6 USE OF SOLAR

October 9, 2023

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, Section 4 Use Regulation by adding Section 19.4.C Conditional Use Permit as follows:

19.4.C. Conditional Use Permit

A conditional use permit allows certain uses that have increased potential for incompatibility in a zoning district to be carefully reviewed to determine, against fixed standards, whether their establishment on any given site should be allowed.

19.4.C.1. Initiation The applicant for a conditional use permit shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

19.4.C.2. Applicability Uses that require a conditional use permit shall be clearly identified in the Zoning Regulations, as may be amended.

19.4.C.3. Authority Unless otherwise specified in this Chapter 19, the Planning Board shall have the authority to review and decide on applications for a conditional use permit.

19.4.C.4. Submittal Requirements

A. An applicant for a conditional use permit shall submit a completed application on the appropriate form to the Department of Development Services, Planning Office and shall provide sufficient information to enable City staff and the Planning Board to evaluate the proposal for compliance with City Regulations.

B. A completed application for a conditional use permit shall include all of the submittal requirements for major site plan applications as outlined in this Article, unless otherwise specified.

C. The applicant shall be responsible for reviewing the applicable conditional use permit standards of this section to identify if any additional application materials or information shall be required for submittal.

19.4.C.5. On-Site Posting of Public Hearing

A. An applicant for any conditional use permit shall, not less than 10 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Department of Development Services, Planning Office providing notice of the use applied for and the date and time of the public hearing, in a location on the premises visible to the public.

B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Department of Development Services, Planning Office

19.4.C.6. Procedure

A. Conditional use permit applications shall be subject to the same procedure for review and decision by the Planning Board as major site plan applications, unless otherwise noted.

B. Where conditional use permits are required in conjunction with a proposed site plan application, a completed conditional use permit application for each conditional use permit requested shall be made at the same time as the site plan application.

C. Where a conditional use permit is required, no site plan application may be considered complete without a complete conditional use permit application. Conditional use permit applications will be considered concurrently with the site plan application.

19.4.C.7. Approval Standards In the review of a conditional use permit application, the Planning Board shall evaluate the application for compliance with all applicable design standards and conditional use permit review criteria as provided for in this Chapter 19 as well as the Site Plan Regulations and Subdivision Regulations.

19.4.C.8. Expiration

Conditional use permits granted by the Planning Board shall be valid if exercised within 2-years from the date of final approval by the Planning Board, or as further extended by the Planning Board. Within this 2-year time period, the use must be started or construction begun on the structure.

19.4.C.9. Extensions Conditional use permit applications shall be subject to the same standards for extensions as major site plan applications.

19.4.C.10. Waivers

A. Applicants for a conditional use permit seeking a waiver from conditional use permit standards in the Zoning Regulations, shall apply to the Zoning Board of Adjustment for a variance.

B. the applicant may request a waiver from the Planning Board from strict compliance with specific provisions of the Site Regulations, site plan review standards, or conditional use permit standards in Section 25.14, on a case-by case basis, following the procedure for waiver requests.

Amend Chapter 19 by adding Section 33 Solar as follows:

19.33.A Authority and Purpose

This solar collection system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The City intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated policies of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

Properties that install solar may be eligible for tax relief pursuant to Chapter 34 Exemptions and Credits and RSA 72:61-64.

19.33.B Definitions:

19.33.B.1 Solar Land Coverage – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this ordinance.

19.33.B.2 Solar Collection System - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

19.33.B.3 Roof Mount – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.

19.33.B.4 Ground Mount – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.

19.33.B.5 Carport Mount – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

19.33.C. Use definitions:

19.33.C.1. Solar Energy System (Small-Scale): a solar energy system and associated mounted hardware that is either affixed to or placed upon the ground, and occupies 2,000 SF of solar footprint or less

19.33.C.2. Solar Energy System (Medium-Scale): a solar energy system and associated mounting hardware that is either affixed to or placed upon the ground and occupies great than 2,000 Sf and less than 1 acre of solar foot print.

19.33.C.3. Solar Energy System (Large-Scale): a solar energy system and associated mounting hardware that is either affixed or placed upon the ground and occupies 1 acre or more of solar footprint.

19.33.D Specific Solar System Requirements and Exemptions:

19.33.D.1 Requirements:

- a) Roof mounted solar collection systems of any size are permitted in all zones without a Conditional Use Permit
- b) Properties located within the Historic District shall comply with Chapter 19 Section 14 Historic District

- c) Roof mounted systems shall have an engineering review to determine if the roof can support the load of the panels or if additional bracing is required.
- d) Roof mounted panels shall comply with the applicable portions of the NH Fire, NFPA, IBC, and IEC codes.
- e) Any and all electrical storage systems shall comply with NH Fire, NFPA, IBC, and IEC codes.
- f) Inspections are required for all components of PV arrays and storage systems.
- g) Ground Mounted Solar shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building.
- h) In no case shall ground mounted solar exceed 15 ft in height.
- i) Ground mounted solar shall not be allowed within the wetlands or the wetland buffer.
- j) All Solar Energy System installations, ground, roof or carport, shall require building permit and electrical permit consistent with Chapter 20 Building Codes

19.33.D.2. Exemptions:

- a) Municipal Systems: all solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.
- b) Building Height: Roof mounted solar collection systems shall be exempt from building height limitations.
- c) Lot Coverage: ground mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface.
- d) The City of Somersworth may allow the siting of privately owned or operated solar collection systems on governmentally owned land under a lease arrangement.

19.33.F. Requirements for Granting a Conditional Use Permit (CUP)

19.33.F.1. CUPs are required as delineated in (Table 4.A.6) of the Zoning Ordinance. CUPs shall be assessed and approved per the criteria in of the Zoning Ordinance using the information provided under this section. The Planning Board shall consider the following criteria when deciding whether to grant a solar energy system conditional use permit.

19.33.F.2 Application Materials

19.33.F.2.a System Layout: A detailed plan set signed and stamped by a NH Licensed Engineer that depicts the following information:

- a) Showing existing conditions and features including: topography, wetlands, wetlands buffer, surface water, existing vegetation, 100-year flood plain, steep slopes, soils, property boundaries, setbacks, existing structures and roads.
- b) Proposed site conditions including but not limited to: the footprint of solar energy system equipment and components, as well as any affiliated installations and structures, access points, drive/access aisles, security features, and fencing.
- c) The limits of any land clearing and/or grading required for the installation and operation of the solar energy system, as well as any erosion and sediment control measures to be installed during or after construction.
- d) A landscape plan that includes the location of existing vegetation to be preserved; details on the location, dimensions, and composition of any visual buffers on site; and information on the proposed location, number, type and size (at planting and maturity) of any replacement or proposed vegetation and ground cover on the site.

- e) A detailed plan of any land clearing or grading required for the installation and operation of the system. The location of all equipment to be installed on site including utility connection to the maximum extent practical all wiring associated with the utility connection shall be underground.
- f) All equipment locations, except for utility connections, shall comply with the required setbacks.

19.33.F.3 Equipment Specification

- a) All proposed equipment or specifications must be included with the application.
- b) Such information can be supplied via manufacturer's specifications or through detailed description.
- c) Ground mounted solar shall not exceed 15 ft as measured from the ground to the highest point of the system, when oriented at tilt.

19.33.F.4 Emergency Response

- a) Access to the site for emergency response shall be provided and detailed on the plan.
- b) A narrative or manual for City of Somersworth Fire Department detailing response guidance and disconnection locations necessary for fire response.
- c) Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to ensure adequate public safety.
- d) Applicant/owner will provide written emergency procedures for a motor vehicle into a panel/array as well as suppression procedures in the event of a fire.
- e) Applicant will provide 24/7/365 day working phone number for emergency response and technical questions.
- f) Prior to final sign off of the Electric and Building Permit the applicant/owner will provide onsite training sessions to the Fire Department/Police Department/Ambulance Service provider providing array configuration and emergency procedure, to the satisfaction of the Fire Chief, Police Chief, and Ambulance Service provider. Fire Chief, Police Chief and Ambulance Service Provider shall provide final sign off on the Electric/Building permit for confirm training sessions have been completed.

19.33.F.5 Buffer/ Environmental

Solar collection system shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in the following:

- a) Plan the buffering plans shall indicate the location, height, and spacing of existing vegetation to be preserved and areas where new planting will be required.
- b) All solar systems shall have a reasonable visual buffer as required in the site plan review regulations from public ways and neighboring commercial, industrial or residential uses based on the viewsheds counters of the land and abutting land use.
- c) Provide year-round screening of the ground-mounted solar energy system and associated equipment.
- d) Be composed of native plant species
- e) Required screening shall be maintained during the operative lifetime of the Solar Collection System.
- f) Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.

- g) Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
- h) Erosion control measures during construction shall be detailed as required.
- i) Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.

19.33.F.6 Electrical Requirements

- a) All systems not connected to the grid shall be approved by the electrical inspector or the Building inspector, as required.
- b) Grid tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to the operation of the system.

19.34.F.7 Noise

- a) Estimates of any equipment noise on the site based on equipment specifications materials (such as inverters)
- b) Noise level at the property line shall be in accordance with the municipal noise ordinance or at reasonable levels given the location of the facility with due consideration to the surrounding land uses and zones.

19.35.F.8 Stormwater

- a) Ground mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
- b) The final Permit issued by NH DES shall be incorporated by reference into the final City approval and shall be enforceable by the City in accordance with this zoning ordinance.
- c) No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit
- d) Ground mounted systems not requiring NH DES AoT Permit. Where a ground mounted system does not require an AoT permit the following shall apply:
 - a. Ground mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the solar land coverage area, provided such area of clearing and grubbing is also larger than 1 acre, the proposed system shall include a management plan for stormwater that is directly related to the impact of the solar collection system.
 - b. Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
 - c. The stormwater management plan shall include the following.
 - i. The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separate can enhance infiltration of stormwater. Percolation tests or site-specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions
 - ii. Additional information, if required, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).

d. Required for all systems:

- i. All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and postconstruction restoration period.
- ii. Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall include ensure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to beneficial habitat to song birds, pollinators and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site

19.33.F.9 Setbacks

- a) Solar collection systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system including the panels. Tracking systems shall have the setback measured from the point and time where the array is the closest to the lot line. No portion of a system may cross into the setback.

19.33.F.10 Utility Interconnection

- a) All on-site power and communication lines within the solar footprint of the ground-mounted solar energy system shall be buried underground, unless the owner/operator is able to demonstrate the presence of technical or physical constraints (e.g. shallow bedrock, watercourses, etc.) that may interfere with the ability to bury lines in certain areas.

19.33.F.11. Abandonment

- a) Applicants for Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structures and reclamation the site when the system is no longer in use. Ground mounted Solar Collection Systems greater than 500 square feet shall be deemed abandoned if operations have discontinued for greater than six months. An abandoned system will be removed and the site restored within six or twelve months of abandonment.
- b) The Planning Board may require that the owner or operator post a bond, letter of credit, or establish an escrow account, including an inflationary escalator, in an amount deemed acceptable by the Director of Planning and Community Development to ensure proper decommissioning.

19.33. F.12 Conditions of Approval

- a) The Planning Board may impose conditions on a solar energy system conditional use permit to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and to preserve the intent of the standards.

Amend Chapter 19 Table of Uses by adding Table 4.A.6 Use of Solar as follows:

(TABLE 4.A.6) Use of Solar³

Use		District A	District B, MY, HMD, CN	District C/I	District I	District Rec, Cem	District: R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
1	Small Scale Solar Energy System ¹	P ⁴	CUP	CUP	P	CUP	X
2	Medium Scale Solar Energy System ¹	CUP ⁴	X	CUP	CUP	CUP	X
3	Large Scale Solar Energy System ¹	X	X	CUP	CUP	CUP	X
4	Roof Mounted Solar Energy System	P	P	P	P	P	P
5	Carport Mounted Solar Energy System ²	CUP	P	P	P	X	CUP
¹	Placement of ground mounted solar: 1. Shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building. 2. Shall be located in a portion of the lot fully behind the principal structure (Unless otherwise approved by the Planning Board where ground mounted solar is permitted by CUP) 3. In no case shall ground mounted solar exceed 15 ft in height. 4. Ground mounted solar shall not be allowed within the wetlands buffer. 5. Requires Site Plan application within the commercial and Industrial zones. 6. Requires building permit electrical permit						
²	Construction a new carport over a parking area of a commercial or multifamily development would require site plan approval by the Planning Board						
³	Properties located in the Historic District Overlay shall require a Historic District Application for installation of solar arrays.						
⁴	Provided the lot area is not less than five (5) acres, and no array shall be located within one hundred feet (100') from any lot line.						

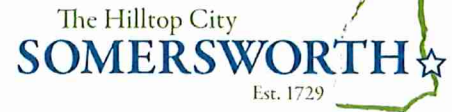
P = Use permitted by right with building and electrical permit.

CUP = Use permitted by Conditional Use Permit.

X = Use prohibited.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham	<i>Approved:</i> City Attorney



DATE: September 27, 2023
TO: Robert M. Belmore, City Manager
FROM: Michelle Mears, AICP
 Director of Planning and Community Development

Re: Zoning Amendment: Section 33 Solar – Section 4 Regulation 19.4.C Conditional Use Permit

BACKGROUND: There has been an increase in the number of requests for ground mounted solar units within the City of Somersworth Commercial Industrial District and the Residential Commercial District. Currently there is no stand-alone regulations for solar within the City Chapter 19 Zoning Ordinance. This would give applicants clarity in the process for developing Solar within the City of Somersworth.

REVISIONS:

Planning has incorporated changes from the June, July, August, and September Planning Board meetings.

The revisions include:

- Conditional Use Permit Criteria
- Solar use definitions to small, medium, and large scale
- Conditional Use Permit required for any solar installation
- Additional buffer yard requirements/stormwater regulations
- Underground utilities
- **Revisions to the Table 4.A.6 Use of Solar**
 - **Revision to ground mounted solar in the Agricultural District requirement for small and medium scale solar** “Provided the lot area is not less than five (5) acres, and no array shall be located within one hundred feet (100’) from any lot line.”
 - **Revision to not permit small scale energy systems in the R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O and MH Districts**
 - **Update to Note 1 to indicate that Small/Medium/Large solar energy systems** “Shall be located in a portion of the lot fully behind the principal structure (Unless otherwise approved by the Planning Board where ground mounted solar is permitted by CUP)”

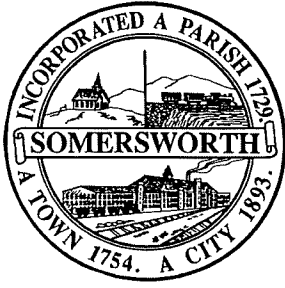
The model Solar Zoning Ordinance for NH was used to help guide this draft solar ordinance along with research from surrounding communities: Barrington, Durham, Dover, Rochester, and Keene.

CURRENT ORDINANCE: The interpretation of the ordinance is that these units meet the definition of structure in Zoning Ordinance Chapter 19.25. SSS.

STRUCTURE. A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above or below the surface of land or water.

Please see attached Solar Ordinance that would be added to Chapter 19 of the Zoning Ordinance.

Planning Board voted at the September 20, 2023 meeting to recommend these proposed zoning changes to the City Council for a Public Hearing.



MEMORANDUM

TO: Bob Belmore, City Manager
FROM: Scott Smith, Finance Director
DATE: October 2, 2023
SUBJECT: Constitutional Way Complete Streets Project

We have received the Engineer's opinion of probable cost at the 90% design stage for the Constitutional Way complete streets project. The total estimated project cost is \$1,578,910, of which \$1,245,482 would be applicable to the General Fund and paid for by property taxes. Using the following assumptions, I calculate the following tax rate impact;

- Estimated cost of the project to the General Fund \$1,245,482
- 15-year Bond Issue – level principal
- Assumes we issue a Bond Anticipation Note for a Spring 2024 start and bond the project using the NH Municipal Bond Bank's summer sale
- Estimated Tax Rate impact FY2025 (interest only payment) - .04 cents
- Estimated Tax Rate impact FY2026 (first year principal and interest) - .12 cents

If you require any additional information, please let me know.



10/4/2023

Raymond Bower, Strafford County Administrator
259 County Farm Rd., Suite 204
Dover, New Hampshire 03820

Cc: Strafford County Commissioners, Mayor Dana Hilliard, Somersworth, NH
Somersworth City Manager Robert Belemore, Mayor Robert Carrier, Dover, NH
Dover City Manager Robert Joyal, Rochester Mayor Paul Calaghan,
Rochester City Manager Kathryn Ambrose

Dear Mr. Bower,

We are writing regarding the operation of the emergency warming shelter of Strafford County. The executive leadership and board of directors of SOS Recovery Community Organization has identified the critical importance of an emergency warming shelter in Strafford County. We appreciate that the Tri-Cities, County and State of NH have supported increased funding for this coming winter. This is a decision we do not take lightly as we are incredibly concerned about the individuals who are unsheltered in this community. We are notifying you at this time, due to capacity and safety concerns, we will be unable to provide lead agency support of operating the emergency warming shelter.

Over the winter of 2022/2023 we agreed to operate it because no other agency was interested or willing. We anticipated more volunteer work and support from other agencies in Strafford County, which was not received. In the upcoming winter we have identified a large increase in individuals (some estimates of over 400) who will need shelter, which will significantly strain capacity. We have simultaneously identified a lack of workforce available for this type of difficult temporary work and it would be impossible to safely operate the emergency warming shelter without adequate staffing.

We convened a meeting and reached out to several agencies in the region that are charged with supporting marginalized populations in the region in late September. There was little support on the call and thus far there has been little commitment of any substantive nature for workforce support despite our pleas. We are disappointed agencies are unwilling to provide any substantive support, particularly those who identify their mission as tasked with supporting those facing housing insecurity. We have also identified that Tory Jennison is no longer contracted with Strafford County as a liaison for this contract and she provided countless hours of support at the site through funding and community coordination.

We cannot put ourselves in a position to operate the emergency warming shelter unless we are confident it can be done safely. The regional workforce infrastructure does not support that adequately. We want to stress to all involved that individuals who remain unsheltered are a result of a lack of adequate housing and a shortage of appropriate access to services. The narrative that individuals aren't interested or willing to utilize these serves is a myth furthered by misinformation and stigma and dehumanizes those being served. We are committed to working toward solutions to accommodate the unsheltered in this community but require more engagement from the community to do so safely. We are more than willing to support any other agency that chooses to take this effort on or a more comprehensive and sustainable approach by the county and tri-cities. Expecting to hire 5 full-time individuals that include managers and supervisors along with at least 5-10 per diem employees for a twenty-week temporary position is unrealistic in the current environment. The expectation of delivery in



a building that lacks appropriate restrooms, space and access issues is an extraordinary and unrealistic goal. These individuals must be those with the skills and expertise to operate in a complex environment and support trauma informed delivery. There is a shortage of daytime places to support those individuals at the shelter in a meaningful and necessary way which further exasperates the program. Last winter this strain became the responsibility of SOS which compromised the delivery and grant deliverables of our other programs and services as well as the safety of our staff and the guests during weather events that did not meet emergency thresholds but were still difficult daytime weather conditions for transportation. We would support discussions for a year-round approach and hiring permanent supportive positions to provide necessary shelter and daytime support to those who are unsheltered as their needs do not disappear from April 1st through November 15th.

We thank you for the ongoing efforts and support as well as the words of encouragement. This is not a decision we took lightly, and it is with great pain we have made it given our interest and desire to make sure those we serve are protected over the winter. We hope we can discuss alternatives to improve the current unsheltered populations in this county. Please don't hesitate to contact me at 603-536-8671 or via email at John@sosrco.org with further questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John Burns". The signature is stylized with a large, sweeping "J" and a distinct "B".

John Burns
Executive Director
603-536-8671
john@sosrco.org

MEMORANDUM

TO: Amber Hall, PE – City Engineer
City of Somersworth
One Government Way
Somersworth, NH 03878

DATE: Sept. 19, 2023

FROM: Anthony Ciolfi PE, TEC Inc. LPA Consultant

PROJ. TEC Inc.
NO.: 1038.01

RE: Somersworth CMAQ High Street Signals
NHDOT LPA Project Update

- The Prime contractor Electric Light Company (ELC), City of Somersworth, and TEC held a project team coordination meeting on Friday Sept. 15, 2023. The discussion focused on the current lack of construction work progress and delay in procurement of the necessary NHDOT qualified subcontractor. ELCO indicated they have had a challenging time finding a paving subcontractor qualified with NHDOT and to perform a relatively small amount of paving work involved with this signals project. ELCO stated they are working with NHDOT and expect approval soon.
- At authoring of this Memo, ELCO was able to obtain approval from NHDOT for their demolition and paving subcontractor. With this subcontractor approval, ELCO will begin to work full time on High Street to bring the schedule back on track.
- Project Construction Work Progress Update:
 - Intersections 2, 3, 4, 5, 6 (Stackpole Rd, Commercial Dr, Andrew's Rd, Tri-City Plaza, Kelwyn Dr) work consisted partial sidewalk demo and replacing / installing pull boxes, conduit, and pedestrian pole foundations. No hard scape / dirt work completed at Intersection 1 (Blackwater Rd) as only traffic signal improvements are proposed.
 - ELC began demo on sidewalk and curbing per plan on Tuesday 9/19/23, starting at Kelwyn Dr and planning to move north to each intersection. Demo is expected to continue through next week weather permitting.
 - ELC has been working at their shop to program equipment and prepare for traffic signal improvements. Some components have not been delivered yet. (2 signal cabinets, push buttons etc.). The missing equipment is anticipated to be delivered soon, but is subject to long lead times the construction industry is experiencing.
 - Curbing installation will occur once sidewalk/curb demo is completed, followed by sidewalk paving and detectable warning panel installation. This work is anticipated end-September/early-October.

Table 1: Project Development Schedule

Milestone	Milestone Date
Award	March 2022
Interconnection Application Submitted	April 2022
Eversource Impact Study	July 2022 – December 2022
Interconnection Agreement Executed	February 2023
Initial Interconnection Payment Made	February 2023
Wetlands and Survey	May - July 2023
Remaining Initial Interconnection Cost Payment Made	May 2023
Lease, PILOT, and PPA Execution	June 2023
Eversource Begins Interconnection Design	August 2023
NHDES Solid Waste Management Permit (Type I-B Permit Modification)	September 2023 – November 2023
NHDES Alteration of Terrain Permit	October - November 2023
Somersworth Planning Board – Site Plan Approval	October 2023 – December 2023
Eversource Easements*	August 2023 – December 2023
Notice to Proceed	January 2024
Procurement	January 2024 – August 2024
Commencement of Construction	May 2024
Substantial Completion (of Construction)	March 2025
Interconnection/COD*	April 2025

*Interconnection and final completion are subject to work performed by Eversource. We consider these dates reasonable assumptions based on our experience working with Eversource.

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
JOSEPH H. DRISCOLL, IV
NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

September 27, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire


Ordinance No. 1-24

Title: **SUPPLEMENTAL APPROPRIATION OF ADDITIONAL STATE ADEQUACY
GRANT FUNDING FOR THE SCHOOL DEPARTMENT**

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: 9/27/23

By: 

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
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NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

September 27, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 2-24

Title: **TO AMEND CHAPTER 19, ZONING, SECTION 4 USE REGULATIONS,
SECTION 33 SOLAR AND SECTION 4 TABLE 4.A.6 USE OF SOLAR**

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: 9/27/23

By: 