



## Minutes of City Council Meeting Monday, October 09, 2023

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### **ROLL CALL OF MEMBERS**

The meeting was called to order at 7:00 p.m. by Mayor Hilliard and, upon roll call, the following Council members were present: Pepin, Vincent, Austin, Michaud Witham, Gerding, Cameron and Messier.

Councilor Gibson arrived after roll call.

### **PLEDGE OF ALLEGIANCE**

Councilor Vincent led the Pledge of Allegiance.

### **RECOGNITION OF INDIGENOUS PEOPLE – OUR NATIVE ANCESTRAL AMERICANS**

Mayor Hilliard read the Recognition of Indigenous People – Our Native Ancestral Americans

### **PUBLIC HEARING**

There were no Public Hearings scheduled.

### **COMMENTS BY VISITORS**

Laura Barry, 211 Green Street, commented that she was happy with the decision made by the Zoning Board of Adjustment in regard to the 85 Elm Street development appeal. She added that she appreciated the educated discussion and she feels that the correct decision was made. She stated that she is hopeful that the developers will come back as she hopes to see the project succeed in a way that makes the City proud. Ms. Barry thanked the members of the Boards that serve the City of Somersworth, she noted that it is not an easy task.

Brad Fredette, 3 Blackwater Road, commented on the agenda item to vote to hire a realtor for the sale of the former National Guard Readiness Center. To his knowledge, the property is owned by the City and is currently zoned for recreational use. In his opinion, he feels that the sale of the property is being rushed and questioned the reasoning. Mr. Fredette noted that the City is nearing the Municipal Election and Council representation may be changing, he feels this is another reason to delay the sale of the property. Mr. Fredette questioned that if the property is listed by a realtor, he asked will it be in the best interest of the City's tax revenue, will the City lay out conditions within the purchase agreement, and lastly, will an RFP go out to get the most competitive bid for the real estate services.

### **CONSENT CALENDAR**

- A. Approve Minutes of the City Council meeting held on September 18, 2023

*Councilor Pepin made a motion to adopt the Consent Calendar as presented. The motion was seconded by Councilor Austin and passed 9-0 by voice vote.*

### **COMMENTS BY CITY COUNCILORS**

Councilor Vincent commented that he is a member of the Zoning Board and was appointed as a citizen. He felt that the meeting held on October 4<sup>th</sup> was the toughest one he has experienced this far. He stated that the Board unanimously voted to uphold the Historic District Commission's request to have the developers of the 85 Elm Street project add more historical aesthetics to the structure. Councilor

Vincent noted previous discussions had by the City Council around the possibility of resizing the Historic District or updating regulations that the Commission abides by.

Councilor Witham commented that he is currently working on new legislation, via an Ordinance, with the City Manager to offer a redesign of the Historic District and is hopeful that it will be prepared for the next regularly scheduled City Council meeting. He noted that although he may not be in support of the Ordinance, he hopes that it will generate meaningful discussions and move along difficult conversations. He commented that he feels that the understanding of what is allowed within the Historic District can be seen as subjective and if the Zoning Ordinances are flawed, the public and Board members should be involved in any of the changes.

Councilor Messier commented that he is not happy with the outcome of the Zoning Board's appeal decision regarding the 85 Elm Street development and questions why the Historic District reaches the area in question because he is not sure there is any historical value there. He worries that the decision made by the Historic District Commission and the Zoning Board will deter future developers from coming into the City. Councilor Messier stated that he sees the larger picture of having 2-3 buildings that are in a dilapidated state being torn down and a new development taking their place.

## **COMMUNICATIONS**

### **A. Constitutional Way Complete Streets presentation by Britt Eckstrom, PE – Wright Pierce**

Britt Eckstrom, of Wright Pierce Engineering, presented an update regarding the Constitutional Way Complete Streets Project to the City Council. Ms. Eckstrom noted that Constitutional Way is one of three Complete Street Projects that her firm is working on throughout the City. She provided a recap of the project summary to include replacing existing sanitary pipes and water mains, installing new storm drain system and stormwater treatment, road and sidewalk reconstruction, and streetscaping that is consistent with High Street. Ms. Eckstrom mentioned the increased size of the westward sidewalk from 6 feet to 9 feet, she also stated that the water and sewer mains would be installed within the City's right-of-away which will allow easier access and maintenance in the future.

Ms. Eckstrom stated that the plan includes replacing the stormwater drains and installing new catch basin drains with pumps, the discharge of the stormwater will be rerouted to the Washington Street system. Wright Pierce is also proposing two new stormwater treatment practices, a tree box and catch basin which will both filter and treat the stormwater.

Ms. Eckstrom reviewed the most up-to-date cost estimate, she noted the increase which reflects current bid prices of other projects, as well as an increase for more traffic control due to the project area being a heavy traffic area. At 90% of the projects design, the current construction total estimate is roughly \$1,700,000. Ms. Eckstrom stated that Wright Pierce is looking to finalize their design by the end of October 2023 and ready for bidding. She noted that late fall into early winter are prime times to go out to bid as contractors begin lining up their spring workloads. The construction duration is estimated to take approximately seven months.

Councilor Witham asked if Ms. Eckstrom could explain the reasoning of extending the westerly sidewalk to the folks at home. She explained that one of the reasons to extend the sidewalk is because of existing utility poles that are essentially in the roadway which makes plowing difficult during the winter months, and the project also includes the addition of two tree boxes on that side of the road which would allow more access for pedestrians traveling on the sidewalk.

Councilor Vincent inquired about the drainage system; he asked if there would be a cut into the sidewalk. Ms. Eckstrom stated that there may be a need to do the curb inlet at the tree boxes, however, the rest of the catch basins would be the typical square grates.

### **PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE**

There were no presentations of petitions and disposal thereof by reference or otherwise.

### **MAYOR'S REPORT**

#### **Mayors Report for City Council Meeting October 9<sup>th</sup>, 2023**

All of us have our places of peace. Some find peace among the grandeur of the mountains, while others find serenity in the flowing of a country brook. Our places calm us, ground us, balance us and reconnect us to what is truly important: life, and those who we cherish, respect, honor and love. Despite how disciplined we are, all of us lose focus, all of us neglect the fabrics which bind us to each other, and the earth and spirits which inspire and guide us.

The strong connections we build are engraved upon us like the notches of the White Mountains. Some of these connections walk beside us as we continue life's journey, while others are faces from the past who will continue to influence us for eternity. They mold our daily interactions, they influence our decisions, and they help us grow.

Throughout our childhood, we will experience influencers, and continue the motion by influencing others. Yet the foundation of how we can continue to progress our nation, state and city is quite basic: connections. Each one of us offers to our community the positive and negative experiences of life. Each of us has talents, skills, weakness and deficiencies. Each of us contributes a building block towards creating a society where every person will be honored and celebrated, and where we will continue to ensure that each person can reach potential, uncovering their hopes and dreams, and gaining an understanding of the connections each one of us shares.

For ten years, I have had the honor of leading and helping our community reconnect with the power, the skills, and the experiences each one of us holds, morphing this knowledge with a single mission dedicated to keeping Somersworth "On the Move".

Each morning I arise renewing my dedication to the mission we carry forward, knowing with unwavering confidence that I stand aside citizens who share the same values. I take pride in knowing that in our community we value each person as a living human being, one who experiences joy and sadness, happiness and pain, success and failure, and that Somersworth celebrates and honors all. As my final term comes to a close, it brings me comfort knowing that these foundational pillars of our community have been strengthened over the last decade.

"Family is not about blood. It's about who is willing to hold your hand when you most need it." – Unknown

Together we will extend our hand to all who need it. Together we will continue on our journey of success for everyone who calls Somersworth home. Together we will celebrate, overcome obstacles, and honor all, together we will keep Somersworth "On the Move"!

## **Nominations, Appointments and Elections:**

Under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward this evening and placed in nomination;

- A.** Chris Horton for re-appointment as a member to the Planning Board with a term to expire October 2026
- B.** Keith Perkins for re-appointment as a member to the Zoning Board of Adjustments with a term to expire October 2026.
- C.** Tammy F. Sneddon for re-appointment as a member to the Trustees of the Trust Fund with a term to expire October 2026
- D.** Pamela Sawyer for appointment as a member to the Supervisors of the Checklist with a term to expire October 202

**In accordance with Council Rule 17 Appointments the nominations will remain open until the next regular scheduled meeting.**

Also, under nominations, appointments and elections, the following are being brought forward this evening for a confirmation vote;

- A.** Sean Collins for appointment as a member to the Conservation Commission with a term to expire October 2026
- B.** Amy Howard for re-appointment as the Ward 4 Supervisor of the Checklist with a term to expire October 2028

**This respectfully concludes my October 9<sup>th</sup>, 2023 Mayors Report**

## **REPORT OF STANDING COMMITTEES**

*Economic Development Committee* – Councilor Austin reported that the Committee met on September 19<sup>th</sup> and began their discussion concerning the former National Guard Readiness Center property which he noted was referred back to the Economic Development Committee to determine next steps. He noted that after a lengthy discussion, the Committee felt that with the success of hiring a realtor for the sale of the former Police Station, it would be the best option for this property with the understanding that any final proposals would come back to Council for a vote. Councilor Austin stated that the Economic Development Committee also discussed the possibility of a recreation or community building, however, with the annual operating cost estimated to be around \$200,000, the Committee agreed they are not comfortable with the increase of expense to the City's tax payers. The Committee also discussed the RFP process, but ultimately agreed that because only one proposal was received during the last request, it may not be the best solution to try this route again. The Committee agreed to recommend the hiring of a realtor to sell the former National Guard property again with the knowledge that any sale proposal would come back to Council for a vote.

Councilor Austin reported on the Committee's discussion of the 1 Winter Street property, he noted that the Council agreed to retain the property and had previously discussed the potential of a parking area or food truck usage. He stated that due to the size and shape of the property, the Committee is recommending that the Council consider hiring a design consultant which would produce 2-3 potential uses for cost of approximately \$5,000. Once the Committee and Council decide on a design concept, the consultant would then move forward on a final design which would be an additional cost of at least \$30,000.

*Public Works & Environment Committee* – Councilor Witham reported that the Committee met on September 20<sup>th</sup> and they had received a presentation by Britt Eckstrom regarding the Constitutional Way Complete Streets Project as well. He stated that the Committee was in support of moving forward with the project and once they receive an update at 100% of the design completion, he hopes to embrace the project and to go out to bid by late fall, early winter as suggested by Wright Pierce for a spring 2024 construction start date.

The Committee discussed the Route 108 sewer extension concept, he recalled previous discussions regarding whether or not the City should consider to finish installing sanitary sewer lines from roughly around Willand Drive to the Dover City Line in advance of the State of New Hampshire's Complete Streets Project. The estimated cost of the sewer extension is approximately \$5,500,000, and he noted that the difficulty is that the City would most likely look to do a betterment assessment fee for the properties that could potentially benefit from the sewer and there are only 19 properties along that specific stretch of Route 108 which means the fees would be steep. Councilor Witham reported that the Committee has agreed not to move forward with the extension at this time, however, he does expect that there will be another discussion in the near future because the NH Department of Transportation engineers, along with their consulting engineers, alluded to the City's expense being reduced if it was decided to coordinate the sewer extension with the Route 108 Complete Streets Project simultaneously.

Councilor Witham reported that the Committee discussed road resurfacing and sidewalk projects for the Spring of 2024 which the City has budgeted around \$1,000,000 for. The discussion including tackling the section on High Street from Washington Street and West High Street to South Street which is a heavily utilized area, especially for students walking to and from school. The Committee discussed the repairs needed to both the sidewalk and roadway, and they came to a potential cost estimate of around \$700,000 for that section. Councilor Witham noted that West High Street was discussed, more specifically the section from High Street to Cemetery Road. City Staff are working to revise their street list to identify small streets in order to meet the budgeted amount available for this project. He mentioned the discussion of Kelwyn Drive, he noted that it is need of repair, however, only about 1/3 of the street is in Somersworth with the rest being in Rollinsford. City staff is going to contact the Town of Rollinsford to see if they would be willing to do their portion of the road, the City of Somersworth could complete their section at the same time, using the same contractor.

The Public Works and Environment Committee reaffirmed their desire to continue to keep the intersection of High Street, Blackwater Road, and Indigo Hill Road in the City's 10-year highway plan. He noted that the current estimate to redesign said intersection is around \$3,400,000 with the City share being \$600,000, he added that he feels the project cost is a low estimate. Councilor Witham reiterated that he is hopeful that the CMAQ project that is currently underway, will alleviate some of the traffic congestion in that area.

Councilor Witham stated that there was an update of the TAP Grant project regarding the sidewalks on High Street that included some work by the Middle School and High School, and the trail leading over to Maplewood School onto Bartlett Avenue. The project is mostly complete pending the installation of a few decorative light poles and stairway railings. Additionally, with the CMAQ project underway, the contractor has been working on installing the handicap accessibility slants at all of the intersections which will continue through the fall.

*Recreation Committee* – Councilor Cameron reported that the Committee is scheduled to meet on October 25<sup>th</sup> at 4:00 p.m.

## **REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER**

*Traffic Safety Committee* – Councilor Vincent reported that the Committee met on September 20<sup>th</sup> and began their discussion with determining the need for handicap parking spaces at the Noble Pines Park, Department of Public Works staff will be installing signs. The Committee discussed a Coast bus stop at the intersection of Bartlett Avenue and High Street where there is also a crosswalk. He noted that there was concern brought up due to some confusion of individuals waiting at the bus stop, and traffic stopping assuming they were crossing occasionally. The Committee decided not to take action on this matter.

Councilor Vincent reported that the Lords Court parking was discussed and he is supporting an upcoming parking ordinance change that recommends restricting parking on Lordes Court from November 15<sup>th</sup> through April 15<sup>th</sup> due to concern of plowing during the winter months and emergency personnel accessibility on the roadway. The Traffic Safety Committee discussed Summer Street as there have been reports of vehicles speeding along the road and traveling in both directions. Councilor Vincent recalled that Summer Street is a one-way street and it was determined that during new building construction on the corner of the street, the “One Way” sign was knocked over and has since been reinstalled.

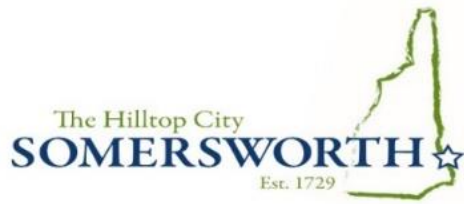
Councilor Vincent reported that the Committee discussed the intersection of Blackwater Road and Old Rochester Road which has been a concern due to vehicle accidents. The City has taken action by removing trees to increase visibility and to widen the intersection, as well as installing stop signs with flashing lights. The Traffic Safety Committee decided to table the item pending a response back from the NH Department of Transportation for their input on how to move forward. Councilor Witham stated that there have been accident reports at the intersection of West High Street, Maple Street and Sunset Drive, the Committee has agreed to table this matter pending the results of the safety audit.

The Traffic Safety Committee discussed pedestrian safety signs on a number of streets including Rocky Hill Road, Otis Road and Lil Pond Road due to an increase in reports of speeding vehicles. It was decided that the City would hold off on installing new signs at this time and increase patrols on the streets mentioned in an effort to slow down traffic. There was a concern brought up regarding U-turns at the Walmart intersection on High Street, the Committee agreed on the need to install signs restricting U-turns at said intersection. Councilor Vincent reported that the Committee also discussed the two-hour parking signs in front of the Aclara Building (the old GE building), he stated he is looking to support an ordinance that amends the parking restriction of two-hour parking between 6:00 a.m. and 6:00 p.m.

*School Board* – Councilor Austin reported that the School Board met on September 26<sup>th</sup> where they discussed concerns of having to wait until the City Council completed two readings on their request for a supplemental appropriation. Councilor Austin stated that he explained to the Board that it is a requirement set forth by the City Charter in sections 7.4.1 and 7.7(A) would not allow for the Council to vote during the October 9<sup>th</sup> Council meeting as it also requires a Public Hearing.

*Mayor’s Commission on Cultural, Ethnicity, and the Arts* – Councilor Gerding reported that the Commission met to discuss and design what message they would like to have posted on the billboard sign off of West High Street. He explained that the design is two hands holding a heart with blue and rainbow decal design with the words “Somersworth Welcomes all” and “Spread the Hilltopper Spirit”.

#### *City Manager’s Report*



***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

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***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 20<sup>th</sup> 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 23, 2023, in accordance with the City Charter as noted in the proposed Ordinance.

There was no objection from Council, a Public Hearing of Ordinance 1-24 will be held during the next regularly scheduled meeting on Monday, October 23<sup>rd</sup>.

- 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 23, 2023 in accordance with City practice for passage of Ordinances.

There was no objection from Council, a Public Hearing of Ordinance 2-24 will be held during the next regularly scheduled meeting on Monday, October 23<sup>rd</sup>.

### **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 19<sup>th</sup> 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 Kretschmar 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 19<sup>th</sup> 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 20<sup>th</sup> 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)**

## **NOMINATIONS, APPOINTMENTS AND ELECTION**

In accordance with Council Rules 17 Appointments, the following are being introduced for a Council confirmation vote:

- A. Chris Horton for re-appointment as a member to the Planning Board with a term to expire October 2026
- B. Keith Perkins for re-appointment as a member to the Zoning Board of Adjustments with a term to expire October 2026.
- C. Tammy F. Sneddon for re-appointment as a member to the Trustees of the Trust Fund with a term to expire October 2026
- D. Pamela Sawyer for appointment as a member to the Supervisors of the Checklist with a term to expire October 2028

In accordance with Council Rules 17 Appointments, the following appointments will remain in first reading until the next regularly scheduled City Council meeting.

*Councilor Witham made a motion to suspend Council Rules to act on the appointment of Pamela Sawyer as a member to the Supervisors of the Checklist. The motion was seconded by Councilor Vincent and passed 9-0 by voice vote.*

*Councilor Witham made a motion to appoint Pamela Sawyer as a member to the Supervisors of the Checklist. The motion was seconded by Councilor Vincent and passed 9-0 by voice vote.*

In accordance with Council Rules 17 Appointments, the following are being brought forward for a Council confirmation vote:

- A. Sean Collins for appointment as a member to the Conservation Commission with a term to expire October 2026

*Councilor Witham made a motion to appoint Sean Collins as a member to the Conservation Commission. The motion was seconded by Council Vincent and passed 9-0 by voice vote.*

- B. Amy Howard for re-appointment as the Ward 4 Supervisor of the Checklist with a term to expire October 2028

*Councilor Austin made a motion to re-appoint Amy Howard as a Supervisor of the Checklist for Ward 4. The motion was seconded by Council Vincent and passed 9-0 by voice vote.*

## **LAY ON THE TABLE**

There were no items under Lay on the Table.

## **UNFINISHED BUSINESS**

## RESOLUTIONS

- A. **Resolution 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

*Clerk LaPanne performed a second reading of Resolution 14-24.*

*Councilor Vincent made a motion to adopt Resolution 14-24 as presented. The motion was seconded by Councilor Gibson and passed 9-0 by roll call vote.*

## NEW BUSINESS

### RESOLUTIONS

- A. **Ordinance 1-24** – Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department

*Clerk LaPanne performed a first reading of Ordinance 1-24.*

*Ordinance 1-24 will remain in first reading until the call of the Chair.*

- 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

*Councilor Witham made a motion to suspend Council Rules to allow Ordinance 2-24 to be read by title only. The motion was seconded by Councilor Pepin and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 2-24 by title only.*

*Ordinance 2-24 will remain in first reading until the call of the Chair.*

### 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)

Councilor Witham stated that he does not plan to support the hiring of a realtor for the sale of the former National Guard Readiness Center property. He stated that he recalls the Council being divided on the final use of the property's disposition and feels that hiring a realtor will leave them in the same predicament until the Council can get on the same page.

Councilor Pepin commented on the vacancy of the former Police Station which sat vacant since 2008 until its recent sale. He expressed his frustration with comments that are made about the City rushing to sell the former National Guard property, he noted that the City has been working on this property for some time with Strafford County, including the establishment of the National Guard Building Reuse Commission. He mentioned the financial burden to tax payers if the City were to retain the property and turn it into a Community Center, he added that he does not support that use at this time. Councilor Pepin agrees that the Council is divided on the reuse of the property and he would like to see some proposals come in from outside of the Council for the public and other boards to review. He added that he feels that the Council needs to take some kind of action to avoid having the property sit.

Councilor Vincent stated that he feels that the former Police Station is different than the discussion and sale of the former National Guard property. He added that he doesn't want to rush the decision to sell the property and feels that the property itself is worth more than money right now. Councilor Vincent would like for the City to obtain an assessment of the property to determine its value and he is currently not in favor of hiring a realtor to list the property.

Councilor Gibson stated that he agrees that the property should be assessed to determine its monetary value and that he was not in favor of Chinburg Builders proposal as he felt the offer was much too low for the value. He confirmed that he is open to the idea of contracting with a realtor because when the City put out a request for an RFP, only one response was received. Additionally, Councilor Gibson understands that the potential sale of the building would need to be approved by the Council.

Councilor Gerding stated that the Economic Development Committee went through discussions of the potential uses and recalled the Council favoring the idea of hiring a realtor for the sale of the former Police Station and they agreed to support the hiring of a realtor to list the former National Guard property. He believes that by receiving interest in the property through the listing of a realtor will allow the Council and the City's residents to filter through what they want. Councilor Gerding mentioned that that reuse of the former National Guard property has been bounced between the Council and other Commissions with no decision reached. Councilor Gerding added that if a decision is not made tonight, he would suggest that a workshop be held to determine next steps and to keep the discussion active. He stated that he is in support of hiring a realtor to get proposals to continue the discussion and to see what ideas come about in a forward direction as opposed to sitting on the property and doing nothing.

Councilor Austin agreed with Councilor Witham's comments about the process of this property and the divide it has created on the Council in regards to the reuse of the former National Guard property. Councilor Austin feels that the longer the Council sits on this property, the longer the divide will draw out on this matter, he added that he believes it is worth the effort to see what opportunity presents itself, and if nothing fits into what is best suited on the property or in the best interest of the City, then the Council can reject the proposal.

Councilor Cameron agrees that part of the problem is that the Council is divided on the reuse of this property and she feels that may have been an issue as to why other City properties sat for a long period of time. She added that the longer a property or structure sits with no action, the more likely that it is for costs to increase pertaining to fixing or maintaining the property and structure. Councilor Cameron stated that the Council has been divided on the reuse of the property and after having heard from the public and putting out an RFP, she doesn't feel that hiring a realtor would be an injustice to the process and wants to see what opportunities arise as well.

Councilor Messier commented that he has supported the City retaining the building and the Little League Ball Field, but he does feel that there is an option to subdivide and isolate the ball field which could lead to a developer showing interest in revitalizing the building and adding additional lots for houses. He does not agree with letting the building sit and chancing the building becoming dilapidated if no action is met. Councilor Messier stated that he is willing to move forward with hiring a realtor and see what comes about. He does not believe that the City should add conditions to any sale and he would rather let the process be vetted through the appropriate Boards and Commissions.

Councilor Vincent agrees that he would favor going with a realtor but likes the idea of subdividing the ball field if that is an option for the City. City Manager Belmore commented that the Economic Development Committee had discussed subdividing prior to the listing of the property or requiring as a condition of the sale as he expects there would be conditions set by both parties with negotiations made regarding how much each party is financially responsible for. Manager Belmore added that, unless a developer proposes a recreational option, the developer would need to come to the City to request a zoning change because it is currently zoned for recreational. Manager Belmore asked that the Council also provide clear direction on whether they wish for the City to request proposals from realtors or if they prefer going with Mrs. Kretschmar who the City hired for the sale of the former Police Station along with other City properties.

Mayor Hilliard recalled that when the National Guard Readiness Center was turned over to the City of Somersworth, a Commission was formed at the direction of the Mayor's Office. The Commission vetted a number of proposals to which the Council rejected, and after more follow-up discussions

regarding the deposition of the property, the Mayor referred the discussion back to the Economic Development Committee. Mayor Hilliard declared that he would call a special meeting of the Council to thoroughly discuss each Councilors idea regarding the reuse of the property until there is a decision and a forward movement on the property, whatever the direction might be.

Councilor Gibson stated that he agrees with the point made that the Council needs clear direction and he believes that direction can come from hiring a realtor and having those proposals come through the Council for a decision. He added that if the Council does not agree on a proposal, it can be rejected and if an opportunity presents itself, sale and development would be vetted through a number of Boards. Councilor Gibson noted that another possibility could be moving the library to the former National Guard property rather than funding the upgrades to the current library building.

Councilor Michaud stated that both the Council and the Community are divided on the reuse of the property and does not want to see it sit for years to come. He agrees with hiring a realtor to see what opportunities arise and going from there.

Councilor Witham stated that while the idea to hold a special meeting could be beneficial, he expects that the discussion would be the same because the Council has not agreed on an action plan for the property. He added that while he does not have a lot of optimism in a realtor at this time, he is willing to try. Councilor Witham recommends that City does not go out to bid for a realtor as the service is that of a professional matter, and he would like to add contracting with Heather Kretschmar from the Bean Group Realty for the listing of the former National Guard Readiness Center.

Mayor Hilliard requested the vote be cast by roll call.

***The vote to hire Heather Kretschmar of the Bean Group Realty for the sale of the former National Guard Readiness Center property passed 9-0 by roll call vote.***

- 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)

Councilor Witham stated that he is in support of hiring a consultant to assist with the design of the 1 Winter Street property and believes that it will allow the City to move forward on the property. He noted that the City had received grant money from the Environmental Protection Agency, and at their direction, they mandated that something be done of value to the property.

Councilor Vincent requested clarification of the \$35,000 expense amount. His understanding is that the initial cost will be \$5,000 for the consultant to provide 2-3 design concepts and then another expense of around \$30,000 would be to further the project. City Manager Belmore confirmed that the City would need to provide an upfront cost in order for the consultant to design 2-3 project concepts, those concepts would then go back to the full Council for a vote. The design that is agreed upon by the Council would then move into a more thorough design phase with the consultants which would result in the additional \$30,000 and further discussion of construction and the hiring of a contractor for the project.

Councilor Gerding mentioned that the City acquired almost \$200,000 for the sale of the former Police Station and suggested that those funds would be well suited to use towards other economic development projects.

*The vote for the use of a consultant to prepare design alternatives to establish public use of the former Bretons Cleaners property at 1 Winter Street passed 9-0 by voice vote.*

- 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 vote to release bid specifications this year for spring construction for the Constitutional Way Complete Streets Project passed 9-0 by voice vote.*

### **COMMENTS BY VISITORS**

Richard Brooks, 18 Linden Street, commented that he attended the Living in Somersworth presentation that was held last month. He noted that there were a number of Community members in attendance and added that during the presentation, members were broken up into smaller groups to discuss housing throughout the City. Mr. Brooks stated that his group had a discussion regarding the former National Guard Readiness Center property where several ideas came about including the idea of tiny houses and he feels that it should be considered for that site. He commented that he has heard from a number of residents who shared some of their reason for moving to the City of Somersworth included the historical character of the downtown which city staff and board members have worked hard to preserve. Mr. Brooks stated that as a member of the Historic District Commission, he feels that the developer of the 85 Elm Street Project does not care as much about the City as much as some people wish that they would. Mr. Brooks explained that the initial conceptual review, which were agreed upon by the Historic District Commission and the developers, became quite different and he felt that the developers were not willing to work with the Commission to find common ground. He hopes that the Council will take into consideration all of the moving parts that took place throughout the planning and decision making. He also hopes that the developers will come back to the City and work with the Boards and Commissions to develop a plan that will be in the best interest of the City. Mr. Brooks shared some design ideas that could potentially be in favor of the Commission such as brick on the bottom of the building and uniform windows. He added that he is not opposed to development within the City and he hopes this project will work out.

Brad Fredette, 3 Blackwater Road, stated that he is a member of the Zoning Board of Adjustments and was part of the decision to deny the appeal of the Historic District Commission's decision regarding the 85 Elm Street development. He stated that he feels the Council does need to provide direction as to what the City wants the Historic District and the Commission to be. Mr. Fredette commented that the Historic District and its Commission needs to be looked at on two different levels, the first being the buildings with historical value, he added that he would like to see those buildings cataloged, and second, the mill housing within the City's Historic District which to his knowledge, the City has some of the best examples of the surviving mill houses throughout the State. Mr. Fredette added that the City has a Culture Commission and he feels that the arts and culture of the City is reinforced by having a Historic District.

Laura Barry, 211 Green Street, commented on the potential for an Ordinance change regarding the Historic District Commission. She asked that all remember that the Commission, at one time, did not exist and the City put it in place for a reason. She appreciated Mr. Fredette's comments regarding the mill worker houses and stated that preservation is not about pretty houses but rather the history of those buildings. Ms. Barry went on to note that Somersworth was a mill town that housed mill workers who were not able to afford lavish houses, but that it is still part of the City's rich history and if the Council votes to carve out a chunk of the Historic District, it's possible that the City will lose that history forever. Ms. Barry challenged the Council to review the Historic District, not from an

Ordinance or Zoning change, but rather how the Commission looks at their definition of infill. She agreed with Councilor Witham's comments that the guidelines are subjective, therefore making them hard to define. Ms. Barry suggested that if a workshop were to be established, it should include members of the Historic District Commission and Zoning Board. Additionally, the City can look for grants that would bring in a consultant to review the Historic District boundaries and determine its value.

### **CLOSING COMMENTS BY COUNCIL MEMBERS**

Councilor Messier commented that he understands the Historic District's reach of the mill buildings as he has lived within the City for 65 years. He noted that the parking lot being discussed as part of the 85 Elm Street development, has been a parking lot for a number of years and he does not see the historical significance of that specific spot. Councilor Messier listed a number of sites that he agrees holds historical value to the City, but he also feels that if the Community is to grow its downtown, it needs development that will bring and attract more people to the City's downtown area. Councilor Messier attended the new Fire Station's Open House event; he noted that the building is very nice and that everyone involved did a great job on the project. He also attended Coffee with a Cop during their event, he commented that he feels community policing is a wonderful thing and commended the Somersworth Police Department in their outreaching efforts. Councilor Messier requested an update on the finalizing of the lease agreement with The Oaks golf course management team. City Manager Belmore confirmed that the Lease Extension Agreement was complete and will be going to Committee for review before going to vote by the full Council.

Councilor Cameron commented that she could tell that the Zoning Board of Adjustments had a very thoughtful discussion regarding the 85 Elm Street development. She stated that she is leaning towards the City reviewing the Historic District boundaries and having discussions pertaining to historical value or significance of buildings within the District. Councilor Cameron stated that she was torn with the decision by the Zoning Board of Adjustments regarding the 85 Elm Street development appeal. She also feels that the Commissions and Boards are in place for a reason and to make decisions based on their guidelines, and therefore, she remains open to having further discussions regarding the Historic District Commission as she does not want to deter developers from coming into the City. Councilor Cameron commented that she is excited for the installation of the new footbridges on the Willand Pond walking trails.

Councilor Gerding commented that he is excited for the High Street road and sidewalk project that is underway, he feels that it is an important project for the City and for the revitalization of that area. He mentioned hearing from a number of residents who were pleased with the previous sidewalk work that had been completed along High Street. Councilor Gerding noted that he has spent a lot of time thinking about the 85 Elm Street development and recent discussions regarding the design. He explained that he tends to use his experience as an educator when reflecting on his own decisions, and he doesn't feel that creating Ordinance changes is how he would prefer to approach the Historic District Commission guidelines. Councilor Gerding reiterated comments by visitors of other ways that the City could work towards making the Commission's regulations less subjective such as discussing infill guidelines of new development and cataloging buildings with historical significance. He suggested finding ways to provide resources to the Historic District Commission before implementing Ordinance changes on their guidelines. Councilor Gerding does not support an Ordinance change at this time without more information and would like for there to be more discussions.

Councilor Witham stated that comments made tonight by Councilors and visitors have created an excellent segway to conversations around the Historic District Commission's guidelines. He stated that he has talked with many people throughout the Community and he admitted that he struggles with the

Historic District due to its subjective nature. Councilor Witham noted that the 85 Elm Street development does not yet exist and would be considered as an infill building and looks forward to engaging in further discussion around infill project guidelines. He believes that if the district size does not change, the regulations that guide the Commission should be reviewed, and he also strongly feels that the financial aspect of a project should be considered as part of the decisions made.

Councilor Pepin commented on his attendance of the Traffic Safety Committee meeting as he did receive email communications from residents off of Rocky Hill Road and Otis Road. He added that he does walk his dog regularly on Otis Road which is a long and winding road, and he witnesses vehicles traveling at a high rate of speed making it unsafe at times. Councilor Pepin noted that he is also not in favor of installing pedestrian signs as those speeding are already not obeying the speed limit signs. He stated that the Somersworth Police Department are willing to add increased patrol to that area which will hopefully reduce vehicle speeds. Councilor Pepin commented that he is also looking forward to further discussion regarding the City's Historic District and shared his recollection of the City before urban renewal. He stated that the City needs more development to bring people in that will help to support the City's businesses. He also expressed his frustration with developers looking to come into the City and being shot down by the public or Commissions. Councilor Pepin fears that developers will avoid responding to an RFP if the City appears difficult to work with and he looks forward to discussions that introduce change.

Councilor Vincent expressed his displeasure of comments that have been made from some of the Councilors regarding their concern of making it too difficult for developers to come into the City to build. He added that municipalities create regulations and Ordinances to ensure that developers coming into their cities and towns, abide by what they want being developed within their borders. Councilor Vincent shared that he has built a number of homes within the City as well as a business, he stated that it was also difficult for him, but it is what the City wanted. Councilor Vincent commented that he is happy about the new sign at the entrance of Somersworth from the Dover line. He concluded with stating that he agrees with comments made by Mr. Brooks.

Councilor Gibson commented that he believes developers are not going to back out of a project because of some rules that are put in place by the City that make it a little tough to work within. He stated that he is also not impressed with the developers of the 85 Elm Street project and feels that they came in with a significant redesign of the initial project design. Councilor Gibson stated that Historic District Commissions are important to communities and he agrees that the character of the district must be preserved. He added that if Councilors disagree with the decisions made by the Boards or Commissions, discussions need to be had. Councilor Gibson agreed with the comments made about the mill houses having historical value and he believes that new development should conform to the character of that area. He also commented that he feels that hiring a realtor to market the former National Guard property is the best alternative for the site and noted that the Council will still have a say of the final development concept.

Councilor Austin commented that he looks forward to discussions pertaining to the Historic District's size and the guidelines that govern it. He also agrees that the district has its place within the City and it needs to be preserved, and he does believe that there is a distinct difference between existing properties and new development. He added that the City should discuss allowing some latitude when a developer wants to come in to revitalize on a site that is otherwise an eyesore. Councilor Austin commented that he is also not an advocate of requiring that new construction coming into the district look like that of a building that has been here for 200 years or so. He believes that some of the restrictions placed on the City's Historic District are going to continue to leave properties empty throughout the downtown area and looks forward to the important conversations needed for the City's economic growth.

Councilor Michaud asked that the City and its residents not place all of the blame on the Historic District Commission with regards to the 85 Elm Street development. He reiterated the fact that the developers and the Commission worked together to agree on a design of the building, and then the developers made significant changes to the design and façade of the structure without, what he feels, was an unwillingness to collaborate or compromise with their new plans presented to the Commission. Councilor Michaud supports the review of the Historic District's reach, and he also agrees that the guidelines need to be reviewed in areas that leave too much room of subjectivity on decision making. Councilor Michaud requested that if a Committee is established to review the Historic District Commission in its entirety, he would like to ask that Laura Barry join the Committee to share her knowledge of the district area. Councilor Michaud commented on Mr. Brooks statement regarding the tiny houses, he stated that he joined Councilor Gerding and met with a company about a month ago who prints out 3-D tiny house, he noted that he felt that the former National Guard property would be a perfect location for those style houses and hopes they are one of the bidders that come forward for the sale of the property. Councilor Michaud thanked Director Bobinsky and the Department of Public Works Department staff for the great work they are doing at the Ash Street Park as well as the members involved with the Community Garden at Malley Farm.

### **ADJOURNMENT**


*Councilor Cameron made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Gerding and passed 9-0 by voice vote. The meeting adjourned at 9:25 p.m.*

Respectfully Submitted,

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Kristen LaPanne, City Clerk



	<p style="text-align: center;"><b>City of Somersworth – Resolution</b></p> <p>Resolution No:       <b>14-24</b></p> <p><b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH J&amp;B CONTRACTING OF DOVER, NEW HAMPSHIRE FOR THE REPLACEMENT OF THE WILLAND POND TRAIL BRIDGES</b></p>
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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	
<p><i>Sponsored by Councilors:</i></p> <p>David A. Witham Don Austin Robert Gibson Matt Gerding</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

## City of Somersworth – Resolution 14-24

### History

First Read Date:	9/18/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	10/9/2023		

### Discussion

*9/18/2023*

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

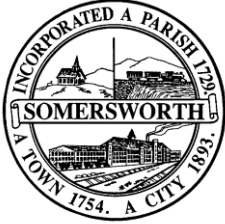
*Resolution 14-24 will remain in first reading until the call of the Chair.*

*10/9/2023*

*Clerk LaPanne performed a second reading of Resolution 14-24.*

*Councilor Vincent made a motion to adopt Resolution 14-24 as presented. The motion was seconded by Councilor Gibson and passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	<b>0</b>
On 10/9/2023	Resolution 14-24	<b>PASSED</b>	<b>FAILED</b>



## 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:

Recorded by:

Scott A. Smith  
Director of Finance and Administration

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

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## City of Somersworth – Ordinance 1-24

### History

First Read Date:	10/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion


*10/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 1-24.*

*Ordinance 1-24 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		

<b>TOTAL VOTES:</b>			
On	Ordinance 1-24	PASSED	FAILED

	City of Somersworth – Ordinance
	Ordinance No: <b>2-24</b> <b>TO AMEND CHAPTER 19, ZONING, BY ADDING SECTION 4.C. CONDITIONAL USE PERMIT, SECTION 33 SOLAR AND TABLE 4.A.6 USE OF SOLAR</b>

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 greater than 2,000 Sf and less than 1 acre of solar footprint.

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 Solar<sup>3</sup>**

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 <sup>1</sup>	P <sup>4</sup>	CUP	CUP	P	CUP	X
2	Medium Scale Solar Energy System <sup>1</sup>	CUP <sup>4</sup>	X	CUP	CUP	CUP	X
3	Large Scale Solar Energy System <sup>1</sup>	X	X	CUP	CUP	CUP	X
4	Roof Mounted Solar Energy System	P	P	P	P	P	P
5	Carport Mounted Solar Energy System <sup>2</sup>	CUP	P	P	P	X	CUP
<sup>1</sup>		Placement of ground mounted solar: <ol style="list-style-type: none"> <li>1. Shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building.</li> <li>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)</li> <li>3. In no case shall ground mounted solar exceed 15 ft in height.</li> <li>4. Ground mounted solar shall not be allowed within the wetlands buffer.</li> <li>5. Requires Site Plan application within the commercial and Industrial zones.</li> <li>6. Requires building permit electrical permit</li> </ol>					
<sup>2</sup>		Construction a new carport over a parking area of a commercial or multifamily development would require site plan approval by the Planning Board					
<sup>3</sup>		Properties located in the Historic District Overlay shall require a Historic District Application for installation of solar arrays.					
<sup>4</sup>		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

## City of Somersworth – Ordinance 2-24

### History

First Read Date:	10/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

*10/9/2023*

*Councilor Witham made a motion to suspend Council Rules to all Ordinance 2-24 to be read by title only. The motion was seconded by Council Pepin and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 2-24 by title only.*

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		
<b>TOTAL VOTES:</b>			

On	Ordinance 2-24	PASSED	FAILED
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*Ordinance 2-24 will remain in first reading until the call of the Chair.*