



City of Somersworth  
City Council Meeting  
Tuesday, February 16, 2021

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Due to the State of Emergency declared by the Governor and in accordance with the Governor's Emergency Order # 12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. This meeting will be held via Zoom online platform. This meeting is open to the Public, though the Public is not encouraged to attend. The public is asked to submit comments via email to [jslaven@somersworth.com](mailto:jslaven@somersworth.com) or [bbelmore@somersworth.com](mailto:bbelmore@somersworth.com). Comments must be received not later than 4:00 p.m. the day of the City Council meeting. The meeting can be viewed via the Local Government Cable Access Ch. 22 (Comcast) as well as via live stream at the City's website [www.somersworth.com](http://www.somersworth.com). The public can access the meeting and listen live by telephoning any of the following numbers and then adding webinar I.D # 832 9322 9966

1 (312) 626-6799 or, 1(646) 558-8656 or, 1 (301) 715-8592 or, 1 (346) 248-7799 or,  
1 (669) 900-9128 or, 1 (253) 215-8782

\* If any member of the public has difficulty accessing the meeting by phone or viewing the meeting on the Local Government Access Channel or live stream, please call 603-692-3131 to report the issue.

**7:00 p.m. City Council Meeting**

1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearing
  - A. Ordinance No. 11-21 – Supplemental Appropriation to Reconstruct Nadeau Street
4. Comments by Visitors
5. Consent Calendar
  - A. Approve Minutes of the City Council Meeting held on February 1, 2021
6. Comments by City Councilors
7. Communications
8. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
9. Mayor's Report

10. Report of Standing Committees
11. Report of Special Committees, City Officers and City Manager
12. Nominations, Appointments and Elections
13. Lay on the Table
14. Unfinished Business

ORDINANCES

- A. **Ordinance No. 11-21** – Supplemental Appropriation to Reconstruct Nadeau Street

RESOLUTIONS

- A. **Resolution No. 29-21** – To Authorize the City Manager to Contract with Continental Paving of Londonderry, NH for Fiscal Year 2020-2021 Road Improvements
- B. **Resolution No. 30-21** – To Authorize the City to Use Funding from the Municipal and Transportation Fund for the Fiscal Year 2020-2021 Road Resurfacing Program
- C. **Resolution No. 31-21** – City Council to Provide Guidance for Budget Preparation for the Use of Fund Balance as Part of the School Department Budget

15. New Business

ORDINANCES

- A. **Ordinance No. 12-21** – To Amend Chapter 19, Zoning, Section 13 - Riparian and Wetland Buffer District Ordinance

RESOLUTIONS

- A. **Resolution No. 32-21** – City Council Vote to Restructure the Membership of the Sustainability Committee
- B. **Resolution No. 33-21** – A Vote to Affirm the City of Somersworth's Commitment to the Sustainability of the Somersworth Youth Connection Program

OTHER

- A. Vote to Approve Amendments to the Stewart's Ambulance Service Inc. Agreement and Extend the Term Through July 31, 2027
- B. Vote to Ratify the Wage and Working Agreement Between the City of Somersworth and Water/Wastewater Employees Association
- C. Vote to Authorize the Sale of City Surplus Property – Per Administrative Code, Chapter 29, Section 8.5, Disposal of City Property: Fire Apparatus-Engine 2

D. In Accordance with Resolution 31-21, the City Council to Provide Guidance for Budget Preparation for the Use of Fund Balance as Part of the School Department Budget; the City Council Votes to Authorize the Use of \$419,671 of the Anticipated School Department FY 2021 Surplus of \$432,305 as a Revenue Source as Part of the School Department/School Board FY 2021-2022 Budget.

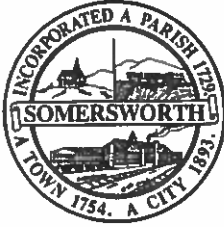
16. Comments by Visitors

17. Closing Comments by Council Members

18. Future Agenda Items

19. Nonpublic Session (as necessary, pending roll call vote by Council)

20. Adjournment



## City of Somersworth – Ordinance

Ordinance No: 11-21

### SUPPLEMENTAL APPROPRIATION TO RECONSTRUCT NADEAU STREET

February 1, 2021

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

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

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

Revised Budget	Amendment	Revised Budget
\$ 404,700	\$ 92,452	\$ 497,152

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Jonathan Slaven  
City Clerk

#### Background:

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

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

This Ordinance will take effect upon passage.

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

**City of Somersworth – Ordinance 11-21**

**History**

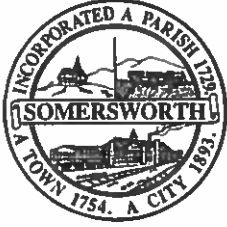
First Read Date:	2/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

**Discussion**

*02/1/2021*

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

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



## City of Somersworth – Resolution

Resolution No: 29-21

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

February 1, 2021

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

Drew Road	Portland Street
Edmund Street	South Street
Fox Court	Ben Rich Drive
Laurier Street	Lil-Nor Avenue
Lemelin Court	Pinkham Street
Rowland Street	Primrose Lane
Shady Lane	Midway Park
Wilson Street	Bartlett Avenue
Locke Avenue	Cass Street, AND

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

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

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

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

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

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

**City of Somersworth – Resolution 29-21**

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

**Discussion**

02/01/2021

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

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



## City of Somersworth – Resolution

Resolution No: 30-21

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

February 1, 2021

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

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

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

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

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

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



**City of Somersworth – Resolution 30-21**

**History**

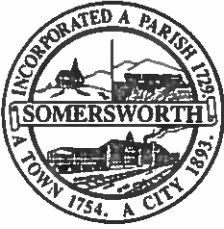
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

**Discussion**

*02/01/2021*

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

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



## City of Somersworth – Resolution

Resolution No: 31-21

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

February 1, 2021

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

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

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

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

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

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

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

**City of Somersworth – Resolution 31-21**

**History**

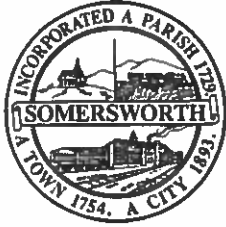
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

**Discussion**

*02/01/2021*

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

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



## City of Somersworth – Ordinance

Ordinance No: 12-21

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

February 16, 2021

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

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

### **Section 13 Riparian and Wetland Buffer District Ordinance**

#### **Section 1. Title and Authority**

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

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

#### **Section 2. Purpose**

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

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

#### **Section 3. Intent**

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

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

#### **Section 4. Applicability**

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

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

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

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

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

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

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

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

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

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

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

## **Section 5. Definitions**

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

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

19.13.5.C. Development is defined as:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## **Section 6. Riparian Buffer and Wetland Buffer Requirements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Section 7. Riparian and Wetland Buffer District Regulations**

### **19.13.7.A. Prohibited Uses, Structures and Activities**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### 19.13.7.C. Conditional Use Permit Applications.

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

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

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

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

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

## **Section 8. Non-Conforming Lots, Uses and Structures**

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

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

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

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

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

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

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

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

**Section 9. Conflict With Other Regulations**

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

*This Ordinance shall take effect upon its adoption.*

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

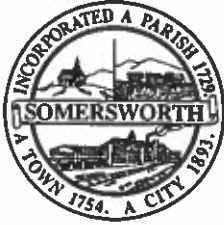
**City of Somersworth – Ordinance 12-21**

**History**

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

**Discussion**

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



## City of Somersworth – Resolution

Resolution No: 32-21

### **CITY COUNCIL VOTE TO RESTRUCTURE THE MEMBERSHIP OF THE SUSTAINABILITY COMMITTEE**

February 16, 2021

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

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

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

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

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

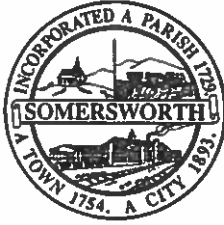
BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT members of the Committee must be residents or employees of the City of Somersworth and shall be appointed for a two-year term.

#### **Authorization**

*Sponsored by:*  
Mayor Dana S. Hilliard

*Approved:*  
City Attorney





## City of Somersworth – Resolution

Resolution No: 33-21

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

February 16, 2021

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

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

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

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

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

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

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

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

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

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

**City of Somersworth – Resolution 33-21**

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

**Discussion**

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