

**CITY OF SOMERSWORTH**  
**AGENDA FOR MONDAY, JANUARY 7, 2019**

7:00pm City Council Meeting

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1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearings
  - A. **Ordinance No. 7-19** - To Amend Chapter 13 Police Offenses, Section F.1, Time Limited Parking – Washington Street
  - B. **Ordinance No. 9-19** - To Amend Chapter 13 Police Offenses, Section G, Permit and Reserved Parking – Snow Emergency Parking on Noble Street and River Street
4. Comments by Visitors
5. Consent Calendar
  - A. Approve Minutes of the City Council Meeting held on December 3, 2018
  - B. Emailed comments from Richard Brooks, HDC Vice Chair, on proposed HDC Ordinances
6. Announcements by City Councilors
7. Communications
  - A. Letter from Attorney Francis X. Bruton, III, regarding 60 & 64 Stackpole Road
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
  - A. Nominations requiring Council approval:
    - a. Brad Fredette, from alternate member to a full member on the Zoning Board of Adjustment, with a term to expire May 2021
    - b. Mercedes O'Donohue, as a member of the Conservation Commission, with a term to expire November 2021

**B. Nominations requiring Council approval:**

- a. For Members of the SAU Withdrawal Planning Committee, with term to expire January 2020:
  - i. Todd Marsh
  - ii. Denis Messier
  - iii. Todd Patten
  - iv. Dana Rivers

**13. Lay on the Table**

- A. **Ordinance No. 4-19** – To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District
- B. **Resolution No. 22-19** - To Authorize the City Manager to Take the Necessary Actions to Discontinue Fair Court as a Class V Highway

**14. Unfinished Business**

**ORDINANCES**

- A. **Ordinance No. 7-19** - To Amend Chapter 13 Police Offenses, Section F.1, Time Limited Parking – Washington Street
- B. **Ordinance No. 9-19** - To Amend Chapter 13 Police Offenses, Section G, Permit and Reserved Parking – Snow Emergency Parking on Noble Street and River Street

**RESOLUTIONS**

- A. **Resolution No. 21-19** - To Support an Initiative to Voluntarily Reduce the Distribution and Use of Single-Use Plastics and Expanded Polyesterstyrene (EPS) Products in an Effort Towards Sustaining a Cleaner and Safer Ocean, Salmon Falls River and Healthier Environment

**15. New Business**

**ORDINANCES**

- A. **Ordinance No. 10-19** – To Amend Chapter 4, Personnel Rules & Regulations, Section 7.4.9 Family and Medical Leave Policy
- B. **Ordinance No. 11-19** - To Amend Chapter 6, City Officials, By Adding New Section, Declaring January as Diversity Month

## RESOLUTIONS

- A. **Resolution No. 28-19** - To Authorize the City Manager to Contract with Resilience Planning and Design, LLC of Plymouth, New Hampshire to Develop a Form Based Code Section of the Zoning Ordinance

## OTHER

- A. Vote to ratify a Tentative Three (3) Year Wage and Working Agreement between the City of Somersworth and the Somersworth Public Administrators Association (SPAA)

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: 7-19

### **TO AMEND CHAPTER 13 POLICE OFFENSES, SECTION F.1, TIME LIMITED PARKING – WASHINGTON STREET**

December 3, 2018

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 13, Police Offenses, Section F.1, Time Limited Parking, Three Hour, by deleting:

- Washington St. on the southerly side between High St. and Green St. except the westerly 100 feet

This Ordinance shall take effect upon its passage.

#### Authorization

*Sponsored by:*

Mayor Dana S. Hilliard  
Councilor Edward Levasseur

*Approved:*

City Attorney

## City of Somersworth – Ordinance 7-19

### History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:	01/07/2019	Removed From Table:	
Second Read:	01/07/2019		

### Action

Councilor \_\_\_\_\_ moved for adoption, seconded by Councilor \_\_\_\_\_.

### Discussion

The Traffic Safety Committee conducted a test period of parking on Washington Street. This was specific to suspending the 3 hour stalls on Washington Street. The change was to allow open parking. The test period was conducted during the month of October. As a result of this test the Traffic Safety Committee would recommend rescinding the current 3 hour parking area and replacing it with open parking.

The original request was through The Somersworth Housing Authority. Director Debbie Evans had indicated the 3 hour parking was a hindrance to the use of their Pavilion. The issue was simply that most events at the pavilion ran longer than the 3 hour parking allowed by ordinance. Some similar concerns were echoed by visiting service providers to the seniors residing on Washington Street.

*This Ordinance will remain in 1<sup>st</sup> read until the January 7<sup>th</sup> meeting.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur *		
<b>TOTAL VOTES:</b>			
On / / Ordinance 7-19			



## City of Somersworth – Ordinance

Ordinance No: 9-19

### **TO AMEND CHAPTER 13 POLICE OFFENSES, SECTION G, PERMIT AND RESERVED PARKING – SNOW EMERGENCY PARKING ON NOBLE STREET AND RIVER STREET**

December 3, 2018

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 13, Police Offenses, Section G, Permit and Reserved Parking, by adding:

When signs are erected giving notice thereof, it shall be unlawful for anyone having custody or control of a vehicle to park or cause to be parked in a designated area:

- 17 parking stalls along Noble Street (south side) adjacent to Noble Pines Park, and
- 5 parking stalls along River Street, adjacent to Jules Bisson Park,

without a valid permit issued by the Chief of Police. These parking stalls will be available November 1<sup>st</sup> thru March 31<sup>st</sup> each year for permit parking only at a rate of \$20.00 per month. Permitted vehicles displaying a valid permit are authorized to park a vehicle in this area during the designated dates and during a declared “Snow Emergency”. However at the completion of the “Snow Emergency” vehicles in these permitted areas will be moved no later than 8:00am of the following day.

This Ordinance shall take effect upon its passage.

#### Authorization

##### *Sponsored by Councilors:*

Martin Pepin  
Kenneth S. Vincent  
David A. Witham

##### *Approved:*

City Attorney

## City of Somersworth – Ordinance 9-19

### History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Action

Councilor \_\_\_\_\_ moved for adoption, seconded by Councilor \_\_\_\_\_.

### Discussion

The permits may be obtained through the Police Department and will be offered on a first come basis.

*Councilor Levasseur made a motion to suspend council rules to allow for a second reading, seconded by Councilor Pepin. Motion failed 0-8.*

*This Ordinance will remain in 1<sup>st</sup> read until the January 7, 2019 meeting.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin *		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
<b>TOTAL VOTES:</b>			
On / / Ordinance 9-19			

Somersworth Mayor and City Council,

I would like to address a few of the topics discussed at the last City Council Meeting. Some of those topics I believe need some clarification and some are simply misunderstood. If the HDC could discuss these in a workshop setting, I believe we could help the council better understand the purpose and reasoning behind our proposed changes. Since your discussion involved many topics, I have chosen to address only the more prevalent concerns in this message.

#### Overall process

I am disappointed in the overall process up until this point. This proposal has always been a step behind the typical progression of other ordinances. We (HDC) thought it was odd that legal review was not conducted before it was officially presented to the Council. It was then amended as the lawyer advised, during that amendment, not one councilor brought up any topics or amendments. Then all of a sudden at the second reading, almost everyone had a sudden concern? We have offered City Councilors several opportunities to meet with the HDC at full meetings, workshops, or even at the subcommittee level, only Councilor Witham and Cameron chose to accept those invites over the nearly two years of this process. We were asked to look at many issues not just the size of the district. Knowing this entire topic will have significant discussion. We chose to present the ordinance first, with the intent to present the size of the district soon after. We wanted to address one topic at a time to provide a better end result, rather than jumping back and forth without a true focused discussion. The HDC has voted on the district size, but has not officially presented it to the City Council with the details and reasons for their decision. Please do have an open mind when we do present that information at a later date. Until then we should be focused on the topic presented, the district size or abolishment should not be part of the current discussion.

#### HDC Chair Authority

The authority section seems to be misunderstood a bit from the discussion I heard. Approval of minimal impact projects will not be decided solely by the HDC Chair. The Code Officer, City Planner, and HDC Chair would be the three "votes" on the approval of minimal impact applications. If they do not approve the project as minimal impact, the project would then be considered major impact and move to the full HDC for consideration. Exempt activities would need no permit or approval. The lawyers review seemed to have no problem with this arrangement.

#### Code Violations in the HDC

I can agree there are code violations in the Historic District, but many more properties outside the Historic District have code violations. The discussion during the December 3<sup>rd</sup> meeting, several Councilors expressed concerns about the way buildings in the Historic District are maintained using the June 2018 Code Violation Report as evidence. As I look over the June 2018 report, I found 86 total code violations. Only 17 of those are located within the Historic District and only 4 of those are property owners that live at the same address. So the other 13 could be considered absentee landlords within the Historic District. That shows that this is not as widespread of a problem as it was portrayed during the



meeting, and the fact that 57 of the total violations are absentee landlords proves the Historic District is not the common denominator in this. I would argue that absentee landlords are the source of a vast majority of code violations. Please do not continue to imply that this is primarily a Historic District problem.

#### Other topics

That same night we heard a couple residents comment on the absentee landlord problem, which I should have commented on myself, but I am staying focused on the topic at hand because unfortunately I am not a fluent public speaker without preparing what I need to say. I would like to note the resident from High St offered no negative comments about the Historic District, which he lives in and appeared before a little over a year ago, probably because he sees the real issue. Absentee landlords, we need the hammer not the white gloves for this problem! Mr. Dumont is right about the heart having been ripped out of Somersworth in the past, I would argue the same, due to both urban renewal and absentee landlords. It seems that both were also reasons for the formation of the HDC in the first place. The Council is right to take a firm stance about the appearance of properties and is apparently discussing form based codes. Form based codes dictate how a building must look, ordinances that will specify the setbacks, size, height, and quite possibly architectural features. Did I just describe the HDC or Form based codes? I don't think many on the HDC will agree with me, but they do have many similarities. Would the form based codes overlap the HD? I don't know, do you? Let's discuss these issues and any others brought up at the Council meeting, in depth with a real workshop, instead of a just half hour question and answer session.

#### Combined Workshop

Will a combined workshop actually happen before the January City Council meeting? If not, let's enjoy the Christmas season and start the New Year with a combined effort to work together on these concerns. In the mean time, I am willing to discuss these topics one on one with any Councilor willing to do so. I would imagine HDC Chair Mrs. Barry would be willing to do the same.

Thank you

Richard Brooks

HDC Vice Chair

FRANCIS X. BRUTON, III  
CATHERINE A. BERUBE  
JANELLE B. CORMIER

OF COUNSEL  
JAMES H. SCHULTE

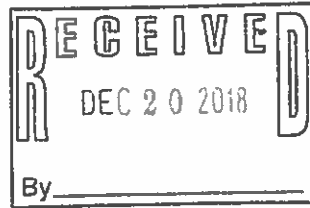
# Bruton & Berube, PLLC

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December 20, 2018

## VIA HAND-DELIVERY

Honorable Dana S. Hilliard  
Somersworth City Council  
City of Somersworth  
One Government Way  
Somersworth, New Hampshire 03878

**RE: Linda Hodgdon and David & Priscille Blaisdell  
60 & 64 Stackpole Road  
Map 36, Lot 45 & Map 20, Lot 07**

Dear Mayor Hilliard:

Please be advised that this office represents Linda Hodgdon and David & Priscille Blaisdell.

Linda Hodgdon and David & Priscille Blaisdell, Owner the property located on Stackpole Road referenced above in Somersworth, New Hampshire. Recently, the Somersworth Planning Board granted a lot line adjustment and subdivision approval based upon the attached plan.

As a result of the aforementioned approvals, there now exists three lots, identified on the plan as Lot 45, Lot 45-2 and Lot 7. Lot 45 & Lot 7 are improved and have existing driveways along Stackpole Road. Lot 45-2 will require installation of a connection to water and sewer lines and removal of a portion of existing sidewalk for the driveway.

It is understood that while the existing sidewalk was not located where it currently exists, as a result of a site or subdivision plan modification for the Sunningdale subdivision, the sidewalk was extended by that developer on the North side of Stackpole Road, rather than the South side, as originally planned.

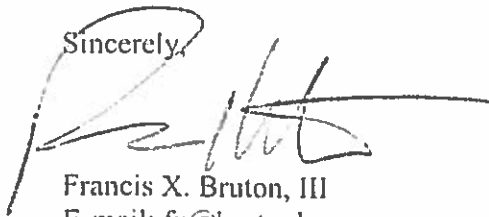
Our clients understand, through Michael Bobinski, Director of the Somersworth Department of Public Works and Facilities, that the City plans to repave Stackpole Road in the Spring of 2019. As such, our clients have work harmoniously with Mr. Bobinski to arrange for connection to the water and sewer services with Stackpole Road for Lot 45-2, prior to the new pavement of Stackpole Road. This is important for both parties in order to avoid being restricted

to make cuts with Stackpole Road due to the 5-year moratorium against cutting into newly paved roads, pursuant to Section 12.1 of the City Ordinances.

During discussions with the Planning Board, and City Staff, the question was raised as to whether a waiver is necessary pursuant to Section 12.1 of the City Ordinances to permanently remove the sidewalk, which is necessary to complete the water and sewer connections and provide for the driveway to Lot 45-2. In our opinion, such a waiver is unnecessary, as the Ordinance does not appear to provide that there is a moratorium as to sidewalks, particularly when the sidewalks is to be permanently removed as opposed to cut into and repaired. It appears clear that the intent of the moratorium is to keep newly paved roads intact, at least for the 5-year period. Through our office, we objected in writing to this requirement in our letter dated November 7, 2018 (copy attached). Although the matter was referred to City Counsel, our clients have not received indication that such a waiver is actually required and no action on the matter was made by the Planning Board. Nonetheless, our clients wish to continue working cooperatively with the City to finalize this matter. As such, without waiving their objection as to the applicability of the moratorium as to a permanent removal of existing sidewalks for access to a lot, they are requested that a waiver be granted in this case. This approach seems reasonable given the size and scope of the project.

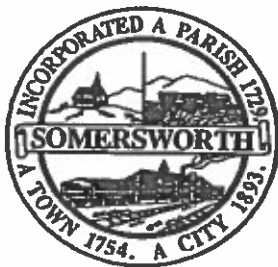
A plan, depicting the work necessary, is attached hereto. As such, Linda Hodgdon and David & Priscille Blaisdell respectfully requests a waiver as to Section 12.1 of the City Ordinances in order to permit removal of the portion of the sidewalks on Stackpole Road, as depicted within the attached plan. Our clients will continue to work closely with Mr. Bobinski and the Department of Public Works and Facilities to minimize the effect of any such work along the sidewalk.

On behalf of our clients, we look forward to reviewing the enclosed information and plans at the City Council's public hearing on the matter.

Sincerely,  
  
Francis X. Bruton, III  
E-mail: [fx@brutonlaw.com](mailto:fx@brutonlaw.com)

FXB/mas  
Enclosures

Linda Hodgdon and David & Priscille Blaisdell.  
Doucet Survey, Inc.  
Mr. Robert M. Belmore  
Ms. Shanna B. Saunders  
Mr. Michael J. Bobinski



City of Somersworth  
Boards, Commissions & Committee Application

*Instructions: Please complete all information.*

Name: Mercedes O'Donohue  
Telephone: 203 979 1103 Email: modrowat@aol.com  
Residence Address: 60 Sunningdale Dr Somersworth 03878  
Mailing Address (if different): \_\_\_\_\_  
Resident of Somersworth for 10 months Years Ward 4  
Registered Voter: Yes ☒ No ☐  
Education Level: BA French Education Plus some Masters courses  
Please list any organizations, groups, or other committees you are involved in:  
Cocheco Quilt Guild Dover NH

I am interested in serving on the following Board, Commission or Committee (s):  
Conservation Commission

My Background or Interests are: Quilting, Gardening

over



I have served on the following Committee (s) in the past: Vendor Assist @ Nutmeg  
Quilt Guild, CT & Member @ Large Cocheco Quilt Guild.

Would you be able to commit to attending all meetings? Yes ✓ No       

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By submitting this Application you understand that:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application will be forwarded to the City Council for consideration.
4. Application will be kept on file for one (1) year from date of receipt.

Signature: Mercedes O'Donohue

Date: 9/26/18

**Please submit application to:**  
**City Clerk's Office**  
**City Hall, One Government Way**  
**Somersworth, NH 03878**



## City of Somersworth – Ordinance

Ordinance No: 4-19

### TO AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 14, HISTORIC DISTRICT

October 15, 2018

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:

Delete Section 19:14 in its entirety and replace with the following:

#### **19:14.A Section A INTRODUCTION AND BACKGROUND**

The downtown area of Somersworth was primarily built by following a master plan designed by the Great Falls Manufacturing Company starting in 1823. The design attempted to relate the brick mills, brick or wood worker-housing and small-scale commercial buildings. Also, this overall plan included large-scale landscape features like the tree-lined canal. The land use pattern created was similar to pedestrian-oriented mill cities across New England. As the mill prospered and the city grew, other commercial buildings and areas were established; these included other areas (such as High Street), and replacement of earlier, smaller businesses. By the end of the 19th Century, the downtown boasted many fine brick hotels and commercial blocks.

The topography of the city played a central role in its development; i.e. the mills were located on the river, their source of power; worker housing and early commercial development were built on the flat land on the other side of the canal, within easy walking distance to the mills; and the mill owners and managers built their houses a carriage ride away, high on the hill to take advantage of the spacious views and cool breezes. An architectural hierarchy was established that closely followed the topological and social dictates. (The higher up you were the higher up you were!)

The history of Somersworth can still be read in her streets and building, but unfortunately, some pages of her history are missing. Fire and urban renewal erased large chunks of the streetscape; especially in the downtown. The master plan as envisioned by the city founders can never be finished nor re-created and it is not even desirable that it should be. However, recognizing the value of planning and good design, the Historic District Commission hopes to guide future changes in a manner that will be complimentary to those original intentions.

#### **19:14.B Section B AUTHORITY**

19:14.B.1 **HISTORIC DISTRICT COMMISSION**. There is herein established a seven member Historic District Commission (HDC) with the membership and power and duties as set forth in New Hampshire Revised Statutes Annotated Chapter 673:4 and 674:46, as the same may be subsequently amended, and as may be needed to carry out the purposes of this section.

19:14.B.2 **POWERS AND DUTIES OF THE COMMISSION** The HDC shall have the following powers and duties:

19:14.B.2.a Maintain a system for the survey and inventory of historic properties. This survey will be the system for comprehensive historic planning within the City.

It will be consistent with the technical standards issued by the United States Department of the Interior to produce reliable, understandable, and up-to-date information for decision making, related to the identification, evaluation and protection/treatment of historical resources;

19:14.B.2.b Establish rules and regulations for the conduct of business which are consistent with the purposes of the Historic District and in conformance with applicable NH State statutes. Members shall be governed by a code of conduct, in conformance with NH State statutes, and in accordance with the City Charter, to prevent real and apparent conflicts of interest in the performance of the HDC's responsibilities;

19:14.B.2.c Establish, adopt, and make available to applicants and the public, guidelines and standards for review to be used by the HDC in reviewing and deciding on applications for Certificate of Appropriateness(COA) to construct, alter, modify, repair, move, or demolish any building and/or structure within an Historic District;

19:14.B.2.d Approve, disapprove, in whole or in part, applications for which a COA is required per the Zoning Ordinance;

19:14.B.2.e Request reports and recommendations from City departments and agencies and from other organizations and sources which may have information or can provide advice pertinent to the application or its impact to the district;

19:14.B.2.f Retain professional consultants as may be necessary to carry out the purpose of this section;

- i. Applicants may be asked to retain professional consultants in regards to supplying information on the applicant's project. This would be at the applicant's expense.
- ii. The HDC may retain professional consultants subject to the availability of funds to help provide support and information to help carry out the HDC's authority and purview.

19:14.B.2.g Investigate and recommend to the City Council new areas for designation as Historic Districts.

19:14.B.2.h Act in an advisory role to other officials agencies, departments, boards, commissions, and committees of the local government, regarding the identification, protection, and preservation of local resources;

19:14.B.2.i Act as liaison on behalf of the local government to individuals and organizations concerned with historic preservation;

19:14.B.2.j Work toward continuing education of citizens within the HDC's jurisdiction, regarding historic preservation issues and concerns;

19:14.B.2.k Recommend and propose amendments and/or revisions to the boundaries and limits of any Historic District to the City Council; and

19:14.B.2.l Keep or cause to be kept accurate and complete records and minutes of meetings, findings of the HDC, and records of each application, all of which shall be

part of the public record.

**19:14.C Section C DESIGNATION OF HISTORIC DISTRICT**

19:14.C.1 **DESCRIPTION** The Historic District is an overlay zoning district, meaning that it is a zoning district which is superimposed over other zoning districts. In all cases where the Historic District is superimposed over another zoning district, that district whose regulations are more restrictive shall apply.

19:14.C.2 **PURPOSE** It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and continued use of structures, sites, areas, and districts within the City of Somersworth having historic, architectural, cultural or design significance is required in the interest of the health, economic prosperity, cultural enrichment, and general welfare of the community. The purposes of this ordinance are to:

19:14.C.2.a Safeguard the heritage of Somersworth by providing for the protection of the structures and areas representing significant elements of its history;

19:14.C.2.b Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within Historic Districts reflecting unique and established architectural traditions typical of houses in excess of 50 years old;

19:14.C.2.c Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

19:14.C.2.d Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;

19:14.C.2.e Stabilize and improve property values within the City; and

19:14.C.2.f Promote the private and public use of structures and areas within Historic Districts for the education, prosperity and general welfare of the community.

19:14.C.3 **DISTRICT BOUNDARIES** The location and boundaries of both the "Hilltop Historic District" and the "Industrial and Commercial Historic District" are hereby established as shown on a map entitled "Historic Districts, City of Somersworth, New Hampshire, January 1992", and as amended, which is hereby declared to be part of this ordinance.

**19:14.D Section D PURVIEW OF THE COMMISSION**

19:14.D.1 **ACTIVITIES REQUIRING REVIEW**. It shall be unlawful for any person to construct, alter, modify, repair, move, or demolish any building, structure, or improvement which lies within a Historic District without first obtaining a Certificate of Appropriateness (COA) from the Historic District Commission (HDC), or in the case of a project of minimal impact, the Planner, Code Officer (CO), and the HDC Chair, in the manner prescribed in this section.



19:14.D.2. **EXEMPT ACTIVITIES.** Exempt activities described in this section do not require review of the applicant's proposed projects or HDC approval. This section does not exempt any property owner from being required to obtain any other permit prescribed by the State of NH or the City of Somersworth.

19:14.D.2.a Any interior construction, alteration, or repair that does not change in any way the outward appearance or any exterior details of the building.

19:14.D.2.b Ordinary maintenance, repair, or painting of any exterior architectural feature which does not involve a change in design, materials, or outer appearance. If any element of a structure must be temporarily removed for painting or repair, it shall be reinstalled within 30 days. Painting must be of standard workmanship quality.

19:14.D.2.c Landscaping that does not affect the current grade of the site, provided there is no change to any vertical structure, such as construction or alteration of walkways and patios.

19:14.D.2.d Planting or removal of vegetation, except in the case of removing a healthy or undamaged tree with a diameter larger than 12" (circumference in excess of 36") when measured 4 feet above grade.

19:14.D.2.e Cleaning of any structure provided the cleaning is performed with proper care and will not harm any element of the structure. (Discouraged paint removal processes; sandblasting, chemical paint removers, high pressure water wash, heat tools, and rotary tools). The gentlest process is always preferred.

19:14.D.3 **PROJECTS OF MINIMAL IMPACT.** For the purpose of this section, the following activities shall be considered to be projects of minimal impact and shall be reviewed and approved, conditionally approved or disapproved by the Planner, CO, and HDC Chair, or their designee, (all three required for approval). A monthly report shall be provided to the HDC informing them of any approved projects of minimal impact.

19:14.D.3.a Erection, construction, or repair of any fence or fence like structure. A fence that is less than 30 percent open such as a stockade fence should not be located in front of the house. Chain Link fence is not allowed unless necessary in cases such as, but not limited to, industrial applications or ball fields.

19:14.D.3.b Erection, construction, or repair of any signs provided the proposed signage adheres to both the HDC Sign Standards for Review, Chapter 19.20 of the Somersworth Ordinances, and other City Sign Ordinances.

19:14.D.3.c Simple roof replacements that involve no alterations to the roof, roof trim, or any roof features. Any changes to the pitch, size, angle, addition, roof

feature, or any other change to any feature of the roof shall require HDC approval.

19:14.D.3.d Sheds less than 120 square feet provided they match the style and texture of the other structures on the property.

19:14.D.3.e Installation or removal of storm doors or windows provided the size and shape match the existing window/door and it adheres to the HDC Storm window and door in the Standards for Review, Section 3, Fenestration.

19:14.D.3.f Essential outdoor mechanical equipment (ducts, fans, solar panels, etc.) provided they are installed in locations which create the least disturbance to the historical integrity of the building and which involve the minimum alteration to its structure.

19:14.D.4 **APPROVAL OF MINIMAL IMPACT** The Planner, CO, and HDC Chair shall have final authority to approve, conditionally approve, or disapprove applications for projects of minimal impact. However, if the Planner, CO, and HDC Chair or the HDC Chair's designee does not unanimously agree that the application is minimal impact, the application shall be forwarded to the HDC for full review and action. Furthermore, the decision of the Planner, CO, and HDC Chair or the HDC Chair's designee may be appealed to the HDC provided that notice of the appeal is filed within ten (10) workdays of the staff's decision.

19:14.D.5 **PROJECTS OF MAJOR IMPACT** Any development activity not specifically listed as an exempt activity or as a project of minimal impact shall be considered a project of major impact and shall go through the review process of the HDC as outlined in the sections below.

#### **19:14.E Section E PROCEDURES FOR REVIEW FOR CERTIFICATE OF APPROPRIATENESS**

19:14.E.1 **APPLICATION**. All application packages shall include the items listed below, as outlined.

19:14.E.1.a **APPLICATION FORM**. A completed application form available from and provided by the Somersworth Development Services.

19:14.E.1.b **PHOTOGRAPHS**. Current photographs of each side of any building proposed for alterations, additions, or demolition. Current photographs of the streetscape in both directions of the street, or both streets if a corner lot.

19:14.E.1.c **ELEMENTS SUBJECT TO REVIEW**. It is the responsibility of the applicant and/or the contractor to describe in a clear manner every element of the proposed project that is subject to the HDC review.

19:14.E.1.d **PLANS**. Detail drawings of all project specific elements. This may be limited to a detailed drawing of one window in the case of an application proposing

replacement of only windows involving no change to the window sizes, but will need additional drawings if more than one window size or style is involved.

19:14.E.1.e **MEASUREMENTS**. Measurements shall be displayed on all plans including building heights. Measurements shall be provided in a clear manner and include dimensions building details such as but not limited to doors, windows, trim, overhangs, and siding exposure.

19:14.E.1.f **REVISIONS**. When subsequent revised plans are submitted the revised plans shall clearly indicate every change from the prior set of plans. This should not be written on or over the older set of plans.

19:14.E.1.g **SAMPLES**. Manufacturer pamphlets, cut sheets, or samples will be needed if the material proposed is not referred to in the Standards for Review document approved by the Historic District Commission.

**19:14.E.2 ADDITIONAL REQUIREMENTS**. The following are additional requirements if an Application proposes significant changes.

19:14.E.2.a **ELEVATION DRAWINGS**. An Application for projects involving changes to the buildings details, openings, height, roofline, mechanical units, or projections shall also provide elevation drawings. Elevation drawing shall show each affected façade of the building, structure, or sign clearly depicting existing conditions and proposed changes. If the overall height change is proposed, adjacent buildings shall be included in a streetscape drawing to act as a fixed benchmark.

19:14.E.2.b **SITE PLANS**. Any site work, new construction, demolition, or change to an existing building's footprint shall provide a Site Plan drawn to scale clearly depicting existing conditions and proposed work. This shall include topographic details in the vicinity of the building due to the steep nature of the land within the Historic District. Plans shall depict any land within 15' of any retaining walls, foundation, or new construction. A streetscape drawing depicting adjacent buildings shall be included to act as a fixed benchmark.

19:14.E.2.c **ENGINEER REPORT**. Any proposed demolition shall require a detailed report from an engineer licensed in the State of New Hampshire as to the soundness of the structure. Any dangerous conditions should be identified. Include the engineer's resume highlighting professional experience in historic property assessment/rehabilitation. Exception: Structures deemed not contributing by the HDC

19:14.E.3 **APPLICATION DEADLINE**. Complete applications must be filed with the Planning Dept, 14 days prior to the next scheduled HDC meeting to be placed on that meeting's agenda.

#### **19:14.E.4 REVIEW OF THE APPLICATION**

19:14.E.4.a **DETERMINATION OF APPROPRIATENESS**. In determining whether to approve or deny an application the HDC shall consider whether or not

the proposed work described in the application conforms to the Somersworth HDC Standards for Review.

19:14.E.4.b **SCHEDULING AND COMPLETENESS**. The HDC will consider applications only at its scheduled meetings. At that time the HDC may consider denying the application if it is for any reason incomplete as outlined in the Application section. This will be decided by a majority vote of present HDC members. If denied for this reason a specific list of what was missing will be provided to the applicant within 10 days.

19:14.E.4.c **PRESENTATION OF THE APPLICATION**. The applicant or their designee should attend the meeting to present the application and be prepared to answer any questions. If the HDC is unable to obtain answers during the review of the application, this constitutes grounds for denial of the application.

19:14.E.4.d **PUBLIC MEETING**. Each application reviewed by the HDC shall allow comment by any abutters, citizens, or other interested people.

19:14.E.4.e **COMPLIANCE PARAMETERS**. When the Commission deems it appropriate in dealing with violations of this ordinance and other matters, it may work with property owners in a flexible manner in setting timeframes and other benchmarks to guide how and when specific work must be completed.

#### 19:14.E.5 **ACTION ON AN APPLICATION**

19:14.E.5.a To the extent practical and appropriate, an applicant may file applications for permits simultaneously with any other board or commission. These plans should be consistent with one another in regard to all details.

19:14.E.5.b If any changes are made by other boards or commissions on elements under the HDC purview, the applicant shall reappear before the HDC for approval.

19:14.E.5.c On more complex projects involving other boards or commissions applicants may present a preliminary proposal at any HDC meeting (consisting of simple hand sketches or other lesser requirements) prior to submitting an official formal application. During the preliminary proposal the HDC shall;

- i. allow informal discussion about the project.
- ii. offer comments, concerns, and or suggestions to aid the applicant.
- iii. make no official decision or ruling during the discussion.

19:14.E.5.d The Commission shall file a Certificate of Appropriateness or a Certificate of Denial with the Planning Department.

19:14.E.5.e The HDC shall render a decision within thirty-five (35) days after the HDC accepts the application as complete.

19:14.E.5.f Failure to act on an application within the period of time specified

above shall be deemed to constitute approval of the application as submitted.

19:14.E.5.g The Certificate of Appropriateness by approval or by default of the Commission per 19.14.E.5.f shall be effective for 1 year after the date of approval, but will not expire during an active building permit.

19:14.E.5.h If the applicant has neither obtained a building permit (or the extension for one) nor commenced work within 1 year after the date of approval, then the approval shall automatically be deemed null and void.

19:14.E.5.i When an application is rejected as being incomplete or denied, the reason(s) for the decision shall be conveyed to the applicant in writing and in the Certificate of Denial and clearly stated in the minutes of the meeting.

19:14.E.5.j At the HDC's discretion on larger or more sensitive projects, the HDC may recommend that the Code Officer oversee construction of the elements and details of the building that are part of the HDC's approval to ensure the building is constructed correctly in accordance with the proposal. The HDC may request that progress reports be submitted to the City and it may identify the requested parameters for those progress reports.

19:14.E.5.k Once a Certificate of Appropriateness has been issued, any changes in construction, due to any reason, shall be brought back to the HDC for review and approval. The Code Officer (CO) may issue a Stop Work Order if any project is not in conformance with the application approved by the HDC. However, if a proposed change is very minor, then Code Enforcement and HDC Chair may approve the proposed change if:

- i. The change is deemed to be insignificant
- ii. The change would be barely noticeable, if at all, from a public right of way and
- iii. The change would be consistent with the intent of the earlier approval.

19:14.E.6 **DECISIONS / FINDINGS.** For a project of minor or major impact, a building or demolition permit shall not be issued until and unless a COA is issued by the HDC in accordance with the provisions of this section.

19:14.E.6.a At the conclusion of its review, the HDC shall issue in writing one of the following:

- i. If in the opinion of a majority of HDC members present and voting the applicant's proposal meets the purpose of this section, then the Historic District Commission shall issue a COA signed by the Chair together with any changes, conditions and/or stipulations. After the issuance of the COA, the Building Inspector may issue any building, demolition or other permit for the approved project; or
- ii. If in the opinion of the majority of the HDC members present and voting the

applicant's proposal does not meet the purposes of this section, then the HDC shall issue a Notice of Disapproval in writing together with the reasons for such decision signed by the Chair and all voting HDC members. The issuance of a Notice of Disapproval shall prohibit the Building Inspector from issuing a building, demolition or other permit; or

- iii. In the opinion of the majority of the HDC members present and voting the application may be tabled.

**19:14.F Section F STANDARDS FOR REVIEW**

19:14.F.1 The Standards for Review shall articulate how and why a building should be similar to surrounding buildings. They will articulate the buildings form, scale, setback, materials, and other pertinent information, to properly blend a new, altered, or remodeled building into the existing historic streetscape or context.

**19:14.G Section G APPEALS AND ENFORCEMENT.**

19:14.G.1 **RESUBMITTAL.** If the applicant's proposal is denied, the applicant may, and is encouraged to, make modifications to the proposed plans and shall have the right to resubmit the application at any time after so doing.

19:14.G.2 **APPEAL PROCESS.** Any person aggrieved by a decision of the Historic District Commission shall have the right to appeal in accordance with RSA 677:17

**19:14.G.3 REQUIRED MAINTENANCE.**

19:14.G.3.a **RESPONSIBILITY.** A property owner in the Historic District is prohibited from allowing his or her property to deteriorate in the manners specified in Chapter 19:24 of the Somersworth Ordinances and failing to correct those conditions shall be subject to enforcement under Chapter 24, The Property Maintenance Code. Any corrective action as directed by such enforcement action must also adhere to this chapter section, 19:14, in its entirety.

**19:14.G.4 ENFORCEMENT AND VIOLATIONS.**

19:14.G.4.a **ENFORCEMENT.** These regulations, in accordance with RSA 674:49 may be enforced under the authority of either NH State RSA 676, as the same may be subsequently amended, and such other authorities as may be available, or Chapter 24 of the Somersworth Ordinance, the Property Maintenance Code or any other remedy afforded by law.

19:14.G.4.b **VIOLATIONS.** If during the regular inspections by the CO a property is found to not be in compliance with the provisions of this section, or if the property is found in violation of Chapter 24 of the Somersworth Code shall be subject to the established violation method used for violations of Chapter 24 of the Somersworth Code

**19:14.H Section H DEFINITIONS.**

- 19:14.H.1 **CITY**; City of Somersworth  
 19:14.H.2 **CITY COUNCIL**; Somersworth City Council  
 19:14.H.3 **CO**; Code Officer (Code Enforcement Officer, Code Compliance Officer)  
 19:14.H.4 **COA**; Certificate of Appropriateness  
 19:14.H.5 **COMMISSION**; Historic District Commission  
 19:14.H.6 Contributing structure; any building, object, or structure which adds to the historical integrity or architectural qualities that make the historic district, listed locally or federally, significant  
 19:14.H.7 **DISTRICT**; Somersworth Historic District  
 19:14.H.8 **HD**; Historic District  
 19:14.H.9 **HDC**; Historic District Commission  
 19:14.H.10 **NRHP**; National Register of Historic Places  
 19:14.H.11 **SHPO**; State Historic Preservation Office

<b>Authorization</b>	
<i>Sponsored by Request by:</i> Mayor Dana S. Hilliard	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 4-19

### History

First Read Date:	10/15/2018	Tabled:	11/05/2018 & 12/03/2018
Public Hearing:	11/05/2018	Removed From Table:	11/05/2018
Second Read:	11/05/2018		

### Discussion

*Councilor Witham, made a motion to waive Council rules to allow for Ordinance 4-19 to be read by title only. Motion passed, 8-0.*

Ordinance 4-19 will remain in first read until the November 5, 2018 City Council Meeting.

On November 5, 2018, *Councilor Witham, seconded by Councilor Levasseur, made a motion to amended the Ordinance in Accordance with the redline version provided. The motion passed, 7-1.*

*Councilor Levasseur, seconded by Councilor Witham, made a motion to table Ordinance 4-19. Motion passed, 8-0.*

On December 3, 2018, *Councilor Witham made a motion that Ordinance 4-19 be removed from the table, seconded by Councilor Sprague. Motion passed 9-0.*

*Councilor Pepin made a motion to adopt Ordinance 4-19, seconded by Councilor Levasseur.*

Councilor Witham stated that he it has been a long time since he has thought as long and as hard as he has with this particular Ordinance. The Historic District Commission has met many times and has spent innumerable hours going over this and crafting it and getting ready for our review. They made a very nice presentation before the Council and made themselves available to answer questions. He is struggling to get to an affirmative vote with this. It is not because he doesn't value the Historic District; he does and feels there is a need for it to preserve our past. There are a couple of things that were missing from what we have in front of us here tonight. First being there were no changes to the size of the Historic District made, he thought it needed some adjustment and was among his anticipations. He feels it is a little too vague and it creeps into an area where perhaps it shouldn't. The second item is the difficulty that exists between trying to maintain the historic significance of a structure or of a piece property, and the cost in doing it. Although, he does think that televising the HDC meetings has helped immensely, he has watched every one of their meetings once if not twice. He tried to look at in a way where, is the construction or the item that a land or building owner is trying to achieve being done historically accurate for the approval from the HDC, is it not burdensome to them. Although, he felt in the recent months it has been less so, it is not zero, and we still have a ways to go. He knows the Ordinance doesn't speak to that, but that there is a separate document that speaks to that. In his eyes he feels it is still a bit too objective. He used an example from last week's meeting, the chain-link fence from the VFW. There was a lot of discussion around it and ultimately it did pass, but there were things like not liking the look of chain-link fences, even though it has been around since the 1800's. It is one of the most historically significant types of fencing that exists. But it led to a robust discussion, in an area where it is not terribly visible from the street. He is glad it passed but it has shed light on the fact that we're not there yet, it is still too subjective. He is interested in continued work on this, but cannot find himself voting for this here this evening.



Councilor Sprague agreed with Councilor Witham he can't support this document as presented, probably for similar but also some added reasons. Such as the authorities that are addressed with the power and duties of the Commission, one of their objectives is they would like to establish their rules and regulations not any other body that is elected or paid. He read from the Ordinance "The HDC chair shall have final authority to approve with the City planner and code officer, conditionally approve or disapprove the applications from minimal impact." As this Ordinance stands we are giving authority to the chair of a Committee that is not an elected or paid professional from the City authorities, to him crosses boundaries that it doesn't need to. As said before Dover's Heritage Commission is more of a suggestive role in helping people developing their property, not an authoritative role which is what this is, this is more than what we currently have. His thought is that it is going in the wrong direction than we currently are. There is no tax benefit to anyone living or thinking about moving into that district to maintain their properties at difference levels than other tax payers. Giving a board that is once again not elected, but is appointed, authority like this is just going in the wrong direction.

Councilor Vincent is also against this Ordinance at this time. He spoke from a builder's perspective; he is all for having really nice historic buildings. But there seems to be in the past where some people have constructed new buildings in the area and there isn't one bit of history that was added to it, so he feels it is a bit of a double standard. He stated that because of the cost in the upkeep of these buildings they are not always maintained to the best.

Councilor Levasseur stated it was mentioned that we have been subjective with our votes. If you look the Ordinances that are before us tonight and you compare them what was before there is a lot of clarifying language. The fact that we are adding this clarifying language especially around minimal and major impact, it's helping to guide us along, with additional work. He joined this board shortly after this discussion; he didn't have the chance to add his two cents into that conversation. He is in favor of taking another in depth look. The size of the district as it sits right now, we can work with it a little bit, he agreed with Councilor Sprague. He stated that Councilor Sprague pointed out earlier that the balance between historic preservation and maintenance and the challenges that lie with that. He thinks property maintenance issues within the City, as pointed out in the earlier public hearings, that there is an issue with code enforcement within the City. He thinks that is part of the perceived issue. As it stands, urban renewal took a chunk out of Main St, with the housing on Washington St and the Plaza. He would hate to see chunks of our historical architecture removed.

Councilor Sprague thanked Councilor Levasseur that he brought up the size of the district. He believed that we may be in the top 3 largest historical districts in New Hampshire. History itself is subjective, so when you talk about a new building going up in the district 2016 has history too. He also used the example of his house being built in 1921 and his shutters looking like they are from 1921, which is the depression era. He believed that the fact that landscaping has to be approved is just ridiculous, where is the line drawn. This needs to be scaled back a lot and is far reaching. It should be voted down and changed to something similar to what Dover has.

Councilor Witham stated that this is a good, healthy conversation. If we choose not to pass this tonight it doesn't mean that our Historic District goes away, it just means that they continue to function as they have, until we decide to do something different. Timing is everything in opening comments we had someone speak about trash and property maintenance. We lament about it often, if City staff doesn't get the message that this is among the most important things that we need to do in this community then they have not been listening. He watched recently, what is going on in the City of Rochester where their Council is kind of nervous about the amount of code enforcement that is going on. They are the exact opposite of us, their Council wants to use white gloves and we'd rather have a mix of white gloves and a hammer when necessary. Part of

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it, in the recent months, is that the code enforcement officer position has been vacant and we are looking to fill it. He pulled up a report that the Council used to get the records stated that, there were an estimated 100 violations in the month of June 2018. Of those there were a number of violations in the Historic District; Grove St, Prospect St, Grand St, Linden St. The report didn't show whether it was because of an HDC violation or not. He sat on the HDC as the Council Representative for a short time, so what he learned over time is that there are often people that undertake building projects within the district and then get stopped, or flagged by our code enforcement office for work that wasn't approved by the HDC. Although, his gut tells him there is a lot less of that now, there is still some of that, which says to him that not everybody is on board in the Historic District. Then there are some people who don't know they are in the Historic District, which is hard to believe, maybe there is some disconnect and a chance for some marketing to be done. He knows that the current members are doing more than that now than perhaps there has ever been. The Historic District requires oversight by City staff, which is really tough now that we are down a position.

Councilor Levasseur stated that Councilor Sprague asked where, "Does this stop?" He can tell you where it starts, it starts at a 12" diameter it's an exempt activity to remove a tree that's larger than a 12" diameter. The reasoning behind that is because trees have history. That is the specific language that has been added to this Ordinance. It was mentioned that there is no value in having this Historic District, but that is not true. We have approved a developer's project for a 79E application, David Baker, who has done the Teatoller building and is looking into doing another project at Leroy Style's building. He believes that he is here because of the value he finds in the Historic District.

Councilor Dumont stated that he struggles because the current HDC staff is very sincere and professional when dealing with the approach to the public. It is very difficult to look at it from a stand point when you are trying to correct the wrongs of many others. When this district was founded it was because this was a run amuck problem in what he considered our Historic District, in his opinion is on the hill. When they started turning the large houses from single family residences to multi-family residences, he believed that was the beginning of the demise of the Historic District. There are properties up there now that if you are an historic buff and you were tuned into Somersworth's progress you would see that the digression started in 1985, continues today. When someone has to replace their home due to a catastrophic event, such as a fire, there's no particular guideline that the house that is rebuilt, has to maintain its historical character, but most prominent is that our past Mayor Mr. Lincoln Soldati, had a terrible loss, today it sits with no potential of development. He thinks that the current Commission has made tremendous progress in educating the public by publicizing their meetings and trying to have educational forums and being very creative with the applicants. There is value in buying a property and restoring it to its historic value. He is going to support this document as is.

Councilor McCallion stated he jumped on this Council eight years ago for him and he jumped on this Council because of absentee landlords. We fought hard to change state law; we did a lot of work. There is no incentive for the Historical District if you did an overlay or a 79-E and you said to people if you maintain your home, it will freeze your value for a few years and you're going to gain that back in the taxes or there is other mechanisms that the state offers where you build up the infrastructure around that area. So the extra increment that you value in your house goes to sidewalks and roads in that district. He agreed with Councilor Sprague in regards to the approval process. He can't support this tonight; he thought it was going to come back more as an advisory board.

Councilor Pepin has mixed feelings. He had a resident take him up there. There are some buildings that are prestigious and the one next door is awful. Somewhere along the way there has

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to be a happy medium. He feels that some buildings can be improved upon on the hill without a lot of cost. The Historical Commission is trying to change the list of products allowed to align with products available today. He doesn't agree with the chair having the authority to make the decision. He thinks some stuff has gone overboard in this draft but a lot of it is needed. What is frustrating is that they have opened their doors for all of our comments to be heard before we got to this point and he is not sure how many of us did. He thinks that a lot of this could have been solved prior to this point.

Councilor Witham stated there are a couple of conversations taking place right now. One is to change this all together and make it an advisory, get rid of the HDC and the Historic District, then there are we just don't like what's in front of us here tonight, let's revisit that. The third conversation is to keep what's in front of us tonight as the new Ordinance. He is not on board with demolishing the Historic District or the Historic District Commission right now he just wants it to be tightened up a bit, he wants it to be a cumbersome process. He thought he conveyed his thoughts that he wanted to shrink the size of the district. Do the people that live in this district want this; I think it is a healthy mix of yes and no's. He doesn't know what the answer is, but we are not there with this draft. He thinks it is best to say no to this draft, send it back to the Committee to rework it and bring it back. Maybe the answer is to have a workshop with the HDC and the Council that has not happened. If there was one and I missed it, I apologize.

Councilor Levasseur asked that the chair be allowed to remind the Council when that date was. Mayor did not have that date available. Levasseur stated he meant the HDC chair, the Mayor stated no he will have to suspend Council rules and he will not allow for another breach of rules.

***Councilor Dumont made a motion to suspend Council rules to allow for the HDC chair to address the Council, seconded by Councilor Vincent. Motion Passed 7-1.***

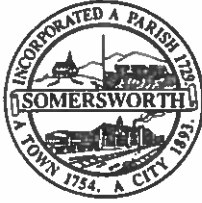
Laura Berry, HDC Chair, came up to the podium but she didn't know the date that the workshop was held, she doesn't think that anyone showed up besides the HDC.

Councilor Levasseur stated that we have discussed the negligence of the past that led us to the condition the district as it looks now. We've discussed the challenges that we face and dealing with code enforcement. As he understands it, the law requires that we can only contact the property owners; maybe we need to look at working with our legislators to allow us to contact the residents/tenants. The HDC is one of the hardest Commissions that he has served on in this City over the past year. We have been working really hard to preserve the history in the City. He would like to lay out a potential remedy; he does agree that this document needs a little more work. Another solution would be to come to the Council with our redefined standards for review, as well as the reworking the size of the district.

***Councilor Witham made a motion to table Ordinance 4-19, seconded by Councilor Pepin. Motion passed 9-0.***

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		

At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
<b>TOTAL VOTES:</b>			
On    /    /    .	Ordinance 4-19	PASSED	FAILED



## City of Somersworth – Resolution

Resolution No: 22-19

**TO AUTHORIZE THE CITY MANAGER TO TAKE THE NECESSARY ACTIONS TO DISCONTINUE FAIR COURT AS A CLASS V HIGHWAY**

November 5, 2018

WHEREAS, the City of Somersworth has determined there is no longer a need to maintain Fair Court; and

WHEREAS, the Public Works & the Environment Committee of the City of Somersworth has reviewed this proposed action with staff and supports this discontinuance,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH, in accordance with RSA 231:43, that Fair Court, is hereby discontinued as a Class V highway, described as follows:

Starting at the northwest corner of map 10, lot 179 along Elm Street, going northerly approximately 36 feet to the southwest corner of map 10 lot 180, continuing easterly approximately 148 feet until reaching Main Street at the southeast corner of map 10, lot 180, then following southerly approximately 32 feet to the northeast corner of map 10, lot 179, and back 126 feet to the original location of the northwest corner of map 10, lot 179.

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

## City of Somersworth – Resolution 22-19

### History

First Read Date:	11/05/2018	Tabled:	12/03/2018
Public Hearing:	12/03/2018	Removed From Table:	
Second Read:	12/03/2018		

### Discussion

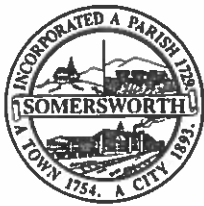
*Councilor Witham, seconded by Councilor Levasseur, made a motion to waive Council Rules to have Resolution 22-19 read by title only. The motion passed, 8-0.*

Resolution 22-19 will remain in first read until the December 3, 2018 City Council Meeting.

On December 3, 2019, *Councilor Witham made a motion to approve Resolution No 22-19, seconded by Councilor Pepin.*

*Councilor Sprague made a motion to table Resolution 22-19, seconded by Councilor Witham. Motion passed 9-0.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin *		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
<b>TOTAL VOTES:</b>			
On    /    /    .    Resolution 22-19		PASSED	FAILED



## City of Somersworth – Resolution

Resolution No: **21-19**

**TO SUPPORT AN INITIATIVE TO VOLUNTARILY REDUCE THE DISTRIBUTION AND USE OF SINGLE-USE PLASTICS AND EXPANDED POLYESTERSTYRENE (EPS) PRODUCTS IN AN EFFORT TOWARDS SUSTAINING A CLEANER AND SAFER OCEAN, SALMON FALLS RIVER AND HEALTHIER ENVIRONMENT**

November 5, 2018

WHEREAS, the City of Somersworth is diligent in its efforts to take a leadership role to preserve the beautiful environment which supports an environmentally sound, clean and healthy community for current and future generations; and

WHEREAS, maintaining and enhancing an environmentally sound, clean and healthy community, the quality of the waters of our ponds, the Salmon Falls River and Atlantic Ocean is important to the quality of life enjoyed by Somersworth residents, businesses, and visitors; and

WHEREAS, single-use plastics include water and soda bottles, plastic straws, plastic lids, plastic bags, and plastic utensils; and

WHEREAS, EPS products include "to-go" containers, leftover food containers ("clamshells"), and drink cups; and

WHEREAS, plastic drinking straws are provided by most establishments that offer cold drinks; and

WHEREAS, an estimated 500 million straws are used daily in the United States, and, plastic drinking straws found in the Salmon Falls River, on the beach, or washed up onto the beach pose a great threat to marine and other wildlife; and

WHEREAS, single use plastics and EPS products, being non-biodegradable, litter our landscape and beaches, pollute our ponds, rivers and oceans, killing or injuring an estimated one million or more animals annually; and

WHEREAS, once plastics and EPS products enter landfills, it takes 500-1,000 years for these products to decompose and, if ignored, create permanent damage to the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somersworth, THAT the City of Somersworth hereby recognizes the efforts of Sustainable Seacoast, the Post Landfill Action Network, and local merchants and residents to reduce the distribution and use of single-use plastics and EPS products;

THAT the City of Somersworth urges all citizens to embrace and commit to use the following in their daily lives -

- Reduce
- Reuse
- Recycle

THAT the City of Somersworth urges all citizens and business owners to voluntarily participate in this initiative to reduce the use of plastic straws, single-use plastics and EPS products and packaging through the use of reusable, compostable and/or recyclable materials;

THAT the City of Somersworth urges businesses that provide a product for which a straw would be desired are encouraged to offer a non-plastic straw or provide a plastic straw only upon individual request;

THAT the City of Somersworth, through recommendations from the Sustainability Committee, will officially recognize those businesses within the City who support, initiate and commit to a single-use plastics and EPS reduction program. This recognition will consist of a Proclamation of Appreciation and Recognition for placement at their business and will be in place so long as the business demonstrates its involvement and continuous support.

<b>Authorization</b>	
<i>Sponsored by Councilor:</i> Edward Levasseur Nancie Cameron	<i>Approved:</i> City Attorney

## City of Somersworth – Resolution 21-19

<b>History</b>			
First Read Date:	11-05-2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### **Action**

Resolution 21-19 will remain in first read until the December 3, 2018 City Council Meeting. On December 3, 2019, Resolution No. 21-19 was referred to the Government Operations Committee by the Mayor for further review.

<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	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur *		
<b>TOTAL VOTES:</b>			
On   /   /   .   Resolution 21-19		<b>PASSED</b>	<b>FAILED</b>





## City of Somersworth – Ordinance

Ordinance No: **10-19**

### **TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, SECTION 7.4.9 FAMILY AND MEDICAL LEAVE POLICY**

January 7, 2019

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 4, Personnel Rules & Regulations, Section 7.4.9 Family and Medical Leave Policy, as by deleting it in its entirety, and replacing it with:

*7.4.9 Family and Medical Leave Policy*

The City Manager will issue a City of Somersworth Family Medical Leave Act Policy and amend it as may be required by law from time to time.

This Ordinance shall take effect upon passage.

#### Authorization

*Sponsored by Councilors:*

Martin P. Dumont, Sr.  
David A. Witham  
Edward Levasseur

*Approved:*

City Attorney

## City of Somersworth – Ordinance 10-19

### History

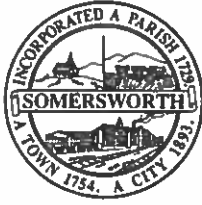
First Read Date:	01/07/2019	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Action

Councilor \_\_\_\_\_ moved for adoption, seconded by Councilor \_\_\_\_\_.

### Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
<b>TOTAL VOTES:</b>			
On    /    /    .    Ordinance 10-19		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: 11-19

### **TO AMEND CHAPTER 6, CITY OFFICIALS, BY ADDING NEW SECTION, DECLARING JANUARY AS DIVERSITY MONTH**

January 7, 2019

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:

#### **Section 6.8.3 Declaring January Diversity Month-**

Each year the Mayor and City Council shall introduce at the first meeting in December a Resolution that declares January as Diversity Month in the City of Somersworth. Said Resolution shall proclaim the Community's renewed commitment in embracing diversity and equality as espoused by the values and human rights doctrines of Rev. Martin Luther King, Jr. and as articulated in the Declaration of Independence, the United States Constitution, New Hampshire Constitution and our own City Charter.

This Ordinance shall take effect upon its passage.

#### **Authorization**

##### *Sponsored by:*

Mayor Dana S. Hilliard

##### *Councilors:*

David A. Witham

Nancie Cameron

Edward Levasseur

Martin Pepin

Martin P. Dumont, Sr.

Richard R. Michaud

##### *Approved:*

City Attorney

## City of Somersworth – Ordinance 11-19

### History

First Read Date:		Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Action

Councilor \_\_\_\_\_ moved for adoption, seconded by Councilor \_\_\_\_\_.

### Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin *		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
<b>TOTAL VOTES:</b>			
On   /   /   .   Ordinance 11-19		PASSED	FAILED



## City of Somersworth – Resolution

Resolution No: 28-19

**TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH  
RESILIENCE PLANNING AND DESIGN, LLC OF PLYMOUTH,  
NEW HAMPSHIRE TO DEVELOP A FORM BASED CODE  
SECTION OF THE ZONING ORDINANCE**

January 7, 2019

WHEREAS, City staff solicited proposals from qualified consultants to prepare a form based code section of the City's Zoning Ordinance for the purpose of increasing economic development in the City's Downtown portion of the Business District and the Residential/Business District, and

WHEREAS, City staff reviewed the proposals submitted and interviewed prospective consultants and recommends contracting with Resilience Planning and Design, LLC of Plymouth, NH at a cost of \$25,300 (Twenty Five Thousand Three Hundred dollars) which includes anticipated project costs and contingency, and

WHEREAS, the Economic Development Committee reviewed this project with City staff and supports the recommendation, and

WHEREAS, The Finance Committee reviewed this project with City staff 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 Resilience Planning and Design, LLC of Plymouth, NH to develop a form based code section for the City's Zoning Ordinance at a cost not to exceed \$25,300 (Twenty Five Thousand Three Hundred dollars) and to take any other actions relative to this project determined to be in the best interest of the City.

### Authorization

*Sponsored by Councilors:*

David A. Witham  
Martin P. Dumont, Sr.  
Jonathan McCallion  
Martin Pepin  
Richard Michaud

*Approved:*

City Attorney

## City of Somersworth – Resolution 28-19

### History

First Read Date:	1/7/2019	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Action

Councilor \_\_\_\_\_ moved for adoption, seconded by Councilor \_\_\_\_\_.

### Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham *		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
<b>TOTAL VOTES:</b>			
On    /    /    .    Resolution 28-19		PASSED	FAILED