



City of Somersworth  
City Council Meetings  
Monday, July 13, 2020

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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. The meeting will be open to the public, but the public is encouraged not to attend. The public is asked to submit comments via email to [kgagne@somersworth.com](mailto:kgagne@somersworth.com) or [bbelmore@somersworth.com](mailto:bbelmore@somersworth.com). Comments must be received not later than 4:00 PM 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 # 842 8592 5561:

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

**6:30 p.m. City Council Workshop – Form Based Codes**

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

1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearing
  - A. **Ordinance No. 22-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.2, Retirement Plan, Regarding when Benefits Begin
  - B. **Ordinance No. 23-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City
  - C. **Ordinance No. 24-20** - To Amend Chapter 4, Personnel Rules and Regulations - Compensation Schedule
  - D. **Resolution No. 50-20** - Vote to Authorize a Bond to Construct a New Fire Station at the Location of the Current Fire Station on Maple Street
4. Comments by Visitors
5. Consent Calendar
  - A. Approve Minutes of the City Council Workshop-New Fire Station held on June 15, 2020

- B. Approve Minutes of the City Council Meeting held on June 15, 2020
- C. Letter of Resignation from Sarah McGraw-Small, as a Member of the Conservation Commission
- D. Letter from William Connor
- 6. Comments by City Councilors
- 7. Communications
  - A. Presentation of Financial Statements for year ending June 30, 2019 by Vachon Clukay & Co., City Auditors
- 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
  - Nominations being introduced for Council Confirmation Vote:
    - A. Michael Bobinsky, for Re-Appointment as a Strafford Regional Planning Commissioner, with a term to expire May 2024
  - Nominations requiring a Council Confirmation Vote:
    - A. Charles Wayne Preston, for Appointment as a Member of the Board of Library Trustees, with a term to expire June 2025
- 13. Lay on the Table
- 14. Unfinished Business

#### ORDINANCES

- A. **Ordinance No. 22-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.2, Retirement Plan, Regarding when Benefits Begin
- B. **Ordinance No. 23-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City
- C. **Ordinance No. 24-20** - To Amend Chapter 4, Personnel Rules and Regulations - Compensation Schedule

## RESOLUTIONS

- A. **Resolution No. 50-20** - Vote to Authorize a Bond to Construct a New Fire Station at the Location of the Current Fire Station on Maple Street

### 15. New Business

## ORDINANCES

- A. **Ordinance No. 1-21** - To Amend Chapter 30, Conduct in Public Parks, Section 13, Dog Waste in Parks, by Adding Section D, Dog Park Rules
- B. **Ordinance No. 2-21** - To Amend Chapter 30, Conduct in Public Parks, Section 8 - Regarding Advertising
- C. **Ordinance No. 3-21** - To Amend Chapter 21A, Display of Permissible Fireworks
- D. **Ordinance No. 4-21** - Transfer Ordinance for Fire Staffing Funding
- E. **Ordinance No. 5-21** - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use (Referred to Public Works & Environment Committee)
- F. **Ordinance No. 6-21** – To Add to Chapter 19, Zoning, Section 32, Form Based Codes

## RESOLUTIONS

- A. **Resolution No. 1-21** - To Provide a Stipend Paid to Election Officials in Addition to the Customary Remuneration Paid for the 2020 September Primary and 2020 November General Elections

## OTHER

- A. Vote to request the School Board to authorize the use of Somersworth High School as the Ward 3 polling location. (Note: this will relocate the current Ward 3 polling location from the Flanagan Community Center)
- B. Vote to request the School Board to authorize the use of Idlehurst Elementary School as the Ward 4 polling location. (Note: this will relocate the current Ward 4 polling location from the Charpentier Apartments)
- C. Vote to Waive the Excavation Moratorium on Stackpole Road (City Ordinance Ch. 12, Section 12.1, Moratorium Period, for Roads that have been overlaid, the Moratorium shall be three (3) years)

### 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

**Kelly Gagne**

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**From:** Dana S. Hilliard  
**Sent:** Monday, June 29, 2020 6:01 PM  
**To:** Trish Harris; Bob Belmore  
**Subject:** Fwd: Conservation Commission Resignation

FYI

D.

"That a man is straying from the right path is NO reason that he should be cast away" - Tao Teh Ching

Dana S. Hilliard  
Mayor  
City of Somersworth

Begin forwarded message:

**From:** Sarah McGraw <[sarahmcgrawsmall@gmail.com](mailto:sarahmcgrawsmall@gmail.com)>  
**Date:** June 29, 2020 at 4:59:32 PM EDT  
**To:** "Dana L. Crossley" <[dcrossley@somersworth.com](mailto:dcrossley@somersworth.com)>, "Dana S. Hilliard" <[dhilliard@somersworth.com](mailto:dhilliard@somersworth.com)>  
**Subject:** Conservation Commission Resignation

Dear Mayor Hilliard

It had been a great pleasure to serve on the Somersworth Conservation Commission. Somersworth may be the smallest city but it has valuable natural resources that benefit the whole community. I am proud to have helped with part of the process to purchase land to help protect land near Somersworth's only secondary drinking water well which is still in process.

The members I served with are a dedicated group that Somersworth should be proud to have.

I am resigning as treasurer and member because I am moving out of Somersworth. Please use this as my resignation letter.

Thank you!

Sarah

6/23/2020

To: City of Somersworth N.H., City Council.  
From: William L. Connor, 41 Pinewood Drive, Somersworth N.H.  
Subject: City of Somersworth New Hampshire  
Project New Fire Station – Citizen Comments:

: The purpose of this document was to provide a citizen an opportunity to weigh in on the revised project plans with some brief comments, related to the, “2020 Project New Fire Station” directed to the Somersworth City Council for their review and consideration.

Expectantly before the July 13, 2020 City council vote is taking by said council, as to whether or not to authorize and give their final approval of the motion before them and to move forward and approve and bond the subject 7.73 million dollar project.

I would therefore present my inquiries as to if any consideration had been given to the following in the form of a question to provoke a moment to reflect.

Question: The New Fire Stations “ Proposed Three Story Training Tower - Brandished with a Time-Keeping Mechanism”, that has been artistically drawn into the projects blueprints for the councils consideration.

With this detail of information, it has been noted in serveral comunciations, “that the Somersworth Fire department personnel will subsequently no longer have to travel to the, “Concord's Training Tower facility,” to become trained and receive a dated certificate of such from this station, if the new Somerworth Fire Station has this new training tower installed during construction phase of the new facility”.

So with that revised detail, it has been forecasted that the cost of this “New Training Tower”, could well exceed \$250K approx. Therefore, to be enlighten, where may be the long term cost savings chart and its complex operational details, by us having a new training tower added to the new facility, not just solely by the cost savings of reducing an occasional trip, by the Somersworth Fire Department persnnel to the “Concord's Tower Training facility,”

Coupled with this question, will the Somersworth Fire Department and its administration, need to have an in-house Qualified / Certified Training Officer with credentials on station permanently, to provide the initial and annual training to all members of this department including those heroic individuals on "Call.

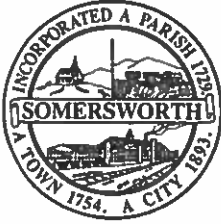
Expectantly, so with this towers newfound notoriety and its possible availability to nearby communities, could we expect that other fire departments will perhaps seek to use our training tower, to receive training and certification for their membership.

Additionally, will the State of New Hampshire require the mandatory annual certification stamp of inspection and approval for the use of this training tower. As well their concurrence as agents of the circumstances or events to be held and to expect that Somersworth will also need to develop a tower training manual, documentation and record keeping program.

Hopefully, these questions about the training tower's details have been considered with a fine and full body measure of scrutiny to make sure we anecdotally have the proverbial horse before the cart.

I do appreciate and recognize our city's management and its caliber of professionalism, that this project is in good hands and am confident the finished facility will become a highly prized addition to the foundation of the city's framework.

Regards -  
William L. Connor (Bill)  
41 Pinewood Drive.  
Somersworth N.H. 03878.  
Ward Two, Conservative Democrat.



## City of Somersworth – Ordinance

Ordinance No: 22-20

**TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, SECTION 11.2, RETIREMENT PLAN, REGARDING WHEN BENEFITS BEGIN**

June 15, 2020

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:

1. Amend Chapter 4, Personnel Rules and Regulations, Section 11.2, Retirement Plan, by deleting the last sentence and adding:

Retirement benefits will begin on date of hire.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> Richard Michaud Nancie Cameron Donald Austin Matt Gerding	<i>Approved:</i> City Attorney



**City of Somersworth – Ordinance 22-20**

<b>History</b>			
First Read Date:	06/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:			

<b>Discussion</b>

*Ordinance No. 22-20 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 22-20		<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: 23-20

**TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, SECTION 11.3.1, HEALTH/DENTAL INSURANCE, REGARDING SPOUSES EMPLOYED BY THE CITY**

June 15, 2020

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:

1. Amend Chapter 4, Personnel Rules and Regulations, Section 11.3.1, Health/Dental Insurance, by adding to the last paragraph:

This benefit shall not be available to any employee whose alternative health insurance is provided through a spouse's plan through either the City or the School District.

This Ordinance shall take effect upon its passage.

### Authorization

*Sponsored by Councilors:*

Richard Michaud  
Nancie Cameron  
Donald Austin  
Matt Gerding

*Approved:*

City Attorney

**City of Somersworth – Ordinance 23-20**

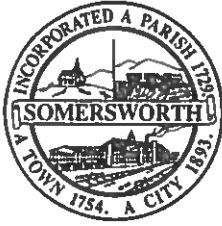
**History**

First Read Date:	6/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:			

**Discussion**

*Ordinance No. 23-20 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 23-20		<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: 24-20

### TO AMEND CHAPTER 4, PERSONNEL RULES AND REGULATIONS - COMPENSATION SCHEDULE

June 15, 2020

THE CITY OF SOMERSWORTH ORDAINS THAT, the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 4 by deleting the Compensation Schedule in its entirety and replacing it with the following:

<b>Personnel Rules and Regulations</b>							
<b>FY2020-2021 Compensation Schedule</b>							
<b>(2.5% Increase effective July 1, 2020)</b>							
<b>GRADE</b>		<b>HIRE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>A</b>	24,195.85	25,228.60	26,177.34	27,237.79	28,326.18	29,414.56
	<b>H</b>	11.6326	12.1291	12.5853	13.0951	13.6184	14.1416
<b>7</b>	<b>A</b>	25,368.03	26,316.98	27,489.16	28,577.33	29,610.07	29,972.72
	<b>H</b>	12.1962	12.6524	13.2159	13.7391	14.2356	14.4100
<b>8</b>	<b>A</b>	26,651.71	27,684.45	28,772.83	29,972.72	31,200.75	32,456.50
	<b>H</b>	12.8133	13.3098	13.8331	14.4100	15.0004	15.6041
<b>9</b>	<b>A</b>	27,991.24	29,107.77	30,279.73	31,507.76	32,735.58	34,102.83
	<b>H</b>	13.4573	13.9941	14.5576	15.1480	15.7383	16.3956
<b>10</b>	<b>A</b>	29,358.92	30,530.88	31,703.05	33,042.59	34,298.34	35,777.73
	<b>H</b>	14.1149	14.6783	15.2419	15.8859	16.4896	17.2008
<b>11</b>	<b>A</b>	30,865.82	32,121.56	33,321.67	34,661.20	36,084.53	37,535.78
	<b>H</b>	14.8393	15.4431	16.0200	16.6640	17.3483	18.0460
<b>12</b>	<b>A</b>	32,428.57	33,712.46	34,996.14	36,419.25	37,786.93	39,293.83
	<b>H</b>	15.5907	16.2079	16.8251	17.5093	18.1668	18.8913
<b>13</b>	<b>A</b>	34,047.40	35,386.72	36,837.98	38,345.09	39,824.27	41,498.53
	<b>H</b>	16.3689	17.0128	17.7106	18.4351	19.1463	19.9512
<b>14</b>	<b>A</b>	35,666.01	37,089.12	38,568.09	40,186.92	41,777.61	43,424.36
	<b>H</b>	17.1471	17.8313	18.5424	19.3206	20.0854	20.8771



<b>(2.5% increase of minimum and maximum effective July 1, 2020)</b>						
<b>Grade</b>						
<b>25</b>	<b>A</b>	62,568.38			79,749.68	
	<b>H</b>	30.0810			38.3412	
<b>30</b>	<b>A</b>	79,438.45			96,852.81	
	<b>H</b>	38.1916			46.5639	
<b>31</b>	<b>A</b>	86,781.50			105,586.69	
	<b>H</b>	41.7219			50.7628	
<b>32</b>	<b>A</b>	87,594.18			106,720.93	
	<b>H</b>	42.1126			51.3081	
<b>33</b>	<b>A</b>	92,034.83			111,916.22	
	<b>H</b>	44.2475			53.8059	
<b>34</b>	<b>A</b>	96,678.66			117,604.90	
	<b>H</b>	46.4801			56.5408	
<b>35</b>	<b>A</b>	101,525.67			123,438.72	
	<b>H</b>	48.8104			59.3455	
<b>36</b>	<b>A</b>	106,633.87			129,620.81	
	<b>H</b>	51.2663			62.3177	
<b>37</b>	<b>A</b>	111,858.19			136,006.06	
	<b>H</b>	53.7780			65.3875	

This Ordinance will take effect upon adoption.

<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 – Ordinance 24-20**

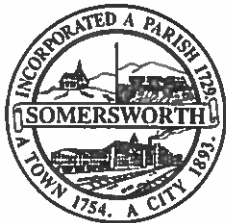
**History**

First Read Date:	06/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:			

**Discussion**

*Ordinance No. 24-20 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 24-20		<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Resolution

Resolution No: 50-20

### **VOTE TO AUTHORIZE A BOND TO CONSTRUCT A NEW FIRE STATION AT THE LOCATION OF THE CURRENT FIRE STATION ON MAPLE STREET**

June 15, 2020

WHEREAS, the City Council adopted Resolution No. 1-20 to authorize the City Manager to contract with Port One Architects of Portsmouth, NH to provide conceptual design services and a preliminary cost estimate for a new Somersworth Fire Station, and

WHEREAS, Port One Architects has completed the conceptual designs and has estimated the cost to construct a new Fire Station at the present location on Maple Street to be \$7,700,000 (Seven Million Seven Hundred Thousand dollars), and

WHEREAS, the project costs include architecture, engineering, and construction of a new Fire Station at the location of the current Fire Station on Maple Street, as well as other associated ancillary costs (collectively, the “Project”);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed \$7,700,000 (Seven Million Seven Hundred Thousand dollars) is appropriated for the Project; and

BE IT FURTHER RESOLVED THAT:

- (a.) the City Manager is authorized to borrow up to \$7,700,000 (Seven Million Seven Hundred Thousand dollars) under the Municipal Finance Act and issue bonds and notes payable within 25 years from their dates, and
- (b.) the City Manager is authorized to issue temporary notes in anticipation of the issue of these bonds or notes, and
- (c.) the City Manager is authorized to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project, and
- (d.) the estimated useful life of this project is expected to exceed 25 years.

*This Resolution requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Sections 7.13 and 7.14 City Charter).*

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



**City of Somersworth – Resolution 50-20**

**History**

First Read Date:	06/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:			

**Discussion**

*Resolution No 50-20 will remain in first read until the call of the Chair.  
Public Hearing scheduled at the call of the Chair.*

6/15/2020 – Councilor Vincent requested that his name be added to Resolution No. 50-20

<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 50-20	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: 1-21

**TO AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS,  
SECTION 13, DOG WASTE IN PARKS, BY ADDING SECTION  
D, DOG PARK RULES**

July 13, 2020

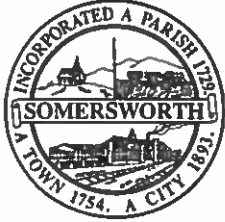
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Add the following:

13. (d.) Dog Park Rules. The City Council has established a City Dog Park at Millennium Park. The City Manager is authorized to promulgate Dog Park Regulations for this park. These Regulations shall be subject to the enforcement section as provided herein Chapter 30, Conduct in Public Parks.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> Nancie Cameron Richard Michaud Crystal Paradis Martin Pepin	<i>Approved:</i> City Attorney



## City of Somersworth – Ordinance

Ordinance No: 2-21

### TO AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS, SECTION 8 - REGARDING ADVERTISING

July 13, 2020

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:

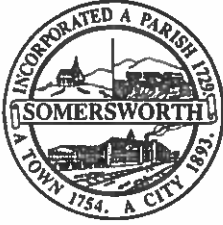
Chapter 30, Section 8:

- Rename the title to “Advertising” by deleting the word “Generally,” and
- Identify the existing language in Chapter 30, Section 8 as subsection “a)” and
- Add as a new subsection 8. b), the following;

City Park Sponsorship Advertising Program. The City Manager is authorized to implement an Advertising Program for certain City Parks to include Noble Pines (outfield fence), Millennium Park (outfield fence & Dog Park fencing), and Jules Bisson Park (River Street fence). The City Manager is further authorized to set the terms, conditions, and sponsorship costs for said Advertising Program.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> Nancie Cameron Richard Michaud Crystal Paradis Martin Pepin	<i>Approved:</i> City Attorney



## City of Somersworth – Ordinance

Ordinance No: 3-21

### TO AMEND CHAPTER 21A, DISPLAY OF PERMISSIBLE FIREWORKS

July 13, 2020

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 Chapter 21A, Section 5 – Permit Fee in its entirety and replace with:

**5. Permit Fee**

The fee for a permissible fireworks display permit shall be fifty dollars (\$50.00) per event. The fee shall be paid at the time of the application and is non-refundable.

Delete Chapter 21A, Section 7, E in its entirety and replace with:

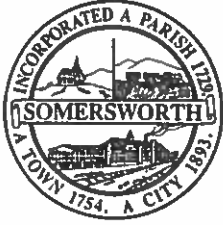
- E. No permissible fireworks shall be discharged between the hours of 11:00p.m. and 8:00 a.m. with the following exceptions:
- a. January 1: no discharge between 12:00 a.m. and 8:00 a.m.
  - b. July 3, 4 and 5: no discharge between 12:00 a.m. and 8:00 a.m.
  - c. December 31: no discharge prior to 8:00 a.m.

Delete Chapter 21A, Section 9 – Penalty, B in its entirety and replace with:

- B. Any person who violates the provisions of this Ordinance shall be guilty of a violation and upon conviction thereon shall be fined in an amount of:
- \$250 for first offense;
  - \$500 for second offense; and
  - \$1,000 for each and every subsequent offense.

This Ordinance will take effect upon passage.

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



## City of Somersworth – Ordinance

Ordinance No: 4-21

### TRANSFER ORDINANCE FOR FIRE STAFFING FUNDING

July 13, 2020

BE IT ORDAINED BY THE CITY OF SOMERSWORTH, pursuant to Section 7.7 (D) of the City Charter, that the following General Fund unencumbered balance transfer be made:

<u>DEPARTMENTS</u>	<u>FROM</u>	<u>TO</u>
ELECTED LEADERSHIP		
CITY MANAGEMENT		
FINANCE AND ADMINISTRATION		
DEVELOPMENT SERVICES		
POLICE		
FIRE		28,569
PUBLIC WORKS		
CAPITAL EXPENSES	28,569	
OTHER EXPENSES ( <i>CONTINGENCY</i> )		
INTERGOVT ASSESSMENTS-COUNTY TAX		
SCHOOL DEPARTMENT		
TOTAL GENERAL FUND	28,569	28,569

*Note: This is in support of Resolution 49-20, adopted on June 15, 2020 by the Somersworth City Council to adopt a policy of staffing the Fire Department with a minimum of four (4) firefighters on each shift. Money appropriated to replace Fire Department mobile radios will be used to cover the increased cost of replacement overtime and associated payroll benefits.*

This Ordinance shall take effect upon passage.

#### Authorization

##### *Sponsored by Councilors:*

David A. Witham  
Nancie Cameron  
Donald Austin  
Martin Pepin  
Kenneth S. Vincent

##### *Approved:*

City Attorney



## City of Somersworth – Ordinance

Ordinance No: 5-21

**TO AMEND CHAPTER 19 – ZONING, DEFINITIONS,  
SECTION 25.B, AGRICULTURAL USE**

July 13, 2020

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 in Section 25 Definitions:

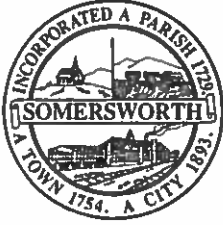
Section 19.25.B, Agricultural Use, delete the word, “apiculture.”

Section 19.25.B shall read as follows:

AGRICULTURAL USE Land used for agriculture, farming, dairying, pasturage, horticulture, aquaculture, floriculture, silviculture, animal and poultry husbandry.

This Ordinance will take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Crystal Paradis Nancie Cameron Matthew Gerding	<i>Approved:</i> City Attorney



## City of Somersworth – Ordinance

Ordinance No: 6-21

### TO ADD TO CHAPTER 19, ZONING, SECTION 32, FORM BASED CODES

July 13, 2020

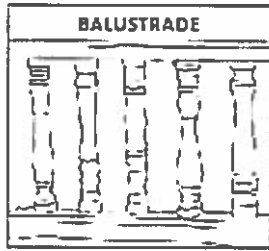
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Add Section 32 Form Based Codes:

#### **19.32.A Purpose and Intent**

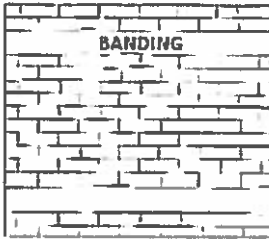
- 19.32.A.1** The City of Somersworth Form Based Code Overlay District follows the premises of context sensitive zoning. This Code is intended to foster a vibrant Main Street both for itself and for its adjacent neighborhoods through a lively mix of uses—with shopfronts, sidewalk cafes, and other commercial uses at street level, enhanced by canopy shade trees, upper story residences and offices.
- 19.32.A.2** To allow further refinement consistent with individual areas, the Form-Based Code Overlay District has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along corridors and neighborhoods alike.
- 19.32.A.3** All of the areas within the Form-Based Code Overlay District share a common goal of increased emphasis on the form and placement of structures, and a decreased emphasis on the function(s) contained within them. As such this Section sets careful and clear controls on building form— with broader parameters on building use—so as to shape clear, attractive public spaces (good streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of building uses is natural and comfortable.

## 19.32.B Definitions



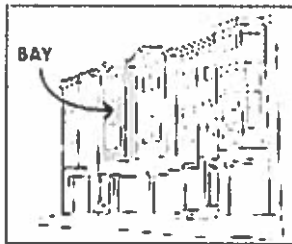
**19.32.B.1 Artist Studios**— Work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

**19.32.B.2 Balustrade** - A railing supported by balusters, commonly an ornamental parapet on a balcony, bridge, or terrace.



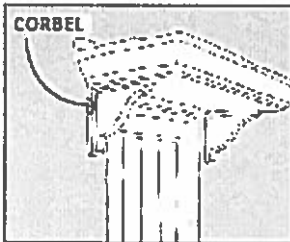
**19.32.B.3 Banding** - A horizontal band at least six inches thick applied to the Façade of a building, that offers a change in color, texture, pattern, material, or relief from the main siding material.

**19.32.B.4 Bay** - The space between architectural elements, or a recess or compartment, in the façade.



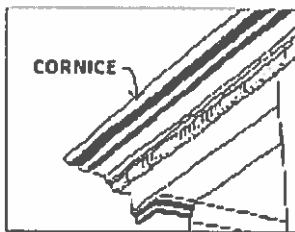
**19.32.B.5 Bioswale** - A channeled depression or trench that receives rainwater runoff and has vegetation (such as grasses, perennial flowers herbs, shrubs, and trees) and organic matter (such as compost and mulch) to accommodate water infiltration and filter out pollutants.

**19.32.B.6 Build to Line** - A line parallel to the street right-of-way line at any story level of a building, and representing the minimum distance which any part of the building is set back from said right-of-way line.



**19.32.B.7 Corbel** – Bracket or weight-carrying member, built deeply into the wall so that the pressure on its embedded portion counteracts any tendency to overturn or fall outward.

**19.32.B.8 Cornice** - Decorative trim located at the meeting point between walls and a roof or ceiling.

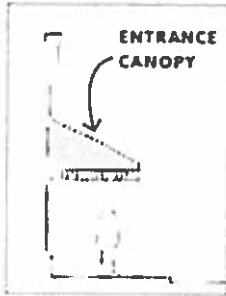


**19.32.B.9 Decorative Lighting** - Exterior lighting that enhances the appearance of the structure using downcast and shielded fixtures.

**19.32.B.10 Depth (Building)** - the variation of a building facade that provides visual interest and compatibility of scale.

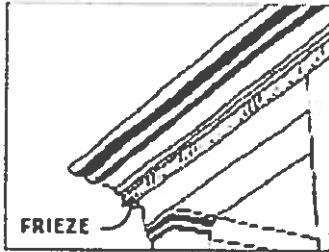


**19.32.B.11 Eating & Drinking Establishments** – Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. Drive-thru access is not permitted.



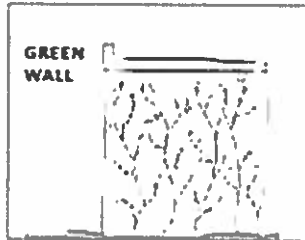
**19.32.B.12 Entrance canopies** - A structure, often canvas, mounted to a building to shelter an area or form a sheltered access to the entrance of a building.

**19.32.B.13 Façade** - The front of a building facing a street or other public space.



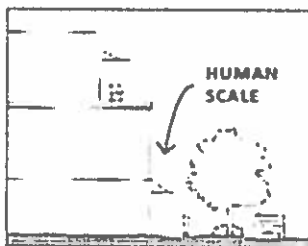
**19.32.B.14 Frieze** - a sculptured or richly ornamented band on a building.

**19.32.B.15 Frontage Build-Out** – The percentage of the linear distance measured along the front lot line that is occupied by the primary structure.

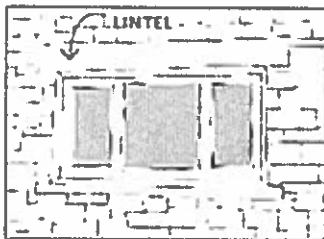


**19.32.B.16 Green Wall** - Vegetation growing on or against a vertical surface.

**19.32.B.17 Human scale** — The perceived size of a building, or related appurtenances (lighting, signage, etc) relative to a human being.



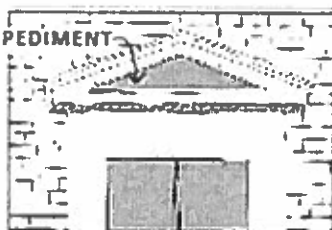
**19.32.B.18 Lintel** – A horizontal support of timber, stone, concrete, or steel across the top of a door or window.



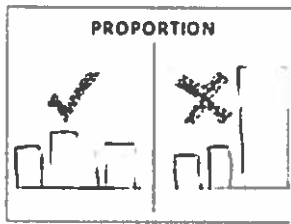
**19.32.B.19 Lodging** – Structures providing overnight accommodations for individuals on a temporary basis.

**19.32.B.20 Mass** - Refers to the size or physical bulk of a building.

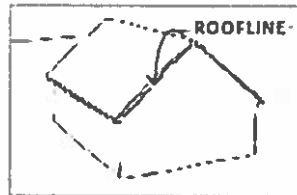
**19.32.B.21 Pediment** – A triangular gable forming the end of the roof slope over a portico (the area, with a roof supported by columns, leading to the entrance of a building); or a similar form used decoratively over a doorway or window.



**19.32.B.22 Professional Services & Offices** – Businesses offering services for others, predominately on premises, and often by someone engaged in that work as a career.

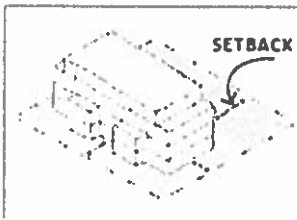


**19.32.B.23 Proportion** - The visual effect of the relationships of the various objects and spaces that make up a structure to one another and to the whole.



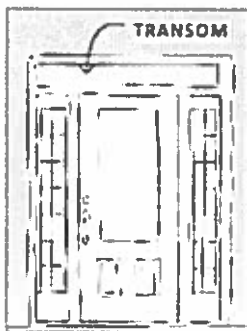
**19.32.B.24 Rain garden** - An engineered system consisting of a slightly depressed landscaped area constructed with a specialized soil mixture, an aggregate base, an underdrain, and site-appropriate plant materials that tolerate both moist and dry conditions.

**19.32.B.25 Roofline** - The profile of a roof including its slope and cladding which forms the frontage immediately below the roof and the eaves of a structure.



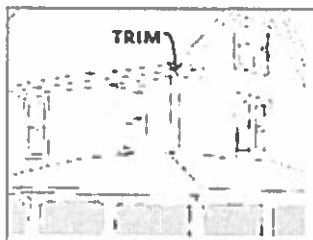
**19.32.B.26 Shutters** - Lightweight, sometimes louvered, decorative frames in the form of doors located on the sides of a window.

**19.32.B.27 Streetscape** - The visual elements of a street, including the road, adjoining buildings, sidewalks, street furniture, trees and open spaces that combine to form the street's character.



**19.32.B.28 Transom (Window)** - Horizontal windows installed above doors and windows that generally match the width of the opening.

**19.32.B.29 Treebox filters** - A 'boxed' bioretention cell that is placed at the curb (typically where storm drain inlets are positioned). It receive storm water runoff along the curb and the storm water is then filtered through layers of soil, feeding the tree, before it enters a drain or basin.



**19.32.B.30 Trim** - The finish materials on the exterior a building, such as moldings applied around openings (window trim, door trim), siding, windows, exterior doors, attic vents, crawl space vents, shutters, etc.

### **19.32.C Form Based Codes Overlay District Boundaries**

**19.32.C.1** The Form Based Code Overlay District includes Tax Map Lot 11-181A, formerly known as Breton's Cleaners, crosses Winter Street to include Tax Map Lot 11-96 known as the Queensbury Mill then runs along the rear property line of all lots that front on the south side of Market Street, crosses Prospect Street, including Lots 11-78 and 11-77, crosses Beacon Street and then runs along the rear boundary line of all property Lots that front on the western side of High Street up to Hamilton Street, and the SW corner of Tax Map Lot 10-129.

**19.32.C.2** The Overlay District Boundary then crosses High Street to the southernmost corner of Tax Map Lot 10-163 then runs along the rear property line of all property Lots that front the easterly side of High Street to Constitutional Way and the NE corner of Lot 10-155, except the whole of Lot 10-152. Property Lot 10-152 has two frontages on High Street, one of 90 feet and one of 105 feet. The Overlay District exists on Lot 10-152 approximately 100 feet deep from High Street on those two frontages, only.

**19.32.C.3** The Form Based Code Overlay District then includes Property Lot 10-153A and Lot 10-153 on Constitutional Way, runs kitty-corner across Washington Street to the NE corner of Lot 10-170, then runs along the rear boundary line of all property Lots that front on the eastern side of Green Street down to Fayette Street, then down Fayette Street to include Lots 10-177 and 10-179. The Overlay District then crosses Main Street and runs northerly up the property line of Main Street and the NH NorthCoast Corp RR line up to the SW corner of Property Lot 11-205 across from the Somersworth Plaza driveway. The District then runs 25 feet easterly up the side boundary line of property Lot 11-205 and runs along the rear property line of all property Lots that front on the easterly side of Main Street and Market Street, crossing Canal Street and running along the rear property lone of all property Lots that front on the easterly side of Market Street ending at the Somersworth/Berwick Bridge.

**19.32.C.4** This boundary is the exterior boundary and all property Lots within this exterior loop are also within the Form Based Code Overlay District.

**19.32.C.5** The Form Based Code Overlay District also includes Property Lots 11-190, 11-190A, 1190B, 11-191, 10-196, 10-199, 09-282 and 09-282C

### **19.32.D Sub-Districts**

**19.32.D.1** The five Area Sub-District Sheets (Areas 1 – 5) for the Form-Based Code Overlay District shall locate the boundaries for the following sub-districts:

- a) Downtown
- b) High Street
- c) Main Street
- d) Residential
- e) Millyard

### **19.32.E Permitted Uses**

**19.32.E.1** The standards for use and dimensions to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

**19.32.E.2** Determination of Use Category - The Director of Development Services or their designee shall determine in which use category, in the Permitted Uses Table, on each district sheet, a proposed use is located. When a use is not specifically listed, the Director of Development Services or their designee is authorized to determine if the use is similar enough to be placed in a category or if the use is prohibited by this Chapter.

**19.32.E.3** Uses - Where uses are not specifically called out in the Permitted Use Table an applicant may submit a Conditional Use Permit for their proposed use.

**19.32.E.4** Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity.

#### **19.32.F Dimensional Regulations**

**19.32.F.1** The dimensional regulations to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

**19.32.F.2** Anything cited as “per ordinance” refers to Table 5.A.1 in the Zoning Ordinance entitled “Dimensional and Density Regulations”.

#### **19.32.G Architectural Standards**

**19.32.G.1** The architectural standards to be utilized within the Form Based Codes Overlay District are shown on the back of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

**19.32.G.2** Waivers may be used to adjust the architectural standards, but designs must still meet the intent of these standards. In the case of Commercial or Multifamily use waivers shall be granted by the Planning Board if appropriate. In the case of Single family or duplex development waivers shall be granted by the Director of Development Services or their designee, if appropriate.

**19.32.G.3** Any property within the Form-Based Code Overlay District that is ALSO within the Historic Overlay District shall meet the requirements of Section 14 of the Zoning Ordinance. A Historic District Application might be required.

**19.32.H Streetscape Standards**

**19.32.H.1** The streetscape standards to be utilized within the Form Based Codes Overlay District are shown on the back of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of the section.

**19.32.I Administration**

**19.32.I.1** The Form-Based Code Overlay District exists like every other district and development within, is intended to be reviewed and approved as any other district. For development standards not covered herein, the other applicable sections of the City of Somersworth Ordinance and Regulations shall be used as the requirement. Commercial and Multifamily projects submitted shall follow the process outlined within the Site Review Regulations.

**19.32.I.2** Any appeals of this section shall be treated as any other zoning appeal and shall be directed to the Zoning Board of Appeals.

**FORM BASED CODES DISTRICT SHEETS**

**District Sheet 1 – Market and High Street**

**District Sheet 2 – High Street**

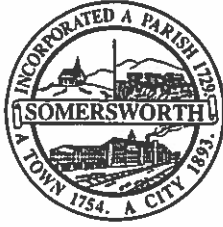
**District Sheet 3 – Main Street**

**District Sheet 4 – Residential**

**District Sheet 5 – Mill Yard**

This Ordinance shall take effect upon its passage.

<b>Authorization</b>	
<i>Sponsored by Councilors:</i> Martin P. Dumont, Sr. Richard Michaud Crystal Paradis	<i>Approved:</i> City Attorney



## City of Somersworth – Resolution

Resolution No: 1-21

**TO PROVIDE A STIPEND PAID TO ELECTION OFFICIALS IN ADDITION TO THE CUSTOMARY REMUNERATION PAID FOR THE 2020 SEPTEMBER PRIMARY AND 2020 NOVEMBER GENERAL ELECTIONS**

July 13, 2020

WHEREAS, on June 1<sup>st</sup>, 2020, Mayor Dana S. Hilliard announced the formation of the Election Review Planning Commission to ensure the fidelity and safety of our elections during the COVID-19 pandemic, and

WHEREAS, the Election Review Planning Commission recognizes it is important to provide hazard pay to our essential election workers who will be placed on the front lines of the coronavirus pandemic at our City's election polling locations for the upcoming 2020 elections; and

WHEREAS, the Election Review Planning Commission recommends the City acknowledge the increased demands placed on our essential Election Officials during the 2020 September Primary and 2020 General Election by providing Election Officials a stipend in the amount of \$75 (Seventy-Five dollars) in addition to the customary remuneration received,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT a stipend in the amount of \$75 (Seventy-Five dollars) shall be paid to all City Election Officials in addition to the customary remuneration paid for the 2020 September Primary and 2020 November General elections.

### Authorization

*Sponsored by Councilors:*

Crystal Paradis  
Matthew Gerding  
Nancie Cameron

*Approved:*

City Attorney