

CITY OF SOMERSWORTH
AGENDA FOR MONDAY, OCTOBER 15, 2018

7:00pm City Council Meeting

1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearings
 - A. **Resolution No. 19-19 - To Accept Curran Way as a Public Way**
4. Comments by Visitors
5. Consent Calendar
 - A. Approve Minutes of the City Council Meeting held on October 1, 2018
6. Announcements by City Councilors
7. Communications
8. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
9. Mayor's Report
10. Report of Standing Committees
11. Report of Special Committees, City Officers and City Manager
12. Nominations, Appointments and Elections
 - A. Nominations Requiring Council Approval:
 - a. Martin P. Dumont, Sr. as a member of the Joint Building Committee for the Maple Wood Elementary School Project
 - b. Martin Pepin, as a member of the Joint Building Committee for the Maple Wood Elementary School Project
13. Lay on the Table
 - A. **Resolution No. 19-19 - To Accept Curran Way as a Public Way**
14. Unfinished Business

RESOLUTIONS

- A. **Resolution No. 18-19** - To Authorize the School Department to Utilize Funds from an Eversource Energy Efficiency Rebate to Contract with Ideal Temp HVAC of Freemont, NH to Replace an HVAC Unit at the Middle School

15. New Business

ORDINANCES

- A. **Ordinance No. 4-19** – To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District
- B. **Ordinance No. 5-19** - Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility

RESOLUTIONS

- A. **Resolution No. 20-19** - To Authorize the City Manager to Amend the Contract with Wright Pierce Engineers of Portsmouth, NH to Include Additional Engineering Services at the Somersworth Wastewater Treatment Facility

OTHER

- A. NH DOT TAP Grant & Cemetery Road Complete Streets Projects: Vote to transfer the new Cemetery Road Sidewalk Construction from the TAP Grant Project Scope to the City Cemetery Road Complete Street Project (from Finance Committee and Public Works & Environment Committee)
- B. Vote for Re-adoption of the City of Somersworth Investment Policy

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 – Resolution

Resolution No: 19-19

TO ACCEPT CURRAN WAY AS A PUBLIC WAY

October 1, 2018

WHEREAS, the City of Somersworth Planning Board approved a certain subdivision known as Subdivision Plan for Bridgeview Farms, Salmon Falls Road, and Maloney Street, Somersworth New Hampshire, Tax Map 52, Lot 1, Dated July 11, 2005, last revised November 21, 2005, prepared by Trittech Engineering Corporation, recorded as Plan #83-18 at the Strafford County Registry of Deeds and the roadway was to be accepted by the City of Somersworth; and

WHEREAS, the City Council named Curran Way as a street by Resolution No. 11-08 on October 1, 2007; and

WHEREAS, the road known as Curran Way has been constructed to the satisfaction of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to accept and record a deed to Curran Way and said way is hereby accepted as a public way.

Authorization

Sponsored by Request:
Councilor Dale R. Sprague

Approved:
City Attorney

City of Somersworth – Resolution 19-19

History

First Read Date:	10/01/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

Councilor Witham, seconded by Councilor Sprague, made a motion to suspend Council rules to allow for a second read of Resolution 19-19. The motion passed unanimously, 9-0. Following the Second read, Councilor Witham, seconded by Councilor Levasseur, made a motion to adopt to adopt Resolution 19-19.

Discussion-

Councilor Witham explained that a street cannot be accepted as a City street until the developer is completed with the proposed number of homes. This is the first time that this street has been addressed to the council. In this case, it has taken quite a bit of time for the street to come to full build out.

There has been some discussion about the integrity of the asphalt.

Councilor Witham, seconded by Councilor Vincent, made a motion to suspend rules to allow DPU Director Bobinsky to come up for questions. The motion passed, 9-0.

Councilor Witham stated that he read the memo from Director Bobinsky. There is some cracking on the road, recognized by city staff. The road was built to city specifications, and there has been degradation of the surface.

Director Bobinsky said there were boring samples of the road to test the compaction and density; they tested positive. The cracking was brought to the attention of the developer. The final suggestion was to allow him to fill the cracks, and create a uniformed cover by repaving the road. The developer will post a 2 year bond.

Councilor Sprague asked if, in 2007, were there compaction tests, on base gravel. There needs to be a better procedure for informing residence that the road is not a city road, or maintained by the city before they purchase property; maybe a sign, like other communities have.

Director Bobinsky said that the compaction tests do not stand out in his mind. There is a 1" base, and a 1 ½" top. The curbing is ok, and there is no substantial cracking on the upper end.

Councilor Witham said he called for a second read of this Resolution for the discussion to occur tonight for the people who live on Curran Way and spoke. We need to look out for the community as a whole. He would like to see this discuss at the Public Works and Environment committee.

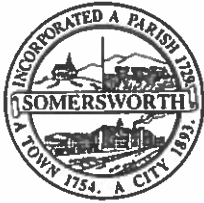
Councilor Dumont spoke about the safety and lack of attention for danger for children. The road is prepared and accepted before the first certificate of Certificate of Occupancy is granted in other communities. If a developer is not providing the information to new residents, there is a flaw in our process.

Pepin thanked the citizens of Curran Way for showing up and for taking care of their neighbors. His main concern is that he doesn't want to accept another road that we have problems with. The base is good, need to address the crack problems.

Councilor Sprague said the cracking at the entrance of Curran Way is due to stretching, which is due to the heavy trucks entering and exiting. Without knowing specifications, he is not going to vote on this tonight. Would like it to go to the Public Works and Environment Committee for further discussion.

Councilor McCallion, seconded by Councilor Levasseur, motion to TABLE Resolution 19-19. The motion passed unanimously, 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		
TOTAL VOTES:			
On / / . Resolution 19-19		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 18-19

TO AUTHORIZE THE SCHOOL DEPARTMENT TO UTILIZE FUNDS FROM AN EVERSOURCE ENERGY EFFICIENCY REBATE TO CONTRACT WITH IDEAL TEMP HVAC OF FREEMONT, NH TO REPLACE AN HVAC UNIT AT THE MIDDLE SCHOOL

October 1, 2018

WHEREAS, the School Department solicited proposals from qualified contractors to replace a failed HVAC unit at the Somersworth Middle School, and

WHEREAS, the School Building, Grounds, and Transportation Committee reviewed the bids received and recommends contracting with Ideal Temp HVAC of Freemont, NH to replace the HVAC unit utilizing funds available from an Eversource energy efficiency incentive rebate, and

WHEREAS, the Finance Committee met with the school administration and supports this recommendation at a cost not to exceed \$30,000 (Thirty Thousand dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the School Department is authorized to contract with Ideal Temp HVAC of Freemont, NH to replace an HVAC unit at the Somersworth Middle School at a cost not to exceed \$30,000 (Thirty Thousand dollars), and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the School Department is authorized to use the Eversource energy efficiency rebate to fund this project.

Note: The School Department received \$75,000 from Eversource as an incentive for implementing certain energy efficient projects at Idlehurst Elementary School. There is currently \$33,373 left from this incentive.

Authorization

Sponsored by Councilors:

David A. Witham
Dale R. Sprague
Martin Pepin
Richard Michaud

Approved:

City Attorney

City of Somersworth – Resolution 18-19

History

First Read Date:	10/01/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Action

Discussion

On October 1, 2018, Resolution 18-19 was referred to the Finance Committee.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Messier		
At Large Councilor	Witham *		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / Resolution 18-19			



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 designed 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 effect created was like the 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 buildings, 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 passing of 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. 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 typically discouraged by the Historic District Commission.

19:14.E.2 ADDITIONAL REQUIREMENTS. The following are additional needs 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 deliberation 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, the HDC has grounds for denial of the application.

19:14.E.4.d **PUBLIC MEETING**. Each reviewed application will 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 to 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 should consider presenting 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 to take action 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 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. If acceptable with the applicant, and 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 articulates 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, by filing a motion for rehearing before the HDC. Such an appeal when taken shall stay all proceedings in furtherance of the action appealed, unless the HDC shall certify that by reason of facts stated in a certificate issued by it, a stay would cause imminent peril of life or property. The appeal shall be made within thirty (30) days after the decision of the HDC. The 30-day time period shall be counted in calendar days beginning with the date upon which the HDC issued the decision. After appeal, if said person or persons are still aggrieved by the HDC. They have the right to appeal that decision to the Zoning Board of Adjustment or to pursue any other remedy accorded by NH State law.

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 corrections 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 NH State RSA 676 as the same may be subsequently amended, and such other authorities as may be available, Chapter 24 of the Somersworth Ordinance, the Property Maintenance Code or any other remedy

afforded by law.

19:14.G.4.b **SEVERABILITY**. If any of the provisions set forth in these ordinances are held to be invalid, for any reason, by a Court of Law, such holding shall not invalidate other provisions contained herein

19:14.G.4.c **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 **DISTRICT**; Somersworth Historic District

19:14.H.7 **HD**; Historic District

19:14.H.8 **HDC**; Historic District Commission

19:14.H.9 **NRHP**; National Register of Historic Places

19:14.H.10 **SHPO**; State Historic Preservation Office

Authorization

Sponsored by Request by:

Mayor Dana S. Hilliard

Approved:

City Attorney

City of Somersworth – Ordinance 4-19

History

First Read Date:	10/15/2018	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		
TOTAL VOTES:			
On / / . Ordinance 4-19		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 5-19

SUPPLEMENTAL APPROPRIATION FOR ENGINEERING SERVICES FOR IMPROVEMENTS AT THE SOMERSWORTH WASTEWATER TREATMENT FACILITY

October 15, 2018

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

The annual budget for the City of Somersworth for Fiscal Year 18-19 is amended as follows:

Appropriate \$155,000 from Sewer Utility Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 2,257,532	\$ 155,000	\$ 2,412,532

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Trish Harris
City Clerk

Background:

This ordinance appropriates funding for an amendment to the engineering design services portion of the contract with Wright/Pierce Engineers for necessary improvements at the Somersworth Wastewater Treatment Facility.

Authorization	
<i>Sponsored by:</i> David A. Witham Dale R. Sprague Martin Pepin Kenneth S. Vincent Richard R. Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 5-19

History

First Read Date:	10/15/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Action

Councilor _____ moved for adoption, seconded by Councilor _____.

Discussion

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

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		
TOTAL VOTES:			
On / / . Ordinance 5-19		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 20-19

TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH WRIGHT PIERCE ENGINEERS OF PORTSMOUTH, NH TO INCLUDE ADDITIONAL ENGINEERING SERVICES AT THE SOMERSWORTH WASTEWATER TREATMENT FACILITY

October 15, 2018

WHEREAS, The City Council adopted Resolution No. 22-18 to authorize the City Manager to amend the contract with Wright Pierce Engineers for an amount not to exceed \$863,000 (Eight Hundred Sixty Three Thousand dollars) for engineering services to provide a plant facility assessment and engineering and design specifications for facility improvements at the Wastewater Treatment Facility, and

WHEREAS, the plant facility assessment identified additional improvements such as replacing the process water line, replace chemical piping and manholes, and additional building improvements that weren't included in the original scope of work, and

WHEREAS, Wright Pierce has provided the City a proposal to provide engineering and design services for the additional improvements at a cost of \$155,000 (One Hundred Fifty Five Thousand dollars) which would increase the total contract to an amount not to exceed \$1,018,000 (One Million Eighteen Thousand dollars) ;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to amend the contract with Wright Pierce Engineers of Portsmouth, N.H. to include additional engineering services at the Somersworth Wastewater Treatment Facility for an amount of \$155,000 (One Hundred Fifty Five Thousand dollars) thereby increasing the total contract to an amount not to exceed \$1,018,000 (One Million Eighteen Thousand dollars), and to take any other action related to this contract determined to be in the best interest of the City.

Authorization

Sponsored by:
David A. Witham
Dale R. Sprague
Martin Pepin
Kenneth S. Vincent
Richard R. Michaud

Approved:
City Attorney

City of Somersworth – Resolution 20-19

History

First Read Date:	10/15/2018	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		
TOTAL VOTES:			
On / / . Resolution 20-19		PASSED	FAILED