



City of Somersworth
City Council Meeting Agenda
City Council Chambers
Monday, October 9, 2023
7:00 p.m.

1. Roll Call of Members
2. Pledge of Allegiance
3. Recognition of Indigenous People – Our Native Ancestral Americans
 - This meeting takes place on N'Dakinna (n-DA-ki-na), which is the unceded traditional ancestral homeland of the Abenaki (a-BEN-a-ki), Pennacook and Wabanaki Peoples past and present. We acknowledge and honor with gratitude the land, waterways, living beings and the Aln8bak (Al-nuh-bak), the people who have stewarded N'dakinna throughout the generations.
4. Public Hearing
5. Comments by Visitors
6. Consent Calendar
 - A. Approve Minutes of the City Council Meeting held on September 18, 2023
7. Comments by City Councilors
8. Communications
 - A. Constitutional Way Complete Streets presentation by Britt Eckstrom, PE – Wright Pierce
9. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
10. Mayor's Report
11. Report of Standing Committees
12. Report of Special Committees, City Officers and City Manager
13. Nominations, Appointments and Election

Nominations Being Introduced for Council Confirmation Vote:

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

Nomination Requiring a Council Confirmation Vote:

- A. Sean Collins for appointment as a member to the Conservation Commission with a term to expire October 2026
 - B. Amy Howard for re-appointment as the Ward 4 Supervisor of the Checklist with a term to expire October 2028
14. Lay on the Table
15. Unfinished Business

RESOLUTIONS

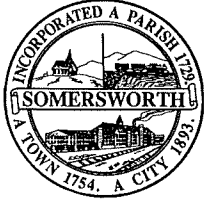
- A. **Resolution 14-24** – To Authorize the City Manager to Contract with J&B Contracting of Dover, New Hampshire for the Replacement of the Willand Pond Trail Bridges
16. New Business

ORDINANCES

- A. **Ordinance 1-24** – Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department
- B. **Ordinance 2-24** – To Amend Chapter 19, Zoning, Section 4 Use Regulations, Section 33 Solar and Section 4 Table 4.A.6 Use of Solar

OTHER

- A. Vote for the Use of a Realtor for the Sale of the Former National Guard Readiness Center Property (as recommended by the Economic Development Committee)
 - B. Vote for the Use of a Consultant to Prepare Design Alternatives to Establish Public Use of the Former Bretons Cleaners Property, 1 Winter Street (as recommended by the Economic Development Committee)
 - C. Vote to Release Bid Specifications this Year for Spring Construction for the Constitutional Way Complete Streets Project (as recommended by the Finance Committee)
17. Comments by Visitors
18. Closing Comments by Council Members
19. Future Agenda Items
20. Nonpublic Session (as necessary, pending roll call vote by Council)
21. Adjournment



City of Somersworth – Resolution

Resolution No: 14-24

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH J&B CONTRACTING OF DOVER, NEW HAMPSHIRE FOR THE REPLACEMENT OF THE WILLAND POND TRAIL BRIDGES

September 18, 2023

WHEREAS, City staff have identified the need to replace two (2) existing footbridges along the Willand Pond Trail that are in failing conditions; and

WHEREAS, City staff requested and received quotes to replace and install two (2) new aluminum footbridges from contractors that specialize in footbridges over wetland areas; and

WHEREAS, the Finance Committee has reviewed quotes with staff and supports contracting with J&B Contracting of Dover, New Hampshire for the replacement of the Willand Pond Trail bridges in an amount not to exceed \$60,000 (Sixty Thousand Dollars);

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with J&B Contracting of Dover, New Hampshire for the replacement of the Willand Pond Trail bridges in an amount not to exceed \$60,000 (Sixty Thousand Dollars) and to take any actions relative to this project determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Don Austin
Robert Gibson
Matt Gerding

Approved:

City Attorney

City of Somersworth – Resolution 14-24

History

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

Discussion

9/18/2023

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

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

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On	Resolution 14-24	PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 1-24

SUPPLEMENTAL APPROPRIATION OF ADDITIONAL STATE ADEQUACY GRANT FUNDING FOR THE SCHOOL DEPARTMENT

October 9, 2023

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

The annual budget for the City of Somersworth for Fiscal Year 23-24 is amended as follows:

Appropriate \$1,953,394 (One Million Nine Hundred Fifty-Three Thousand Three Hundred Ninety-Four dollars) from additional State Adequacy Grant Revenue to the School Department Budget as follows:

Original Budget	Amendment	Revised Budget
\$ 29,109,022	\$ 1,953,394	\$ 31,062,416

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Kristen LaPanne
City Clerk

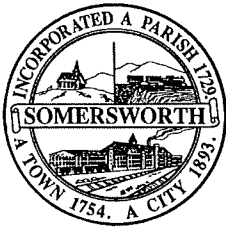
Background:

This ordinance appropriates additional State Adequacy Grant funding made available after the budget was developed for the School Department. The estimated Adequacy Grant provided by the State during the budget development process was \$7,226,170 (Seven Million Two Hundred Twenty-Six Thousand One Hundred Seventy dollars), and the actual Adequacy Grant is \$9,179,564 (Nine Million One Hundred Seventy-Nine Thousand Five Hundred Sixty-Four dollars). The intent is to use this appropriation for unanticipated Special Education Expenditures, complete the Middle/High School Roof project, complete the School Based Health Clinic, and other expenditure requests for each school and district wide.

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

This Ordinance shall take effect upon its passage.

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



City of Somersworth – Ordinance

Ordinance No: 2-24

TO AMEND CHAPTER 19, ZONING, BY ADDING SECTION 4.C. CONDITIONAL USE PERMIT, SECTION 33 SOLAR AND TABLE 4.A.6 USE OF SOLAR

October 9, 2023

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

Amend Chapter 19, Section 4 Use Regulation by adding Section 19.4.C Conditional Use Permit as follows:

19.4.C. Conditional Use Permit

A conditional use permit allows certain uses that have increased potential for incompatibility in a zoning district to be carefully reviewed to determine, against fixed standards, whether their establishment on any given site should be allowed.

19.4.C.1. Initiation The applicant for a conditional use permit shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

19.4.C.2. Applicability Uses that require a conditional use permit shall be clearly identified in the Zoning Regulations, as may be amended.

19.4.C.3. Authority Unless otherwise specified in this Chapter 19, the Planning Board shall have the authority to review and decide on applications for a conditional use permit.

19.4.C.4. Submittal Requirements

A. An applicant for a conditional use permit shall submit a completed application on the appropriate form to the Department of Development Services, Planning Office and shall provide sufficient information to enable City staff and the Planning Board to evaluate the proposal for compliance with City Regulations.

B. A completed application for a conditional use permit shall include all of the submittal requirements for major site plan applications as outlined in this Article, unless otherwise specified.

C. The applicant shall be responsible for reviewing the applicable conditional use permit standards of this section to identify if any additional application materials or information shall be required for submittal.

19.4.C.5. On-Site Posting of Public Hearing

A. An applicant for any conditional use permit shall, not less than 10 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Department of Development Services, Planning Office providing notice of the use applied for and the date and time of the public hearing, in a location on the premises visible to the public.

B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Department of Development Services, Planning Office

19.4.C.6. Procedure

A. Conditional use permit applications shall be subject to the same procedure for review and decision by the Planning Board as major site plan applications, unless otherwise noted.

B. Where conditional use permits are required in conjunction with a proposed site plan application, a completed conditional use permit application for each conditional use permit requested shall be made at the same time as the site plan application.

C. Where a conditional use permit is required, no site plan application may be considered complete without a complete conditional use permit application. Conditional use permit applications will be considered concurrently with the site plan application.

19.4.C.7. Approval Standards In the review of a conditional use permit application, the Planning Board shall evaluate the application for compliance with all applicable design standards and conditional use permit review criteria as provided for in this Chapter 19 as well as the Site Plan Regulations and Subdivision Regulations.

19.4.C.8. Expiration

Conditional use permits granted by the Planning Board shall be valid if exercised within 2-years from the date of final approval by the Planning Board, or as further extended by the Planning Board. Within this 2-year time period, the use must be started or construction begun on the structure.

19.4.C.9. Extensions Conditional use permit applications shall be subject to the same standards for extensions as major site plan applications.

19.4.C.10. Waivers

A. Applicants for a conditional use permit seeking a waiver from conditional use permit standards in the Zoning Regulations, shall apply to the Zoning Board of Adjustment for a variance.

B. the applicant may request a waiver from the Planning Board from strict compliance with specific provisions of the Site Regulations, site plan review standards, or conditional use permit standards in Section 25.14, on a case-by case basis, following the procedure for waiver requests.

Amend Chapter 19 by adding Section 33 Solar as follows:

19.33.A Authority and Purpose

This solar collection system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The City intends to facilitate the State and National goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

Properties that install solar may be eligible for tax relief pursuant to Chapter 34 Exemptions and Credits and RSA 72:61-64.

19.33.B Definitions:

19.33.B.1 Solar Land Coverage – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this ordinance.

19.33.B.2 Solar Collection System - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

19.33.B.3 Roof Mount – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.

19.33.B.4 Ground Mount – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.

19.33.B.5 Carport Mount – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

19.33.C. Use definitions:

19.33.C.1. Solar Energy System (Small-Scale): a solar energy system and associated mounted hardware that is either affixed to or placed upon the ground, and occupies 2,000 SF of solar footprint or less

19.33.C.2. Solar Energy System (Medium-Scale): a solar energy system and associated mounting hardware that is either affixed to or placed upon the ground and occupies greater than 2,000 Sf and less than 1 acre of solar footprint.

19.33.C.3. Solar Energy System (Large-Scale): a solar energy system and associated mounting hardware that is either affixed or placed upon the ground and occupies 1 acre or more of solar footprint.

19.33.D Specific Solar System Requirements and Exemptions:

19.33.D.1 Requirements:

- a) Roof mounted solar collection systems of any size are permitted in all zones without a Conditional Use Permit
- b) Properties located within the Historic District shall comply with Chapter 19 Section 14 Historic District

- c) Roof mounted systems shall have an engineering review to determine if the roof can support the load of the panels or if additional bracing is required.
- d) Roof mounted panels shall comply with the applicable portions of the NH Fire, NFPA, IBC, and IEC codes.
- e) Any and all electrical storage systems shall comply with NH Fire, NFPA, IBC, and IEC codes.
- f) Inspections are required for all components of PV arrays and storage systems.
- g) Ground Mounted Solar shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building.
- h) In no case shall ground mounted solar exceed 15 ft in height.
- i) Ground mounted solar shall not be allowed within the wetlands or the wetland buffer.
- j) All Solar Energy System installations, ground, roof or carport, shall require building permit and electrical permit consistent with Chapter 20 Building Codes

19.33.D.2. Exemptions:

- a) **Municipal Systems:** all solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.
- b) **Building Height:** Roof mounted solar collection systems shall be exempt from building height limitations.
- c) **Lot Coverage:** ground mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface.
- d) The City of Somersworth may allow the siting of privately owned or operated solar collection systems on governmentally owned land under a lease arrangement.

19.33.F. Requirements for Granting a Conditional Use Permit (CUP)

19.33.F.1. CUPs are required as delineated in (Table 4.A.6) of the Zoning Ordinance. CUPs shall be assessed and approved per the criteria in of the Zoning Ordinance using the information provided under this section. The Planning Board shall consider the following criteria when deciding whether to grant a solar energy system conditional use permit.

19.33.F.2 Application Materials

19.33.F.2.a System Layout: A detailed plan set signed and stamped by a NH Licensed Engineer that depicts the following information:

- a) Showing existing conditions and features including: topography, wetlands, wetlands buffer, surface water, existing vegetation, 100-year flood plain, steep slopes, soils, property boundaries, setbacks, existing structures and roads.
- b) Proposed site conditions including but not limited to: the footprint of solar energy system equipment and components, as well as any affiliated installations and structures, access points, drive/access aisles, security features, and fencing.
- c) The limits of any land clearing and/or grading required for the installation and operation of the solar energy system, as well as any erosion and sediment control measures to be installed during or after construction.
- d) A landscape plan that includes the location of existing vegetation to be preserved; details on the location, dimensions, and composition of any visual buffers on site; and information on the proposed location, number, type and size (at planting and maturity) of any replacement or proposed vegetation and ground cover on the site.

- e) A detailed plan of any land clearing or grading required for the installation and operation of the system. The location of all equipment to be installed on site including utility connection to the maximum extent practical all wiring associated with the utility connection shall be underground.
- f) All equipment locations, except for utility connections, shall comply with the required setbacks.

19.33.F.3 Equipment Specification

- a) All proposed equipment or specifications must be included with the application.
- b) Such information can be supplied via manufacturer's specifications or through detailed description.
- c) Ground mounted solar shall not exceed 15 ft as measured from the ground to the highest point of the system, when oriented at tilt.

19.33.F.4 Emergency Response

- a) Access to the site for emergency response shall be provided and detailed on the plan.
- b) A narrative or manual for City of Somersworth Fire Department detailing response guidance and disconnection locations necessary for fire response.
- c) Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to ensure adequate public safety.
- d) Applicant/owner will provide written emergency procedures for a motor vehicle into a panel/array as well as suppression procedures in the event of a fire.
- e) Applicant will provide 24/7/365 day working phone number for emergency response and technical questions.
- f) Prior to final sign off of the Electric and Building Permit the applicant/owner will provide onsite training sessions to the Fire Department/Police Department/Ambulance Service provider providing array configuration and emergency procedure, to the satisfaction of the Fire Chief, Police Chief, and Ambulance Service provider. Fire Chief, Police Chief and Ambulance Service Provider shall provide final sign off on the Electric/Building permit for confirm training sessions have been completed.

19.33.F.5 Buffer/ Environmental

Solar collection system shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in the following:

- a) Plan the buffering plans shall indicate the location, height, and spacing of existing vegetation to be preserved and areas where new planting will be required.
- b) All solar systems shall have a reasonable visual buffer as required in the site plan review regulations from public ways and neighboring commercial, industrial or residential uses based on the viewsheds counters of the land and abutting land use.
- c) Provide year-round screening of the ground-mounted solar energy system and associated equipment.
- d) Be composed of native plant species
- e) Required screening shall be maintained during the operative lifetime of the Solar Collection System.
- f) Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.

- g) Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
- h) Erosion control measures during construction shall be detailed as required.
- i) Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.

19.33.F.6 Electrical Requirements

- a) All systems not connected to the grid shall be approved by the electrical inspector or the Building inspector, as required.
- b) Grid tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to the operation of the system.

19.34.F.7 Noise

- a) Estimates of any equipment noise on the site based on equipment specifications materials (such as inverters)
- b) Noise level at the property line shall be in accordance with the municipal noise ordinance or at reasonable levels given the location of the facility with due consideration to the surrounding land uses and zones.

19.35.F.8 Stormwater

- a) Ground mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
- b) The final Permit issued by NH DES shall be incorporated by reference into the final City approval and shall be enforceable by the City in accordance with this zoning ordinance.
- c) No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit
- d) Ground mounted systems not requiring NH DES AoT Permit. Where a ground mounted system does not require an AoT permit the following shall apply:
 - a. Ground mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the solar land coverage area, provided such area of clearing and grubbing is also larger than 1 acre, the proposed system shall include a management plan for stormwater that is directly related to the impact of the solar collection system.
 - b. Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
 - c. The stormwater management plan shall include the following.
 - i. The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separate can enhance infiltration of stormwater. Percolation tests or site-specific soil information may be provided to demonstrate recharge can be achieved without engineered solutions
 - ii. Additional information, if required, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).

d. Required for all systems:

- i. All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and postconstruction restoration period.
- ii. Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall include ensure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to beneficial habitat to song birds, pollinators and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site

19.33.F.9 Setbacks

- a) Solar collection systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system including the panels. Tracking systems shall have the setback measured from the point and time where the array is the closest to the lot line. No portion of a system may cross into the setback.

19.33.F.10 Utility Interconnection

- a) All on-site power and communication lines within the solar footprint of the ground-mounted solar energy system shall be buried underground, unless the owner/operator is able to demonstrate the presence of technical or physical constraints (e.g. shallow bedrock, watercourses, etc.) that may interfere with the ability to bury lines in certain areas.

19.33.F.11. Abandonment

- a) Applicants for Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structures and reclamation the site when the system is no longer in use. Ground mounted Solar Collection Systems greater than 500 square feet shall be deemed abandoned if operations have discontinued for greater than six months. An abandoned system will be removed and the site restored within six or twelve months of abandonment.
- b) The Planning Board may require that the owner or operator post a bond, letter of credit, or establish an escrow account, including an inflationary escalator, in an amount deemed acceptable by the Director of Planning and Community Development to ensure proper decommissioning.

19.33. F.12 Conditions of Approval

- a) The Planning Board may impose conditions on a solar energy system conditional use permit to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and to preserve the intent of the standards.

Amend Chapter 19 Table of Uses by adding Table 4.A.6 Use of Solar as follows:

(TABLE 4.A.6) Use of Solar³

Use	District A	District B, MY, HMD, CN	District C/I	District I	District Rec, Cem	District: R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
1 Small Scale Solar Energy System ¹	P ⁴	CUP	CUP	P	CUP	X
2 Medium Scale Solar Energy System ¹	CUP ⁴	X	CUP	CUP	CUP	X
3 Large Scale Solar Energy System ¹	X	X	CUP	CUP	CUP	X
4 Roof Mounted Solar Energy System	P	P	P	P	P	P
5 Carport Mounted Solar Energy System ²	CUP	P	P	P	X	CUP
¹	Placement of ground mounted solar: 1. Shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building. 2. Shall be located in a portion of the lot fully behind the principal structure (Unless otherwise approved by the Planning Board where ground mounted solar is permitted by CUP) 3. In no case shall ground mounted solar exceed 15 ft in height. 4. Ground mounted solar shall not be allowed within the wetlands buffer. 5. Requires Site Plan application within the commercial and Industrial zones. 6. Requires building permit electrical permit					
²	Construction a new carport over a parking area of a commercial or multifamily development would require site plan approval by the Planning Board					
³	Properties located in the Historic District Overlay shall require a Historic District Application for installation of solar arrays.					
⁴	Provided the lot area is not less than five (5) acres, and no array shall be located within one hundred feet (100') from any lot line.					

P = Use permitted by right with building and electrical permit.

CUP = Use permitted by Conditional Use Permit.

X = Use prohibited.

This Ordinance shall take effect upon its passage.

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