

City of Somersworth
City Council Meeting Agenda
City Council Chambers
September 20, 2021
7:00 p.m.

1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearing
4. Comments by Visitors
5. Consent Calendar
 - A. Approve Minutes of the City Council Meeting held on September 7, 2021
6. Comments by City Councilors
7. Communications
8. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
9. Mayor's Report
10. Report of Standing Committees
11. Report of Special Committees, City Officers and City Manager
12. Nominations, Appointments and Election
13. Lay on the Table
14. Unfinished Business

ORDINANCES

- A. **Ordinance No. 2-22** – To Amend Chapter 12, Streets and Sidewalks (Referred to the Public Works and Environment Committee on 7/19/2021)

RESOLUTIONS

- A. **Resolution No. 9-22** – Authorizing the City Manager to Take the Necessary Steps to Discontinue Caiman Drive and Seamore Drive

15. New Business

OTHER

- A. State of New Hampshire 10-Year Transportation Improvement Plan (TIP) – Exit 10 Discussion (Request of the Public Works and Environment Committee)
- B. Vote to Authorize the Sale of City Surplus Property – per Administrative Code, Chapter 29, Section 8.5 Disposal of City Property: Vehicle/Miscellaneous Equipment

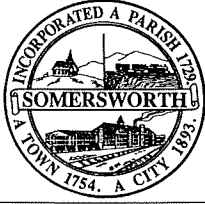
16. Comments by Visitors

17. Closing Comments by Council Members

18. Future Agenda Items

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

20. Adjournment



City of Somersworth – Ordinance

Ordinance No: 2-22

TO AMEND CHAPTER 12, STREETS AND SIDEWALKS

July 19, 2021

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

Amend Chapter 12 by adding Sections 12.8 & 12.9 as follows:

Section 12.8 – Outdoor Dining and Sidewalk Sales

PERMIT REQUIRED: A business owner shall obtain a permit to encumber the sidewalk from the Director of Public Works and Utilities, or their designee, to: 1) operate an outdoor seating area on a sidewalk, or on-street parking spaces, for service and consumption of food or drink prepared on premises; or 2) operate a sidewalk sale area for selling other goods subject to the following requirements:

1) The permit Applicant shall:

- a. Provide a Certificate of Insurance naming the City of Somersworth as additional insured. The terms of the Certificate of Insurance shall be in a form and amount acceptable by the City.
- b. Agree to indemnify and hold harmless the City of Somersworth, New Hampshire from all claims for damage or injury whatsoever, that may arise from the encumbrance, obstruction, occupation, or use of the aforesaid sidewalk.

2) The building in which the licensed business operates must share a common boundary with a sidewalk. Sidewalk encumbrances shall allow a minimum four (4) foot-wide unobstructed pedestrian corridor at all times, and at least five (5) feet wide when located along a street corner. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances, at the discretion of the Director of Public Works and Utilities, or their designee.

3) Public on-street parking space(s) encumbrances must provide an accessible path of travel to the area from abutting sidewalks. Such expansions must occupy the area directly in front of the proposed business and may request to expand to be in front of the adjacent properties with abutting property owner and/or business permission.

4) Egress from the building must be maintained free of obstruction per the Building Code, NFPA 101 Life Safety Code, and any other applicable Local, State, or Federal Regulations, as amended.

5) Permits may only allow encumbrances between April 15 to November 15, and as weather conditions allow.

6) The Director of Public Works and Utilities, or their designee, may establish additional permit conditions to protect the City, public safety, and the continued use of the sidewalk by the public.

7) The Director of Public Works and Utilities, or their designee, has the authority to deny, revoke, or suspend the permit at his/her discretion at any time for any reason, including but not limited to violating the permit conditions, safety considerations, or due to planned or unplanned City projects, events, or activities.

8) The encumbered area must not block access to public street furniture, trash receptacles, street signage, fire hydrants, or other public infrastructure.

9) The encumbered area and any furniture or features within the area must be kept in a clean, safe, and sanitary condition, and all trash shall be properly disposed.

10) Canopies over any sidewalk café shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the sidewalk café; table umbrellas without logos are allowed but must not extend beyond the Area.

11) No improvements or personal property located within the Area shall extend on or over any municipal property located outside the Area.

12) No advertising of any kind shall be allowed in the Area.

13) All outdoor dining areas where alcohol service is provided shall comply with the following requirements:

- Outdoor dining establishments shall agree at all times to comply with all laws, rules and regulations of the New Hampshire State Liquor Commission and all other local, state and federal laws.
- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy-duty decorative materials as approved by the City Manager or designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and ensure public safety.
- The minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.

The enclosure system, tables and chairs shall be movable/non-permanent.

Permits issued under this section may be revoked at any time by the City for failure to comply with the approved permit, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

Section 12.9 – Decorative Sidewalk Landscaping

PERMIT REQUIRED: A business owner shall obtain a permit to encumber the sidewalk from the Director of Public Works and Utilities, or their designee, to display decorative landscaping features in front of their business within the City right-of-way. The permit shall specify the area, use, and arrangement of any features or furniture within the encumbered area, and is subject to the following requirements;

1) The program is active April 15 to November 15 each year.

2) Decorative sidewalk landscaping may be placed within 5 feet to either or both side(s) of your front door entrance.

3) Landscaping features shall allow a minimum four (4) foot wide unobstructed pedestrian corridor at all times, and at least five (5) feet wide when located along a street corner. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances, at the discretion of the Director of Public Works and Utilities, or their designee.

4) Landscaping features should sit directly on the sidewalk, and be no larger than 3 feet long by 3 feet wide by 42 inches (3.5 feet) tall.

5) Landscaping features shall not be directly attached to (e.g., bolts, nails, screws) or damage the underlying sidewalk in any way.

6) No unmaintained features, or dead flowers, will be allowed.

7) Damaged flowers and/or containers must be removed immediately.

8) The applicant is responsible for cleaning/repairing any damage or staining to the sidewalks. The permit must be renewed each year. New applications and renewals are reviewed on an annual basis and should be submitted to the City no later than March 15 of each year. Permits are valid from April 15 to November 15 as conditions allow.

Permits issued under this section may be revoked at any time by the City for failure to comply with the approved permit, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilor:</i> Crystal Paradis	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 2-22

History

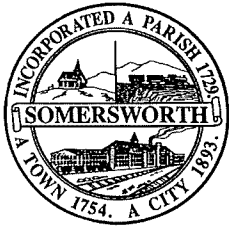
First Read Date:	7-19-2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

07/19/2021

Mayor Hilliard referred Ordinance No. 2-22 to the Public Works and Environment Committee.

Voting Record		YES	NO
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		
TOTAL VOTES:			
On / / Ordinance 2-22		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 9-22

AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO DISCONTINUE CAIMAN DRIVE AND SEAMORE DRIVE

September 7, 2021

WHEREAS, the City of Somersworth has received a request by property owners abutting Caiman Drive and Seamore Drive to discontinue these public ways to accommodate development in this area; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH, in accordance with RSA 231:43, that Caiman Drive and Seamore Drive are hereby discontinued as public ways, described as follows:

Caiman Drive Right-of-Way

A certain tract or parcel of land located in the City of Somersworth, County of Strafford, and the State of New Hampshire, being shown as Caiman Drive Right-of-Way, Parcel “A” on plan entitled “Boundary Line Adjustment Plan, 108 Gator Rock, LLC and the City of Somersworth, Gator Rock Road, Somersworth, New Hampshire“, dated August 11, 2021, prepared by Tritech Engineering Corporation, to be recorded at the Strafford County Registry of Deeds; being more particularly bounded and described as follows:

Beginning at a point on the Westerly sideline of Caiman Drive, at the Southerly end of Seamore Drive; Thence running along the proposed Gator Rock Road cul-de-sac, along a curve to the left, having a radius of 50.00 feet, a distance of 98.01 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 23.84 feet to a point on the Easterly sideline of Caiman Drive; Thence turning and running along the Easterly sideline of Caiman Drive, S 38°29’49” E, a distance of 170.63 feet to point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point; Thence turning and running along a curve to the right, having a radius of 50.00 feet, a distance of 229.35 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point on the Westerly sideline of Caiman Drive; Thence turning and running along the Westerly sideline of Caiman Drive, N 38°29’49” W, a distance of 238.29 feet to a point; Said point being the point of beginning.

The above-described parcel “A” contains 20,142 Square Feet or 0.462 Acres.

Seamore Drive Right-of Way

A certain tract or parcel of land located in the City of Somersworth, County of Strafford, and the State of New Hampshire, being shown as Seamore Drive Right-of-Way, Parcel “B” on plan entitled “Boundary Line Adjustment Plan, 108 Gator Rock, LLC and the City of Somersworth, Gator Rock Road, Somersworth, New Hampshire“, dated August 11, 2021, prepared by Trittech Engineering Corporation, to be recorded at the Strafford County Registry of Deeds; being more particularly bounded and described as follows:

Beginning at a point on the Westerly sideline of Seamore Drive, at the Northwesterly end of Caiman Drive; Thence running along a curve to the right, having a radius of 330.00 feet, a distance of 142.00 feet to a point on the Westerly sideline of Seamore Drive; Thence turning and running along the Westerly sideline of Seamore Drive, N 13°50’34” W, a distance of 176.06 feet to point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point; Thence turning and running along a curve to the right, having a radius of 50.00 feet, a distance of 229.35 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point on the Easterly sideline of Seamore Drive; Thence turning and running along the Easterly sideline of Seamore Drive, S 13°50’34” E, a distance of 176.06 feet to a point; Thence turning and running along a curve to the left, having a radius of 270.00 feet, a distance of 65.02 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 11.56 feet to a point; Thence turning and running along the proposed Gator Rock Road cul-de-sac, along a curve to the left, having a radius of 50.00 feet, a distance of 93.99 feet to a point; Said point being the point of beginning.

The above-described parcel “B” contains 24,430 Square Feet or 0.561 Acres.

Caiman Drive & Seamore Drive Easements

The Right of Ways described herein were conveyed to the City of Somersworth with the benefit of the 20-foot drainage easement around the storm drain inlets located at the Northwest corner of Lot 1-L and the Southwest corner of Lot 1-B as well as a 5-foot-wide easement on each side of the roadway.

These easement rights associated with Caiman Drive and Seamore Drive shall also be discontinued.

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

City of Somersworth – Resolution 9-22

History

First Read Date:	09/07/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

09/07/2021

Resolution No. 9-22 will remain in first read until the call of the chair.

Voting Record		YES	NO
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		
TOTAL VOTES:			
On		Resolution 9-22	
		PASSED	
		FAILED	