

CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager *RB*
DATE: Friday, December 30, 2016
SUBJECT: City Manager's Report for Tuesday January 3, 2017
City Council Agenda

6:45 p.m. Public Hearings
Ordinance No. 6-7 Amending Chapter 4 Personnel Rule & Regulations
Ordinance No. 7-17 Amending Chapter 8a Sewer Ordinance
Ordinance No. 8-17 Adopt New Section 6.9.4 Solar Exemptions

Unfinished Business (under Section 13 of Agenda)

Ordinances

- A. Ordinance No. 6-17 Amending Chapter 4, Personnel Rules and Regulations, Section 2.3 Pledge Against Discrimination.**
- B. Ordinance No. 7-17 Amending Chapter 8a Sewer Ordinance.** Again, the proposed change incorporates some flexibility in the methodology used to determine a fair, yet appropriate sewer "change of use" connection fee. If adopted the change would authorize the Finance Committee to act on any future abatement requests.
- C. Ordinance No. 8-17 Adopt New Section 6.9.4 Solar Exemption.** Again, the Finance Committee met on November 18th and voted to recommend adoption to the full Council.

Resolution

- A. Resolution No. 24-17 Proclamation Declaring January Diversity Month in the City of Somersworth.**

New Business (under Section 14 of Agenda)

Resolutions

- A. Resolution No. 25-17 Authorize the City Manager to Enter Into a Purchase and Sales Agreement with Chinburg Properties of Newmarket, NH for the Sale and Re-Use of the Former Hilltop Elementary School Property at 17 Grand Street.** The Economic Development Committee met on December 1st and voted to move forward with a recommendation to accept the proposal received from Chinburg for the Purchase & Development of the former Hilltop School property. I anticipate a copy of a “draft” Purchase & Sale Agreement from Eric Chinburg sometime next week. Attached is a copy of the proposal for the “Adaptive Re-use of the Historic School Building, Market-Rate Apartments and Public Park”.

Other

- A. Request to Waive Excavation Moratorium Period for Construction Work on Blackwater Road for a “New Cumberland Farms” Located at 208 & 216 Route 108 (City Ordinance Ch. 12, Streets and Sidewalks).** Please see attached letter and email from Attorney F.X. Bruton, who represents Cumberland Farms, Inc. As noted in his letter: *“In order to construct the facility, Cumberland Farms must install new curb cuts for the access point and tie into the utilities with Blackwater Road. A plan, depicting the work necessary is attached. As such, Cumberland Farms respectfully requests a waiver as to Section 12.1 of the City Ordinances in order to make the necessary cuts into Blackwater Road, as depicted on the enclosed plan. Cumberland Farms will work closely with the Department of Public Works to minimize the effect of any such cut into the roadway”*. Attached is a copy of the pertinent section of the City Ordinance. Director Bobinsky’s memorandum provides conditions for Council’s consideration should the request be approved.

City Manager’s Items (under section 10 of Agenda)

A. Informational Items

1. Breton’s Cleaners Property Cleanup Grants

- **NHDES Grant.** I sent an email out on Friday, December 16 informing Councilors of this Grant award (see attached). I am pleased to announce that the City of Somersworth is slated for a \$178,000 Grant for the purpose of beginning the remediation of the Breton Cleaners property at 1 Winter Street. This is 100% State funding with no City match. Attached is the notification letter from the NHDES with the noted caveat that the Governor and Executive Council will need to approve.
- **EPA Brownfields Cleanup Grant Application.** I am pleased to inform you that the City submitted a \$200,000 Grant request for EPA Hazardous Substance Brownfields cleanup funds regarding the 1 Winter Street property. This was truly a team effort, with assistance from NHDES, GZA Engineering and City Staff, with special thanks to Director Saunders in coordinating these efforts.

B. Attachments:

1. City Attorney Certification One (1)

ORDINANCE NO. 6-17 AMENDING CHAPTER 4, PERSONNEL RULES AND REGULATIONS, SECTION 2.3 PLEDGE AGAINST DISCRIMINATION

Somersworth NH
December 5, 2016

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

Amend Chapter 4, Personnel Rules and Regulations, Section 2.3 Pledge Against Discrimination, by deleting "or" after physical disability and adding "or gender identity" after sexual orientation.

The Ordinance shall read as follows:

2.3 Pledge Against Discrimination

The City of Somersworth shall apply all rules and regulations and carry out all dealings with its personnel, without discrimination as to age, marital status, race, color, creed, national origin, sex, political affiliation, or mental disability, physical disability, sexual orientation, or gender identity. All employees are expected to act in a like manner in all performance of their duties as City employees.

This Ordinance shall be effective upon its passage.

Sponsored by:

Mayor Dana S. Hilliard
Councilor David A. Witham
Councilor Denis Messier
Councilor Martin P. Dumont, Sr.
Councilor Jessica Paradis
Councilor Dale R. Sprague
Councilor Nancie Cameron
Councilor Martin Pepin

Approved:

City Attorney

ORDINANCE NO. 7-17 AMENDING CHAPTER 8A SEWER ORDINANCES

Somersworth NH
December 5, 2016

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 8A, SEWER ORDINANCES, Section D, Access and Connection Fees, subsection, All Other Sewer Connection – Fees, by removing, “All Other Sewer Connection – Fees” and adding, “Sewer Connection Fees”.

And further amend subsection, Change in Use, by adding the following:

To determine bedroom equivalents, the City of Somersworth Refers to the New Hampshire Code of Administrative Rules Table 1008-1 Unit Design Flow Figures to determine the average daily water consumption of a specific property use. The City reserves the right to use an alternative method of evaluation such as prior water consumption or estimated future water use provided by a certified/licensed engineering or architect. In addition, the Finance Committee of the City Council may waive connection fees in part or in whole. Any expansion in business operations that result in increases in design flows as indicated in the New Hampshire Code of Administrative Rules Table 1008-1 Unit Design Flows will be subject to a connection fee charge prior to implementing the expansion. To the extent additional sewer connection fees are to be paid, those fees shall be due and payable prior to the issuance of a certificate of occupancy (CO), issuance of a building permit or at the time of change of use by the appropriate review body.

This Ordinance shall be effective upon its passage.

Sponsored by:

David A. Witham
Dale R. Sprague
Martin Pepin
Jennifer G. Soldati

Approved:

City Attorney

ORDINANCE NO. 8-17 ADOPT NEW SECTION IN CHAPTER 6 CITY OFFICIALS.
TITLED - SECTION 6.9.4 SOLAR EXEMPTION

Somersworth NH
December 5, 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH
THAT the Ordinances of the City of Somersworth be amended by adopting Section 6.9.4:

Section 6.9.4 Solar Exemption. The City adopts the provisions of RSA 72:61-64, an exemption from the assessed value for property tax purposes, for persons owning real property which is equipped with a solar energy system as defined in RSA 72:61. Such Solar property tax exemption shall be in an amount equal to 100% of the assessed value of qualifying solar energy system equipment as defined in RSA 72:61 and as may be amended. This exemption shall be effective for the tax year that begins April 1, 2017.

Sponsored by:

David A. Witham
Dale R. Sprague
Martin Pepin
Jennifer G. Soldati

Approved:

City Attorney

RESOLUTION NO. 24-17 PROCLAMATION DECLARING JANUARY DIVERSITY
MONTH IN THE CITY OF SOMERSWORTH.

Somersworth, NH
December 5, 2016

WHEREAS, January 15, 2017 will mark the 88th birthday of the Rev. Martin Luther King, Jr.; and

WHEREAS, the “dream” of equal treatment, is the foundation of human rights and democratic values;
and

WHEREAS, our nation has worked towards the goal of fulfillment of this commitment for over 241
years; and

WHEREAS, the City of Somersworth has become a model of a community which embraces and
promotes tolerance and diversity; and

WHEREAS, the City of Somersworth is committed to the values of equality and liberty stated in the
Declaration of Independence, United States Constitution, New Hampshire State Constitution and City
charter; and

WHEREAS, the Rev. Martin Luther King, Jr. reminded us that freedom, liberty and equality must be
protected for all citizens and that “from the prodigious hilltops of New Hampshire, let freedom ring.”

NOW, THEREFORE, BE IT RESOLVED THAT the City of Somersworth encourages all residents,
including community groups, schools and institutions to continue to work toward fulfilling Dr. King’s
dream of the elimination of all barriers to the fulfillment of equal opportunities and human rights; and

The City of Somersworth calls upon all citizens to reflect during this month on the message of Rev.
Martin Luther King, Jr. and commit themselves throughout the year to join the fight for the
elimination of all forms of discrimination and disadvantage and to ensure that everyone has the right
to live in conditions of dignity, respect and peace; and

The Somersworth Mayor and City Council hereby declare that January, 2017 be Diversity and
Tolerance Month in the City of Somersworth and that the City of Somersworth along with all of its
citizens hereby recommits itself to the fulfillment of Rev. Martin Luther King, Jr.’s “Dream.”

Sponsored by:
Mayor Dana S. Hilliard
Councilor David A. Witham
Councilor Denis Messier
Councilor Martin P. Dumont, Sr.
Councilor Jessica Paradis
Councilor Dale R. Sprague
Councilor Nancie Cameron
Councilor Jonathan McCallion
Councilor Martin Pepin

Approved:

City Attorney

RESOLUTION NO. 25 – 17 TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALES AGREEMENT WITH CHINBURG PROPERTIES OF NEWMARKET, NH FOR THE SALE AND RE-USE OF THE FORMER HILLTOP ELEMENTARY SCHOOL PROPERTY AT 17 GRAND STREET

Somersworth, NH

January 3, 2017

WHEREAS the City Council of the City of Somersworth adopted Resolution 11-17 authorizing the City Manager to solicit proposals for the re-use of the Hilltop Elementary School in accordance with the recommendations of the Hilltop Commission, and

WHEREAS, the request for proposals invited qualified developers to submit formal proposals for the purchase and re-use of this historic property including stipulations that any redevelopment meet the spirit and intent of the recommendations of the Hilltop Commission, and

WHEREAS, one proposal was submitted by Chinburg Properties of Newmarket NH, and

WHEREAS, the Economic Development Committee of the City Council reviewed the proposal with staff and recommends executing a purchase and sales agreement with Chinburg Properties for the sale and re-use of the Hilltop Elementary School Property,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into a purchase and sales agreement with Chinburg Properties of Newmarket, NH for the sale and re-use of the former Hilltop Elementary School Property located at 17 Grand Street, Map 11 Lot 49 and to take any other actions necessary to complete this action determined to be in the best interest of the City.

Sponsored by Councilors:

Jonathan McCallion
Martin P. Dumont, Sr.
David A. Witham
Dale R. Sprague

Approved:

City Attorney

Hilltop Elementary School Reuse

Somersworth, NH



Adaptive Re-Use of Historic School Building Market-Rate Apartments and Public Park

Chinburg Properties
3 Penstock Way
Newmarket, NH 03857
www.chinburg.com

November 2016



Hilltop Elementary School
Historic Building Re-Development
Somersworth, NH

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Hilltop Elementary School

**Historic Building Re-Development
Somersworth, NH**

Development Proposal

SUMMARY

Chinburg Properties proposes to transform the historic Hilltop Elementary School to market rate, residential rental apartments with modern amenities that highlight its unique architecture. While there is much work to be done, Chinburg's conceptual development plan calls for:

- Up to 30 market-rate apartments
- Civic space within the school to be used by local community groups, size and location TBD
- Parking for the residents
- Land allocated for a public park to be designed with community input
- Preservation of the building's historic features and mature landscaping

PURCHASE PRICE AND TERMS

Chinburg proposes to acquire the property from the City for \$1.00 in its current condition, "as-is with all faults". All risk and costs of rehabilitation, including environmental and hazardous material remediation, shall be borne by Chinburg Properties. Chinburg is prepared to immediately execute a purchase and sale agreement and to close on the purchase within 90 days. It is possible but challenging to make this dream a reality, as such the project will depend on several key factors that will require the City and Chinburg to work together on the following:

- Successful city-initiated zoning change to allow multi-family use with sufficient density to allow 30 market rate units
- An agreement with the city to maximize use of RSA 79-E
- Receipt of phase I and II environmental assessment (we understand the city has received an EPA Brownfields Assessment Grant through the regional Planning Commission for this assessment)
- Confirming that the school is eligible for Federal Historic Tax Credits



Hilltop Elementary School

Historic Building Re-Development
Somersworth, NH

Developer

The Company

Chinburg Properties is an almost 30-year old development and construction company focused on mixed-use urban redevelopments, single-family housing, and multi-family housing in New Hampshire, northeastern Massachusetts, and southern Maine. Founded in 1987 by NH native Eric Chinburg, the company has grown to become a fully integrated development and construction firm and the largest builder of homes in the Seacoast NH region. Chinburg Properties is a privately held corporation with over 65 employees headquartered in Newmarket, NH.

Chinburg Properties presently manages an investment portfolio totaling over 1.6 million gross square feet containing 833 apartments and over of 630,000 SF leasable commercial space. In addition, the company has an additional 274 apartments and over 60,000 square feet of commercial space in the development pipeline to be delivered over the next two years.



Preserving the legacy of historic buildings is what Chinburg Properties does best. We know from experience the transformative power of building restorations and the contributions such projects make to the fabric and vitality of local communities. Chinburg Properties has been the developer and general contractor for numerous highly successful projects in Massachusetts, Maine and New Hampshire, including multiple projects in Somersworth; the Great Falls School was transformed into a residential building in 2000 and the Canal Street Mill is now home to many small businesses and offers residential units available for lease.

Hilltop Elementary School

Historic Building Re-Development
Somersworth, NH

Featured Development Projects

- **Canal Street, Somersworth, NH** – The residential component of this 210,000 sq. ft. mixed-use mill project was completed in two segments and has a total of 68 units; 54 units having been completed and fully leased by Chinburg since the spring of 2008, and 14 additional units delivered in September of 2016 . Canal Street includes over 100,000 sq. ft. of leasable commercial space.
- **Newmarket Mills, Newmarket, NH** – A 200,000 sq. ft. mixed use mill redevelopment completed in 2012. The project consisted of 112 luxury apartments and 50,000 sq. ft. of leasable commercial space.
- **Cocheco Mills, Dover, NH** – This historic complex of buildings, totaling 310,000 sq. ft. now has a mix of 74 new studios, loft, one and two bedroom apartments with another 43 units planned for summer 2016 delivery. The Mill has become a thriving mixed-use community with the addition of new apartments to the current mix of businesses and restaurants.





Hilltop Elementary School

Historic Building Re-Development
Somersworth, NH

- **Briggs Mill, Amesbury, MA** – A 40,000 sq. ft. Residential mill conversion completed in 2014. The Mill houses 44 Luxury apartments, nine of which are affordable.





Hilltop Elementary School
Historic Building Re-Development
Somersworth, NH

Project Team

Summary of Project Team

- 1. Developer:** Chinburg Properties
Address: 3 Penstock Way
Newmarket, NH 03857
Phone: 603-868-5995
Contacts: Eric Chinburg, President
echinburg@chinburg.com

Matt Assia, Director of Asset Management
massia@chinburg.com
- 2. Design/Builder:** Chinburg Builders, Inc.
Address: 3 Penstock Way
Newmarket, NH 03857
Phone: 603-868-5995
Contacts: Eric Chinburg, President
echinburg@chinburg.com

Geoff Spitzer, Senior Project Manager
gspitzer@chinburg.com



Hilltop Elementary School
Historic Building Re-Development
Somersworth, NH

References

1. **Steve Scott**
Vice President
Provident Bank

21 Daniel Street
Portsmouth, NH 03801
(603) 431-1144
sscott@theprovidentbank.com

2. **Peter Robitaille**
Owner
East Coast HVAC

436 Shattuck Way
Newington, NH 03801
(603) 427-6699
peter@eastcoasthvac.com

3. **Jeff Clifford, P.E.**
Principal
Altus Engineering, Inc.

133 Court Street
Portsmouth, NH 03801
(603) 433-2335
jclifford@altus-eng.com



Hilltop Elementary School

**Historic Building Re-Development
Somersworth, NH**

Existing Conditions

The Building

The Somersworth Hilltop School is located within the City's Hilltop residential community. The building consists of a three-story masonry structure built in 1928 and an addition that was constructed in the 1930's. The building was last used as a school until the 2008-2009 school year. It has been vacant since. Though the building is essentially a three-story building, a study conducted by AG Architects in 2013 found there are actually as many as 10 different floor levels.

The exterior of the building is solid brick with concrete details. There is no indication of insulation in the brick walls, and many windows and doors have been damaged or sealed shut. The condition of the roof has not been inspected but has been updated with a single-ply membrane.

The interior of the building has been left unheated during its time out of use and is now showing some deterioration as a result. Finishes include masonry wainscot walls with plaster above the corridors, plaster walls between the classrooms and plaster ceilings. The paint and plaster on the walls has begun to crack and peel in many locations. Flooring finishes include hardwood, carpeting and tile which are in poor condition.

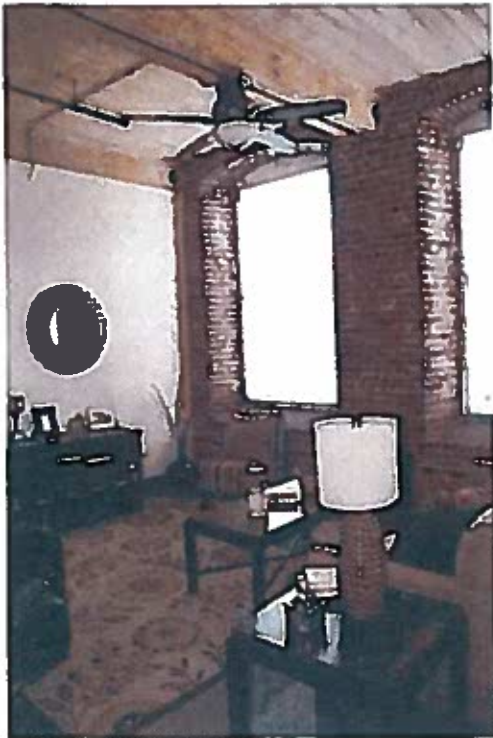
The building structure itself is sound. It consists of solid masonry exterior and interior brick bearing walls supported by concrete slabs and wood framing. The roof is flat with wood framing for timbers.

A complete re-design and construction of the building's mechanical and electrical systems is required. There is a 2" domestic water service to support the bathrooms and water fountains. There is no automatic fire protection system in the building. The existing mechanical system includes unit ventilators in the classrooms with fresh air vents, gas-fired modular hot water boilers in the First Floor Mechanical Room with the burners removed, and cabinet heaters and fin-tube radiation. A gas-fired water heater is located in the Mechanical Room. The existing electrical system is served by a 400 amp one-phase service. There is an outdated fire alarm system requiring upgrade, and exit signs and emergency lighting. There are minimal electrical outlets throughout the building and very limited telephone and data outlets.

The Site

The site has a total land area of 2.08 acres. The front of the site consists of lawn, a walkway and flag pole. The rear and sides of the lot consist of cracked pavement and open lawn space.

The Proposal



The Building

Proposed Use

Chinburg Properties is proposing a change of use from a Municipal building for public use to a residential use. A study will need to be conducted in order to determine the best use of space. Chinburg expects the building could be home to 30 Market Rate rental apartments.

Design & Construction

Chinburg Builders, Inc. will be engaged to design and construct the project and will hire outside consultants as needed.

The school renovation will seek to highlight its 20th century architecture. The façade and structure will be restored and we expect that all new HVAC, fire sprinkler, fire alarm, plumbing, and electrical systems will be installed. Code compliant egress stairs will be added as well as an elevator. A new lobby/stair/elevator addition may be necessary and if needed will be designed in an appropriately historic fashion.





Hilltop Elementary School

**Historic Building Re-Development
Somersworth, NH**

It is anticipated that the following energy saving improvements will be made:

- Air-sealing throughout the building
- Energy Star rated, modulating natural gas boilers
- Indirect storage domestic hot water tanks
- Compact florescent and LED lighting
- LED exit signage and emergency lighting
- Common area lighting on occupancy sensors

Chinburg's typical finishes and apartment amenities include:

- Spacious open concept floor plans
- Granite countertops
- Stainless steel appliances, Energy Star-rated
- Polished concrete floors with radiant heat
- Washer/dryer hookups in most apartments
- High ceilings
- Ceiling fans
- Air conditioning
- Free hospitality Wi-Fi

In addition, community offerings typically include:

- Club room w/ entertainment space
- Storage
- Outdoor patio
- Onsite parking



Hilltop Elementary School

**Historic Building Re-Development
Somersworth, NH**

The Site

The site will be re-designed to support its new proposed use, minimalizing traffic and travel impacts on the surrounding neighborhood. A new 45+ space parking lot will be constructed in close proximity to the rear or side of the building, with driveway locations to be determined.

The front yard will be preserved, but will also include new landscaped features; at the request of the City, the rock in the front yard will remain for the City's installation of a historical marker.

The rear of the lot is currently consists of ample open space that is mostly lawn. A portion of the rear yard will be set aside as a public park.



Hilltop Elementary School
Historic Building Re-Development
Somersworth, NH

Local Development Approvals

Chinburg Properties will work with the Planning Department throughout the design process to ensure reasonable code compliance and a swift approval process.

We understand that approvals from the following City boards will be required:

- Planning Board
- Historic District Commission
- Zoning Board of Adjustment
- 79-E Agreement



Hilltop Elementary School

**Historic Building Re-Development
Somersworth, NH**

Tax Relief

Historic Tax Credit

Chinburg may seek Federal Historic Tax Credits.

RSA 79:E Community Revitalization Tax Relief Incentive

Chinburg Properties will seek property tax relief under RSA 79-E, the Community Revitalization Tax Relief Incentive. Chinburg will seek a 5 year term of tax relief from the City of Somersworth property tax. The Community Revitalization Tax Relief Incentive allows for a 4 year extension of tax relief for buildings listed on the National Register of Historic Places, Chinburg will seek continued tax relief under the available extension.



Hilltop Elementary School
Historic Building Re-Development
Somersworth, NH

Exhibit A: Conceptual Site Plan



1. CONVERT TO 3 FLOORS OF RESIDENTIAL USE
2. APARTMENT COUNT REQUIRES MORE STUDY OF EXISTING GYM AND MULTI-PURPOSE ROOMS
3. ANTICIPATED USES:
 - a. UP TO 30 MARKET RATE APARTMENTS
 - b. AMENITY SPACE FOR RESIDENTS
 - c. CIVIC SPACE T.B.D.


- USE OF EXISTING FLOOR SPACE REQUIRES STUDY. ANTICIPATED USES INCLUDE MARKET RATE APARTMENTS, COMMON AMENITIES AND CIVIC SPACE T.B.D.

EXTERIOR BUILDING MAY BE REQUIRED FOR LOBBY, ELEVATOR AND STAIR ENCLOSURE.

*** = EXISTING BUILDING ENTRY**

CONCEPTUAL FLOOR PLAN
SCALE: 1/8" = 1'-0"

PROJECT ADDRESS	HILLTOP SCHOOL REDEVELOPMENT 28 DUNDAS STREET, SCARBOROUGH, ONT.
	A-101 Floor Plan
	DATE: 11/09/2018
	SCALE: AS NOTED
	DRAWN: TFA
	Sheet no.



Citywide Properties, Inc
3 Piedmont Way
Newmarket, ON L3Y 8S7



Hilltop Elementary School
Historic Building Re-Development
Somersworth, NH

Exhibit B: Conceptual Floor Plan




NOT TO SCALE

NOTES:

1. EXISTING, MATURE TREES TO BE PRESERVED
2. PUBLIC PARK AND CIVIC SPACE T.B.D TO BE PLANNED AND DESIGNED WITH COMMUNITY INPUT
3. NO NEW CURB CUTS (REUSE EXISTING)

- * BUILDING ENTRY
- HC ACCESSIBLE PARKING
- APPROXIMATE GRADE
- PROPERTY SET BACK

PROJECT MILLTOP SCHOOL REDEVELOPMENT ADDRESS 25 GRAND STREET, SOMERSWORTH N.H.	SITE PLAN		
	DATE: 11/19/2018	SCALE: NONE	DRAWN: TFA
			
Chubb Properties, Inc. 3 Pembroke Way Newmarket, NH 03857			SHEET NO.
			C1.0

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC
ATTORNEYS AT LAW

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Dover, NH 03820

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FAX (603) 343-2986

www.brutonlaw.com

December 28, 2016

VIA HAND-DELIVERY

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

**RE: Cumberland Farms, Inc.
208 & 216 Route 108, Somersworth, NH**

Dear Mayor Hilliard:

Please be advised that this office represents Cumberland Farms, Inc.

Cumberland Farms, Inc., is under agreement with the property owners of the property located at 208 (Tax Map 62, Lot 9) & 216 Route 108 (Tax Map 62, Lot 11) in Somersworth, New Hampshire. Pursuant to a separate subdivision application, Cumberland Farms, Inc. and the property owners propose to adjust the configuration Lot 9 and Lot 11, and consolidate a third lot, located at 204 Route 108 (Tax Map 62, Lot 8), with Lot 9. All lots are located in the Commercial / Industrial (C/I) Zone.

Lot 11 consists of an existing building, a single family house and garage. Cumberland Farms, Inc. intends to completely raze the existing buildings on Lot 11 and construct a new convenience store/gas station, with a new canopy.

Cumberland Farms, Inc. recently received Site Plan and Lot Line Adjustment approvals from the Somersworth Planning Board to construct a new gasoline and convenience store. Cumberland Farms has also received approvals from the Somersworth Zoning Board of Adjustment and has received approvals and/or worked cooperatively on the project with the City Planner, the Somersworth Technical Review Committee, the Somersworth Sign Committee, the New Hampshire Department of Transportation, and the New Hampshire Department of Environmental Services.

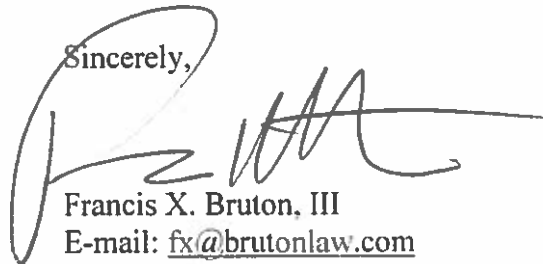
As a result of the rebuild, the activity on the site will be moved further back from the frontage from Route 108, thus resulting in improved traffic flow within the property, resulting in a safer environment for members of the public utilizing the business. We have enclosed copies

of elevations of the proposed new building. The façade will certainly result in an increased aesthetic presentation of the property, all of which is understood to be of importance to the City.

After consultation with Ms. Shanna Saunders, Director of Planning & Community Development, and Mike Bobinski, Director of Public Works & Facilities, we understand that there currently exists a moratorium, pursuant to Section 12.1 of the City Ordinances, for cutting into Blackwater Road as certain work was performed in May of 2015. In order to construct the facility, Cumberland Farms, Inc. must install new curb cuts for the access point and tie into the utilities within Blackwater Road. A plan, depicting the work necessary, is attached hereto. As such, Cumberland Farms, Inc. respectfully requests a waiver as to Section 12.1 of the City Ordinances in order to make the necessary cuts into Blackwater Road, as depicted on the enclosed plan. Cumberland Farms, Inc. will work closely with the Department of Public Works and Facilities to minimize the effect of any such cut into the roadway.

On behalf of Cumberland Farms, Inc., and the design professionals, we look forward to reviewing the enclosed information and plans at the City Council's public hearing on the matter.

Sincerely,



Francis X. Bruton, III
E-mail: fx@brutonlaw.com

FXB/mas
Enclosures

cc: Cumberland Farms, Inc.
MHF Design Consultants, Inc.
Shanna B. Saunders
Michael J. Bobinski





Cumberland Farms —

Bob Belmore

From: FX Bruton <fx@brutonlaw.com>
Sent: Thursday, December 29, 2016 10:53 AM
To: Bob Belmore
Cc: 'Christopher M. Tymula'; Russ Mikkola (RMikkola@cumberlandfarms.com); Kathleen Sousa (KSousa@cumberlandfarms.com); Tracey Roll (tjroll@tmcrowley.com); Dawn Johnson; 'Frank C Monteiro'; Jason R. Plourde
Subject: Cumberland Farms, Inc.

Bob,

I understand the waiver request for the Cumberland Farms, Inc. project of Rt. 108 will be heard by the City Council on January 3, 2017.

To follow up, and provide more specific as to the road cut, the proposed work will take place entirely within the Blackwater Road paved surface and will encompass approximately a 1' strip of pavement 160' long along the southern side of Blackwater Road. This saw cut is required to repair the road for the new Cumberland Farms driveway and curbing and for the removal of the existing driveway curb cut. Additionally, a triangular section of the road will be cut to allow for connection into the City public water supply with a new 2" water service for Cumberland Farms. This triangular area is approximately 20' long and angles out approximately 3' further into Blackwater Road. The saw cut and utility connection lines are shown on the Roadway Moratorium Plan dated 12-28-16.

I will attend the meeting, along with the project engineer, Chris Tymula, and we will be able to answer any questions that may arise.

Thanks, and Happy New Year!

Francis X. Bruton, III, Esquire
Bruton & Berube, PLLC
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Dover, New Hampshire 03820
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MEMORANDUM from Director Public Works & Utilities

Date: December 30 2016

To: Bob Belmore, City Manager

From: Michael J. Bobinsky, Director of Public Works and Utilities

Re: Recommended conditions for request by Cumberland Farms to waive pavement moratorium at Blackwater Road.

Cumberland Farms developers have requested City Council approval to waive the pavement moratorium at Blackwater Road and Rte. 108. This requires excavating a trench in Blackwater Road at the addresses formerly known at 208 Route 108 and 216 Route 108. The request is based on the developers need to connect with existing water utility in Blackwater Road. In addition, the Developers' approved site plan calls for a new driveway entrance off of Blackwater Road which requires approximately 1' strip of pavement 160' long along the southern side of Blackwater Road. This saw cut is required to repair the road which is within the curb line of the road. The plans for the water service connection involve cutting a triangular section of the road allowing for the connection into the City's public water supply with a new 2" water service for the Cumberland Farms Store. This triangular area is approximately 20' long and angles out approximately 3' further into Blackwater Road.

The Department of Public Works and Utilities has confirmed that this section of Blackwater Road was repaved in May 2015 and will come out of moratorium in May of 2020. As per City Ordinance, excavating into a recently paved street that is classified as a moratorium street (paved within past 5 years) in the City is prohibited, except in cases where a waiver is granted by the City Council.

In consideration of this request, the Department requires the following conditions for an approved trench permit:

- Cumberland Farms shall be responsible for paying all costs associated with the trench opening, utility connection, and street/right-of-way restoration.
- Street/right-of-way restoration shall consist of the following:
 - o Restoration work shall be performed after April 15th
 - o Remove existing hot mix asphalt (HMA) material
 - o Excavate roadway base materials to a depth of 18-inches
 - o Place and compact 12-inches of new NHDOT 304.2 roadway base gravel
 - o Place and compact 6-inches of new NHDOT 304.3 roadway base crushed gravel
 - o Place and compact 2-inches of ¾-inch Binder HMA
 - o Mill 20 feet either side of previous trench limits by 1-inch depth
 - o Place and compact 1-inch of ½-inch Binder HMA
 - o Loam and seed all disturbed vegetated areas.

- Cumberland Farms shall have liability insurance listing the City of Somersworth as an additional insured.
- Cumberland Farms shall post a performance bond associated with the street/right-of-way restoration work described above. Based on current construction rates, the performance bond shall be in the amount of \$27,950.
- Cumberland Farms shall submit and follow an approved traffic control plan to include use of a police officer to direct traffic around construction site and lane closure.
- Cumberland Farms shall coordinate with Department of Public Works & Utility staff including Highway Foreman and Chief Water Operator personnel for site and utility inspections.

Please let me know if you have any questions or need additional information.

BACKFILLING, PAVING, DUST CONTROL, AND TRAFFIC CONTROL: These items will be done in accordance with the Somersworth Construction Standards.

INSPECTIONS: The City Engineer or his designee may inspect the site prior to the commencement of backfill, during the backfill operation, prior to the commencement of paving and during the paving operation. It shall be the responsibility of the licensee to arrange for these inspections during normal working hours, and he shall provide a 24-hour notice.

MORATORIUM PERIOD: The moratorium period limiting excavations is as follows:

- For roads that have been overlayed the moratorium shall be three (3) years.
- For roads that have been reclaimed, reconstructed, or are newly constructed, the moratorium period shall be five (5) years.

INSURANCE: As a condition of this permit, the Permittee shall agree to provide insurance to indemnify the City of Somersworth and the Department of Public Works and Utilities, including all officials and employees thereof. Required policies shall include, but not be limited to, Comprehensive General Liability and Workman's Compensation. The requirements of the policies will be according to the Somersworth Construction Standards.

REVOCATION OF PERMIT: The City of Somersworth, Department of Public Works and Utilities, or the City Engineer may revoke any permit issued under this regulation at any time.

Section 12.2 - Use of Sidewalks

No person shall drive any vehicle or equipment on any sidewalk in the City, except for strollers, wagons, carriages, or other methods of transporting small children.

Section 12.3 - Signs and Awnings

No person shall place, establish or maintain any sign, awning or shade before his or her place of business, dwelling house or tenement, over any part of any street or sidewalk, unless the same be safely fixed and supported so as in no way to incommode or endanger persons passing upon such street or sidewalk and so that the lowest part of such sign, awning or shade shall be at least seven and one-half feet above the sidewalk; nor shall any person hang, affix, fasten, place or allow to remain upon the outer edge of any sidewalk, any sign or showcase except in conformance with the requirements of the Zoning Ordinance.

(Amended 7/18/1994.)



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

Thomas S. Burack, Commissioner



EMAIL ONLY

December 16, 2016

Robert M. Belmore, City Manager
 City of Somersworth
 One Government Way
 Somersworth, NH 03878

**Subject: Somersworth - Breton Cleaners Property, 1 Winter Street
 DES Site #200411112, Project #14261
 Brownfields Revolving Loan Fund – Cleanup Grant**

Dear Mr. Belmore:

The New Hampshire Department of Environmental Services (Department) is pleased to inform the City of Somersworth of our intent to award a cleanup grant from New Hampshire's Brownfields Revolving Loan Fund (RLF). The Department intends to award \$178,000 for the purpose of funding a portion of the remediation of the Breton Cleaners property in Somersworth, New Hampshire. Specifically, the funding will be used for building demolition and hazardous materials abatement. The Department acknowledges that the City is concurrently applying for an EPA Brownfields Cleanup Grant for the balance of the remediation costs.

Awarding of this grant is contingent upon receiving Governor and Executive Council (G&C) approval. The Department will be forwarding the grant documents to the City in January 2017 for your review. Once the documents have been executed and returned to the Department, we will proceed with requesting G&C approval.

Should you have any questions in the interim, please contact me at the Department's Waste Management Division. We look forward to continuing our work with the City of Somersworth on the successful cleanup of the Breton Cleaners property.

Sincerely,

Michael McCluskey, P.E.
 Brownfields Program
 Hazardous Waste Remediation Bureau
 Tel: (603) 271-2183
 Fax: (603) 271-2181
 Email: Michael.McCluskey@des.nh.gov

Waste
 Management
 Division

Digitally signed by Waste Management
 Division
 DN: cn=Waste Management Division,
 o=NHDES, ou=Waste Management
 Division,
 email=timberly.durgen@des.nh.gov, c=US
 Date: 2016.12.16 11:15:21 -05'00'

ec: Michael Wimsatt, P.G., Director, WMD
 H. Keith DuBois, P.G., Asst. Director, WMD
 Karlee Kenison, P.G., State Sites Supervisor, HWRB

DES Web Site: www.des.nh.gov

P.O. Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095
 Telephone: (603) 271-2908 Fax: (603) 271-2181 TDD Access: Relay NH 1-800-735-2964

SOMERSWORTH, NEW HAMPSHIRE

City of Somersworth
One Government Way
Somersworth, NH 03878



City Hall
603.692.4262
www.somersworth.com

December 21, 2016

US EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Ave, N.W.
Mail Code 3903R
Washington DC 20460

Re: Brownfields Cleanup Grant Application

Dear Sir/Madam:

On behalf of the City of Somersworth I am pleased to submit this Grant request for EPA Hazardous Substance Brownfields cleanup funds in the amount of \$200,000. for a former dry cleaning property located at 1 Winter Street in Somersworth NH, 03878 (referred to as the former Breton's Cleaners property). Somersworth is a Riverfront Milltown on the Maine/New Hampshire border with a population of 11,790. We are not a jurisdiction experiencing "persistent poverty", however, we have seen significant job loss over the last several years as manufacturing has left the United States as well as our Community encompassing a broad level of low and moderate income families.

Project applicant:
City of Somersworth
One Government Way
Somersworth, NH 03878

Project Director:
Robert M. Belmore
City Manager
One Government Way
Somersworth, NH 03878
bbelmore@somersworth.com
603-692-9503 ph.

Highest Ranking Elected Official
Mayor Dana Hilliard
One Government Way
Somersworth, NH 03878
dhilliard@somersworth.com
603-692-9501 ph.

Sincerely,


Robert M. Belmore, ICMA-CM
City Manager

Proud past, bright future

MITCHELL MUNICIPAL GROUP, P.A.

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LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL
JUDITH E. WHITELAW
LAURA SPECTOR-MORGAN
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885
FACSIMILE (603) 524-0745

December 28, 2016

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 25-17

Title: TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A
PURCHASE AND SALES AGREEMENT WITH CHINBURG PROPERTIES OF
NEWMARKET, NH FOR THE SALE AND RE-USE OF THE FORMER HILLTOP
ELEMENTARY SCHOOL PROPERTY AT 17 GRAND STREET

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced resolution. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

Date: 12/28/16

By: 