

CITY OF SOMERSWORTH  
CITY COUNCIL MEETING

AGENDA FOR APRIL 21, 2014

6:00 P.M. Workshop – Corcoran Consulting Associates, Inc., to Discuss the  
Recommended Real Estate Property Revaluation and Continuing Cycled  
Inspection Program

7:00 P.M. City Council Meeting

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
  - A. Minutes of City Manager FY2014-2015 Budget Presentation Held on 3/31/14.
  - B. Minutes of Public Hearing on Ordinance No. 14-14 FY2014-2015 Budget Held on 3/31/14.
  - C. Minutes of Special City Council Meeting Held on 3-31-14.
  - D. Minutes of Public Hearing on Resolution No. 38-14 To Amend Resolution No. 8-13 to Increase the Number of HVAC Units that Can be Replaced in Somersworth Schools Held on 4/07/14.
  - E. Minutes of City Council Meeting Held on 4/07/14.
4. Comments by Visitors
5. Announcements by Councilors
6. Communications
  - A. Letter from George E. Wentworth, Jr.
7. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
8. Mayor's Report

9. Reports of Standing Committees
10. Reports of Special Committees, City Officers and City Manager
11. Nominations, Appointments and Election
  - A. Traffic Safety Committee
    - Harold Guptill, Term to Expire 04/2017.
12. Lay on Table

Ordinances:

- A. Ordinance No. 14-14 FY 2014-2015 Budget.
13. Unfinished Business

Nominations, Appointments and Elections:

- A. Appointments to Sustainability Committee
  - Ross Forester, Community Member At Large, Term to Expire 04/2016.
  - Liz Wilson, Reappointment as Chair, Term to Expire 04/2016.
- B. Nomination to Board of Assessors
  - James Cowan, Reappointment, Term to Expire 04/2017.
- C. Nomination to Trustee of Trust Funds
  - John Jackman, Reappointment, Term to Expire 04/2017.
- D. Nomination to Planning Board
  - Don Berrios, Alternate Member, Term to Expire 04/2017.
- E. Nomination to Library Board of Trustees
  - Nancie Cameron, Term to Expire 04/2017.

Ordinances:

- A. Ordinance No. 13-14 Amending Chapter 19, Zoning Ordinance, Tables 4.A.3.9, 4.A.3.10 and 4.A.3 to Permit Chickens in All Residential Districts Provided that Certain Minimum Criteria have been Met.

(In Committee)

Resolutions:

- A. Resolution No. 29-14 To Demolish the Former Police Station and Establish a City Park. (Referred to Committee)
- B. Resolution No. 39-14 Vote to Authorize a Comprehensive Study to Examine the Need for the Construction of a New Fire Station.

14. New Business

Ordinances:

- A. Ordinance No. 15-14 Amend Chapter 13, Police Offenses, Section 3.1.D No Parking Anytime.
- B. Ordinance No. 16-14 Amend Chapter 13, Police Offenses, Section 3.1.F Time Limited Parking.
- C. Ordinance No. 17-14 Amend Chapter 19, Zoning Ordinance, by Adding a New Section 31 – Backyard Chicken Ordinance.
- D. Ordinance No. 18-14 Amend Chapter 19, Zoning Ordinance, Section 25, Definitions.
- E. Ordinance No. 19-14 Amend Chapter 19, Zoning Ordinance, Table 4.A.5 Principal Uses.

Other:

- A. Reconsideration of Resolution No. 36-14 Authorizing the City Manager to Sell City Tax Deeded Property at 116-118 Green Street.

15. Comments by Visitors

16. Closing Comments by Council Members

17. Future Agenda Items

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

19. Adjournment

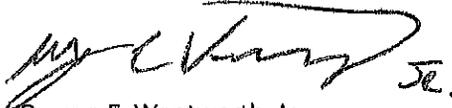


April 18, 2014

To Mayor Dana S. Hilliard,

It is with regret that I must inform you that I will be resigning from the Somersworth School Board effective at the end of month. I have enjoyed my time on the School Board and wish everyone the best of luck in the years to come.

Thank you,



George E. Wentworth, Jr.

REC'D  
APR 18 2014  
CITY CLERK

**ORDINANCE NO. 14 -14 FY 2014-2015 BUDGET**

SOMERSWORTH, NH

March 31, 2014

The City of Somersworth Ordains that Budgets for the City of Somersworth for the 2014-2015 Fiscal Year shall be:

**DEPARTMENT**

**PROPOSED BUDGET**

**GENERAL FUND**

Elected Leadership	\$123,011
City Management	452,908
Finance and Administration	1,143,971
Development Services	904,517
Police	3,388,753
Fire	2,080,430
Public Works	2,131,315
Other Expenses	1,455,231
Capital Outlay	255,757
Intergovt Assessments - County	2,332,459
School Department	25,875,232

**TOTAL GENERAL FUND**

**40,143,584**

**ENTERPRISE FUNDS**

Wastewater Department	2,148,277
Water Department	2,058,223
Solid Waste	382,100

**TOTAL ENTERPRISE FUNDS**

**4,588,600**

**TOTAL FY 2014-2015 APPROPRIATION**

**\$44,732,184**

This ordinance shall take effect upon its passage.

Introduced by  
Mayor Dana Hilliard  
by request

Approved:

City Attorney

***As Amended and Tabled on April 7, 2014***

*Provided as backup to proposed amendment sponsored by the Public Works and Environment Committee to Resolution 29-14. Proposed amended language is bold and underlined.*

RESOLUTION NO. 29-14 TO DEMOLISH THE FORMER POLICE STATION AND ESTABLISH A CITY PARK AND MAKE IMPROVEMENTS TO THE NOBLE PINES BALL FIELD.

Somersworth, NH  
February 18, 2014

WHEREAS, the City of Somersworth owns Tax Map 11 Lot 210 and is the site of the former Somersworth Police Station with an address of 5 Main Street; and,

WHEREAS, the site is 15,777 square feet and the City maintains the USS Somersworth Park that encompasses approximately 4,300 square feet of the northerly portion of the site and is centrally located in the City's urban core; and

WHEREAS, a goal of the City's Master Plan is to create "well designed and landscaped Mini-parks that serve as visual focal points at important locations throughout the downtown"; and

WHEREAS, the City Council has funded infrastructure projects designed to further Vision 2020 efforts for downtown revitalization and to create an enhanced quality of life and community livability; and

WHEREAS, the existing building and parking area at the site are in a state of disrepair; and,

**WHEREAS, it is a goal of the Master Plan to upgrade our existing recreational facilities; and, the Noble Pines Park Ball Field is a recreational facility in need of repair and upgrades for safety and accessibility; and,**

**WHEREAS, certain upgrades to the Noble Pines Ball Field are outlined in the City's Capital Improvement Plan that include a new back stop, improved access, and additional safe seating;**

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any and all agreements and contracts necessary to demolish the former police station and associated parking area and convert the site to a City park for an amount not to exceed **\$44,000** and to take any other associated action deemed to be in the best interest of the City to complete this project, and

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that the City Manager is authorized to execute any and all agreements and contracts necessary to improve the Noble Pines Ball Field as outlined in the adopted FY 2015-2020 Capital Improvement Plan for an amount not to exceed \$43,000; and to take any other associated action deemed to be in the best interests of the City to complete this project, and**

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that authorization of the Resolution is subject to the City Council approving funding to accomplish these projects.**

Introduced by

Mayor Dana S. Hilliard  
Councilor Jennifer Soldati  
Councilor Denis Messier  
Councilor Marcel Hebert

Approved:

City Attorney

ORDINANCE NO. 15-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.D NO  
PARKING ANYTIME.

Somersworth, NH  
April 21, 2014

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

Amend Chapter 13, Police Offenses, Section 3.1.D No Parking Anytime, by amending current language prohibiting parking on Prospect Street on the southerly side to read as follows:

- Whereupon signs are removed or covered, parking on the southerly side of Prospect Street will be allowed until November, 2014. All other parking rules shall be enforced.

This ordinance shall take effect upon its passage.

Introduced by Mayor

Dana S. Hilliard

Approved:

City Attorney

ORDINANCE NO. 16-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.F  
TIME LIMITED PARKING.

Somersworth, NH

April 21, 2014

THE CITY COUNCIL OF THE CITY OF SOMERSWORTH ORDAINS THAT the ordinances of the City of Somersworth, as amended, but further amended as follows:

Amend Chapter 13, Police Offenses, Section 3.1.F.4 Time Limited Parking, 30 Minute, by adding a new section as follows:

- **4.A 20 Minute**

When signs are erected giving notice thereof, it shall be unlawful for any person having custody or control of any vehicle to park within the districts or upon any of the streets or parts of streets listed below for more than 20 minutes between 7:00 a.m. and 7:00 p.m. daily:

Market Street on the east side, north from the intersection of Main Street, two (2) parking stalls. (Automatic revocation of this November 1<sup>st</sup>, 2014.)

This ordinance shall take effect upon its passage.

Introduced by Mayor

Dana S. Hilliard

Approved:

City Attorney

ORDINANCE NO. 17-14 AMEND CHAPTER 19, ZONING ORDINANCE, BY  
ADDING A NEW SECTION 31 – BACKYARD CHICKEN ORDINANCE.

Somersworth, NH  
April 21, 2014

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, Zoning Ordinance, in the following manner:

ADD Section 31 Backyard Chicken Ordinance.

**Section 31 Backyard Chickens**

19.31.A PURPOSE AND APPLICABILITY

It is the purpose of this regulation to require a Special Use Permit from the Planning Board to allow backyard chickens on lots not located in the Agricultural Zoning District to ensure that the health, safety and general welfare of the public is protected. No property, except property located in the Agricultural District, shall house chickens until a Special Use Permit is granted by the Planning Board in accordance with these provisions.

19.31.B CRITERIA AND CONDITIONS

Prior to granting a Special Use Permit under this section, the Planning Board shall hold a public hearing and notify abutters. After the public hearing, the Planning Board may grant the Special Use Permit only after finding that all the following criteria have been met:

1. All other requirements of the Zoning Ordinance and other applicable City Ordinances have been complied with, other than use;
2. All minimum conditions set forth below have been satisfied;
3. The proper operation of the use will be insured by a maintenance plan submitted by the applicant that outlines how the coop and enclosure will be kept clean and maintained;
4. The potentially adverse effects of the proposed use on nearby properties, including but not limited to any potential noise, glare, or odor, will be eliminated or controlled through screening or buffering designed to alleviate such effects; and,
5. The use will not infringe upon the rights of nearby property owners to enjoy the reasonable use of their property.

#### Minimum Conditions:

1. No more than six hens are allowed;
2. No roosters are allowed;
3. A minimum of three (3) square feet of coop shall be provided for each chicken;
4. A minimum of twenty (20) square feet of fenced enclosure shall be provided for each chicken. For example, four (4) chickens shall require a fenced enclosure totaling eighty (80) square feet
5. Only one coop and one fenced enclosure is allowed per lot. The coop and fenced enclosure must be connected;
6. Chickens must be kept in the coop or fenced enclosure at all times;
7. The coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. All opening windows and vents must be covered with predator and bird proof wire with less than one inch openings;
8. The coop and fenced enclosure shall be located completed behind the principal structure and a minimum of twenty (20) feet away from any property line;
9. All coops and fenced enclosures will require a building permit; and
10. The use of scrap, waste board, sheet metal, or similar material to construct the coop or fenced enclosure is prohibited.

#### 19.31.C

#### APPLICATION AND FEES

Application for a Special Use Permit may be filed by the owner of the property or the owner's designee of the property for which the Special Use Permit is requested, on an application form provided by the City. The application, at a minimum, shall include the following:

1. A site or sketch plan of sufficient detail to reasonably describe the existing conditions of the property and any changes proposed in conjunction with the requested Special Use Permit;
2. A sketch of the coop and fenced enclosure that identifies all materials being proposed (i.e. type of fencing, siding and roofing material, etc.);
3. A list of all direct abutters;
4. \$50 application fee and applicable abutter notification costs; and
5. The signature of the property owner.

Any permit issued under this section shall remain valid for a period of five years unless revoked by the Planning Board. After the Special Use Permit expires, a new application shall be submitted to the Planning Board in accordance with these provisions.

19.31.D REVOCATION/RENEWAL OF PERMIT

The Planning Board reserves the right to refuse to renew or revoke a Special Use Permit if, following a public hearing, it finds any of the following:

1. The premises are being maintained in violation of any applicable law of the State of New Hampshire, or of the City;
2. The premises are being maintained so as to be a public nuisance;
3. The premises are being maintained so as to be detrimental to the health and safety of abutter/s and/or the general public.

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Dale R. Sprague  
David Witham  
Denis Messier

Approved:

City Attorney

ORDINANCE NO. 18-14 AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 25, DEFINITIONS.

Somersworth NH  
April 21, 2014

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, Zoning Ordinance, Section 25 Definitions by adding the following definitions:

Payday Loan: a short-maturity, secured or unsecured loan, other than a title loan.

Payday Loan Lender: a person engaged in the business of making payday loans.

Small Loan: a closed-end loan in the amount of \$10,000 or less or an open-end loan with a line of credit of \$10,000 or less, and where the lender contracts for, exacts or receives, directly or indirectly, or where the borrower pays for, directly or indirectly in connection with any such loan any charges, whether for interest, examination, commission, compensation, service, brokerage, endorsement fees, other fees, consideration, expense or otherwise, which in the aggregate are greater than 10 percent per annum except for the lawful fees, if any, actually and necessarily paid out by the lender to any public officer, for filing or recording in any public office any instrument securing such loan and except for the reasonable costs, charges, and expenses, including court costs actually incurred in connection with a repossession of the security or an actual sale of the security.

Small Loan Lenders: any person engaged in the business of making small loans, including title loans and payday loans.

Title Loan: a loan, other than a purchase money loan:

- 1.a Secured by the title to a motor vehicle;
- 1.b Made for a period of 60 days or less;
- 1.c With a single payment payback; and
- 1.d Made by a lender in the business of making title loans

Or

- 2.a That is secured, substantially equivalent to a title loan, and designated as a title loan by rule or order of the commissioner.

Title Loan Lender: a person engaged in the business of making title loans.

Renumber Section 25 of the Ordinance as appropriate.

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Jonathan McCallion

David Witham

Dale R. Sprague

Approved

City Attorney

ORDINANCE NO. 19-14 AMENDING CHAPTER 19, ZONING ORDINANCE,  
TABLE 4.A.5 PRINCIPAL USES.

Somersworth NH  
April 21, 2014

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

Chapter 19 is hereby amended in the following manner:

Table 4.A.5 Principal Uses:

ADD new use number 33 "Small Loan Lenders"

ADD I, C/I to the Permitted Column

ADD A, R-1, R-2, R-3, R-1A, R-2A, MH, R/B, R/C, R/O, B, HMD, MY, REC and CN to the Prohibited Column

ADD note #14 which shall state the following:

"Small Loan Lenders shall be located a minimum of 2,000' (feet) apart."

This Ordinance shall be effective upon its passage.

Introduced by:

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Council Member

Approved:

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City Attorney

RESOLUTION NO. 36 – 14 AUTHORIZING THE CITY MANAGER TO SELL CITY  
TAX DEEDED PROPERTY AT 116-118 GREEN STREET.

Somersworth, NH  
March 17, 2014

WHEREAS, the City of Somersworth has acquired the following parcel of property through tax deed,

- 116-118 Green Street – Map 9 Block 123

WHEREAS, after a review of the aforementioned there has been no determined municipal need for the property and it may be considered surplus,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sell this surplus city property by any means determined to be in the best interest of the City.

Introduced by Councilors

Dave Witham  
Dale R. Sprague  
Jennifer G. Soldati  
Martin Pepin

Approved:

City Attorney