

Minutes of City Council Meeting Monday, April 15, 2024

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ROLL CALL OF MEMBERS

The meeting was called to order at 7:00 p.m. by Mayor Gerding and, upon roll call, the following Council members were present: Pepin, Vincent, Gibson, Paradis-Catanzaro, Michaud, Witham, Goodwin, Cameron, and Messier.

PLEDGE OF ALLEGIANCE

Councilor Cameron led the Council in the Pledge of Allegiance.

RECOGNITION OF INDIGENOUS PEOPLE – OUR NATIVE ANCESTRAL AMERICANS

Mayor Gerding read the Recognition of Indigenous People – Our Native Ancestral Americans

PUBLIC HEARING

- A. **Ordinance 13-24** – To Amend Chapter 19 Zoning Ordinance, Table of Uses, Table 4.A.5, and Adding Notes 11 through 11.4, Regarding Motor Vehicle Service-Related uses within the Residential/Commercial District

Andre Martineau, 6 East Street, commented on the issues that he is experiencing with the new car wash and with Firestone. He mentioned that Firestone had their bay doors open four times this week and the car wash is very loud and the lights are bright when the sun goes down. Andre stated that there have been no considerations regarding a sound buffer for the surrounding neighborhoods, he added that he has become unhappy in a neighborhood that he used to love. Andre would like to see the Ordinance amendments passed in an effort to protect the surrounding neighborhoods. He hopes that the Council will consider the residents who love Somersworth.

Jessica Brackett, 3 Chabot Street, commented that she has lived in Somersworth for 30 years and heard of the Ordinance amendments through neighborhood networking, and although they are not considered abutters and do not receive notifications from the City of the new developments, they are affected by the businesses coming to High Street which she feels have begun to take enjoyment from her own property. She spoke about affects to her home's water pump which she believes is in part because of the car wash and also other developments that are taking over greenspaces. She shared that she has to deal with having to hear vacuums at the car wash from her home, as well as a direct line of sight to the bright neon lights all throughout the night. Jessica states that she and a number of her neighbors have attended Planning Board meetings to ask that they stop these types of developments and she asked that the City Council support the Ordinance and help to slow the degradation of her neighborhood and the entire City.

Lori Martineau, 6 East Street, commented that she moved to Somersworth in 2016 and have seen the changes from the development of the tire place and now the car wash, and she added that it is no longer the "lovely" neighborhood that she moved into. She explained the car wash lights as "carnival lights" that shine into her home at all hours. Lori shared her frustrations with the noise from the car wash and the increase in flooding that she has experienced on her property since its inception. She invited everyone to come by her neighborhood and experience the nuisances that they do.

Thomas Alley, 7 East Street, commented that he purchased his property two years ago thinking he was moving into a quiet neighborhood and that the car wash has not helped with his property value

due to its line of sight from his front door and the amount of noise it brings. He added that he has been experiencing water problems in his basement where he operates a small business out of that he feels is coincidental to the car wash development.

Brandon Viola, 5 East Street, commented that he moved to his home in 2018 and his basement has not had flooding issues until the beginning of last year, he added that he has had to replace two pumps just this year and the electricity to said pumps continuously runs. Brandon also mentioned that the storm drain just outside of his property has sunk 2-3 feet since he has lived there and it is causing flooding. He commented that it is “aggravating”, and he backed up the comments from his neighbors regarding the car wash and the Firestone facility. Additionally, he spoke about vehicles conducting test drives down his street traveling between 30-40 MPH and that he would like to see change.

Troy Brackett, 3 Chabot Street, stated that he was not going to repeat the comments heard by his neighbors and reiterated that many have stood in front of the Planning Board requesting change. He mentioned that the City Council meetings open with respect for the indigenous people that have previously stewarded this land, and he asked that as the current stewards, they be considered and make sure that we are doing enough to protect our lands and our waterways. He also added that he appreciates development and the need for progress but that we are a community that needs to have residences as well.

B. Community Revitalization Tax Relief Incentive Program Application (City Ordinance Chapter 31) from 200 Main Street LLC (Chinburg Properties) for the Proposed Redevelopment Project of 200 Main Street

Eric Chinburg, owner of Chinburg Properties, commented that he has owned the property at 200 Main Street for over 20 years through a number of fires and many challenges. He stated that his staff have finally put together a plan that can work, however, they face residual effects from the COVID-19 pandemic such as high construction costs and high interest rates that make the project nearly impossible without the help they are requesting from the City. He noted that he is available for questions from the Council.

COMMENTS BY VISITORS

There were no comments by visitors.

CONSENT CALENDAR

A. Approve Minutes of the City Council Meeting held on April 1, 2024

B. Approve Minutes of the City Council Budget Workshop held on April 6, 2024

Councilor Pepin made a motion to approve the consent calendar as presented. The motion was seconded by Councilor Paradis-Catanzaro and passed 9-0 by voice vote.

COMMENTS BY CITY COUNCILORS

Councilor Vincent commented on the Chinburg Properties tax relief application and thanked Mr. Chinburg for attending the meeting. He stated that he was serving on the Fire Department battling one of the fires at 200 Main Street. He added that the property has been in a dilapidated state for a number of years and is in favor of the tax relief that the developer is requesting and that it is positive for the Community for a number of reasons.

Regarding the noise within the neighborhood brought up by the residents, Councilor Vincent stated that the City has a noise ordinance and he requested that the City Manager forward the complaints to the Code Compliance Officer to handle and to perhaps send out letters to the business owners to help mitigate some of the issues. He commented on the water issues, and although he is not trying to downplay the concerns brought up, he stated that this year has been extraordinary with the amount

of precipitation and warmer weather melting snow quickly. Councilor Vincent thanked the visitors for voicing their concerns to the Council.

Councilor Vincent mentioned that the Council held a budget workshop on Saturday, April 6th where the Councilors went through the budget line-by-line and shared their thoughts or ideas regarding the budget. He spoke about the idea of utilizing the Use of Fund Balance to purchase one-time expenditures in an effort to lessen the tax burden to the City's residents which he favors. Councilor Vincent stated that City residents voted for a tax cap approximately 15 years ago and he said then to himself that he would not override the tax cap. He shared his opinion of the roads within the City being in good shape after the City has put millions of dollars into reconstruction and improvements, and that he would like to see funding be more focused on the City's sidewalks. He noted that he is in favor of the proposed budget from City staff regarding their recommendation pertaining to Street Maintenance.

Councilor Goodwin thanked the visitors that spoke regarding Ordinance 13-24 and its amendments regarding the zoning changes for auto-related services within the Commercial/Residential District. He shared that the resident's advocacy during his time on the Planning Board is what alerted him to the issues that they were experiencing and why he brought the amendments forward to Council. Councilor Goodwin stated that Somersworth is 10 square miles and that we are the stewards of this land by way of the City's Ordinances. He added that the City is well serviced by current auto-related services and that he is hopeful for the Council's full support.

Councilor Gibson stated that he agrees with the comments made by Councilors Vincent and Goodwin, and that he would also add that he thinks that it would be appropriate for City Boards to review the light pollution, drainage, and noise ordinances because the issues need to be addressed to allow for changes to take place prior to new development in the future.

Councilor Paradis-Catanzaro thanked the visitors that spoke during the Public Hearing of Ordinance 13-24 and for sharing their experiences with the Council, she added that she hopes that if the Ordinance passes, that it will help to mitigate some of the issues described. She shared the environmental concerns that car washes place on the City and stated she will support the Ordinance.

Councilor Witham stated that he hopes it is not the first time that Councilors are hearing of the concerns because it is each of the Councilor's diligence to read other meeting minutes to know what is going on within the City and that the concerns raised have been brought up a number of times. He added that he is aware that City staff within the Code Division have been trying to ensure that noise ordinances are being met.

Mayor Gerding asked that, without objection from Council, that they move to agenda item 16. New Business. Councilor Witham requested to first go through Reports of Standing Committees because the votes under agenda item 16 were discussed at the Committee levels. Mayor Gerding agreed.

COMMUNICATIONS

There were no communications.

PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

There were no presentations of petitions and disposal thereof by reference or otherwise.

MAYOR'S REPORT

There was no Mayor's Report.

REPORT OF STANDING COMMITTEES

Finance Committee – Councilor Witham reported that the Committee met last week and began with the discussion of the 200 Main Street LLC (Chinburg Properties) request that the City waive fees. He stated that the Committee supported the request in full after discussions and a good dialogue with Eric Chinburg. He clarified that the Committee agreed to waive fees that would not directly impact the tax payers of the City such as third-party fees and that Mr. Chinburg was willing to directly handle those fees.

The Committee discussed the sewer impact fees and agreed to follow the Sewer Ordinance. He added that the initial estimates based on the expected number of bedrooms for the new development is roughly \$350,000 in connection fees, however, the Ordinance speaks to a formula that can be utilized if there were previous connections on the site and the services are being re-established. Councilor Witham confirmed that City staff is conducting research to determine the site's historical usage versus the impact of the new development to determine what, if any, of the fees may be waived.

Councilor Witham reported on the Committee's discussion pertaining to the request for Chapter 31 tax relief from Chinburg Properties pertaining to the redevelopment of 200 Main Street. He stated that the Economic Development Committee supported 7-years of tax relief and that the Finance Committee received the additional information necessary to make their decision to add the additional request for 4-years, he shared the historical component of the project and the reuse of the remaining structure. He noted that there are a number of public benefits to the project including the beginning of a riverwalk along the property with the opportunity to expand.

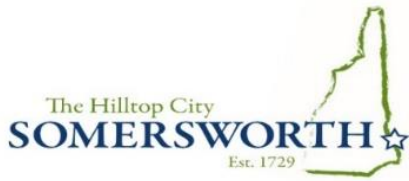
The Committee discussed a parcel of land that is currently owned by Hilltop Chevrolet that is tied to the Oaks Golf Course. The Finance Committee supported the transfer of said parcel to the City by way of a lot line adjustment of 2.25 acres. Councilor Witham shared that the City was notified of a grant to further their efforts to improving accessibility to the Somersworth Public Library, as well as supporting the issuance of building permit for the erection of a small building at 35 Coles Pond Road after it had been vetted through the Planning Board.

Economic Development Committee – Councilor Goodwin reported that the Committee hosted a community input workshop where there were discussions with community members that attended the workshop on the reuse of the City-owned parcel located at 1 Winter Street. He mentioned three ideas discussed including open space, parking and development of the property. The Committee will review the minutes of the meeting and provide a recommendation to Council on how they would like to move forward with the redevelopment of the property.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

E-911 Committee – Councilor Pepin reported that the Committee met early in the day and discussed the naming of the private access road to 200 Main Street so that the developer can begin their construction pending the approval of the project plans. The State reviewed a list of names and provided their recommendations of acceptable street names. The Committee favored Textile Lane as the name of private right of way.

City Manager's Report



Office of the City Manager

TO: Mayor Matt Gerding and City Council Members
FROM: Robert M. Belmore, City Manager
DATE: Friday, April 12, 2024
SUBJECT: City Manager's Report for April 15, 2024 City Council Meeting

Lay on the Table (under Section 14 of Agenda)

Ordinance

A. Ordinance 9-24: Fiscal Year 2024-2025 Budget.

Unfinished Business (under Section 15 of Agenda)

Ordinances

A. Ordinance 13-24: To Amend Chapter 19, Zoning Ordinance, Table of Uses, Table 4.A.5, and Adding Notes 11 Through 11.4, Regarding Motor Vehicle Service-Related Uses Within the Residential/Commercial District. Again, the Economic Development Committee voted to support this Ordinance change. Attached is a Map showing the proposed amendments' affected area, prepared by the Planning Office Staff.

New Business (under Section 16 of Agenda)

Other

- A. Vote to Approve the Community Revitalization Tax Relief Incentive Program Application (City Ordinance, Chapter 31) from 200 Main Street LLC (Chinburg Properties) for the Proposed Redevelopment Project of 200 Main Street.** The Economic Development Committee met on April 1st and voted to support Chinburg Properties request for Tax Relief for seven (7) years pending information on the eligibility of placement on the National Register of Historic Places, which could add another four (4) years of Tax Relief. Attached is a copy of the application, an email from Essex Preservation Consulting regarding National Registry listing, and a Memorandum from Development Services Director Michelle Mears. The Finance Committee voted at their April 1st meeting to recommend eleven (11) years of Tax Relief. I have also included a copy of prior approved projects that received Tax Relief under Chapter 31.
- B. Vote to Approve the Request of 200 Main Street LLC (Chinburg Properties) to Waive all City Fees Associated with the 200 Main Street Redevelopment Project to Include Application Fees, Permit Fees, Water/Sewer Connection Fees and Impact Fees and to Provide City Support in Obtaining Grant Proceeds for the Removal or Rebuild of the Main**

Street Pedestrian Bridge. The Finance Committee met on April 11th and voted to recommend Chinburg's request to waive the fees listed in City Ordinance, Chapter 20, Building Codes, and to recommend the Planning Board waive Site Plan Application Fees. The Committee recommended Staff follow the Water and Sewer Ordinances, and agreed that the developer pay for any third-party costs. Eric Chinburg was in attendance and he withdrew his ask for City assistance to seek Grant Funding regarding the pedestrian footbridge.

- C. **In Accordance with NH RSA 674:41, the City Council (the Local Governing Body), after Review and Comment by the Planning Board, Votes to Authorize the Issuance of a Building Permit for the Erection of a Building at 35 Coles Pond Road which is a Private Road.** The Planning Board met on February 15th and voted to support the applicant's request. Attached is a Memorandum from Michelle Mears, Director of Development Services, a copy of the Building Application, a copy of RSA 674:41, and minutes from the Planning Board meeting. The Finance Committee voted at their April 11th meeting to support this authorization. I have also included a copy of a "*draft*" Hold Harmless Agreement that will be reviewed by City Attorney and recorded prior to the Issuance of a Building Permit per the RSA.

Informational Items

- A. **Cable Fund.** Unless the Community restricts the use of Cable TV Franchise fees, either in the Franchise Agreement or through action of the Governing or Legislative Body, Franchise Fees are considered general fund revenues and can be used for any Municipal purpose. Our Franchise Agreements with Comcast and with Breezeline do not restrict the use of Franchise Fees.
- B. **Upcoming City Council Special Meeting.**

- **Monday, April 22 at 7:00 p.m. – *Special City Council Budget Meeting (if needed)***

Attachments

1. Department Head Reports

Without objection, Mayor Gerding requested that the Council move to agenda item 16. New Business and then follow with agenda item 15. Unfinished business before moving on to the City Budget if Council so wishes to remove it from the table. There was no objection from the Council.

NEW BUSINESS

OTHER

- A. A Vote to Approve the Community Revitalization Tax Relief Incentive Program Application (City Ordinance, Chapter 31) from 200 Main Street LLC (Chinburg Properties) for the Proposed Redevelopment Project of 200 Main Street

Councilor Goodwin recused himself from the discussion and vote pertaining to the vote to approve the Community Revitalization Tax Relief Incentive Program Application (City Ordinance, Chapter 31) from 200 Main Street LLC (Chinburg Properties) for the proposed redevelopment project of 200 Main Street due to his employment with Chinburg Properties.

Discussion:

Councilor Witham commented on the number of Chinburg Properties in Somersworth that they have redeveloped including the former Hilltop School and the Canal Street mill buildings. He stated that the development of other properties in the City by Chinburg Properties leads him to expect promising, vibrant, and a well-maintained property at 200 Main Street. He added that although the property has had some improvements over the years, it is a blighted property that is hidden away behind the houses along Main Street, he added that he understands the challenges that the developer faces with the redevelopment of the parcel and he supports the full 11 years that Chinburg Properties is seeking in tax relief.

Councilor Witham listed off a number of public benefits including revitalization of the blighted property, increase in housing to the Community, an easy walk for residents to the Downtown area, and the riverwalk that has an opportunity to expand beyond 200 Main Street.

Councilor Vincent commented that he is in favor voting to approve the tax relief at its full request of 11 years, he noted that if the City votes against it, then we risk having no development of the property. He also commented that Chinburg Properties has given to the City and he would like to give back to him through this vote. Councilor Vincent also spoke to the high quality of development produced by Chinburg Properties and will support the vote.

Councilor Paradis-Catanzaro provided background that the Economic Development Committee discussed the requested tax relief for the full 11 years, and they favored that request pending the decision regarding the historical component which was necessary for the project to qualify for the additional four years.

The Council approved the Community Revitalization Tax Relief Incentive Program Application (City Ordinance, Chapter 31) from 200 Main Street LLC (Chinburg Properties) for the Proposed Redevelopment Project of 200 Main Street for 11 years. The vote passed 8-0 by roll call vote.

- B. A Vote to Approve the Request of 200 Main Street LLC (Chinburg Properties) to waive all City Fees associated with the 200 Main Street Redevelopment Project to include application fees, permit fees, water/sewer connection fees and impact fees and to provide City Support in obtaining grant proceeds for the removal or rebuild of the Main Street Pedestrian Bridge

Discussion:

Councilor Pepin commented on the water/sewer connection fees and the notion that re-establishing the connection will be less of an impact than originally thought. He is in favor of waiving the fees requested by Chinburg Properties pending the historical usage research that will be conducted by City staff.

Councilor Witham noted that the request regarding City support in obtaining grant proceeds for the removal or rebuild of the Main Street Pedestrian Bridge was withdrawn by Mr. Chinburg during the Finance Committee meeting. He shared discussion from the meeting that provided the challenges that Chinburg Properties would have.

The Council approved the request of 200 Main Street LLC (Chinburg Properties) to waive all City fees associated with the 200 Main Street Redevelopment Project to include

application fees and permit fees.. The water/sewer connection fees will be waived pending future research conducted by City staff. The vote passed 8-0 by roll call vote.

Councilor Goodwin rejoined the Council.

- C. In accordance with NH RSA 674:41, the City Council (the local governing body), after review and comment by the Planning Board, votes to authorize the issuance of a building permit for the erection of a building at 35 Coles Pond Road which is a private road

Discussion:

Councilor Witham stated that the request for a building permit was vetted through the Planning Board and the Conservation Commission. He noted that currently there sits a very small structure on the parcel and is looking to remove that and build a very small home and he supports the vote.

Councilor Vincent recalled the property owners coming in front of one of the City's Boards and some of the residents voicing their concerns, however, the owners have the right to apply for a building permit and build as long as they meet all of the requirements and he is in favor of the vote.

Councilor Paradis-Catanzaro appreciates the comments by Councilors Witham and Vincent, she was concerned with the push back from residents and the Conservation Commission but having learned that those issues have been addressed, she also favors the vote.

The Council approved the issuance of a building permit for the erection of a building at 35 Coles Pond Road which is a private road. The vote passed 9-0 by roll call vote.

UNFINISHED BUSINESS

ORDINANCES

- A. **Ordinance 13-24** – To Amend Chapter 19 Zoning Ordinance, Table of Uses, Table 4.A.5, and Adding Notes 11 through 11.4, Regarding Motor Vehicle Service-Related uses within the Residential/Commercial District

Clerk LaPanne performed a second reading of Ordinance 13-24.

Councilor Pepin made a motion to adopt Ordinance 13-24 as submitted. The motion was seconded by Councilor Gibson.

Discussion:

Councilor Witham stated that he will most likely support the Ordinance amendments and that the challenge that Somersworth faces is more pronounced due to the density within its 10 square miles. He commented that many communities are generally on a quest to encourage commercial development because they are taxed at a higher rate and our main source of revenue is property taxes. He added that communities look to lessen the burden on tax payers by increasing commercial development, but he cannot disagree with the public comments and the expectations for quality of life within a neighborhood. Councilor Witham stated that the intent is not to squash commercial development along the High Street corridor, but to be more mindful about what is developed and, in this case, auto-related services due to the more recent examples brought forward. He added that public comments are important for the Council to hear.

Councilor Paradis-Catanzaro stated that in addition to the concerns raised by the visitors, she stated that the Ordinance originated at the Economic Development Committee where not only did the

Committee discuss the nuisance issues, but also looking at the various types of commercial use. She spoke about car washes in particular not contributing as much to the economy as other business may because it is mostly automated and requires little to no employees who would also be contributing to the economy. Additionally, the intent at the Committee level is to increase other viable development options and she supports the Ordinance amendments.

Councilor Michaud stated that he spoke with members of the Planning Board regarding the proposed Ordinance pertaining to the Specific Land Use Standards and it was confirmed that the amendments give the Code Compliance Officer the ability to enforce those changes.

Councilor Witham commented that Councilor Michaud's statement regarding Code Enforcement is a good point because the proposed zoning changes do not affect the existing auto-related services along High Street, however, there are compliance issues that can be enforced regarding noise limitations.

Councilor Messier commented that he is on the fence regarding the amendments. He stated that he understands the emotion of the neighborhood but he is also trying to consider the future of the area and with retail diminishing due to online sales, he wonders what type of development would fit along the corridor of High Street. He added that he is not saying that more auto-related services are needed, however, he doesn't believe that the City should choose "winners and losers" regarding what type of commercial businesses are developed.

Councilor Gibson spoke about his opinion being that the reality is that the Government picks "winners and losers" and that no one is losing in this situation except for the neighborhoods affected. He stated that the Government should be responsible for the best interest of all parties and he believes that additional car washes popping up are not a good alternative to retail businesses.

Councilor Vincent shared comments regarding most developers not living near their developments. He provided an example of the developer of a car wash not living near the business and not having to deal with the nuisances experienced by surround neighborhoods. He stated that he feels for the neighborhood residents and he is in favor of the amendments to the Ordinance.

Councilor Goodwin clarified that the proposed amendments only impact and sets restrictions to auto-related services and also provides reinforcement to some of the mitigating factors that the City currently has with those uses in other districts. He commented that he feels that there are higher and better uses for the City's primary commercial corridor that are more tax yielding than another car wash. He commented on the fact that the new car wash was approved, and shortly after the approval, another developer submitted an application to the Planning Board to build a car wash on the opposite side of the road. He shared that the developer withdrew their application which he speculates was due to them learning of the new car washed being built, however, the current Zoning Ordinance would allow for a car wash to be built across from another car wash. Councilor Goodwin agrees with Councilor Messier's point regarding what does the City want on High Street. He commented that one of the things that he will be advocating for moving forward is additional clarity and focus pertaining to the City's Master Plan outside of the Downtown District. He shared his passion for downtown revitalization and expressed that he feels that the Community has done a disservice to other neighborhoods by not having targeted Master Plan efforts with those communities. He spoke about the plans being generalized and goals to "build, build, build" in order to lessen the tax burden on residents which is a good goal to have, however, Somersworth does not have the amount of land that Rochester or Dover has to develop on. Additionally, once a parcel is developed on, it is more costly to redevelop the property. Councilor Goodwin stated that he would like to engage the Community more regarding redevelopment visions and he mentioned the possibility of more housing.

Councilor Pepin clarified that there have been rumors of St. Ignatius Holy Trinity selling property to Market Basket and that is false information to date.

Councilor Cameron commented that she has heard from residents a number of times regarding their concerns pertaining to the nuisance they experience as a result of commercial businesses along High Street. She favors the proposed amendments to the Ordinance in an effort to help improve the

neighborhood resident's quality of life, as well as the opportunity to make better decisions on what is developed on these properties.

The motion passed 8-1. Councilor Messier opposed.

NOMINATIONS, APPOINTMENTS AND ELECTION

There were no Nominations, Appointments and Elections.

LAY ON THE TABLE

A. Ordinance 9-24 – Fiscal Year 2024-2025 Budget

Councilor Witham made a motion to remove Ordinance 9-24 from the table. The motion was seconded by Councilor Pepin and passed 9-0 by voice vote.

Mayor Gerding recused himself from the Council discussions and votes regarding the School Department section of the City's budget due to his employment with the Somersworth School District and he requested that Councilor Witham step in as Acting Mayor to lead the Council through their discussions.

Councilor Vincent made a motion to adopt Ordinance 9-24 as submitted. The motion was seconded by Councilor Gibson.

Discussion:

Councilor Goodwin questioned if the motion made is a vote to accept the budget as is followed by discussions or just voting on the budget's approval as presented with no amendments. Councilor Witham confirmed that the motion before the Council is to approve the budget as submitted by the City Manager with no amendments.

Councilor Paradis-Catanzaro commented on the School portion of the budget and she noted that it is a budget that was submitted within the tax cap as required by the City's Charter, but that the Council also received a recommended budget provided by the Superintendent which is keeping the "status quo" including the contractual obligation being met. She clarified that approving the budget as submitted and keeping within the tax cap, eliminates all three (3) of the tier structures that are over the tax cap and add to teaching positions and programs being cut. She stated that she does not support the motion.

City Manager Belmore informed the Council that he provided memorandums pertaining to Ordinance 9-24 within his City Manager's Report including election worker pay in comparison to other local Communities, information regarding the Unassigned Fund Balance, and information pertaining to budget adjustments made that were necessary for him to meet the tax cap regarding Police, Highway and Fire.

Councilor Vincent commented on the City Manager's Proposed Budget and the detailed discussion that the Council had on Saturday, April 6th, and he commented that he feels it fits the budget needs of the City at this time. He stated that the School Board has previously presented budgets that were well-balanced and he didn't recall cutting their budget during his time, however, the budget before them overrides the City's tax cap and he is not supporting a tax cap override. He noted that he heard from a number of his fellow Councilors that they too would not support a tax cap override. Councilor Vincent spoke about how the City Council can not tell the School Board how to allocate their funds,

but that they hear about where the cuts will be made if the Council doesn't approve the Superintendent's recommended budget. Councilor Vincent commented on the significant amount of money that was spent to get rid of the former Superintendent and the Assistant Superintendent as well as additional legal fees and he will not override the tax cap.

Councilor Gibson seconded the comments made by Councilor Vincent, in particular regarding the funds spent on legal battles and he added that he has no faith in the school's administration and the School Board in presenting a "real budget" to the Council and he will not support a tax override.

Councilor Cameron stated that she has reservations with overriding the City's tax cap and she has concerns with the older population's ability to afford the proposed \$1.73 increase if the full recommended budget were to be approved. She also noted the increases to the City's trash bags, water, and sewer effective July 1st and is finding it difficult to find the appropriate balance.

Councilor Michaud stated that he does not feel he can move forward with the budget as is because he feels that there are items that need to be addressed. He also stated that he would not approve a tax cap override.

Councilor Witham stated that when the tax cap was enacted by the voters, there was a provision put into the language that allowed the City to override the tax cap if there was a need to go above that. He recalled supporting two tax cap overrides during his time as Councilor and he was able to articulate his reasoning. He added that he supports a tax override for fiscal year 2025 and explained the new construction, per City Charter, is not allowed to be calculated into the budget during a revaluation year as well as the tax cap being blind to "real world issues" such as State Aid Adequacy Funding and the fact that the City Council voted to approve increases for union contracts regarding a large number of school employees. Councilor Witham commented that the contracts approved by the City Council is not covered under the tax cap and to not have a meaningful conversation regarding an override in some capacity is a disservice and he does not support the motion.

Councilor Goodwin stated that he is not in favor of the motion and he thinks that there should be discussions in respect to the contracts that the Council has already approved, as well as the critical services that are at risk if the School District does not receive adequate funding. He commented that a number of Councilors have commented that they have faith in City staff and he is unsure why that does not translate over to school staff. He added that he has faith that the budget presented met the intent of needing to provide a budget that falls within the tax cap, as well as identifying for the Council any impacts that would take place pertaining to services being provided to the students of Somersworth. Councilor Goodwin stated that he does not take lightly the recommendation to override the tax cap and that it is valuable to maintain stability for services. Additionally, he commented on it being a revaluation year for the City, which occurs every five years, and the fact that properties are currently undervalued because the market has had significant increases within the last five years. He stated that he understands the commitment to tax payers, but the Council should also be committed to upholding school services and the contracts that they have already approved.

Councilor Vincent expressed concern with not having any say over the school's budget line items and he questioned the figures relating to the cost for each child being approximately \$28,000 per student if he calculated correctly, and he also noted hearing from some constituents that there are 2-4 students per classrooms in some instances.

Councilor Vincent withdrew is motion to adopt Ordinance 9-24 as submitted. Councilor Gibson also withdrew his second on the motion to adopt Ordinance 9-24 as submitted.

Councilor Witham made a motion to amend the School Department's Proposed Budget with an increase of \$500,000. The motion was seconded by Councilor Messier.

Discussion:

Councilor Witham stated that he is aware that the tiered level of cuts is in excess to his proposal to increase the School Department's budget by \$500,000, but he is trying to assess the Council's appetite on how much to potentially override the City's tax cap and is a reasonable starting point in his opinion.

Councilor Cameron inquired about the increase of \$500,000 and how that would affect the tax rate currently. Finance Director Smith confirmed that it would increase the tax rate by \$1.53 for a total of \$30.83 per \$1,000 of the assessed value.

Councilor Gibson questioned the cost of Special Education continuing to increase and he wondered if it is because of more students needing the services or the costs of providing those services increasing. He stated that he could favor the \$500,000, but would prefer to see the funds come from the Use of Fund Balance with the knowledge that the revaluation and new construction costs should help replenish the amount. He shared concern over the recent approvals to increase the cost of Somersworth trash bags, and the water and sewer rates.

Councilor Pepin commented that he is not in favor of increasing the School Department's budget by their full request, however, he is leaning towards favoring the proposed amendment of an increase of \$500,000. He spoke about his wife being a former member of the School Board and his own experience as a Council Representative on the School Board. He acknowledged the amount of work that goes into preparing a budget and that an increase is needed, however, he also needs to be mindful of the impact to the City's taxpayers. Councilor Pepin recalled the Council approving contractual salary increases for a number of school staff and that is something that the Council now must deal with as it pertains to the overall budget.

Councilor Pepin made a motion to suspend Council Rules to allow for School Administrative staff to answer questions by the Council. The motion was seconded by Councilor Cameron and passed 8-1 by voice vote. Councilor Gibson opposed.

Councilor Pepin questioned the impact to the School District if the Council approved an increase of \$500,000 to their proposed tax cap budget. Superintendent Goscinski responded that he would need to work through the tiers within his proposed budget and if the Council approved an increase of \$500,000, he would work with that. He added that the budget was put together by a number of school staff and he would need to look at the tiers and make the cuts necessary.

Councilor Goodwin recalled the tiers provided in a previous presentation; he questioned the order of importance of said tiers. Superintendent Goscinski confirmed that Tier 3 was determined to be the most important of the tiers following with Tier 2 and then Tier 1. Councilor Goodwin commented that, if the motion were to be approved, Tier 3 would be covered in its entirety while Tier 1 and Tier 2 are at risk of being cut which includes the Somersworth Youth Connection (SYC) program as well as a number of other staffing positions which seem important to day-to-day operations. He stated that he feels that \$500,000 is a great starting point, however, his inclination is to increase that figure to approximately \$600,000 to \$900,000 to protect Tier 2 budget reductions. He pointed out the SYC program falling within Tier 2 and being important to him after hearing from a number of individuals whose families utilize the program.

Councilor Vincent inquired about the increase in School Department salaries and questioned the increase from the FY2024 budget compared to the FY2025 request. Superintendent Goscinski stated that salaries make up the bulk of the budget coming in at about 86% of the total budget. He listed off the percentage increases as it pertains to teachers, paraprofessionals and clerical, as well as the contractual increases for police and fire. Superintendent Goscinski shared that the School Department has been advertising for a Special Education Administrator for two years at \$95,000-\$110,000 and they haven't been receiving applications. He commented that the School Board is working to offer competitive salaries that align with the surrounding communities as the School District still has a number of openings that they have not been able to fill. Councilor Vincent commented that he believes other local communities are also facing staffing challenges.

Superintendent Goscinski stated that his job is to propose a budget that provides adequate funds that he believes is necessary to continue with essential services and programs for the children of Somersworth. His proposed budget then goes before the School Board for them to review and approve, and in this case the Board agreed and they also made contingency plans where they offered the tiered systems to aid in the Council's budget discussions.

Councilor Witham inquired about Councilor Gibson's comments pertaining to increases in Special Education amounts, he asked if Superintendent Goscinski could explain the increase. Superintendent Goscinski responded that he has been involved with Special Education his entire career, he explained that the Federal Government and the State of New Hampshire do not fully fund Special Education and therefore, the required services get pushed on to the local municipalities and their taxpayers. Superintendent Goscinski spoke about the increase in referrals to Special Education since the COVID-19 Pandemic across the Country, he also mentioned that Somersworth has a high number of students requiring Special Education services and that he has heard that families move to Somersworth due the decent services provided by the District.

Councilor Paradis-Catanzaro commented that tier 3 comes in at around \$491,000 and that the motion to increase the School Department's budget of \$500,000 covers said tier and potentially one other line item from tier 2. She listed a number of items within tier 2 including the Somersworth Youth Connection program and a number of teaching and paraprofessional positions. She stated that she would favor increasing the Department budget over the \$500,000 to capture some of the line items that she feels would be important to have. Councilor Paradis-Catanzaro shared her view that the Council has line-item authority over the City side of the budget and she would favor the Council finding creative ways to cover one-time expenditures utilizing the Use of Fund Balance so that increasing the School Department's budget doesn't mean a tax cap override yet since the Council still needs to go through the City side of the budget. Additionally, she added that she would favor increasing the School Department's tax cap budget to meet the requests of the Superintendent's proposed budget in full based on his knowledge of the needs of the District.

Councilor Witham explained that the current motion on the table is to amend the School Department's budget by increasing by \$500,000. Following that, should it be approved, the Council can then entertain additional motions pertaining to the budget.

Councilor Witham stated that the City has a healthy Use of Fund Balance and that there have been discussions about utilizing that fund to cover one-time expenses, however, he noted that there are approximately \$100,000 in one-time expenses that could be covered by the Fund which "doesn't move the needle terribly far". He also added that the Use of Fund Balance could be used to offset tax rate impacts. Councilor Witham agreed with some of his fellow Councilor's that \$500,000 is not nearly enough for the School Department's needs and he also commented that the School Department has

never been funded adequately in his opinion since there are still sports programs where children have to pay-to-play.

Councilor Vincent stated that he favors approving an increase to the School Department's budget, he added that he also believes that the City side of the budget in years past, has taken a "back seat" with regards to the budget. He stated that he does favor utilizing the Use of Fund Balance to help lessen the tax rate impact, however, he wants to be cautious about negatively affecting the City's ability to bond projects.

Councilor Pepin recalled comments by the Council when they learned that there were needed repairs to the schools throughout the District where he felt the School Board was being blamed for not addressing those issues. He stated that he was on the Board as a Council Representative where they wanted to fix a number of issues and didn't have enough funds to do so regarding some of the more expensive issues. Councilor Pepin expressed that he has a hard time favoring the Superintendent's proposed budget in full and he shared his frustration regarding the State's budgeting process and that the State cannot provide an accurate figure pertaining to State Adequacy Aid until later in the year and after the City will have already passed a budget.

Councilor Pepin looked to City staff for advice on how much of the Use of Fund Balance the Council could approve to utilize to offset the tax rate impact. Finance Director Smith did not provide a recommendation; however, he stated that the Fund is just over 12% of what has been proposed and the City's goal, per policy, is to be between 5%-17%. Councilor Pepin inquired about what the figure would be if the Council were to approve the increase of \$500,000 and if the City were to utilize the Use of Fund Balance to provide the difference of the Superintendent's Proposed Budget. Finance Director Smith responded that the difference is about \$676,000 and the City would be using a total of about \$2,176,000 of the Use of Fund Balance. He added that in this scenario, it would bring the fund balance to about \$5,200,000 which is approximately 8.8%. Additionally, he clarified that this figure is before the FY24 close of books and that there is additional fund balance that will go back into the budget at that time.

Councilor Paradis-Catanzaro stated that she will support the motion on the table with the intent to further increase the School Department's Budget. She spoke about the information provided by the Finance Director regarding where the City's Use of Fund Balance percentage would stand utilizing it to cover the Superintendent's Proposed Budget in full as brought forward by Councilor Pepin's comments, as well as the additional funds expected when the closeout of FY24 is finalized from both the City and School sides of the budget.

Councilor Paradis-Catanzaro spoke about the Somersworth Youth Connection (SYC) program being cut should the Council not approve tier 2 of the Superintendent's Proposed Budget, and discussions pertaining to an alternative for families that have been had with the YMCA and other organizations that would provide similar services that would not have a cost to the City. Her concern with the alternative options is the cost impact to families after having heard from those that utilize the SYC program and their concern of the program discontinuing. Business Administrator, Katie Krauss, explained that the school staff have been having discussions with the YMCA and the Rochester Childcare as an alternative to the SYC program should that program discontinue. She stated that the programs would be funded through parent fees, however, they have scholarship opportunities and accept State funded aid. Superintendent Goscinski added that the SYC program has been "on the chopping block" for the last few years and it has made it difficult to keep staffing for that program.

Councilor Witham commented that he doesn't care for the SYC funding structure in that it has three separate sources, the City, the School and parent fees.

Councilor Vincent asked that if a program such as the YMCA comes in, would it be considered a wash. Superintendent Goscinski stated that he isn't sure that it could be considered a wash as the parents may have to pay a little more, but the scholarship and State assistance is available. He added that, in his opinion, the Schools are in the education business and not child care assistance although he understands why the program was established and the value to parents.

There was additional discussion pertaining to the YMCA and Rochester Childcare as possible alternatives to the SYC program if it were to be discontinued.

Councilor Messier commented that he supports increasing the School Department Budget by \$500,000, however, he is not in favor of bringing the Use of Fund Balance down to 5%. He added that he would like to be able to give the School Department more funds, but until the Council gets a chance to dive into the City side of the budget, he is not sure how much more he would be in favor of providing to the schools.

Councilor Goodwin commented that he also favors the increase of \$500,000 and he generally favors more but he also agrees that he is unsure until the Council can begin to tackle the City side of the budget. He did, however, state that he is inclined to fully fund both tier 3 and tier 2 of the recommended Superintendent's Proposed Budget. Councilor Goodwin also inquired about the continued effort from the School Department to seek out alternatives that could potentially save the City \$100,000 if they chose to discontinue the SYC program. Superintendent Goscinski confirmed that the school would continue to seek out YMCA and Rochester Childcare as alternatives. Councilor Goodwin confirmed that if the school successfully went with an alternative to the SYC program, then the funds would be reallocated or go back into the general fund. Again, Superintendent Goscinski confirmed that Councilor Goodwin was correct.

Councilor Michaud stated that he heard that the roof in the High School is still leaking in the library and that there are sheets of plastic protecting books and buckets catching water. He questioned if the additional State Adequacy Aid funds that the Council gave back to the School Department last year through a supplemental appropriation, were used to repair the leaking roof. Superintendent Goscinski confirmed that the funds were used for their intended purposes and the leak that Councilor Michaud is referring to has been ongoing and provoked by an addition that was built and the facilities manager is looking into ways to rectify the leak. Councilor Michaud commented on significant pay increases and that he will not approve a budget that goes above the tax cap.

Councilor Gibson inquired about pulling from the Use of Fund Balance in lieu of overriding a potential tax cap and he wondered if the new construction and revaluation figures will project to a budget that may not substantially affect the tax rate. Finance Director Smith does not have any way of knowing because he is not sure what the FY26 CIP will look like or what the net construction will be.

Councilor Witham reminded the Council that the motion before them as it pertains to the discussion is regarding the proposed amendment to increase the School Department budget by \$500,000.

The motion to amend the School Department's Proposed Budget with an increase of \$500,000 passed 9-0 by roll call vote.

Councilor Paradis-Catanzaro made a motion to amend the School Department's Proposed Budget with an increase of \$325,000. The motion was seconded by Councilor Goodwin.

Discussion:

Councilor Paradis-Catanzaro stated that her intention of the motion is to also cover tier 2 positions and not the Somersworth Youth Connection (SYC) program. Her reason for not including the SYC program is because of the alternatives that the school is seeking and reported on. She listed the positions included in tier 2 and she noted that in the past the School District was facing potential litigations due to the lack of a ground maintenance positions and this tier brings that position back.

Councilor Vincent does not support the motion on the table at this time and he stated that if funds were found later in the budget process, the amendment could be brought to the Council for further consideration then.

Councilor Witham stated that he could see another increase, however, he agreed that he would like to deal with the City side of the budget and have a conversation around the Use of Fund Balance before moving forward with an additional increase to School Department budget.

Councilor Goodwin asked for clarification on the objective of the Council for tonight's meeting. He wondered if the Council could table Ordinance 9-24 and continue the discussion at a future meeting. Councilor Witham confirmed that Councilor Goodwin is correct and that the Council could also choose to continue to work through the budget during this meeting, and if the meeting were to go beyond 10:00 p.m. there would need to be a majority vote to suspend Council Rules if they so wish. Councilor Goodwin stated that he agrees with Council Paradis-Catanzaro's intent to keep the positions included within tier 2 in the budget, as well as working through the City side of the budget which has also been indicated by other Councilors.

Councilor Goodwin withdrew his second to the motion to amend the School Department's Proposed Budget with an increase of \$325,000.

There was no seconded to the motion to amend the School Department's Proposed Budget with an increase of \$325,000 brought forward by Councilor Paradis-Catanzaro.

Councilor Goodwin made a motion to table Ordinance 9-24. The motion was seconded by Councilor Vincent and passed 8-1 by voice vote. Councilor Messier opposed.

Mayor Gerding returned to Chair the Council meeting.

Mayor Gerding called a brief recess of the Council at 9:29 p.m.

Mayor Gerding called the Council back from recess at 9:34 p.m.

Mayor Gerding confirmed that the on Monday, April 22nd at 6:00 p.m. in Council Chambers, the City Council will reconvene for a Special Budget Meeting to continue their discussions pertaining to Ordinance 9-24 Fiscal Year 2024-2025 Budget.

There were additional comments about the April 22nd scheduled meeting and agenda flow. Mayor Gerding confirmed that he will finalize an agenda and get it out to the Council as soon as he can.

COMMENTS BY VISITORS

There were no closing comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Cameron reminded the public and Council that the Don't Trash Somersworth program is launching this Saturday, April 20th from 2:00 p.m. through 3:00 p.m. and the groups is meeting in the Home Depot parking lot.

Councilor Messier stated that he is resigning from his position on Council after the April 22nd Special Budget Meeting.

FUTURE AGENDA ITEMS

There were no future agenda items discussed.

NONPUBLIC SESSION

There were no nonpublic sessions scheduled.

ADJOURNMENT

Councilor Goodwin made a motion to adjourn at 9:42 p.m. The motion was seconded by Councilor Vincent and the motion passed 9-0 by voice vote.

Respectfully Submitted,

Kristen LaPanne, City Clerk



City of Somersworth – Ordinance

Ordinance No: **9-24**

FISCAL YEAR 2024-2025 BUDGET

March 18, 2024

THE CITY OF SOMERSWORTH ORDAINS THAT BUDGETS FOR THE CITY OF SOMERSWORTH FOR THE 2024-2025 FISCAL YEAR SHALL BE:

DEPARTMENT

GENERAL FUND

BUDGET

Elected Leadership	\$230,220
City Management	614,050
Finance and Administration	1,919,546
Development Services	1,082,786
Police	5,180,374
Fire	2,838,771
Public Works	3,572,794
Other Expenses	1,391,000
Capital Outlay	45,000
Intergovt Assessments - County	3,169,922
School Department	31,319,747

TOTAL GENERAL FUND

51,364,210

ENTERPRISE FUNDS

Wastewater Department	3,619,635
Water Department	2,873,558
Solid Waste	676,169

TOTAL ENTERPRISE FUNDS

7,169,362

SPECIAL REVENUE FUND

Cable Fund	69,513
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TOTAL FY 2024-2025 APPROPRIATION

\$58,603,085

This Ordinance shall take effect upon its passage.

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

City of Somersworth – Ordinance 9-24

History

First Read Date:	3/18/2024	Tabled:	3/18/2024 & 4/15/2024
Public Hearing:	4/01/2024	Removed From Table:	4/15/2024
Second Read:	3/18/2024		

Discussion

3/18/2024

Councilor Witham made a motion to suspend Council Rules to allow for a first reading of Ordinance 9-24 by title only. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote.

Clerk LaPanne performed a first reading of Ordinance 9-24 by title only.

Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Ordinance 9-24. The motion was seconded by Councilor Paradis-Catanzaro and passed 9-0 by voice vote.

Clerk LaPanne performed a second reading of Ordinance 9-24.

Councilor Witham made a motion to table Ordinance 9-24. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.

4/15/2024

Councilor Witham made a motion to remove Ordinance 9-24 from the table. The motion was seconded by Councilor Pepin and passed 9-0 by voice vote.

Councilor Vincent made a motion to adopt Ordinance 9-24 as submitted. The motion was seconded by Councilor Gibson.


Councilor Vincent withdrew is motion to adopt Ordinance 9-24 as submitted. Councilor Gibson also withdrew his second on the motion to adopt Ordinance 9-24 as submitted.

Councilor Witham made a motion to amend the School Department's Proposed Budget with an increase of \$500,000. The motion was seconded by Councilor Messier.

The motion to amend the School Department's Proposed Budget with an increase of \$500,000 passed 9-0 by roll call vote.

Minutes of the April 15, 2024 City Council Meeting available to review detailed discussion of the FY 2024-2025 Proposed Budget.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On	Ordinance 9-24	PASSED	FAILED

	City of Somersworth – Ordinance
	<p>Ordinance No: 13-24</p> <p>TO AMEND CHAPTER 19, ZONING ORDINANCE, TABLE OF USES, TABLE 4.A.5, AND ADDING NOTES 11 THROUGH 11.4, REGARDING MOTOR VEHICLE SERVICE-RELATED USES WITHIN THE RESIDENTIAL/COMMERCIAL DISTRICT</p>

April 1, 2024

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, Table of Uses – Table 4.A.5 as follows:

Principle Use 9

To prohibit Auto Convenience Markets in the Residential/Commercial (R/C) District

Principle Use 20

To prohibit Motor Vehicle Repair Garage/Stations in the Residential/Commercial (R/C) District

Principle Use 21

To prohibit Automobile Sales in the Residential/Commercial (R/C) District

Principle Use 29

To prohibit Motor Vehicle Services in the Residential/Commercial (R/C) District

Amend Chapter 19, Table of Uses – Table 4.A.5 by adding notes 11, 11.1, 11.2, 11.3, and 11.4 as follows:

Auto Convenience Market, Motor Vehicle Repair Garage Station, Automobile Sales, Motor Vehicle Service shall be subject to the following Specific Land Use Standards:

SPECIFIC LAND USE STANDARDS In addition to the other requirements of this document, the following standards apply to the uses listed in this section. If the proposed use does not meet the standards contained herein, a variance would be required:

11.1 AUTO CONVENIENCE MARKET.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.

11.2 MOTOR VEHICLE REPAIR GARAGE/STATION.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building. Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
- d) No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.
- e) All disabled or wrecked vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Such vehicles shall not be stored on the property longer than 21 days.

11.3 AUTOMOBILE SALES.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) The installation and use of an outside public address or bell system is prohibited.
- e) Any used or discarded automotive parts or equipment located in any open area outside an enclosed building must be screened from view.

11.4 MOTOR VEHICLE SERVICES.

- a) Building shall be constructed or arranged so that entrances, exits, and openings shall not face any residentially zoned property within 100 feet of the entrances, exits or openings.
- b) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 100 feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) All service work (excluding parking services) shall be performed within an enclosed building.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Paul Goodwin Richard Michaud Robert Gibson Crystal Paradis-Catanzaro	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 13-24

History

First Read Date:	04/01/2024	Tabled:	
Public Hearing:	4/15/2024	Removed From Table:	
Second Read:	4/15/2024		

Discussion

4/01/2024

Councilor Messier made a motion to suspend Council Rules to allow for a first reading of Ordinance 13-24 by title only. The motion was seconded by Councilor Witham and passed 9-0 by voice vote.

Clerk LaPanne performed a first reading of Ordinance 13-24 by title only.

Ordinance 13-24 will remain in first reading until the call of the Chair.

4/15/2024

Clerk LaPanne performed a second reading of Ordinance 13-24.

Councilor Pepin made a motion to adopt Ordinance 13-24 as submitted. The motion was seconded by Councilor Gibson.

Discussion:

Councilor Witham stated that he will most likely support the Ordinance amendments and that the challenge that Somersworth faces is more pronounced due to the density within its 10 square miles. He commented that many communities are generally on a quest to encourage commercial development because they are taxed at a higher rate and our main source of revenue is property taxes. He added that communities look to lessen the burden on tax payers by increasing commercial development, but he cannot disagree with the public comments and the expectations for quality of life within a neighborhood. Councilor Witham stated that the intent is not to squash commercial development along the High Street corridor, but to be more mindful about what is developed and, in this case, auto-related services due to the more recent examples brought forward. He added that public comments are important for the Council to hear.

Councilor Paradis-Catanzaro stated that in addition to the concerns raised by the visitors, she stated that the Ordinance originated at the Economic Development Committee where not only did the Committee discuss the nuisance issues, but also looking at the various types of commercial use. She spoke about car washes in particular not contributing as much to the economy as other business may because it is mostly automated and requires little to no employees who would also be contributing to the economy. Additionally, the intent at the Committee level is to increase other viable development options and she supports the Ordinance amendments.

Councilor Michaud stated that he spoke with members of the Planning Board regarding the proposed Ordinance pertaining to the Specific Land Use Standards and it was confirmed that the amendments give the Code Compliance Officer the ability to enforce those changes.

Councilor Witham commented that Councilor Michaud’s statement regarding Code Enforcement is a good point because the proposed zoning changes do not affect the existing auto-related services along High Street, however, there are compliance issues that can be enforced regarding noise limitations.

Councilor Messier commented that he is on the fence regarding the amendments. He stated that he understands the emotion of the neighborhood but he is also trying to consider the future of the area and with retail diminishing due to online sales, he wonders what type of development would fit along the corridor of High Street. He added that he is not saying that more auto-related services are needed, however, he doesn’t believe that the City should choose “winners and losers” regarding what type of commercial businesses are developed.

Councilor Gibson spoke about his opinion being that the reality is that the Government picks “winners and losers” and that no one is losing in this situation except for the neighborhoods affected. He stated that the Government should be responsible for the best interest of all parties and he believes that additional car washes popping up are not a good alternative to retail businesses.

Councilor Vincent shared comments regarding most developers not living near their developments. He provided an example of the developer of a car wash not living near the business and not having to deal with the nuisances experienced by surround neighborhoods. He stated that he feels for the neighborhood residents and he is in favor of the amendments to the Ordinance.

Councilor Goodwin clarified that the proposed amendments only impact and sets restrictions to auto-related services and also provides reinforcement to some of the mitigating factors that the City currently has with those uses in other districts. He commented that he feels that there are higher and better uses for the City’s primary commercial corridor that are more tax yielding than another car wash. He commented on the fact that the new car wash was approved, and shortly after the approval, another developer submitted an application to the Planning Board to build a car wash on the opposite side of the road. He shared that the developer withdrew their application which he speculates was due to them learning of the new car washed being built, however, the current Zoning Ordinance would allow for a car wash to be built across from another car wash. Councilor Goodwin agrees with Councilor Messier’s point regarding what does the City want on High Street. He commented that one of the things that he will be advocating for moving forward is additional clarity and focus pertaining to the City’s Master Plan outside of the Downtown District. He shared his passion for downtown revitalization and expressed that he feels that the Community has done a disservice to other neighborhoods by not having targeted Master Plan efforts with those communities. He spoke about the plans being generalized and goals to “build, build, build” in order to lessen the tax burden on residents which is a good goal to have, however, Somersworth does not have the amount of land that Rochester or Dover has to develop on. Additionally, once a parcel is developed on, it is more costly to redevelop the property. Councilor Goodwin stated that he would like to engage the Community more regarding redevelopment visions and he mentioned the possibility of more housing.

Councilor Pepin clarified that there have been rumors of St. Ignatius Holy Trinity selling property to Market Basket and that is false information to date.

Councilor Cameron commented that she has heard from residents a number of times regarding their concerns pertaining to the nuisance they experience as a result of commercial businesses along High Street. She favors the proposed amendments to the Ordinance in an effort to help improve the neighborhood resident’s quality of life, as well as the opportunity to make better decisions on what is developed on these properties.

The motion passed 8-1. Councilor Messier opposed.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	

Ward 4 Councilor	Paradis-Catanzaro	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Goodwin	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier		X
TOTAL VOTES:		8	1
On 4/15/2024	Ordinance 13-24	PASSED	FAILED