



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 8, 2021**
Meeting Time: **7:00 pm**

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL ATTENDANCE**
- 5. PROCLAMATIONS/AWARDS**
- 6. APPROVAL OF AGENDA**
- 7. PUBLIC HEARINGS**

8. CITIZEN'S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

9. CITY MANAGER'S REPORT

10. APPROVAL OF MINUTES

A. August 25, 2021 – Regular Meeting

11. MAYOR'S REPORT

12. UNFINISHED BUSINESS

- A. ORDINANCES IN THE 2ND READING**
- B. ORDINANCES IN THE 3RD READING**
- C. RESOLUTIONS**

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. APPROVAL OF 61 LOCUST ST., SUITE 128 AND 129, DOVER, NH LEASE
EXTENSION/RENEWAL
SPONSORED BY MAYOR CARRIER BY REQUEST**



CITY OF DOVER

CITY COUNCIL - AGENDA

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COMMITTEE REPORTS

1. School Board
2. Planning Board
3. Appointments Committee
4. Arena Commission
5. Arts Commission
6. Conservation Commission
7. Downtown TIF Advisory Board
8. Energy Commission
9. Heritage Commission
10. Legislative Liaison
11. Library Board of Trustees
12. McConnell Center Advisory Committee
13. Ordinance Committee
14. Parking Commission
15. Pool Advisory Committee
16. Racial Equity and Inclusion Ad-Hoc Committee
17. Recreation Advisory Board
18. Solid Waste Advisory Commission
19. Stormwater and Flood Resilience Funding Ad-Hoc Committee
20. Transportation Advisory Commission
21. Waterfront TIF Advisory Board
22. City Council / School Board Collaborative Committee
23. Joint Building Committee – Dover High School and Regional Career Technical Center
24. COAST
25. Cocheco Waterfront Development Advisory Committee
26. Dover Main Street
27. Strafford Regional Planning Commission

B. RESOLUTIONS

1. **GENERAL FUND FY2022 BUDGET AMENDMENT – APPROPRIATION OF ADDITIONAL STATE AID TO SCHOOL DEPARTMENT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL.) (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 22, 2021.)**
SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

1. **CHAPTER 170 – ZONING (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 13, 2021.)**
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

14. **COUNCIL CORRESPONDENCE**
15. **COUNCIL MATTERS OF INTEREST**
16. **ADJOURN**

CITY MANAGER'S REPORT

September 8, 2021

Reporting On:
August 2021

By: J. Michael Joyal, Jr.
City Manager

Legal Department

Joshua Wyatt, City Attorney

The Office of General Legal Counsel provides legal support to the City Council, City Manager, city staff and volunteers on boards, commissions and committees of the City of Dover to assist efforts in providing services to our constituents and/or customers. In addition, legal support is also provided to the Dover School Board and Superintendent of Schools.

For the month of August:

	For Month	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	60	98	703	466	342
Review Existing Legal Contracts & Draft Memo	07	18	-	-	-
Legal Contracts/Memo Created	29	38	350	256	269
Right to Know Requests Processed	7	11	51	49	41
Resolutions	6	10	73	75	53
Ordinances	1	1	19	10	18
Leases	1	5	-	-	-
Primex Auto Claims Handled	2	-	-	-	-
Primex Liability Claims Handled	4	-	-	-	-
Primex Property Claims Handled	2	-	-	-	-

Customer Focused Outcomes: Right to Know

Pursuant to RSA 91-A, the following Right to Know requests were received this month:

- EBI Consulting – Property Reports (29 ½ Littleworth Road, Dover)
- Eckhardt Environmental – Property Reports (29 ½ Littleworth Road, Dover)
- The Planning & Zoning Resource Co – Property Records (29 ½ Littleworth Road, Dover)
- The Planning & Zoning Resource Co – Property Records (406 Sixth Street & 19 Education Way, Dover)
- GZA Engineering – Environmental Site Assessment Records – (50 Education Way, Dover)
- Edwina Hastings – SAU Request – Training Materials and Curriculum

**Product & Process Outcomes:
Assistance to City Departments**

City Council & City Boards	Attention to resolutions and ordinances as needed or requested by City Council; assistance with Charter amendment process; assistance with tracking and reviewing pending legislation;
Community Services	Assistance with construction contract administration questions; assistance with Great Bay Municipal Alliance for Adaptive Management; assistance with Great Bay general permit compliance; assistance with real estate questions; assistance with compliance on tree cutting and vegetation issues; assistance with Pudding Hill aquifer remediation efforts; assistance with public road acceptance issues; assistance with Code enforcement;
Executive	Assistance with new cable franchise agreement;
Fire & Rescue	Assistance with preparing a Board of Health orientation; assistance with fine schedule questions; assistance with compliance questions; assistance with contracts; assistance with Code enforcement;
Finance	Prepare and review various contracts; research legal and compliance questions as requested; assistance with tax lien and other lien questions; assistance with election-related questions; track and file City claims with Primex; assistance with sale of City property
Planning	Assistance with zoning ordinance amendments and review; assistance with general questions and public inquiries; assistance with Code enforcement;
Police	Assistance with general inquiries and research; assistance with parking administration and code matters;
Public Library	Assistance with creating a template library use agreement for third-party vendors;
Public Welfare	Assistance with general inquiries; assistance with preparation and participation in Fair Hearing;
Recreation	None
School	Assistance with Right to Know requests; assistance with Dover High School/Regional CTC matters; assistance with review of and revision to various contracts; assistance with other matters as requested;

-Maloney v. City of Dover – Case now pending with Rockingham Superior Court; City accepted service. Case is undergoing discovery.

-Opioid Epidemic Litigation – retained services of Robbins Geller of Boca Raton, Florida for fraudulent marketing practices of pharmaceutical manufacturers. Suit filed in USDC in Concord. Case has been transferred to federal court in Ohio as part of a multi-district litigation consolidation. The City recently received its first payment from the State of New Hampshire pursuant to RSA 126-A:83, II, by virtue of an opioid-related settlement entered into by the State of New Hampshire. Settlements or other payments in satisfaction of City claims may be forthcoming from other defendants, but would be required to be tendered to the State's Opioid Abatement Trust Fund per RSA 126-A:83, I. Certain of the City's opioid claims have become part of bankruptcy proceedings.

-Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath - served on City of Dover on April 17, 2019. Discovery is complete. Partial summary judgment rulings received in February 2021. This case had been scheduled for trial in June and July 2021, but the Court encountered a scheduling conflict and had to continue the trial to September 2021. Trial is now scheduled to occur in September 2021.

-City of Dover v. Mary and Rick Hebbard - Complaint filed in October 2019 concerning drainage in the Tanglewood Subdivision. Partial summary judgment rulings were received in February 2021. Case was tried by City Attorney, Deputy City Attorney, and outside counsel on April 7, 8 and 9 of April 2021. The post-trial briefing was divided into two areas: (1) injunctive relief concerning removal of a berm, and (2) remaining issues, including enforcement of a stipulated Court-Order for an underground drainage system. The parties have fully briefed both subjects. In May 2021, the Court issued an order granting an injunction and requiring removal of the berm and restoration of surface drainage. The Court has not yet issued an Order on the remaining issues.

-Stergiou et. al. v. City of Dover - Planning Board appeal filed in August 2020 by certain abutters. The City accepted service in September 2020. This case was dismissed on jurisdictional grounds. Appeal to New Hampshire Supreme Court has been filed by the intervening abutter. The appeal is in the briefing stage. A briefing schedule has been issued.

-Town of Durham et al v. Consolidated Communications - This PUC docket was initiated in July 2020. The City of Dover is a party and the City Attorney has appeared. Several Seacoast communities have filed a joint complaint about the backlog of "double poles" in their communities. These are poles that have been replaced, but the old pole has not yet been removed. A formal adjudication has commenced in the PUC. The parties have settled this matter and filed a stipulation of dismissal with the PUC.

-Barufaldi v. City of Dover - A city employee has filed an action in Strafford County Superior Court requesting declaratory judgment concerning the employee's ability to, and cost of, participation in the New Hampshire Retirement System. The trial court granted the City's motion to dismiss. The Plaintiff has appealed. The appeal is in the briefing stage. A briefing schedule has been issued.

-Hampstead School Board v. SAU 55: This is an RSA chapter 91-A dispute between two public education bodies. The case is on appeal to the New Hampshire Supreme Court. After the Supreme Court issued a decision that held attorney-client privileged communications of public bodies are subject to RSA 91-A balancing, and potential disclosure, the City of Dover, along with the NHMA, numerous other New Hampshire cities, and the New Hampshire Attorney General's Office, each moved as amici curiae to intervene and asked the Supreme Court to reconsider its holding. The Supreme Court has dismissed this matter as moot following the parties' joint request for that relief.

- Susan Mistretta, Tax Collector for City of Dover v. Diversified Building & Maintenance, LLC - On August 31, 2021, the City's tax collector commenced suit in her official capacity in the Strafford County Superior Court for collection of unpaid land use change tax ("LUCT").

The use of outside counsel to handle specialty matters continues and consists of environmental matters and labor negotiations. There are a small number of attorneys hired on a variety of smaller matters.

Dover Business & Industrial Development Authority

by Daniel Barufaldi

Leadership & Governance Outcomes:

Summary:

Economic activity continued to expand in most sectors in Dover through August. The downtown restaurants that reopened with outside seating, the relaxation of indoor capacity utilization with social distancing and barriers continue facing severe worker shortages exacerbated by the Department of Labor not sufficiently expanding the temporary foreign worker visa allowance to cover workforce losses during and post pandemic. Efforts are underway with Senators Shaheen and Hassen to expand the temporary work visas being offered to foreign hospitality and accommodation workers during the tourism season. Digital media spots are being negotiated with Town Square Media to attract cross border workers to Dover from Maine. Local restaurants are being forced to attenuate open hours or open days due to lack of staff. Outside seating in July was severely limited by over 5 inches of rain during the month spread over several days. This is important to all downtown businesses as the restaurants attract customers to all other downtown merchants. The Dover unemployment rate, in steady decline since last August, surged to 2.8% in July. The number of people employed in August has still not fully returned to pre-pandemic levels as many have left the workforce due to a variety of reasons. Among them lack of childcare facilities and their high cost keeping parents out of active employment, and the decision by many remote workers to change their work lifestyle or start their own businesses. Dover's hotels that were doing better than expected enjoying an average occupancy rate of 80% have now declined from that occupancy level due to lack of workers. The corporate guest market has declined but the trades, utilities and medical staffing requirements continue to buoy demand. We are beginning to see increased vacancies developing in leased office space currently at 10.2% and expect to see more as leases expire. While retail space has continued to cost more, office space lease rates are beginning to decline but are still hovering at about \$18.94 per square foot. These vacancies are due to the realization that remote working works for some large firms and the overhead expense of office space can be eliminated.

The NH MSRP 2.0 support program has provided some relief to small businesses as a bridge during the second federal stimulus program roll out. Our restaurants and retailers are currently under great financial stress and 12 are in the process of applying for and anticipating the payout of the Dover Cares 2.0 grant program to get them through. The stock market, though somewhat volatile in the oil and commodities sectors in the first months of the second quarter, has shown enough strength to increase consumer spending and has raised people's confidence going forward despite sharply rising energy, food and vehicle costs. It is anticipated that some volatility will continue through the last two quarters of 2021. The durable goods sector reported some significant sales gains after the previous sales declines. Sensor shortages are curtailing new car production of several brands at present. Dealerships

are trying to sell cars on line and are experiencing some success even with substantially higher pricing for used cars. The manufacturing sector, including capital goods and aircraft related parts, continues to show declines including some major layoffs due to the economic paralysis engendered by the coronavirus in international trade and tourism. The Boeing MAX problems that have prevented the aircraft from rejoining commercial fleets has been resolved and United Airlines just ordered 272 new Boeing planes. Most downtown retailers are on reduced hours and staffing. Commercial real estate activity continues strong despite very high labor and materials costs for projects. Lumber costs have declined 70% from the peak but steel costs remain at twice the 2019 levels. A number of new commercial/ industrial projects were greenlighted in the first two quarters with other projects surfacing and being initiated for fall and spring starts. Residential real estate markets saw some minor decreases in closed single family home sales at sustained high prices and multifamily residential apartment projects continue strong for the moment. One recently completed mixed use new build was put up for sale in June. Most recently the US economy was growing at a record pace (GDP growth at 2.6% over Q2, 2019 but declining to a recessionary state at least up to the beginning of the third quarter of 2020. It is now projected to reach a 6.5% GDP growth in the next quarter. Mortgage interest rates most recently decreased again to 2.3%. Lending rates are still a great value but bank lending restrictions have tightened. Inflation has risen significantly in the short term but it is still unclear if it will continue to rise or be transitory as suggested by the Fed. Most recent predictions are that it is here to stay and will continue to rise going forward.

Selected Business Services:

Demand for consulting and advertising is down sharply over last year at this time. Software and IT services providers are experiencing a pause in activity. Some consolidation is now being experienced in the institutional healthcare sector. Wentworth Douglas Hospital's merger with Mass General is part of an overall consolidation trend in institutional healthcare. This is expanding the range of medical specialties available to the Dover market. WDH has opened a medical practice facility at the Pease Development Authority and has another urgent care center planned on a Dover Point Rd. site. Portsmouth Regional Hospital has opened a stand-alone ER building at Exit 7 in Dover. Tele-med service is expanding and will become a more permanent segment of medical services after the pandemic abates. Wages, while historically up significantly in critical skill areas have flattened with the loss of elective procedures during the pandemic. Increased health insurance costs remain a concern with the uncertainty of the future reform of the Affordable Care Act and the challenge of being able to increase pricing to cover the increased cost.

Predictions for 2021 revenue growth in the services sector are now slightly less sanguine.

Commercial Real Estate:

Non-residential commercial real estate sales activity is growing at about 100% of the previous rate locally, and with flat activity in the Portland markets and declines in Connecticut, Boston and Rhode Island markets in this period. New build costs for needed 20,000 SF – 30,000 SF manufacturing/ assembly/ warehouse/ office spaces at Enterprise Park are causing sticker shock for several prospects and delaying project initiation but with three breakthrough projects beginning to be initiated this coming month. The lack of at site utilities on Innovation Way has limited the developments considering that location. We are now working with DuraFilm that is building a 15,000 SF building on Innovation Way at Venture Drive to investigate scenarios to get infrastructure on part or all of Innovation Way. Trading City owned land for project financed utility development is now also being considered to develop projects

with no City cash outlays where practical. Accelerator units of 1,200 – 2,500 SF are sorely needed to house small post startup companies to get underway and to grow in Dover. One new project at Enterprise Park will contain four 2,500 SF accelerator spaces. The Orpheum co-worker space is fully booked and has a waiting list. Office leasing was non-existent this month. The lending environment remains highly favorable to brave borrowers, with historically low but rising interest rates but with somewhat tighter lending standards. The flow of investment capital declined for commercial lease properties across the Seacoast, sourced from private equity firms, pension funds, foreign investors, REITS and high net worth individuals. Leverage ratios are on the rise among some investors, but remain low in absolute terms. Local multi-family and mixed use construction remains active so far with local inventory in this category rising rapidly. The outlook remains cloudy across the region so far in this sector. Forecasts call for more uncertainty in fundamentals moving forward. Fiscal policy and uncertainty around the business and employment effects of the pandemic uncertainty at both the state and federal levels are causing some reluctance to commit assets until things calm down.

See Local Major Development Projects at end of report.

Residential Real Estate:

Residential real estate markets are now contributing strong performance on the Seacoast. Home buyer confidence still appears to be there for higher priced homes which seems counter intuitive unless these are investments in non-monetary assets in anticipation of rising inflation as the Treasury prints money to pay off Federal deficits with cheap dollars. Completed sales of single family homes decreased year-over-year in Q2 with Strafford County single family home inventory increasing by 1.4 % for the first time in the last few years. 2020 unit sales declined slightly due to lack of inventory. Rising prices are convincing sellers to put homes on the market. Median selling prices continue to rise locally and are up double digit % year-over-year 2019-2020. Condo sales though somewhat mixed regionally, are up locally as well as condo pricing and pending sales. Median sale prices in NH and in Dover increased again in the period for single family homes to the \$400,000 median price range. Pending sales suggest the markets for high-end single family houses and condo's will continue, though slightly abated, through most of 2021 with a probable pause in growth in late 2021 or early 2022. Realtors are having more luck trying to sell homes on-line.

Manufacturing & Related Services:

Most local manufacturers supplying domestic and international markets are now reporting expanding sales results. Exceptions are aerospace and commercial airplane and parts suppliers, although Boeing has just reported its first post-pandemic profitable quarter. One point-of-purchase systems supplier is experiencing sales decreases significant enough to require an 80% layoff and downsizing out of Dover to their MA HQ. A profitable precision machining company and special ops arms supplier has signed a long term lease for the space and will add a research firing range onto the building. Local manufacturing has grown 400 jobs this year but last quarter Safran and Albany International in Rochester announced some layoffs due to the airline problems mentioned above. ACLARA in Somersworth has closed the former GE meters plant and is changing their business model to outsource production. It is confirmed that a local developer will renovate this property and turn it into a multi-family residential development. Measured Progress has been sold and will be moved to the buyer's HQ in the South. The Phase 1 Chinese trade agreement is not expected to have a substantive positive effect as tensions between the U.S. and China continue to mount. Manufacturing firms reporting on inventory levels are citing higher levels as supply chain interruptions abound. Most contacts in the manufacturing sector indicate that

both staffing levels and wage growth have now started to stabilize and are once again growing. Capital investment is stable locally and we have several expansion projects either underway or about to get underway. Foreign investment in the US is growing rapidly due to the uncertainties rampant in the Chinese, Brazilian, Venezuelan and European economies. The Silver Square development is now making Phase II progress and have completed their CVS building.

Regional manufacturers are now gaining in confidence and are again contemplating expansions due to business growth.

Labor demand has been strong in IT and software, electronics, engineering, quality assurance tech and legal skills. Entry level jobs are not being filled even as wage rates continue to rise. Talks regarding student apprenticeships with the Chamber of Commerce Education Committee, Dover High School CTC, Great Bay Community College, Somersworth High School CTC and UNH for BIZEDConnect have now resumed but have been slowed by schools switching to remote learning and summer closings. Recent reductions in the NH BPT and EPT are being maintained by the Governor's veto so far. The FY2022 Tax Cap Budget, was received with some relief by local businesses that feared an over the tax cap budget strategy from the School District when combined with high electric energy costs and water processing costs and their concerns about their survivability. New Hampshire has the 6th best total tax burden in the U.S. and is far better than the other New England states.

Retail & Tourism:

Due to the relaxation of limits on gatherings necessitated by the pandemic and the fear surrounding it, local retail and tourism activities are beginning to rebound, limited only by a lack of sufficient workforce. On-line shopping continues to prosper due to the brick and mortar small retail closings and customers' continuing fears/uncertainty regarding exposure to others. Many regional malls are being repurposed to other uses and many national/international retail chains have closed in the US, Canada and worldwide. Many large retailers are making infrastructure investments to participate more fully in on-line sales with on-site drive through pick up points and deliveries to your door. It is anticipated that some of the big box medium sized chain stores in neighboring municipalities may close when their leases expire. Large big box chains with highly developed on-line sales/highly developed delivery systems are expected to continue to do well.

Local retailers and all local businesses have been informed of the recent SBA Emergency loans and grants programs, SELF Program and most recently, the GAP Program, and NH Chamber Relief Program as well as the DoverCARES Emergency Loan Fund and grant programs. All have now been informed of the available programs including the latest landlord notifications to provide delinquent renter relief under PPP2.0 and the American Rescue Plan. The eviction moratorium is scheduled to end shortly, alleviating financial pressures on local small landlords.

Employment and Wages:

Local labor market pressure that initially collapsed with the widespread business closures and layoffs brought on by the pandemic have now increased to just below pre-pandemic levels.

In the higher skill set categories, doctors, paramedics, physician's assistants and nurses are once again in short supply as elective procedures suspended in anticipation of COVID-19 surges that didn't materialize, are once again resumed and a resurgence of COVID-19, Variant D hospitalizations have hospitals at near capacity locally. NH hospitals are in financial deficit. It is reported that Frisbie Hospital

in Rochester, now owned by HGA lost a significant % of their doctors and nurses and alleviated the nursing crunch at WDH in Dover.

Local Major Development Projects:

- First Street Development Phase 2 (River Mark) is nearing completion.
- Third Street Development (Changing Places) is complete.
- Silver Square Development: Phase 1 completion, Phase 2 underway.
- 49,000 SF at 27 Production Drive has been sold and has two occupants.
- Cathartes Project (Orpheum) Occupied.
- Well over \$100,000,000 in Dover development underway.
- Fosters Building sold for \$1.5 million / Kostis Brothers (renovation near completion).
- The Old courthouse Building on First and second, has a buyer has entered into an agreement to buy and renovate and is in TRC.
- 6 Grove St. Project is once again underway.
- The Fosters building on Venture Dr. New owner (Index Packaging) is expanding the building by 67,000 SF.
- Birch Hill Armory on Industrial Park Dr. is completed and open.
- The H. Morris building on Venture Dr. is completed.
- Durafilm 15,000 SF building on Innovation Way, Enterprise Park.
- Several mixed use and multi-family residential projects are at the TRC stage and heading for Planning Board approval, including some workforce housing.

Parking Division

July	Jul-21	Jul-20	Jul-19	Fiscal YTD 2022	Fiscal Year 2021	Fiscal Year 2020
Meter Activity - Total						
Meter Transactions	44,404	31,195	42,047	44,404	385,006	442,999
Income from Meters	\$8,219	\$55,422	\$64,795	\$82,195	\$676,715	\$836,199
Active Meter Days	26	26	22	26	302	292
Average Daily Meter Transactions	1,708	1,200	1,911	1,708	1,275	1,517
Meter Activity - Parking Garage						
Meter Transactions	2,741	1,416	3,195	2,741	11,463	36,219
Income from Meters	\$7,456	\$4,105	\$7,646	\$7,456	\$62,637	\$88,142
Active Meter Days	26	26	22	26	302	292
Average Daily Meter Transactions	105	54	145	105	74	124
Parking Permit Activity						
Total Parking Permits Issued	796	648	605	796	8,756	6,809
Residential Permits Issued	38	32	46	38	473	441
Business Permits Issued	758	616	559	758	8,283	6,499
Permit Income	\$59,732	\$30,459	\$45,279	\$59,732	\$265,168	\$246,485
Parking Ticket Activity						
Total Parking Tickets Issued	684	432	596	684	6,644	7,862
Accessible Space Tickets Issued	4	2	2	4	23	48
Winter Restriction Tickets Issued	0	0	0	0	381	164
Parking Ticket Income	\$10,156	\$10,975	\$13,062	\$10,156	\$160,519	\$180,148
Electric Vehicle Charging Stations						
Number of times Stations Used	20	5	31	20	100	233
Charging Station Income	\$134	\$28	\$88	\$134	\$571	\$952

COAST

Ridership Activity

New Coast routes began end of June 2020. Those pertaining to Dover are below:

Month	Route 1 Dover/Somersworth/ Berwick	Route 13 Dover/Somersworth	Route 33 Downtown Dover/County Complex/Portland Ave	Route 34 Downtown Dover/Knox Marsh Rd
August 2020	2,812	2,484	1,040	178
September 2020	3,225	2,577	1,011	271
October 2020	3,331	2,700	1,148	266
November 2020	2,942	2,148	1,121	327
December 2020	3,003	2,254	1,119	451
January 2021	2,927	2,126	979	325
February 2021	2,706	2,216	861	315
March 2021	3,367	2,833	1,240	505
April 2021	3,464	2,702	1,183	318
May 2021	3,235	2,999	1,088	225
June 2021	3,245	3,513	1,157	261
July 2021	3,274	3,717	1,203	255

J. MICHAEL JOYAL, JR.
CITY MANAGER



CITY OF DOVER

CITY COUNCIL - MINUTES

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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Williams led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Shanahan, Councilor Thibodeaux, and Councilor Williams. Councilor Gasses was remote over the phone.

Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Deputy Mayor Ciotti moved to approve the Agenda; seconded by Councilor O'Connor.
Roll Call Vote: 9/0.

7. PUBLIC HEARINGS

A. AUTHORIZATION TO ACCEPT AND EXPEND THE ASSISTANCE TO FIREFIGHTERS GRANT SPONSORED BY MAYOR CARRIER BY REQUEST

Mayor Carrier, seeing no one wishing to speak, closed the Public Hearing.

8. CITIZEN'S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Catherine Cheney, 9 Snow's Court: She spoke in support of Item #13.B.2.

Kathleen Cintavey, 5 Olive Meadow Lane: She spoke in support of Item #13.B.2.

Sally Staude, 21 Sierra Hill Drive: She spoke in support of Item #13.B.2.

Mary Hebbard, 97 Spruce Lane: She spoke in support of Item #13.B.2.

Mayor Carrier, seeing no one else wishing to speak, closed the Citizen's Forum.

9. CITY MANAGER'S REPORT

City Manager Joyal asked Fire Chief Paul Haas to speak to the Council regarding the COVID-19 situation.

Chief Haas gave an update to the Council regarding the COVID-19 situation, CDC guidelines, FDA approval of the Pfizer vaccine, and where to get a vaccination.



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City Manager Joyal submitted his report in writing. He spoke about water restrictions and with recent rain he hopes to lift it soon. He said the Dover Mental Health Alliance Task Force has started meeting. He referred to his report and highlighted a few items.

Councilor Muffett-Lipinski asked about the CARA funds for the City.
City Manager Joyal said he would get back to her.

Deputy Mayor Ciotti moved to accept the City Manager's Report; seconded by Councilor Shanahan.

Roll Call Vote: 9/0.

10. APPROVAL OF MINUTES

A. August 11, 2021 – Regular Meeting

Deputy Mayor Ciotti referred to Item 4 and Item 6, and said it needed to be corrected to say Deputy Mayor Ciotti.

Deputy Mayor Ciotti moved to approve the Minutes as amended; seconded by Councilor Thibodeaux.

Roll Call Vote: 9/0.

11. MAYOR'S REPORT

Mayor Carrier gave an overview of events he attended in the past two weeks.

Deputy Mayor Ciotti moved to accept the Mayor's Report; seconded by Councilor Thibodeaux

Roll Call Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. AUTHORIZATION TO ACCEPT AND EXPEND THE ASSISTANCE TO FIREFIGHTERS GRANT

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor O'Connor.

Chief Haas gave an overview of the Resolution to the Council.

Roll Call Vote: 9/0.



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13. NEW BUSINESS

A. CONSENT CALENDAR

1. **AWARD OF ANNUAL PREVENTATIVE MAINTENANCE AGREEMENT TO SOUTHWORTH-MILTON INC. FOR CATERPILLAR GENERATORS**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **B22002 DOVER ICE ARENA SPRINKLER SYSTEM RENOVATION**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **SETTING VOTING HOURS FOR THE NOVEMBER 2, 2021 DOVER MUNICIPAL ELECTION**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **APPROVAL OF TRI-CITY AGREEMENT WITH COMMUNITY ACTION PARTNERSHIP FOR WARMING CENTER STAFFING**
SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|---|--|
| 1. School Board | 16. Racial Equity and Inclusion Ad-Hoc Committee |
| 2. Planning Board | 17. Recreation Advisory Board |
| 3. Appointments Committee | 18. Solid Waste Advisory Commission |
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| 5. Arts Commission | 20. Transportation Advisory Commission |
| 6. Conservation Commission | 21. Waterfront TIF Advisory Board |
| 7. Downtown TIF Advisory Board | 22. City Council / School Board Collaborative Committee |
| 8. Energy Commission | 23. Joint Building Committee – Dover High School and Regional Career Technical Center |
| 9. Heritage Commission | 24. COAST |
| 10. Legislative Liaison | 25. Cocheco Waterfront Development Advisory Committee |
| 11. Library Board of Trustees | 26. Dover Main Street |
| 12. McConnell Center Advisory Committee | 27. Strafford Regional Planning Commission |
| 13. Ordinance Committee | |
| 14. Parking Commission | |
| 15. Pool Advisory Committee | |

Deputy Mayor Ciotti moved for the adoption of the Consent Calendar; seconded by Councilor O'Connor.

Mayor Carrier asked the Council if they had items they would like pulled for further discussion. Councilor Cullen pulled Item 13.A.4.

Councilor Shanahan moved to add a Racial Equity and Inclusion Ad-Hoc Committee Report.
Roll Call Vote: 9/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.4.; seconded by Councilor O'Connor. Councilor Cullen asked about the funding for the Warming Center.

City Manager Joyal gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 25, 2021**
Meeting Time: **7:00 pm**

Councilor Shanahan gave an overview of the Racial Equity and Inclusion Ad-Hoc Committee Report. He said there are three vacancies on the Committee.

Councilor Muffett-Lipinski said the City Council / School Board Collaborative Committee hasn't been able to set a date. She took the time to ask for a show of solidarity to the Schools by the Council wearing masks during the meetings.

Mayor Carrier gave an overview of the Joint Building Committee – Dover High School and Regional CTC Report to the Council.

Councilor Shanahan gave an overview of the COAST Report to the Council.

Mayor Carrier gave an overview of the Dover Main Street Report to the Council.

Councilor Williams gave an overview of the Strafford Regional Planning Commission Report to the Council.

B. RESOLUTIONS

- 1. B11001 WRIGHT-PIERCE ADDITIONAL SCOPE OF WORK #9, UPGRADES TO RIVER STREET PUMP STATION**
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Muffett-Lipinski.
Roll Call Vote: 9/0.

- 2. ORDERING THE QUESTION OF FORMING A CHARTER COMMISSION TO APPEAR ON THE BALLOT FOR THE NOVEMBER 2, 2021 MUNICIPAL ELECTION**
SPONSORED BY COUNCILOR SHANAHAN

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Muffett-Lipinski.
Councilor Shanahan gave an overview of the Resolution to the Council.
Councilor Thibodeaux moved to table Resolution; seconded by Deputy Mayor Carrier.
Roll Call Vote: 9/0.

- 3. ORDERING AMENDMENTS TO THE CITY'S CHARTER TO APPEAR ON THE BALLOT FOR THE MUNICIPAL ELECTION ON NOVEMBER 2, 2021**
SPONSORED BY COUNCILOR SHANAHAN

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor O'Connor.
Councilor Shanahan gave an overview of the Resolution to the Council.
Roll Call Vote: 8/1; Passed. Councilor Gasses was opposed.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 25, 2021**
Meeting Time: **7:00 pm**

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

Email from Catherine Cheney, dated August 24, 2021.

Deputy Mayor Ciotti moved to place correspondence on file; seconded by Councilor
Roll Call Vote: 9/0.

15. COUNCIL MATTERS OF INTEREST

Councilor Thibodeaux invited citizens to her Coffee with a Councilor on Saturday.

Councilor Williams spoke about the Intergovernmental Panel on Climate Change (IPCC) releasing an updated report.

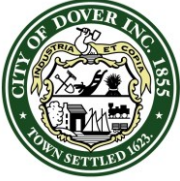
Deputy Mayor Ciotti gave a brief report on the August 24, 2021 Planning Board meeting.

Councilor Cullen spoke about the breakdown of the City Council and School Board Collaborative Committee and hoped they will meet soon. He said he attended the meeting regarding the homeless encampment in Somersworth.

City Manager Joyal answered Councilor Muffett-Lipinski's questions regarding the CARA Funding Grant that the City is receiving.

16. ADJOURN

Councilor O'Connor moved to adjourn; seconded by Councilor Thibodeaux.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2021.09.08 – 154**

Resolution Re: Approval of 61 Locust St., Suite 128 and 129, Dover, NH
Lease Extension/Renewal

WHEREAS: On October 14, 2014 the City of Dover and the State of New Hampshire Department of Health and Human Services (“DHHS”) entered into a lease agreement (“Agreement”) for 1,676 square feet of space located at 61 Locust Street, Suites 128 and 129, Dover, New; and

WHEREAS: The lease term was previously amended to expire on September 30, 2021. DHHS now requests an amendment to the term for an additional 24 months, with the option to enter into a renewable lease; and

WHEREAS: Amendment of the current Agreement to provide a delay in the expiration of the term will allow DHHS to continue lawful payment of rent while continuing occupancy at the Premises.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

The City Manager is authorized to enter into a 24-month extension and/or renewal of the State of New Hampshire Department of Health and Human Services lease and, if deemed warranted, a renewable lease with the Department of Health and Human Services, as well as finalize, execute, and record with the registry of deeds any necessary documentation related to same.

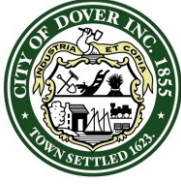
AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 13.A.1.	
Resolution Number: R - 2021.09.08 – 154 Resolution Re: Approval of 61 Locust St., Suite 128 and 129, Dover, NH Lease Extension/Renewal		

DOCUMENT HISTORY:

First Reading Date: Approved Date:	Public Hearing Date: Effective Date:
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DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City initially entered into a five-year lease agreement for 1,676 square feet of space located at 61 Locust Street, Suites 128 and 129, Dover, New Hampshire with NH DHHS. The term was extended for one year to expire on September 30, 2021. DHHS now wishes to extend this lease to allow for time to evaluate the effect of the pandemic as it relates to the way DHHS provides services to the public in the future and how this may impact the size and design of the DHHS facility. DHHS will need up to twenty-four (24) months to analyze these effects, implement program changes, finalize the Request for Proposal process and obtain authorization of any new lease contract, however, the Agreement expires well in advance of this. This Amendment of the current Agreement to provide a delay in the expiration of the term will allow DHHS to continue lawful payment of rent while continuing occupancy at the Premises.

Rent will be \$25,290.84 for year one and will increase 2.05 % to \$25,810.44, a monthly rent of \$2,107.57 and \$2,150.87 respectively. The total amount of rent to be paid under the terms of this agreement shall not exceed \$51,101.28. Additionally, the City will maintain comprehensive general liability insurance against all claims of bodily injury, death or property damage occurring on, (or claimed to have occurred on) in or about the Premises. Such insurance is to provide minimum insured coverage conforming to: General Liability coverage of not less than two million (\$2,000,000) per occurrence and not less than three million (\$3,000,000) general aggregate.

Document Created by: Legal Document Posted on: September 3, 2021	Approval of 61 Locust St., Suite 128 and 129, Dover, NH Lease Extension/Renewal Page 2 of 2
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AMENDMENT

This Agreement (hereinafter called the "Amendment") is by and between the State of New Hampshire acting by and through the Department of Health and Human Services, (hereinafter referred to as the "Tenant") and the City of Dover, (hereinafter referred to as the "Landlord") with a place of business at 288 Central Avenue, Dover, New Hampshire 03820.

Whereas, pursuant to a five year Lease agreement (hereinafter called the "Agreement"), for 1,676 square feet of space located at 61 Locust Street, Suites 128 and 129 Dover, New Hampshire which was first entered into on October 14, 2014, which was approved by the Governor and Executive Council on December 23, 2014, item #6A and amendment approved February 5, 2020, item #6, the Landlord agreed to lease certain premises upon the terms and conditions specified in the Agreement and in consideration of payment by the Tenant of certain sums as specified therein; and

Whereas, the Landlord and Tenant are agreeable to a holdover term to allow Tenant time to evaluate the effect of the pandemic as it relates to the way the Tenant provides services to the public in the future and how this may impact the size and design of the Tenant's facility, and;

The Tenant will need up to twenty-four (24) months to analyze these effects, implement program changes, finalize the Request For Proposal process and obtain authorization of any new lease contract, however, the Agreement expires well in advance of this, and;

Amendment of the current Agreement to provide a delay in the expiration of the term will allow the Tenant to continue lawful payment of rent while continuing occupancy at the Premises and the Landlord is agreeable to providing such delay;

NOW THEREFORE, in consideration of the foregoing and the covenants and conditions contained in the Agreement as set forth herein, the Landlord and Tenant hereby agree to amend the Agreement as follows:

Amendment of Agreement;

3.1 Term: The expiration date of the current agreement, September 30, 2021 is hereby amended to terminate up to twenty-four (24) months thereafter, September 30, 2023. The Tenant shall have the option of "early termination" of the two-year term, after the initial twelve-months have passed. The Tenant may exercise this option for "early termination" by delivering written notification to the Landlord ninety (90) days in advance of their desired termination date. Notice shall be given in accordance with the address listed in section 1.1.

In addition, during the amended Term the Parties hereto may enter into a "renewal lease", if such a lease with the Landlord is entered into and subsequently authorized by the State of New Hampshire's Governor and Executive Council, the Amendment shall terminate upon the same date set for commencement of the "renewal lease" and shall be superseded by the terms and conditions of the authorized "renewal lease".

Initials: _____

Date: _____

4.1 Rent: The current annual rent of \$25,290.84 (1,676 square feet of office space at approximately \$15.09 per square foot), will remain the same for year one which shall be prorated to a monthly rent of \$2,107.57. Year two will increase 2.05 % to \$25,810.44 (1,676 square feet of office space at approximately \$15.40 per square foot) year two, which shall be prorated to a monthly rent of \$2,150.87. Payment shall be due on the first day of the month during the amended term. The first monthly installment shall be due and payable October 1, 2021 or within 30 days of the Governor and Executive Council's approval of this agreement, whichever is later. The monthly rent shall continue to be paid on the 1st day of each month during the amended term unless the term is earlier terminated in accordance with the terms herein. The total amount of rent to be paid under the terms of this agreement shall not exceed \$51,101.28.

15. Insurance: Section 15 of the Lease is deleted and replaced with the following new paragraph: During the Term and any extension thereof, the Landlord shall at its sole expense, obtain and maintain in force, and shall require any subcontractor or assignee to obtain and maintain in force, the following insurance with respect to the Premises and the property of which the Premises are a part: comprehensive general liability insurance against all claims of bodily injury, death or property damage occurring on, (or claimed to have occurred on) in or about the Premises. Such insurance is to provide minimum insured coverage conforming to: General Liability coverage of not less than two million (\$2,000,000) per occurrence and not less than three million (\$3,000,000) general aggregate. The policies described herein shall be on policy forms and endorsements approved for use in the State of New Hampshire by the N.H. Department of Insurance and issued by insurers licensed in the State of New Hampshire. Each certificate(s) of insurance shall contain a clause requiring the insurer to endeavor to provide the Tenant no less than ten (10) days prior written notice of cancellation or modification of the policy. The Landlord shall deposit with the Tenant certificates of insurance for all insurance required under this Agreement, (or for any Extension or Amendment thereof) which shall be attached and are incorporated herein by reference. During the Term of the Agreement the Landlord shall furnish the Tenant with certificate(s) of renewal(s) of insurance required under this Agreement no later than fifteen (15) days prior to the expiration date of each of the policies.

15.1 Workers Compensation Insurance: To the extent the Landlord is subject to the requirements of NH RSA chapter 281-A, Landlord shall maintain, and require any subcontractor or assignee to secure and maintain, payment of Workers' Compensation in connection with activities which the person proposes to undertake pursuant to this Agreement. The Landlord shall furnish the Tenant proof of Workers' Compensation in the manner described in N.H. RSA chapter 281-A and any applicable renewal(s) thereof, which shall be attached and are incorporated herein by reference. The Tenant shall not be responsible for payment of any Workers' Compensation premiums or for any other claim or benefit for the Landlord, or any subcontractor of the Landlord, which might arise under applicable State of New Hampshire Workers' Compensation laws in connection with the performance of the Services under this Agreement.

Initials: _____

Date: _____

EFFECTIVE DATE OF THE AMENDMENT: This Amendment shall be effective upon its approval by the Governor and Executive Council of the State of New Hampshire. If approval is withheld, this document shall become null and void, with no further obligation or recourse to either party.

CONTINUANCE OF AGREEMENT: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement and the obligations of the parties there under shall remain in full force and effect in accordance with the terms and conditions set forth therein.

Initials: _____

Date: _____

IN WITNESS WHEREOF, the parties have hereunto set their hands;

TENANT: State of New Hampshire Department of Health and Human Services

Date: _____

By _____
Lori A. Weaver, Deputy Commissioner

LANDLORD: City of Dover

Date: _____

By _____
J. Michael Joyal, City Manager, City of Dover

Acknowledgement: State of _____, County of _____.

On (date) _____, before the undersigned officer, personally appeared _____, who satisfactorily proved to be the person identified above as the owner, and he personally executed this document.

Signature of Notary Public or Justice of the Peace: _____

Commission expires: _____ Seal:

Name and title of Notary Public or Justice of the Peace (please print):
_____.

Approval by New Hampshire Attorney General as to form, substance and execution:

By: _____, Assistant Attorney General, on _____.

Approval by the New Hampshire Governor and Executive Council:

By: _____, on _____

ATTACHMENT TO EXHIBIT B
TENANT'S FISCAL YEAR SCHEDULE OF RENTAL PAYMENTS

<i>State Fiscal Year</i>	<i>Month</i>	<i>Rate</i>	<i>Payment</i>	<i>Yearly Total</i>	<i>Fiscal Year Total</i>
2022	10/1/2021	\$ 15.09	\$ 2,107.57		
	11/1/2021	\$ 15.09	\$ 2,107.57		
	12/1/2021	\$ 15.09	\$ 2,107.57		
	1/1/2022	\$ 15.09	\$ 2,107.57		
	2/1/2022	\$ 15.09	\$ 2,107.57		
	3/1/2022	\$ 15.09	\$ 2,107.57		
	4/1/2022	\$ 15.09	\$ 2,107.57		
	5/1/2022	\$ 15.09	\$ 2,107.57		
	6/1/2022	\$ 15.09	\$ 2,107.57		\$ 18,968.13
2023	7/1/2022	\$ 15.09	\$ 2,107.57		
	8/1/2022	\$ 15.09	\$ 2,107.57		
	9/1/2022	\$ 15.09	\$ 2,107.57	\$ 25,290.84	
	10/1/2022	\$ 15.40	\$ 2,150.87		
	11/1/2022	\$ 15.40	\$ 2,150.87		
	12/1/2022	\$ 15.40	\$ 2,150.87		
	1/1/2023	\$ 15.40	\$ 2,150.87		
	2/1/2023	\$ 15.40	\$ 2,150.87		
	3/1/2023	\$ 15.40	\$ 2,150.87		
2024	4/1/2023	\$ 15.40	\$ 2,150.87		
	5/1/2023	\$ 15.40	\$ 2,150.87		
	6/1/2023	\$ 15.40	\$ 2,150.87		\$ 25,680.54
	7/1/2023	\$ 15.40	\$ 2,150.87		
	8/1/2023	\$ 15.40	\$ 2,150.87		
	9/1/2023	\$ 15.40	\$ 2,150.87	\$ 25,810.44	\$ 6,452.61
Total Rent				\$ 51,101.28	\$ 51,101.28

Initials: _____

Date: _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2021.09.08 – 155**

Resolution Re: General Fund FY2022 Budget Amendment – Appropriation of Additional State Aid to School Department

WHEREAS: The Dover City Council adopted the City of Dover FY2022 operating budget on June 2, 2021; and

WHEREAS: The Dover School District has been informed by the State, that as a result of the adopted State biennial budget, the district is to receive an additional \$1,561,230.00 in State aid above what was estimated in the FY2022 adopted City municipal budget; and

WHEREAS: The Dover School Board approved a resolution on August 23, 2021 (copy attached) requesting the City Council to adopt a General Fund FY2022 budget amendment to appropriate the additional state aid to be received by the school department; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of One Million Five Hundred Sixty-One Thousand Two Hundred and Thirty Dollars (\$1,561,230.00) is hereby appropriated to the Dover School Department as part of the FY2022 General Fund budget for the purposes noted in the table below:

Account Number	Account Description	Adopted Budget	Budget Amendment	Revised Budget
REVENUE				
1000.2.600.03190.3700.00000.00.000.000.R70	State Adequate Education Grant	9,656,286.00	1,091,166.00	10,747,452.00
1000.2.600.03230.3700.00000.00.000.000.R70	Special Education Aid (Catastrophic Aid)	604,936.00	470,064.00	1,075,000.00
		10,261,222.00	1,561,230.00	11,822,452.00
EXPENDITURES				
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Athletics Capital Reserve	0.00	50,000.00	50,000.00
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Curriculum Capital Reserve	0.00	50,000.00	50,000.00
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Facilities Capital Reserve	0.00	300,000.00	300,000.00
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Technology Capital Reserve	0.00	250,000.00	250,000.00
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Instructional Equipment CRF	0.00	50,000.00	50,000.00
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Student Support Services CRF	0.00	100,000.00	100,000.00
1000.2.630.01100.4110.00000.00.000.120.100	Teacher Wages - DHS	4,908,593.00	240,000.00	5,148,593.00
1000.2.620.01100.4110.00000.00.000.120.100	Teacher Wages - DMS	4,068,040.00	200,000.00	4,268,040.00
1000.2.620.01100.4110.00000.00.000.120.100	Teacher Wages - CTC	958,170.00	70,000.00	1,028,170.00
1000.2.600.02620.4440.00000.00.000.000.300	Facility Repairs/Renovations	25,000.00	251,230.00	276,230.00
		9,959,803.00	1,561,230.00	11,521,033.00

NOTE: THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

Document Created by: Finance Department
Document Posted on: September 3, 2021

R-2021.09.08 General Fund FY2022 Budget Amendment for
Appropriation of Additional State Aid to School
Department.doc
General Fund FY2022 Budget Amendment
Appropriation of Additional State Aid to School Department
Page 1 of 2



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2021.09.08 – 155**
Resolution Re: General Fund FY2022 Budget Amendment – Appropriation of Additional State Aid to School Department

DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

In accordance with City Charter C6-6 *Appropriations After Adoption of the Budget*, the School Board is requesting that the City Council adopt a FY2022 General Fund Budget Amendment to appropriate \$1,561,230.00 in additional State Education Aid to be received by the school department.

The School Board adopted a resolution on August 23, 2021 identifying that the school department would be receiving an additional \$1,561,230.00 in State Education Aid during FY2022. These unanticipated funds are the result of the State of New Hampshire adopted biennial budget, which was adopted on June 24, 2021.

In accordance with NH RSA Chapter 34 *Capital Reserve Funds for Cities*, the City Council must approve any transfer into a city capital reserve fund.

A copy of the adopted School Board resolution is attached to this City Council resolution.

RESOLUTION

RE: FY2021-2022 BUDGET AMENDMENT REQUEST

- WHEREAS: The Dover City Council adopted the City of Dover FY2022 municipal operating budget on June 2, 2021; and
- WHEREAS: The State of New Hampshire adopted its biennial budget on June 24, 2021, which included additional funds designated for New Hampshire school districts; and
- WHEREAS: The New Hampshire Department of Education released revised Adequacy Aid estimates on August 2, 2021, showing a \$1,091,166 increase from what was previously projected; and
- WHEREAS: The New Hampshire Bureau of Student Support confirmed that the Dover School District will receive a 100% reimbursement rate for Special Education Aid eligible costs ; and
- WHEREAS: The Dover School Board has determined that it can responsibly revise its estimated revenue for Adequacy Aid to \$10,747,452, and Special Education Aid to \$1,075,000, which represents a combined increase in school funding for the 2021-2022 school year of \$1,561,230; and

NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

The City Council appropriate \$1,561,230 to the Dover school department's 2021-2022 budget for the purposes as noted below:

Account	Account Description	FY22 Adopted	Budget Adjustment	Revised Budget
REVENUE				
1000.2.600.03190.3700.00000.00.000.000.R70	State Adequate Education Grant	\$ (9,656,286)	\$ (1,091,166)	\$ (10,747,452)
1000.2.600.03230.3700.00000.00.000.000.R70	Special Education Aid (Catastrophic Aid)	\$ (604,936)	\$ (470,064)	\$ (1,075,000)
		\$ (10,261,222)	\$ (1,561,230)	\$ (11,822,452)
EXPENDITURES				
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Athletics CRF	\$ -	\$ 50,000	\$ 50,000
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Curriculum CRF	\$ -	\$ 50,000	\$ 50,000
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Facilities CRF	\$ -	\$ 300,000	\$ 300,000
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Technology CRF	\$ -	\$ 250,000	\$ 250,000
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Instructional Equipment CRF	\$ -	\$ 50,000	\$ 50,000
1000.1.600.46900.4918.00000.00.000.000.910	Transfer to School Student Support Services CRF	\$ -	\$ 100,000	\$ 100,000
1000.2.630.01100.4110.00000.00.000.120.100	Teacher Wages - DHS	\$ 4,908,593	\$ 240,000	\$ 5,148,593
1000.2.620.01100.4110.00000.00.000.120.100	Teacher Wages - DMS	\$ 4,068,040	\$ 200,000	\$ 4,268,040
1000.2.620.01100.4110.00000.00.000.120.100	Teacher Wages - CTC	\$ 958,170	\$ 70,000	\$ 1,028,170
1000.2.600.02620.4440.00000.00.000.000.300	Facility Repairs/Renovations	\$ 25,000	\$ 251,230	\$ 276,230
		\$ 9,959,803	\$ 1,561,230	\$ 11,521,033

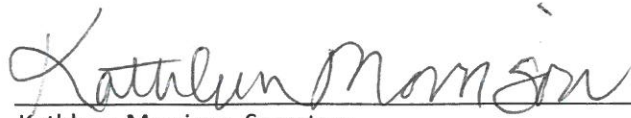
SUBMITTED BY:



Amanda L. Russell, Chairperson



Keith Holt, Vice Chairperson



Kathleen Morrison, Secretary

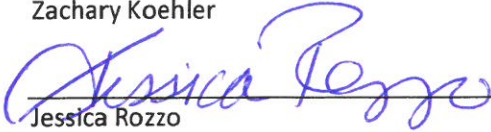


Rachel Burdin



Carolyn Mebert

Zachary Koehler



Jessica Rozzo

August 23, 2021

FY22 Anticipated Revenue Revisions
Submission for City Council Adoption

Revenue Source (Ammended Revenue)	6/7 Estimate	8/1 Revision	\$ Inc./ (Dec.)
State Adequate Education Grant	\$ 9,656,286	\$ 10,747,452	\$ 1,091,166
Special Education Aid (Catastrophic Aid)	\$ 604,936	\$ 1,075,000	\$ 470,064
			<u>\$ 1,561,230</u>

Expenditure Source (Ammended Budgetary Expense)

Restore Teaching Positions @ DHS & DMS

DHS Science Teacher (1.0 FTE)	\$ (120,000)
DHS Math Teacher (1.0 FTE)	\$ (120,000)
DHS EMT Teacher (0.33 FTE)	\$ (70,000)
DMS 5th Gr. Teacher (1.0 FTE)	\$ (100,000)
DMS 6th Gr. Teacher (1.0 FTE)	\$ (100,000)
	<u>\$ (510,000)</u>

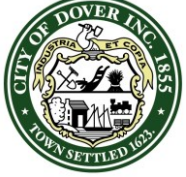
Restore CIP Transfers (Includes Reserve for FY23 Loss of State Aid Estimated at \$492,137):

Athletics CRF	\$ (50,000)
Curriculum CRF	\$ (50,000)
Facilities CRF	\$ (300,000)
Technology CRF	\$ (250,000)
Instructional Equipment CRF	\$ (50,000)
Student Support Services CRF	\$ (100,000)
	<u>\$ (800,000)</u>

Repairs & Maintenance:

Facilities - GES Kitchen Repair & FS Equipment	\$ (70,000)
Facilities - General Repairs	\$ (11,055)
Facilities - DW Communications Solution	\$ (170,175)
	<u>\$ (251,230)</u>

TOTAL Funds Remaining	\$ 0
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The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, to reflect changes in the community's zoning ordinance. Further information is set forth in the Background section of this ordinance.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 "Word Usage and Definitions" by revising the definition of Accessory Structure as follows:

"ACCESSORY STRUCTURE means a STRUCTURE with a minimum FLOOR AREA of ~~100~~ 200 square feet which exists on the same LOT and within the same zoning district as the PRINCIPAL BUILDING and which shall be customarily incident and subordinate to the PRINCIPAL BUILDING subject to the provisions of Chapter 170-10 E."

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 "Applicability of Tables of Use and Dimensional Regulations By District" by revising the Dimensional Regulations Table in the Medium Density Residential District (R-12) footnote [6] as follows:

"Any dwelling unit ~~existing on or before May 27, 1964,~~ may be converted, ~~not replaced,~~ provided that the lot shall contain at least four thousand (4,000) square feet per dwelling unit and a minimum floor area of five hundred (500) square feet per dwelling unit.

2 family dwellings shall be designed to look like single family dwellings (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street, and only one driveway shall exist with no on street parking required for residents."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 "Applicability of Tables of Use and Dimensional Regulations By District" by revising the Dimensional Regulations Table in the Medium Density Residential District (R-12) footnote [7] as follows:



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~~“2 family dwellings are permitted in the R-12 Districts when incorporated in an open space subdivision and comply with all regulations specified in Chapter 157, Subdivision of Land, Article IV, Open Space Subdivisions, of the Code of the City of Dover, 1983 on lots with a density of nine thousand (9,000) square feet per dwelling unit. The structures shall be designed to look like single family dwellings (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street, and only one driveway shall exist with no on street parking required for residents. Single family density shall be used for TDR. If two family density is used, a two family unit shall be built.”~~

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Low Density Residential District (R-20) footnote [6] as follows:

~~“Any dwelling unit existing on or before May 27, 1964, may be converted, not replaced, provided that the lot shall contain at least four thousand (4,000) square feet per dwelling unit and a minimum floor area of five hundred (500) square feet per dwelling unit.~~

2 family dwellings shall be designed to look like single family dwellings (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street, and only one driveway shall exist with no on street parking required for residents.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Low Density Residential District (R-20) footnote [7] as follows:

~~“Use is allowed when included within an Open Space Subdivision with commercial components. (See 157.21 section 7). 2 family dwellings are permitted on lots with a density of fifteen thousand (15,000) square feet per dwelling unit. The structures shall be designed to look like single family dwellings (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street, and only one driveway~~



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shall exist with no on street parking required for residents. Single family density shall be used for TDR. If 2 family density is used, a two family unit shall be built.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Medium Density Residential District (R-40) footnote [6] as follows:

“Any dwelling unit ~~existing on or before May 27, 1964,~~ may be converted, ~~not replaced,~~ provided that the lot shall contain at least four thousand (4,000) square feet per dwelling unit and a minimum floor area of five hundred (500) square feet per dwelling unit.

2 family dwellings shall be designed to look like single family dwellings (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street, and only one driveway shall exist with no on street parking required for residents.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Urban Density Multi-family Residential District (RM-U) Conditional Use Criteria for Conversion to, or creation of Dwelling, 3-4 Family as follows:

“Conversion to, or creation of Dwelling, 3-4 Family.[Added 3-25-87 by Ord. No. 6-87]: Three- or four-family dwellings and conversions of existing dwellings to three (3) or four (4) units shall be subject to the following regulations:

- A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within two hundred (200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
- B. Off-street parking, in accordance with Chapter 153, Site Review, shall be provided as to avoid vehicles backing into the street. Two (2) parking spaces per unit shall be required.
- C. Parking lots shall be at least five (5) feet from a side property line and ten (10) feet from a front property line.



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- D. Parking areas shall be screened from the street and from abutting lots.
- E. Structures shall be at least twenty (20) feet from a front property line, fifteen (15) feet from a rear property line and fifteen (15) from a side property line unless abutting a street, in which case, the distance from the side property line shall be twenty (20) feet.
- F. If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply.

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising footnote [2] in the Dimensional Regulations Table in the Medium Density Residential District (R-12), Low Density Residential District (R-20)], and Rural Residential District (R-40) as follows:

“[2] Refer to 170-13, ~~and~~ 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Urban Density Multi- Residential District (RM-U) footnote [1] on the Suburban Density Multi- Residential District (RM-SU), Heritage Residential (HR), Commercial (C), Commercial Manufacturing (CM), Innovative Technology (IT), Little Bay Waterfront (LB), Office (O), and Hospital (H) districts as follows:

“[1] Refer to 170-13, ~~and~~ 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.”

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising and consolidating Chapter 170-14 “Nonconforming Lots” and Chapter 170-39 “Nonconforming Lots” as follows:

170-14. Nonconforming LOTs. [Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; **Amended on 08-22-2018 by Ord. No. 2018.08.08-009.**] “In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area width or frontage provided that:

- A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this Chapter.



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- B. Should the lot be less than five thousand (5,000) square feet and not have a minimum width of fifty (50) feet, it may be developed as long as the home constructed is no larger than one thousand (1,000) square feet in total living space.
- C. If the lot has a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet, a home constructed may be larger than one thousand (1,001) square feet in in total living space.
- D. In either case, the following side yard restrictions shall apply:
- (1) A lot with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum side yard of ten (10) feet.
 - (2) A lot with a width of less than seventy-five (75) feet shall have a minimum side yard of six (6) feet.”

~~The erection of a BUILDING or STRUCTURE shall be permitted on any LOT which has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this Chapter, provided that:~~

~~A. The LOT shall support a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet. In such cases, the following SIDE YARD restrictions shall apply:~~

- ~~(1) A LOT with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum SIDE YARD of ten (10) feet.~~
- ~~(2) A LOT with a width of seventy-five (75) feet or less and fifty (50) feet or more shall have a minimum SIDE YARD of six (6) feet.~~

~~B. Refer to Article XI of this Chapter for provisions regulating nonconforming LOTs that are adjacent or of continuous FRONTAGE and NONCONFORMING USEs and STRUCTUREs.~~

~~170-39. Nonconforming LOTs. Reserved~~

~~In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area width or frontage. See 170-14 for exceptions to the dimensional regulations. Further, yard dimensions and requirements other than those applying to area, width and FRONTAGE shall conform to the regulations for the district in which the LOT is located.~~



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6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-16 “Swimming Pools” to exclude small temporary wading pools, to read as follows:

“Chapter 170-16. Swimming Pools. [Amended 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]

In Districts allowing one (1) Family Dwellings, two (2) Family Dwellings, and three to four (3 –4) Family Dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

- A. Every outdoor swimming pool shall be completely surrounded by a FENCE or wall not less than four (4) feet in HEIGHT, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a FENCE is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory BUILDING or STRUCTURE may be used as part of the enclosure.
- B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- C. Applicability. The requirements of this Chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools and temporary wading pools less than twenty-two inches (22”) deep or eight feet (8’) in diameter (whichever is more restrictive), and shall apply to all existing pools which have a minimum depth of ~~eighteen (18)~~ twenty-two (22) inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of ~~(18)~~ twenty-two (22) inches shall fail to provide and maintain such FENCE or wall as herein provided.

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-18 “Customary Home Occupations” as follows:

“170-18. CUSTOMARY HOME OCCUPATIONS.

A CUSTOMARY HOME OCCUPATION is a permitted use in all Residential Districts. The following conditions apply:

- A. "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer,



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hairedresser, HOME BASED AGRICULTURAL ACTIVITIES, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

- B. No more than one (1) nonresident shall be employed therein.
- C. The use is carried on strictly by the occupant of the PRINCIPAL BUILDING.
- D. No more than twenty-five percent (25%) of the existing net FLOOR AREA of the principal and any ACCESSORY STRUCTURE not to exceed six hundred (600) square feet is devoted to such use.
- E. There shall be no display of goods or wares visible from the STREET.
- F. No advertising on the premises other than a small no-illuminated SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.
- G. The BUILDINGS or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a MULTIFAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.
 - (1) No rallying of employees for offsite work shall be conducted.
 - (2) If the home is occupied by a tradesman, craftsman or contractor, there may be incidental storage. Said storage shall be screened from abutters and the right of way, with either a solid fence or vegetation, and must be fully enclosed. Onsite storage of construction equipment or vehicles is not permitted.
- H. Any such BUILDING shall include no feature of design not customary in BUILDINGS for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants,



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Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.

- I. A minimum of two (2) OFF-STREET PARKING SPACES shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 153 Site Plan Review or Chapter 157 Land Subdivision Regulations, as appropriate.
- J. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
- K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the CUSTOMARY HOME OCCUPATION continues. Fees shall be levied as set forth in the City of Dover Adopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATION certificates of use and renewals.
- L. The use of a ROOM in a dwelling or accessory BUILDING as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20 “Central Business District” subsection D(1)(h) and subsection D(1)(I) as follows:

- (1) General Guiding Principles for BUILDING Placement
 - (a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.
 - (b) BUILDINGs are aligned and close to the STREET.



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- (c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.
- (d) BUILDINGs oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.
- (e) Property lines are physically defined by BUILDINGs or STREET WALLs.
- (f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access
- (g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
- (h) Within the General, and Mixed Use, ~~and TOD~~ sub-districts, new non-residential ~~retail and commercial~~ activities must make up at least 20 percent of the structure ~~are located on the GROUND FLOOR.~~
~~Residential activity is not permitted, except as follows:~~
 - 1. ~~Where a BUILDING does not front directly onto a STREET or municipal parking lot, residential activity may be located on the GROUND FLOOR.~~
 - 2. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot, the HEIGHT of the BUILDING may be increased by one (1) story.
 - i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.
- (i) In the ~~Gateway~~ TOD residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.



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- (j) Parking (not including on-street parking) should be away from the STREETS and shared by multiple owners/users.
- (k) Historic character should be preserved and enhanced by context sensitive construction.

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24 “Accessory Dwelling Units” by revising the requirements to allow two ADUs per single family home, if the second unit meets the HUD Fair Market Rental Rates, as follows:

“170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-22-2016 by Ord. No. 2016.06.08-010.]

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:

- A. A maximum of one (1) ACCESSORY DWELLING UNIT (ADU) per property is permitted. In residential districts other than the R-40, more than one ADU may be allowed provided the second unit meets HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.
- B. Exterior ALTERATIONS, enlargements, or extensions of the SINGLE FAMILY DWELLING or detached ACCESSORY STRUCTURE are permitted in order to accommodate the ACCESSORY DWELLING UNIT. However, no such change is permitted which would ALTER the appearance of the SINGLE FAMILY DWELLING to look like a duplex or any other multi-family STRUCTURE (i.e., the house should not look like it was designed to occupy more than one family). The construction of any access ways into the house and/or detached garage which are required for access to the ACCESSORY DWELLING UNIT shall be located to the side or REAR of the BUILDING whenever possible.
- C. An ADU shall have an area of no less than three hundred (300) square feet and no greater than eight hundred (800) square feet. If located in a detached ACCESSORY STRUCTURE, the ACCESSORY DWELLING UNIT ~~shall~~ may be located ~~entirely on the second~~ either floor of the STRUCTURE.
- D. A minimum of one dedicated OFF-STREET PARKING space shall be provided for the ADU.



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- E. The SINGLE-FAMILY DWELLING (and detached ACCESSORY STRUCURE, when applicable) and LOT shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the SINGLE-FAMILY DWELLING. In order to ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a CERTIFICATE OF OCCUPANCY.
- F. The property owner must occupy one of the two DWELLING UNITs. Electric, water and sewer utilities shall be metered on a single bill.
- G. Where municipal sewer service is not provided, the septic system shall meet NH Department of Environmental Services, Water Division requirements for the combined system demand for total occupancy of the premises.
- H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the ACCESSORY DWELLING UNIT continues. Fees shall be levied as set forth in the City of Dover Fee Schedule, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Word Usage and Definitions” by revising the definition of Accessory Dwelling Unit as follows:

ACCESSORY DWELLING UNIT means a secondary DWELLING UNIT (a) attached and subordinate to a SINGLE FAMILY DWELLING or (b) constructed ~~above~~ within a detached garage that is accessory and subordinate to a SINGLE FAMILY DWELLING. See Section 170-24 for the ACCESSORY DWELLING UNIT regulations.



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10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1 “Wetland Protection District”, to read as follows:

“170-27.1. Wetland Protection District. [Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]

- A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the ALTERATIONS or destruction of wetland areas.
- B. Purpose and intent. It is intended that this section shall:
- (1) Prevent the development of STRUCTUREs and land uses on wetlands, which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.
 - (2) Prevent the destruction of, or ~~S~~significant changes to, wetlands which provide flood protection, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.
 - (3) Avoid and minimize impacts to wetlands and wetland buffers to the maximum extent practicable and when impacts are unavoidable, minimize impacts to the greatest extent practicable.
 - ~~(4)~~ (3) Protect unique and unusual natural areas and rare, threatened, and endangered species.
 - ~~(5)~~ (4) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.
 - ~~(6)~~ (5) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.
 - ~~(7)~~ (6) Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.



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~~(8)~~ (7) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.

~~(9)~~ (8) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.

~~(10)~~ (9) Avoid the high costs of constructing heavy STRUCTUREs and prevent damage to STRUCTUREs and abutting properties caused by inappropriate development in wetland areas.

C. District boundaries

- (1) The Wetlands Protection District is hereby determined to be all areas of wetlands. ~~as defined by RSA 482-A:2, X and New Hampshire Administrative Rule Env-Wt 101.113, which states a “A ‘Wetland’ means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas.~~

~~For the purpose of this section, the delineation of wetland protection district boundaries shall be consistent with NHDES Wetlands Bureau Rules Env-Wt. 301.01 or successor regulations~~

- (2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the ~~1986~~ 2018 Wetland Plant List Northeast Region" of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes," (saltwater and freshwater) and "tidal wetlands."

D. Procedural requirements.

- (1) Presence of Wetland Protection District on site.

- (a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands



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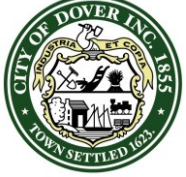
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Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2.4, ~~July 1998~~ May 2017, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation.

A Certified Wetland Scientist is defined as: “a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board.” (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.

- (b) Applications for a BUILDING permit, subdivision and site plan approval shall locate and depict on the survey/subdivision PLAT/site plan all Wetland Protection Districts on the subject parcel. Any APPLICANT seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.
- (c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The APPLICANT may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty feet of the wetlands buffer. The APPLICANT may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and PLANNING BOARD, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential

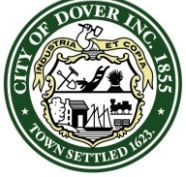
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properties created as part of a major subdivision shall be documented in the parcel's deed.

- (2) The Planning and Community Development Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with ~~RSA 482-A: 3I(d)~~ and RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to ~~the a standard~~ wetlands impact application and up to 21 days to make recommendations relative to an expedited permit per RSA 482-A:11, III(b)(1). The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for more extensive buffers, additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.
- (3) In the event that the accuracy of the boundaries submitted by the APPLICANT is suspect, the PLANNING BOARD may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to the PLANNING BOARD for a boundary determination. The APPLICANT shall pay the cost of said services.
- (4) The Building Inspector shall not issue a BUILDING permit for construction and the PLANNING BOARD shall not approve a site plan or subdivision PLAT unless such construction activity or proposal conforms to the provisions of this Chapter.
- (5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more-restrictive requirement shall control.
- (6) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses.

Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be

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approved.

- (1) Crossing of a Wetland Protection District as provided for in Section F(1).
- (2) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:
 - a. Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (~~WT 400~~ Env-Wt 300, 500 and 600).
 - b. The natural contour of the wetland is preserved.
 - c. All other applicable provisions of the city's Zoning Ordinance have been met.

F. Conditional use approval.

- (1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21II) after proper public notice and public hearing, for construction within the Wetland Protection District or buffer. Said construction may include, but is not limited to a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, STRUCTUREs, and parking LOTs provided that the proposed construction complies with the following standards:
 - (a) ~~*Demonstration of Need*~~ *Practicable Alternative*: ~~The proposed construction is essential to the productive use of land or water outside the Wetlands Protection District. There is no practicable alternative that would have a less adverse impact on the area.~~
 - (b) *Avoidance*: The potential impacts have been avoided to the maximum extent practicable. The APPLICANT will demonstrate by plan and example that the proposed construction represents the least impacting alternative.
 - (c) *Minimization*: Any unavoidable impacts have been minimized. No reasonable Alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland. Design, construction and maintenance methods will be prepared by a registered



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engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

- (d) *Mitigation*: If the APPLICANT is required by State rules to prepare a compensatory mitigation plan, the APPLICANT shall provide the Conservation Commission and PLANNING BOARD with one copy each of said plan for their review.
- (e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G (3), below.
- (2) The burden of proof that the conditions specified in Subsection F (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.
- (3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.
- (4) If deemed necessary by the PLANNING BOARD, prior to the granting of a conditional use approval, the APPLICANT shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the PLANNING BOARD. The security shall be submitted and approved prior to issuance of any permit authorizing construction.
- (5) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

G. Specific provisions.

(1) Wetland Buffers.

- (a) *Buffers Established*. Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit



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to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above.

- (b) *Natural Conditions to be Maintained within Buffers.* Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover BUILDING permit that includes a temporary disturbance of wetlands buffers, pursuant to Section G (1) (e) (iv) below, shall include a “Wetlands Buffer Encroachment and Restoration Plan.” Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the “Wetlands Buffer Encroachment and Restoration Plan”. Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section G (1)(e), below, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.
- (c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:
- (i) The establishment or expansion of salt storage, JUNKYARDS, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;
 - (ii) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;
 - (iii) The dumping or disposal of snow and ice collected from roadways and parking LOTs;
- (d) *Uses Allowed Only With a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:



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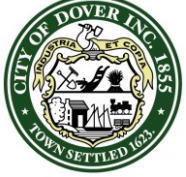
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- (i) All uses not specifically prohibited in Section G (1) (c) above, or specifically exempted in Section G (1) (e) below.
 - (ii) The erection or construction of a BUILDING or STRUCTURE, excluding FENCES that meet the requirements of 170-33, or the construction of parking LOTs or loading areas.
 - (iii) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.
 - (iv) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.
 - (v) The installation of water, sewer, or buried electrical or telecommunications cables.
 - (vi) The installation of water-supply wells.
- (e) *Uses Allowed Without a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer with the noted conditions:
- (i) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt ~~303.05(a)~~ 308.01(a) and 308.02 – repair of an existing legal STRUCTURE; or successor rules.
 - (ii) The removal of vegetation in accordance with NHDES Rules Env-Wt ~~303.05(b)~~ 309.02(a), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.
 - (iii) The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt ~~303.05(p)~~ 309.02(i) or successor rules.
 - (iv) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with

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Section G (1) (b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than seventy-five (75) feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient LOT size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the PLANNING BOARD.

(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Filled lands and preexisting uses.

(1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for BUILDING permit or subdivision is made.

(2) STRUCTUREs and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with 170-40 and 170-41 of this Chapter.

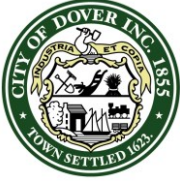
I. Exemption for one- and two-family residential STRUCTUREs, existing LOTs, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this Chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:

(a) The dwelling(s) lawfully existed prior to the effective date of this section;

(b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and any required State of New Hampshire Dredge and Fill Permit is obtained.

(c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.



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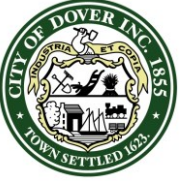
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- (2) Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOT, provided that all of the following conditions are found to exist:
- (a) The LOT for which an approval/permit is sought was an official LOT of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.
 - (b) The STRUCTURE for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT, which are outside the Wetlands Protection District.
 - (c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the LOT can be made without the exemption.
 - (d) The design and construction of the proposed STRUCTURE will, to the extent practical, be consistent with the purpose and intent of this ordinance.
 - (e) The proposed STRUCTURE will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.
 - (f) The design and construction of the proposed STRUCTURE will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.
- (3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the PLANNING BOARD) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army Corp. of Engineers shall be submitted to the PLANNING BOARD prior to construction.
- (4) The burden of proof that the conditions specified in Subsection I (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

J. Separability. Should any provision of this section be declared invalid by a final

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court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.”

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay District” by revising the Location subsection to read as follows:

“C. Location

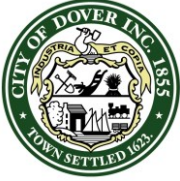
The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT or R-40 zone, which is greater than 50-25 acres, and ~~within five hundred (500) feet of a road maintained by the State of New Hampshire served by public water and sanitary sewer.~~”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay District” by revising the Procedural Concepts subsection to read as follows:

“E. Procedural Concepts

- (1) The developer shall prepare a Development Plan, which locates the proposed types of non-residential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership, but shall be treated as one development and shall be bound by the approval granted for the entire Development Plan. If approval is granted, individual LOTs must be developed as part of the larger Development Plan and phasing outlined below, and not separately. The Development Plan must identify the percentage of the non-residential uses, residential uses and OPEN SPACE. Non-residential and/or mixed use uses must comprise at least fifty-five percent (55%) of the total proposed FLOOR AREA for the development (~~outdoor display areas may be counted towards the minimum required FLOOR AREA~~); residential uses must not exceed forty-five percent (45%) of the total proposed FLOOR AREA for the development. Nonresidential uses within projects located in the CM district must be 90% manufacturing and assembly in nature. A BUILDING shall be considered “mixed use” provided that at least 50% of the FLOOR AREA of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the BUILDING and extends the length of the BUILDING façade. Residential



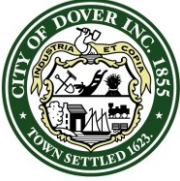
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- ACCESSORY USES (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed use BUILDING.
- (2) A minimum of twenty percent (20%) of the area of the original tract shall be reserved as OPEN SPACE and identified as such on the Development Plan. Fifty percent (50%) of the required OPEN SPACE (as defined in Chapter 157~~5~~-60) must be usable uplands and reasonably accessible to all property owners or lessees in the project. Any OPEN SPACE provided above twenty percent (20%) may be mixed ~~wetlands~~ unsuitable areas and upland.
- (3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in Chapter 155-60, Subdivision of Land) applied to the Development LOT and not individually to the Internal Dwelling LOTS.
- (4) For residential development that includes single family homes over 1,001 square feet of total living area, or three (3) to four (4) family ~~or MULTI-FAMILY DWELLINGS~~, density shall be based upon calculating one (1) unit per forty thousand (40,000) square feet of CONTIGUOUS upland, and using one hundred fifty (150) feet of FRONTAGE on a public roadway.
- (5) For single family residential homes 1,000 or less square feet of total living area, development, ~~or~~ two family dwellings, or MULTI-FAMILY DWELLINGS-density shall be based upon calculating one unit per ten thousand (10,000) square feet of CONTIGUOUS upland, and using one hundred (100) feet of FRONTAGE on public a roadway.
- a. If units are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no density for said unit(s).
- (6) The Development Plan may be phased for a term of five (5) years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Section 170-28.2.A. For the purposes of this section, development shall include:
- (a) construction of STRUCTURES;
 - (b) environmental remediation;
 - (c) site preparation or demolition;
 - (d) roadway utility or recreation and common area design and construction; and
 - (e) bonding or other security for site development.
- (7) The phasing plan shall provide that no more than fifty percent (50%) of the residential development may be occupied prior to completion of between twenty-five percent (25%) and fifty percent (50%) of the non-residential STRUCTURES as negotiated



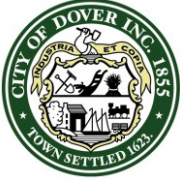
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- between the PLANNING BOARD and the Developer, and included in the Conditional Use Approval.
- (8) Provided that the developer is making reasonable efforts to develop the site, the PLANNING BOARD may extend the initial five (5) year phasing period provided a request for extension is submitted before the expiration of the initial five (5) year phasing term.
- (9) Residential Development Plan Guidelines
- (a) The developer shall be permitted to allocate permitted density among Internal Dwelling LOTS in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the Development LOT or Legal LOT, unless the additional density is derived from the Transfer of Development Rights Ordinance. Layouts may include individual LOTS or a cluster of units without LOT LINES.
 - (b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, BUILDING locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external STREETS shall be preserved as much as possible.
 - (c) Where possible, it is desirable and encouraged to mix residential and non-residential uses. This may be achieved through situating the BUILDINGS close to each other, or though allowing STRUCTURES to house residential – preferably on the second or above floor, with non-residential on the first floor. Creativity and flexibility is encouraged and the development plan may offer another option for mixing uses.
 - (d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include STRUCTURES with peaked roofs, and architectural shingles. The guidelines for this development are included in Chapter 149, Section 14.2, Site Review Regulations.
 - (e) All MANUFACTURED HOMES shall adhere to the standards outlined in Chapter 126, MANUFACTURED HOME PARKS, with the exception of Sections 126-3, 126-4, 126-5, 126-6, and 126-7.H which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay District and the provisions of Chapter 126, “MANUFACTURED HOME PARKS”, the provisions of the Overlay District shall apply.
- (10) Nonresidential Development Plan Guidelines



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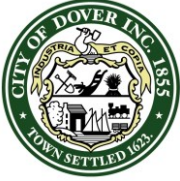
- (a) The general character of the nonresidential STRUCTUREs within the development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, and SIGNAGE.
- (b) The guidelines for this development are included in Chapter 149, section 14.2, Site Review Regulations”

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-41 “Nonconforming Structures”, to add new subsection F to clarify setbacks allowed for accessory structures, to read as follows:

Where a lawful STRUCTURE exists at the effective date of adoption or amendment of this Chapter that could not be built under the terms of this Chapter by reason of restrictions on area, LOT COVERAGE, HEIGHT or yards, its location on the LOT or other requirements concerning the STRUCTURE may be continued so long as it remains otherwise lawful, subject to the following:

- A. Except as provided for in 170-40.A and 170-41.D, no such nonconforming STRUCTURE may be enlarged or ALTERed in a way which increases its nonconformity, but any STRUCTURE or portion thereof may be ALTERed to decrease its nonconformity.
- B. A BUILDING or STRUCTURE nonconforming either in terms of use or BULK may be restored to its former BULK if destroyed by fire, other hazard or if it is determined by the BUILDING OFFICIAL to be a hazard to persons or BUILDINGS abutting it, provided that restoration of the STRUCTURE is begun within twelve (12) months after the act of destruction. All such STRUCTUREs in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ALTERATIONs or repairs are in compliance with the provisions of subsection A.
- C. Should such STRUCTURE be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Additions to nonconforming single-family STRUCTUREs, that were made nonconforming by a zoning amendment that changed the front, side or REAR SETBACK requirements, shall be permitted within the front, side or REAR



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SETBACK areas provided that the addition is no closer to the LOT LINE than the existing nonconforming STRUCTURE, and no closer than ten (10) feet from the LOT LINE.

- E. For nonconforming single-family STRUCTURES, that were made nonconforming by a zoning amendment that changed the front, side or REAR SETBACK requirements, Accessory Structures that are less than one story in height, shall be permitted within the front, side or REAR SETBACK areas provided that the accessory structure is no closer to the LOT LINE than the existing nonconforming Principal STRUCTURE, and no closer than five (5) feet from the LOT LINE, and has no windows on the side of the building facing that encroached area.

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6, “Word Usage and Definitions”, to revise a definition and add a new definition as follows:

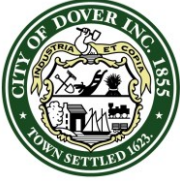
CONSERVATION LOT means a LOT created solely for the purpose of land conservation. The CONSERVATION LOT must contain no less than fifty percent (50%) developable uplands, but will have no DEVELOPMENT RIGHTS. The CONSERVATION LOT may be owned by a private, nonprofit organization, which has as its purpose the preservation of OPEN SPACE, or dedicated to a public entity. CONSERVATION LOTs must meet the required minimum LOT size and SETBACKS. CONSERVATION LOTs do not need to meet the minimum FRONTAGE requirements. CONSERVATION LOTs must be created following the regulations outlined in Chapter 157~~5~~, Subdivision of Land.

Unsuitable development area means the area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year FLOODPLAIN as shown on the latest FEMA maps accepted by the City, and public utility easements.

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2, “Transfer of Development Rights”, subsection B, to read as follows:

B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas ~~wetlands~~, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their



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unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the DOVER CODE P 170-107 cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2, “Transfer of Development Rights”, subsection G(3)(a)(i) to read as follows:

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERRING DEVELOPMENT RIGHTS.

(a) Single Family Detached method

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula

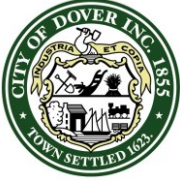
1. The square footage of the parent lot minus ~~environmental constraints unsuitable areas (wetlands, conservation areas etc)~~ is the base lot size.
2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
3. The net area is then multiplied by a factor determined by the amount of ~~wetlands~~ unsuitable development area over the parent lot. This is the developable area.

Percentage of Parcel that is <u>unsuitable development area</u> wetland	Factor
0<10%	0.85
10<20%	0.8
20<30%	0.75
30%<	0.7

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2, “Transfer of Development Rights”, subsection G(3)(b)(iii) to read as follows:

(iii) Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and



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transfer one (1) unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.

- a. If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

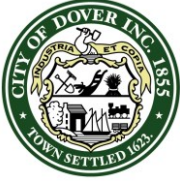
16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-25, "Floodplain Development", to read as follows:

"ARTICLE V FLOODPLAIN DEVELOPMENT

170-25. General Provisions. [Added on 08-12-2015 by Ord. No. 2015.07.22-017, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.].

- A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.
- B. Conflict and Severability. If any provision of this Section differs or appears to conflict with any other provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this Section be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Section as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.
- C. Purpose. **[Amended on 04-20-05 by Ord. No. 13-2005]** Certain areas of the City of Dover are subject to periodic FLOODING, causing serious damage to properties within these areas. Relief is available in the form of FLOOD insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the City of Dover has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Section. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of FLOODING regulating the alteration and/or the DEVELOPMENT of those AREAS OF SPECIAL FLOOD HAZARD identified by FEMA. The following regulations shall apply to all lands designated as AREAS OF SPECIAL FLOOD HAZARD by FEMA in its "Flood Insurance Study for the County of Strafford, N.H." dated September 30, 2015, together with the following associated FLOOD INSURANCE RATE MAP panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of Chapter 170 and are hereby incorporated by reference. The



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FLOOD INSURANCE STUDY is on file at the Department of Planning and Community Development.

D. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]

As used in this Section the following terms mean:

AREA OF SHALLOW FLOODING means a designated AO zone on the FIRM with a one percent (1%) or greater annual possibility of FLOODING to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of FLOODING is unpredictable and where velocity flow may be evident. Such FLOODING is characterized by ponding or sheet-flow.

AREA OF SPECIAL FLOOD HAZARD means the land in the FLOODPLAIN within the City of Dover subject to a one percent (1%) or greater annual possibility of FLOODING in any given year. The area is designated on the FIRM as Zones A, AO, and AE. [Amended on 04-20-2005 by Ord. No. 13-2005]

BASE FLOOD means the FLOOD having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION means the WATER SURFACE ELEVATION having a one percent (1%) chance of being equaled or exceeded in any given year as defined on flood insurance rate map (FIRM) currently in effect and the Flood Insurance Study (FIS) report.

BASEMENT means any area of a BUILDING having its floor subgrade on all sides.

BUILDING means “STRUCTURE” as defined in this subsection.

CRITICAL FACILITIES means facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to BUILDINGS or other STRUCTURES, mining, dredging, filling, grading, paving, EXCAVATION or drilling operations or storage of equipment or materials.

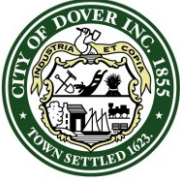
FEMA means Federal Emergency Management Agency.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) means an official map incorporated within Chapter 170 on which FEMA has delineated both the AREAS OF SPECIAL FLOOD HAZARD and the risk premium zones that are applicable to the City of Dover.

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation and determination of FLOOD hazards and, if appropriate, corresponding WATER SURFACE ELEVATIONS, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or FLOOD-related erosion hazards.

FLOODPLAIN means any land area which is susceptible to being inundated by water from any source. (See definition of FLOODING.)



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FLOOD PROOFING or **FLOOD PROOFED** means any combination of structural and non-structural additions, changes, or adjustments to STRUCTUREs which reduce or eliminate FLOOD damage to real estate or improved real property, water and sanitation facilities, STRUCTUREs and their contents.

FREEBOARD means an additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a STRUCTURE.

HISTORIC STRUCTURE means any STRUCTURE that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR means the LOWEST FLOOR of the lowest enclosed area (including BASEMENT). An unfinished or FLOOD resistant enclosure, usable solely for parking of vehicles, BUILDING access or storage in an area other than a BASEMENT area is not considered a BUILDING's LOWEST FLOOR, provided, that such an enclosure is not built so as to render the STRUCTURE in VIOLATION of the applicable non-elevation design requirements set forth herein. [Amended on 4-18-90 by Ord. No. 3-90]

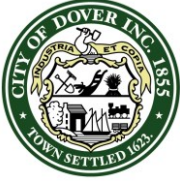
MANUFACTURED HOME means a STRUCTURE, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. MANUFACTURED HOME also includes park trailers, travel trailers and other similar vehicles placed on a site greater than one hundred eighty (180) days. This includes MANUFACTURED HOMES located in a MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION.

MANUFACTURED HOME PARK or MANUFACTURED PARK SUBDIVISION means a parcel or CONTIGUOUS parcels of land divided into two (2) or more MANUFACTURED HOME LOTs for rent or sale.

MEAN SEA LEVEL means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BASE FLOOD ELEVATIONS shown on a community's FLOOD INSURANCE RATE MAP (FIRM) are referenced.

NEW CONSTRUCTION means STRUCTUREs for which the START OF CONSTRUCTION commenced on or after April 9, 1980 and includes any subsequent improvements to such STRUCTUREs.

RECREATIONAL VEHICLE means a vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed



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primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the BASE FLOOD without increasing the WATER SURFACE ELEVATION more than a designated height.

RIVERINE means relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

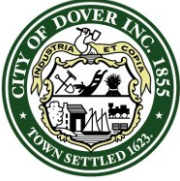
START OF CONSTRUCTION means the date the BUILDING permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. START OF CONSTRUCTION includes SUBSTANTIAL IMPROVEMENTS. The actual start means either the first placement of permanent construction of a STRUCTURE on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of EXCAVATION; or the placement of MANUFACTURED HOME on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of STREETS and/or walkways; nor does it include EXCAVATION for a BASEMENT, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory BUILDINGS, such as garages or sheds not occupied as DWELLING UNITS or part of the main STRUCTURE. **[Added 4-18-90 by Ord. No. 3-90]**

STRUCTURE means a walled and roofed BUILDING, including a gas or liquid storage tank that is principally above ground, as well as a MANUFACTURED HOME.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a STRUCTURE whereby the cost of restoring the STRUCTURE to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the STRUCTURE before the damage occurred.

SUBSTANTIAL IMPROVEMENT or **SUBSTANTIALLY IMPROVED** means any ~~combination of repairs, reconstruction, rehabilitation, or other ALTERATIONS or~~ improvement to a STRUCTURE, taking place during a five year period, in which the cumulative cost equals or exceeds fifty 50 percent (50%) of market value of the STRUCTURE before the "start of construction" of the improvement. The period of accumulation begins when the first improvement of the structure is permitted subsequent to September 1, 2021. The market value of the STRUCTURE should equal: (a) the appraised value prior to the start of the initial repair or improvement, or (b) in the case of damage, the value of the STRUCTURE prior to the damage occurring. For the purposes of this definition, "SUBSTANTIAL IMPROVEMENT" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the BUILDING commences, whether or not that alteration affects the external dimensions of the STRUCTURE. This term includes STRUCTURES that have incurred SUBSTANTIAL DAMAGE, regardless of actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a STRUCTURE to correct existing violations of ~~required to comply with existing~~ state or local health, sanitary or safety code



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specifications which have been identified by the Building Official, and which are the minimum ~~are solely~~ necessary to assure safe living conditions; ~~or~~

- B. Any alteration of a STRUCTURE listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the STRUCTURE's continued designation as a HISTORIC STRUCTURE.

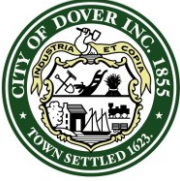
UNSUITABLE DEVELOPMENT AREA means the area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements.

VIOLATION means the failure of a STRUCTURE or other DEVELOPMENT to be fully compliant with this Section. A STRUCTURE or other DEVELOPMENT without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in VIOLATION until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of FLOODs of various magnitudes and frequencies in the FLOODPLAINS.

E. DEVELOPMENT Review. [Amended on 10-14-2009 by Ord. No. 2009.09.23-21]

- (1) All proposed DEVELOPMENT in any AREA OF SPECIAL FLOOD HAZARD shall require a permit. Prior to the issuance of a BUILDING permit by the Building Official, whether for NEW CONSTRUCTION (MANUFACTURED HOMES included) or the SUBSTANTIAL IMPROVEMENT thereon, the Department of Planning and Community Development shall determine whether said project site is located in an AREA OF SPECIAL FLOOD HAZARD. If said project site is so located, wholly or in part, in an AREA OF SPECIAL FLOOD HAZARD, then compliance with the rules and regulations contained herein shall be required.
- (2) Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an AREA OF SPECIAL FLOOD HAZARD, and, if so situated, compliance with the rules and regulations contained herein shall be required.
- (3) Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an AREA OF SPECIAL FLOOD HAZARD, and, if so situated, compliance with the rules and regulations contained herein shall be required.
- (4) Duties and responsibilities of the Zoning Administrator concerning development review shall include, but are not limited to:



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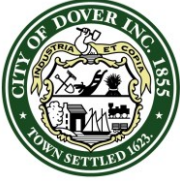
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- (a) Ensure compliance with the rules and regulations contained herein.
 - (b) Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this Ordinance are met.
 - (c) Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this Ordinance.
- (5) For all development in an areas of special flood area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to flood, fire, wind or snow) and any other improvement of or work on such structure including within its existing footprint, the Zoning Administrator shall consult with the Building Official who shall determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined herein. This determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of “substantial improvement. If the applicant disagrees with the Building Official’s substantial improvement or repair of substantial damage determination, it may appeal said determination to the Zoning Board of Adjustment per 170-52 D.

F. Required Data.

Applications for DEVELOPMENT shall include the following:

- (1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed STRUCTURES; fill storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:
 - (a) A certified FEMA Elevation Certificate with as-built elevation data in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including BASEMENT, and including whether or not such STRUCTURES contain a BASEMENT.
 - (b) Elevation, in relation to MEAN SEA LEVEL, to which any STRUCTURE has been FLOOD PROOFED.
 - (c) Certification by a registered engineer or architect that the FLOOD PROOFING methods for any nonresidential STRUCTURE meet the FLOOD PROOFING criteria in subsection L(2).
- (2) Permit review. The Department of Planning and Community Development shall:
 - (a) Review all DEVELOPMENT permits to determine that the requirements of this Section have been satisfied.



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(b) Review all DEVELOPMENT permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the APPLICANT to certify these assurances to the Department of Planning and Community Development.

(c) The Department of Planning and Community Development shall review all DEVELOPMENT permits to determine if the proposed DEVELOPMENT adversely affects the FLOOD-carrying capacity of the AREAS OF SPECIAL FLOOD HAZARD. For purposes of this Section, "adversely affects" means that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the BASE FLOOD ELEVATION more than one (1) foot at any point within the City of Dover.

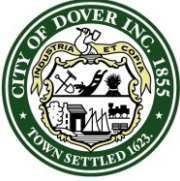
G. Information to be Obtained and Maintained. [Amended on 04-20-2005 by Ord. No. 13-2005]

(1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of FLOOD PROOFING required in Subsection K(2) and a certified FEMA Elevation Certificate with the as-built elevation, in relation to MEAN SEA LEVEL, of the LOWEST FLOOR, including the BASEMENT, of all new or SUBSTANTIALLY IMPROVED STRUCTUREs and shall include whether or not such STRUCTUREs contain a BASEMENT and, if the STRUCTURE has been FLOOD PROOFED, the as-built elevation, in relation to MEAN SEA LEVEL, to which the STRUCTURE was FLOOD PROOFED. This information must be furnished by the APPLICANT.

(2) In AREAS of SPECIAL FLOOD HAZARD, the Department of Planning and Community Development shall determine the BASE FLOOD ELEVATION in the following order of precedence according to the data available:

(a) In Zone AE, refer to the elevation data provided in the community's FLOOD INSURANCE STUDY and accompanying FIRM. **[Amended 04-20-2005 by Ord. No. 13-2005]**

(b) In Zone A the Building Official shall obtain, review and reasonably utilize any BASE FLOOD ELEVATION data available from any federal, state or other source including data submitted for DEVELOPMENT proposals (i.e. subdivisions, site review plans, etc.) to the community.



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(c) In Zone A where the BASE FLOOD ELEVATION is not available, the BASE FLOOD ELEVATION shall be at least two (2) feet above the HIGHEST ADJACENT GRADE.

(d) In Zone AO, the BASE FLOOD ELEVATION is determined by adding the elevation of the HIGHEST ADJACENT GRADE to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

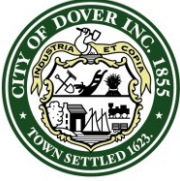
(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this Section.

H. Alteration of Watercourses.

- (1) In RIVERINE situations, prior to the alteration or relocation of a watercourse, the APPLICANT for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the PLANNING BOARD in the form of a Conditional Use Permit application, in addition to the copies required by RSA 482-A:3. Further, the APPLICANT shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau, and notice of scheduled hearings before the Planning Board for Conditional Use Permits as required by Section 170-27, Conservation District & Section 170-27.1, Wetland Protection District.
- (2) The APPLICANT shall submit to the PLANNING BOARD, in the form of a Conditional Use Permit application, certification provided by a professional engineer assuring that the FLOOD-carrying capacity of an ALTERed or relocated watercourse can and will be maintained.

I. Interpretation of Boundaries.

- (1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the AREA OF SPECIAL FLOOD HAZARD in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the APPLICANT may be required to submit an accurate site plan showing FLOODING relationships, including elevations.
- (2) To determine accurately if a STRUCTURE is located in an AREA OF SPECIAL FLOOD HAZARD, the owner or APPLICANT may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the STRUCTURE's location.
- (3) The STRUCTURE is considered borderline if it is located within one hundred (100) feet of a boundary. A certified engineer shall compare the BASE FLOOD



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2021.09.08 - 006**
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ELEVATION and the lowest ground elevation at the borderline STRUCTURE's location to determine if the STRUCTURE is in or out of the AREA OF SPECIAL FLOOD HAZARD. If the engineer certifies the STRUCTURE as out of the AREA OF SPECIAL FLOOD HAZARD, but the Planning or Community Services Departments have historic or other data that confirms the property is prone to FLOODING, the Department of Planning and Community Development may request a Letter of Map Amendment (LOMA) from FEMA.

J. General Standards.

In all AREAS OF SPECIAL FLOOD HAZARD, the following standards are required:

(1) Anchoring

- (a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the STRUCTURE resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (b) All MANUFACTURED HOMEs to be placed or SUBSTANTIALLY IMPROVED within AREAS OF SPECIAL FLOOD HAZARD shall be elevated on a permanent foundation, such that the LOWEST FLOOR of the MANUFACTURED HOME is at least two (2) feet above the BASE FLOOD ELEVATION and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

- (1) Over-the-top ties shall be provided at each of the four (4) corners of the MANUFACTURED HOME, with two (2) additional ties per side at intermediate locations, with MANUFACTURED HOMEs less than fifty (50) feet long requiring one (1) additional tie per side, or;

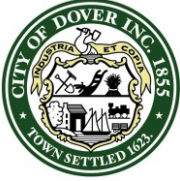
Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with MANUFACTURED HOMEs less than fifty (50) feet long requiring four (4) additional ties per side.

- (2) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

- (3) Any additions to the MANUFACTURED HOME shall be similarly anchored.

(2) Construction materials and methods

- (a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with materials resistant to FLOOD damage.



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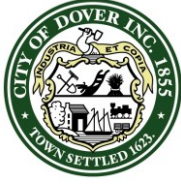
- (b) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed using methods and practices that minimize FLOOD damage.
- (c) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are ~~designed and/or located~~ elevated at least 2 feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of FLOODING.

(3) Utilities and Storage

- (a) The APPLICANT shall provide the Department of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of FLOOD waters into the system.
- (b) The APPLICANT shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or eliminate infiltration of FLOOD waters into the systems and discharge from the systems into the FLOOD waters.
- (c) The APPLICANT shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during FLOODING.
- (d) The storage of hazardous materials is prohibited.

(4) Subdivision proposals

- (a) All subdivision proposals shall be consistent with the need to minimize FLOOD damage.
- (b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize FLOOD damage.
- (c) All subdivision proposals shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTUREs and to reduce exposure to FLOOD damage.
- (d) BASE FLOOD ELEVATION data shall be provided for subdivision proposals and other proposed DEVELOPMENT which contains at least fifty (50) LOTs or five (5) acres, whichever is less.

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(5) Specific provisions on unsuitable development areas which includes floodplains are referenced in and consistent with Dover Code Land Subdivision Regulations (157-21, 157-22, and 157-60) and the Dover Zoning Chapter 170-6, 170-27.2, and 170-28.2).

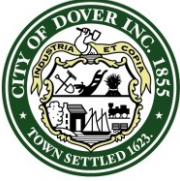
K. Specific Standards.

In all AREAS OF SPECIAL FLOOD HAZARD where BASE FLOOD ELEVATION data has been established per Subsection G.(2), the following provisions are required:

- (1) Residential construction, NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENT of any residential STRUCTURE shall have the LOWEST FLOOR, including the BASEMENT, elevated to at least two (2) feet above BASE FLOOD ELEVATION.
- (2) All NEW CONSTRUCTION or SUBSTANTIAL IMPROVEMENTs of nonresidential STRUCTUREs have the LOWEST FLOOR, including BASEMENT, elevated to at least two (2) feet above the BASE FLOOD ELEVATION; or together with attendant utility and sanitary facilities, shall:
 - (a) Be FLOOD PROOFED so that below the BASE FLOOD ELEVATION the STRUCTURE is watertight at least two (2) feet above the BASE FLOOD ELEVATION with walls substantially impermeable to the passage of water;
 - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
 - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section.

(3) MANUFACTURED HOMEs

- (a) MANUFACTURED HOMEs shall be anchored in accordance with Subsection ~~KJ~~KJ.(1)(b).
- (b) For new MANUFACTURED HOME PARK and MANUFACTURED HOME SUBDIVISIONs; for expansions to existing MANUFACTURED HOME PARKs and MANUFACTURED HOME SUBDIVISIONs; for existing MANUFACTURED HOME PARKs and MANUFACTURED HOME SUBDIVISIONs where the repair, reconstruction or improvement of the STREETs, utilities and pads equals or exceeds fifty percent (50%) of the value of the STREETs, utilities and pads before the repair, reconstruction or improvement has commenced; and for MANUFACTURED HOMEs not placed in a MANUFACTURED PARK or MANUFACTURED HOME SUBDIVISION:



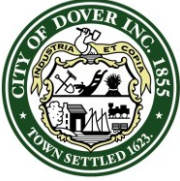
CITY OF DOVER

CITY OF DOVER – ORDINANCE

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- (i) Stands or LOTs are elevated on compacted fill or on pilings so that the LOWEST FLOOR of the MANUFACTURED HOME will be at least two (2) feet above the BASE FLOOD level.
- (ii) Adequate surface drainage and access for a hauler are provided.
- (iii) In the instance of elevation on pilings, LOTs are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.
- (c) RECREATIONAL VEHICLES placed on sites within areas of special flood hazard Zones A and AE shall either: **[Amended on 04-20-2005 by Ord. No. 13-2005]**
 - (i) Be on the site for fewer than one hundred eighty (180) days;
 - (ii) Be fully licensed and ready for highway use; or
 - (iii) Meet all standards of Subsection E.(1, 2 and 3) and the elevation and anchoring requirements for MANUFACTURED HOMES in Subsections ~~E~~K.(3)(a) and K.(3)(b).
- (4) For all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs, fully enclosed areas below the LOWEST FLOOR that are subject to FLOODING are permitted, provided that the enclosed areas meet the following requirements:
 - (a) The enclosed area is unfinished or FLOOD resistant, usable solely for parking of vehicles, BUILDING access or storage.
 - (b) The area is not a BASEMENT.
 - (c) The area shall be designed to automatically equalize hydrostatic FLOOD forces on exterior walls by allowing for the entry and exit of FLOOD waters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:
 - (i) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to FLOODING shall be provided.
 - (ii) The bottom of all openings shall be no higher than one (1) foot above grade.
 - (iii) Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of FLOOD waters.



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(5) Proposed STRUCTUREs to be located on SLOPEs within Zone AO shall include adequate drainage paths to guide FLOOD waters around and away from the proposed STRUCTUREs.

(6) Accessory structures

- (a) New construction and substantial improvement of any accessory structures with finished or habitable space shall follow the same requirements as the principal structure as specified in Sections J and K.
- (b) Any new construction and substantial improvement of any accessory structures without finished or habitable space shall not be used for the storage of hazardous materials.
- (c) It is recommended that any new construction and substantial improvement of any accessory structures without finished or habitable space meet the following standards:
 - (i) The structure is not located in the floodway;
 - (ii) The structure is wet flood proofed and designed to allow for the automatic entry and exit of flood water as detailed in Section K (4)(c);
 - (iii) When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and
 - (iv) Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry flood proofed to or above the base flood elevation.

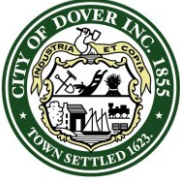
(7) All new residential structures or residential developments and all new non-residential structures and non-residential developments shall have all driveways and/or all road access or streets constructed with the driving surface at or above base flood elevation to ensure safe ingress and egress during a 100-year flood.

(8) Critical facilities

- (a) All new critical facilities are prohibited within areas of special flood hazard.
- (b) Critical facilities that are to be replaced, substantially improved or meet the definition of substantial damage shall be constructed so that the lowest floor, including basement, shall be elevated or dry-flood proofed at least two (2) feet above the areas of special flood hazard. A critical facility shall have at least one access road connected to land outside the areas of special flood hazard and is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the base flood elevation of the area of special flood hazard.

L. REGULATORY FLOODWAYS.

Located within AREAS OF SPECIAL FLOOD HAZARD established in Subsections C and I are areas designated as REGULATORY FLOODWAYs. Since the REGULATORY FLOODWAY is an extremely hazardous area due to the velocity of FLOOD waters which carry debris, potential projectiles and erosion potential, the following provisions apply:



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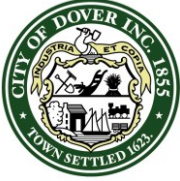
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- (1) Along watercourses that have a designated REGULATORY FLOODWAY, no encroachments, including fill, NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS or other DEVELOPMENT, are allowed within the designated REGULATORY FLOODWAY unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in FLOOD levels within the community during the BASE FLOOD discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any REGULATORY FLOODWAY data available from a federal, state or other source as criteria for requiring that DEVELOPMENT meet the REGULATORY FLOODWAY requirements of this Subsection.
- (2) Along watercourses that have not had a REGULATORY FLOODWAY designated, on NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS or other DEVELOPMENT (including fill), shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed DEVELOPMENT, when combined with all other existing and anticipated DEVELOPMENT, will not increase the WATER SURFACE ELEVATION of the BASE FLOOD more than one (1) foot at any point within the community. **[Amended on 04-20-2005 by Ord. No. 13-2005]**
- (3) If Subsection 1 is satisfied, all NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTS shall comply with all applicable FLOOD hazard reduction provisions set forth herein.

M. Variances and Appeals.

- (1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this Section may be appealed to the ZONING BOARD of ADJUSTMENT as set forth in RSA 676:5.
- (2) If the APPLICANT, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the APPLICANT shall have the burden of showing, in addition to the usual variance standards under NH statute:
 - (a) That the variance will not result in increased FLOOD heights, additional threats to public safety, or extraordinary public expense.
 - (b) That if the requested variance is for activity within a designated REGULATORY FLOODWAY, no increase in FLOOD levels during the BASE FLOOD discharge will result.
 - (c) That the variance is the minimum necessary, considering the FLOOD hazard, to afford relief.



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(3) The ZONING BOARD of ADJUSTMENT shall notify the APPLICANT in writing that: (i) the issuance of a variance to construct below the BASE FLOOD level will result in increased premium rates for FLOOD insurance up to amounts as high as twenty-five (\$25.00) dollars for one hundred (\$100.00) dollars of insurance coverage, and (ii) such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The Department of Planning and Community Development shall:

- (a) Maintain a record of all variance actions, including their justification for their issuance, and;
- (b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.”

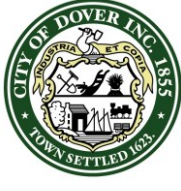
17. TAKES EFFECT

This ordinance shall take effect upon passage and publication of notice as required by RSA 47:18.

REQUIRES A PUBLIC HEARING AFTER TEN DAYS PUBLIC NOTICE PER RSA 675:7

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Deputy Mayor Dennis Ciotti
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

 CITY OF DOVER	CITY OF DOVER – ORDINANCE Agenda Item#: 13.C.1. Ordinance Number: O – 2021.09.08 - 006 Ordinance Title: Zoning Chapter: 170 Sections: 6, 12, 14, 16, 18, 20, 24, 25, 27.1, 27.2, 28.2, 39, and 41
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DOCUMENT HISTORY:

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti, Ward 2		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

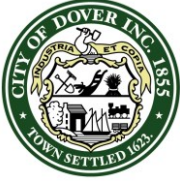
For reference, amendments to the City of Dover’s zoning ordinance are governed by Dover Code Chapter 170-53 and RSA chapter 675. The amendments provided in this ordinance, being provided for Council ratification, are derived from suggestions resulting from a subcommittee created by the Planning Board in February to review wetlands ordinance changes, updates to encourage affordable housing and changes to the floodplain ordinance to mirror the State model.

The Planning Board “posted” many amendments in February and continued to review options until May, when it re-posted the original amendments and added the floodplain and wetlands amendments. After public hearings in June, July and August, the Planning Board amended the amendments as a result of citizen feedback. It then unanimously adopted the amendments set forth in this ordinance on August 24, 2021, summarized in a reference table below. There is no area rezoning proposed.

It is requested that the City Council waive the notice by first class mail in accordance with Dover Code Chapter 170-53(G)(2).

Included as part of the background are the following documents:

- Memorandum from Christopher G. Parker, AICP to the Dover City Council dated August 27, 2021, containing the required report of findings;
- A copy of the letter mailed to each property owner in Dover.
- A copy of the “Rezoning 2021” presentation to the Planning Board with background information.



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Sections: 6, 12, 14, 16, 18, 20, 24, 25, 27.1, 27.2, 28.2, 39, and 41

Amendment #	Section	Summary	Why
2	170-6	Revise Definition of Accessory Structure	Bring into consistency with IBC
3	170-12	Review options to remove barriers to housing	In line with the Tri-City Mayor's Request that each community review barriers to promoting housing diversity.
4	170-12	Add a note to the tables referring to 17.27D	Create connection between minimum lot size and conservation districts.
5	170-14 (and 170-39)	Consolidate both "Non-Conforming lot" sections	Relocate the text from 170-39 and merge into one area. Also removes need for relief to develop smaller lots if the home will be smaller.
6	170-16	Review swimming pools to update applicability of regs	Some temporary wade-in pools are deeper than 18" but may not require fence, etc.
7	170-18	Revise Customary Home Occupations	To address contractor activities from home
8	170-20	Revise Non-residential requirements, and amenities	To allow a percentage within the building, not just on ground floor To clarify number of benches and waste bins
9	170-24	Accessory Dwelling Unit	Allow more than 1, if the additional ones are rent restricted, and allow on ground floor of accessory structures.
10	170-27.1	Update Wetlands Regulations	Revise Rules references
11	170-28.2	Update RCM	To allow additional affordable housing options
12	170-41	Update non-conforming structures	To allow accessory structures to meet the side setback of principal
13	170-6	Update Conservation Lot definition add new definition for Unsuitable Development Areas	Conservation Lot definition references old chapter in the code. Unsuitable Development Area defines land that should not be used for development
14	170-27.2	Update TDR ordinance to add Unsuitable Development Area	Clarify when calculating base density users' needs to remove areas unsuitable for development from the calculation
15	170-27.2	Update process for adding residential units in an industrial zone	Clarify that the new units need to be on the same site plan as the non-residential, if on the same site.
16	170-25	Update Floodplain Ordinance	To ensure cohesion with the State of NH model

To: Dover City Council
From: Christopher Parker, AICP
CC: J. Michael Joyal, City Manager
Dover Planning Board
Date: August 27, 2021
Re: Zoning Amendments

ISSUE:

On August 24, 2021, the Planning Board unanimously approved 16 amendments to the City's Zoning Ordinance, Chapter 170.

INTENT:

This memo will briefly describe the findings of the Planning Board and ensure compliance with Chapter 170-53(F) of the Code.

GOALS:

The proposed zoning amendments must meet certain criteria for the Planning Board to support their adoption. This memo reviews the report criteria laid out in Chapter 170 to explain the findings of the Planning Board.

PROCESS:

The Planning Board and staff prepared a set of amendments in response to a list of areas of the Zoning Code the Board selected at its January 12th goal setting session.

The Planning Board posted the amendments after consideration on May 25, 2021. It held public hearings on June 22, July 27 and August 24, 2021. The Board unanimously approved the amendments at the conclusion of the August 24th hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:

- Property Owner Letter
- June 22nd Presentation to the Planning Board.

As per section 170-53(F), the Planning Board shall provide to the City Council a report on each proposed amendment that has been proposed and endorsed by it. This report shall include the Board's findings and recommendations on the following:

The consistency of the proposed amendments with the Master Plan;

The 2014 Land Use Chapter of the Master Plan notes the need to continually support diversity of housing options. Amendments 3, 5, 9, 11, and 15 are based upon that goal. Amendments 4, 10, 13, 14 and 16 are based upon environmental recommendations from the Stewardship of Resources chapter and the remaining proposed amendments are mostly housekeeping and syntax in nature and have no root in or impact upon the Master Plan, other than they propose an orderly code for development.

The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;

The proposed amendments do not conflict with any other plans, studies or technical reports.

The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;

There is no conflict with the Capital Improvements Program within the proposed amendments.

The effect of the proposed amendment on the natural, environment, and historical resources of the City;

Amendments 4, 10, 13, 14 and 16 are designed to enhance the natural and environmental aspects of the City.

The effect of the proposed amendment on neighborhood including the extent to which nonconformities will be created or eliminated;

No area rezoning are before the City Council. The Planning Board considered rezoning a portion of Bellamy and Cold Springs Roads from R-40 (Rural Residential) to R-20 (Low Density Residential), and ultimately, withdrew that amendment.

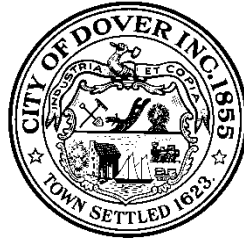
The effect of the proposed amendment on the City's economy and fiscal resources; and

No effect is expected.

The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

The Planning Board unanimously approved the amendments and hereby submits them to the City Council for ratification.

Christopher G. Parker, AICP
Assistant City Manager
Planning and Strategic Initiatives
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
www.dover.nh.gov

City of Dover, New Hampshire

Department of Planning & Community Development

June 12, 2021

Dear Dover Property Owner:

The Dover Planning Board has scheduled **three** opportunities for the public to learn about and provide feedback on 16 proposed amendments to the Dover Zoning Ordinance. Public hearings will be held at each of the Planning Board meetings in June, July and August: **Tuesday June 22, 2021, Tuesday July 27, 2021, and August 24, 2021.** You are invited to attend one or all of the meetings, which will be held in **City Hall's City Council Chambers, 288 Central Avenue at 7:00 PM.** You may also email Dover-Planning@dover.nh.gov or call (603) 516-6338 with comments. The amendments were developed with input from Planning Board members and Planning Department staff. The amendments encourage affordable housing, development that respects the environment and include housekeeping amendments.

The following is a summary of the amendments:

1. Purpose statement for grammatical and syntax changes.
2. Amend 170 -6 updating the term "Accessory Structure"
3. Amend 170-8 Rezone a portion of Bellamy Road between Durham Road and Cold Springs Road from "Rural Residential District" (R-40) to "Low Density Residential" (R-20) District
4. Amend 170-12 revising the R-12, R-20, and R-40 districts to allow conversion of a single family to a two family dwelling or creation of a new two family dwelling by right, so long as it looks like a single family dwelling. Revise the Special Exception criteria for conversion of a single or two family to a three or four family, in the RM-U if HUD restricted rent rates are put in place.
5. Amend 170-12 revising zoning tables in the R-12, R-20, R-40, RM-U, RM-SU, HR, C, CM, IT, LB, O and H districts to include reference to 170-27D.
6. Amend 170-14 and 170-39 to consolidate nonconforming lot regulations into one section.
7. Amend 170-16 revising swimming pool requirements to account for temporary/inflatable pools.
8. Amend 170-18 revising the restrictions on Customary Home Occupations to update uses.
9. Amend 170-20 revising the requirements for commercial components.
10. Amend 170-24 to allow more than 1 accessory dwelling unit and allow them on the first floor of a detached structure.
11. Amend 170-27.1 updating references to State Admin Regs and updating for compliance with case law.
12. Amend 170-28.2 revising the location, percentage of commercial and revising density for affordable units.
13. Amend 170-41 to allow detached structures to meet the same setback as the principle structure.
14. Amend 170 -6 updating the term "Conservation Lot" and adding the term "Unsuitable Area"
15. Amend 170-27.2 replacing "wetlands" and "environmental constraints" with "Unsuitable Area".
16. Amend 170-27.2 clarifying the process for additional residential density in industrial districts.
17. Takes Effect

Additional, a separate amendment is being considered, relative to the Floodplain Development regulations.

1. Purpose statement for substantive rezoning amendments.
2. Amend Article V to update Floodplain Development requirements, per the State model.
3. Takes Effect

ZONING AMENDMENT PUBLIC HEARING
City Council Chambers, City Hall

Tuesday, June 22, 2021 – 7:00 PM

Tuesday, July 27, 2021 – 7:00 PM

Tuesday, August 24, 2021– 7:00 PM



City of Dover
288 Central Avenue
Dover NH 03820-4169

Return Service Requested

****** IMPORTANT ZONING AMENDMENT INFORMATION ENCLOSED ******

The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed.

Please email Dover-Planning@dover.nh.gov or call (603) 516-6338 with comments.

REZONING 2021

JUNE 22, 2021

HOW DID WE GET HERE?

- January: Planning Board Goals Set
- February: Potential amendments suggested
 - Subcommittee for wetlands appointed
- February to May: Subcommittees draft amendment
 - SRPC and staff work on Floodplain Development changes
- May 25, 2021: PB Posts amendments

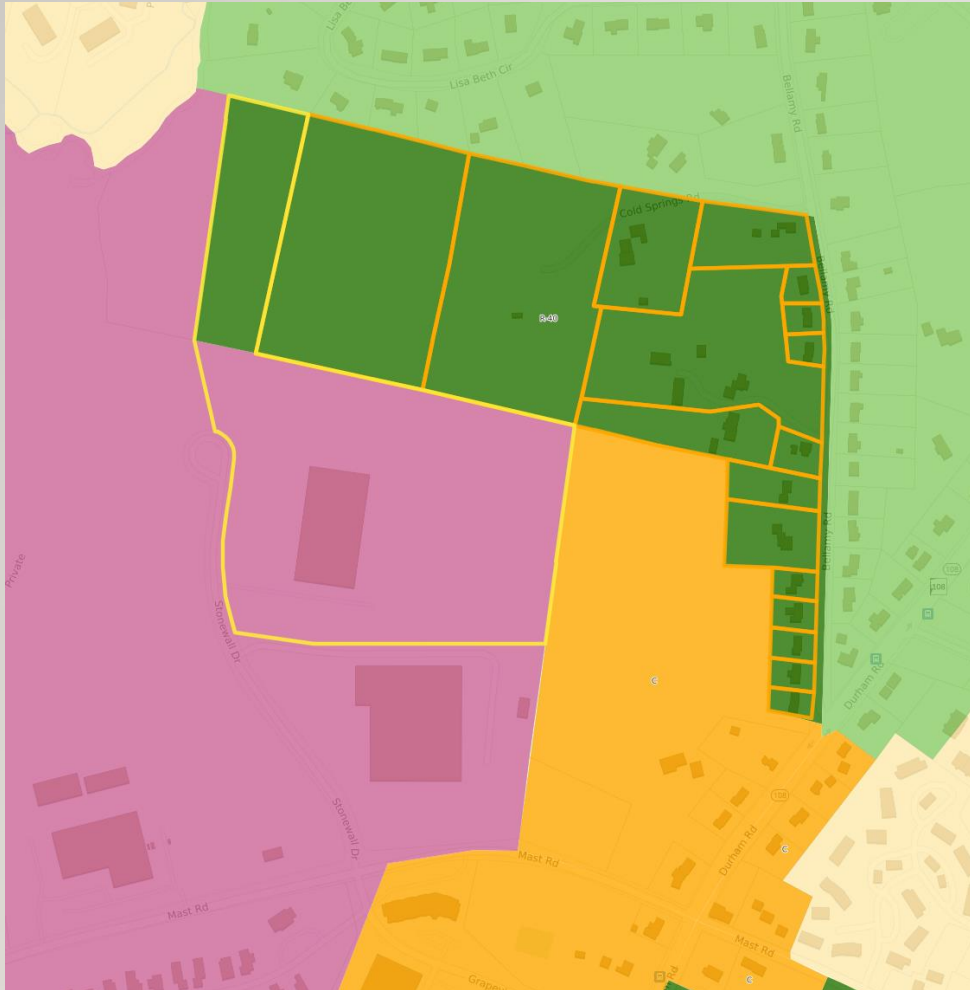
WHAT'S NEXT?

- Planning Board Public Hearing
 - June 22
 - July 27
 - August 24
- Public Comment Period
- Deliberations and Vote by Planning Board
- Recommendations sent to City Council
- City Council Public Hearing
- Deliberations and Vote by City Council

REZONING – CATEGORIES

Zoning District	Affordable Housing Amendment #	Rezoning Amendment #	Substantive Amendment #
C	-	-	-
CBD-G	-	-	7, 9
CBD-Mixed use	-	-	9
CBD-Residential	-	-	7, 10
CBD-TOD	-	-	9
CM	-	-	5, 12, 16
CWD	-	-	-
Gateway	10	-	7,9
Hospital	-	-	5
HR	10	-	5, 7, 8
IT	-	-	5, 12, 16
LBW	10	-	5, 7
O	10	-	5, 7
R-12	4, 6, 10	-	5, 7, 8
R-20	4, 6, 10	3	5, 7, 8
R-40	4,6,10	-	5, 7, 8, 12
RM-SU	-	-	5, 8
RM-U	10	-	5, 7, 8
Citywide	-	-	2, 11,13, 14, 15, Floodplain

R-40 TO R-20 Bellamy Rd: Cold Springs to Durham Rd



Changes 42 acres from rural density (40,000 min lot size) to medium density (20,000).

Most prevalent lot size is 14K

Frontage: 150' to 125'

Average frontage is 129'

Still a single family zone

Same zone as across Bellamy and Lisa Beth

REZONING –HOUSING

- Amendment 4

- Allows conversion to a 2 family by right as long as the home remains looking like a single family home (one door facing street, one driveway)
 - Current only for homes pre 1964
- Allows new duplex by right as long as the home remains looking like a single family home (one door facing street, one driveway)
 - Density is 1.5 times per unit
- R zones

- Amendment 6

- Allows lots smaller than 5,000 to be built upon without a variance, if unit is size restricted
- R-zones

- Amendment 10

- Allows more than 1 ADU
- Allows ADU on first floor of detached structure
- Any zone that allows residential

REZONING – SUBSTANTIVE

- Amendment 2

- Updates definition of Accessory Structure to meet building code

- Amendment 5

- Requires conservation area be taken into account for min lot size
 - CM, H, HR, IT, LBW, I, R zones

- Amendment 7

- Updates swimming pool regs to include temp/inflatable pools
 - Any zone which allows residential

- Amendment 8

- Clarifies trade home occupations
- HR, R zones

- Amendment 11

- Updates wetlands regs to meet State requirements

- Amendment 12

- Updates RCM location
- Updates density Calc
- CM, IT, R-40 zones

REZONING – SUBSTANTIVE

- Amendment 13

- Allows Accessory Structure to meet primary structure relief, if non-conforming

- Amendment 14

- Adds definition of unsuitable area to include all environmental constraints

- Amendment 15

- Updates TDR to replace wetlands and environmental constraints with unsuitable area

- Amendment 16

- Clarifies TDR for residential, you need to ID location of units generated at initial approval.
- CM, IT zones

- Floodplain Amendment

- Updates to include:
 - accessory structures,
 - freeboard requirements
 - Critical facilities
 - Substantial improvement

FOR MORE INFORMATION....

- **The full text is available:**
 - **On the City's Web Site:**
www.dover.nh.gov
 - **In the Planning Department and City Clerks Office**
 - **At the Public Library**
- **Please call 516-6008 with further questions.**

