



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, October 13, 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**
 - A. **CHAPTER 170 – ZONING**
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE
 - B. **FISCAL YEAR 2022 CAPITAL IMPROVEMENTS PROGRAM (CIP) APPROPRIATION AND AUTHORIZATION FOR BONDING FOR PUDDING HILL WATER TREATMENT PLANT (REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL) (CITY COUNCIL VOTE TO OCCUR ON OCTOBER 27, 2021)**
SPONSORED BY MAYOR CARRIER BY REQUEST
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. **September 22, 2021 – Regular Meeting**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 1. **CHAPTER 170 – ZONING**
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE



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B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **AMENDING CITY OF DOVER'S DESIGNATED REPRESENTATIVES TO COMMUNITY POWER COALITION OF NEW HAMPSHIRE**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **APPROVAL OF AMENDMENT TO CEMETERY BOARD BY-LAWS**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **ACCEPTANCE OF (I) EMERALD LANE (FINAL PHASE) FROM INDIAN RIDGE AT DOVER, LLC AND (II) A RELATED DRAINAGE EASEMENT FROM INDIAN RIDGE HOMEOWNERS' ASSOCIATION**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **CONSENT TO AND ACCEPTANCE OF LAND AND EASEMENT CONTRIBUTION FROM STF DEVELOPMENT CORPORATION IN LIEU OF IMPACT FEES**
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 |
| 4. Arena Commission | 19. Stormwater and Flood Resilience Funding Ad-Hoc Committee |
| 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 | |

B. RESOLUTIONS

1. **B11001 WRIGHT-PIERCE ADDITIONAL SCOPE OF WORK #10 FOR ENGINEERING DESIGN SERVICES FOR THE STARK AVENUE & DOWNTOWN AREA SEWER REHABILITATION PROJECT-PHASE C**
SPONSORED BY MAYOR CARRIER BY REQUEST



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2. **APPROVAL OF PURCHASE AND SALE AGREEMENT BETWEEN CITY OF DOVER, DOVER BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, AND AMERICAN DURAFILM CO., INC.**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **AUTHORIZATION TO ACCEPT AND EXPEND WENTWORTH DOUGLASS HOSPITAL GRANT**
(REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2021)
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **AUTHORIZATION TO ACCEPT AND EXPEND THE COMMUNITY ORIENTED POLICING SERVICES (COPS) GRANT**
(REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2021)
SPONSORED BY MAYOR CARRIER BY REQUEST
5. **AMENDMENT OF FY2022 SCHEDULE OF FEES TO AMEND THE REPLACEMENT PARKING PERMIT FEE**
(REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2021)
SPONSORED BY MAYOR CARRIER BY REQUEST
6. **FINAL ACCEPTANCE OF GARRISON ELEMENTARY SCHOOL IMPROVEMENTS AND DISSOLUTION OF THE GARRISON ELEMENTARY SCHOOL CONSTRUCTION JOINT BUILDING COMMITTEE**
SPONSORED BY MAYOR CARRIER BY REQUEST
7. **REPROGRAM UNEXPENDED BOND PROCEEDS FROM THE GARRISON ELEMENTARY SCHOOL IMPROVEMENT PROJECT TO DOVER HIGH SCHOOL PROJECT**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2020, WITH CITY COUNCIL VOTE OCCURRING ON NOVEMBER 10, 2020)
SPONSORED BY MAYOR CARRIER BY REQUEST
8. **ADOPTION OF FISCAL YEAR 2023 – 2028 CAPITAL IMPROVEMENTS PROGRAM (CIP)**
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2020, WITH CITY COUNCIL VOTE OCCURRING ON NOVEMBER 10, 2020)
SPONSORED BY MAYOR CARRIER BY REQUEST



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9. **APPROPRIATION FOR FISCAL YEAR 2023 CAPITAL IMPROVEMENTS PROGRAM (CIP) – NON-DEBT FINANCED PROJECTS (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2020, WITH CITY COUNCIL VOTE OCCURRING ON NOVEMBER 10, 2020) SPONSORED BY MAYOR CARRIER BY REQUEST**
10. **APPROPRIATION FOR FISCAL YEAR 2023 CAPITAL IMPROVEMENTS PROGRAM (CIP) AND AUTHORIZATION FOR BONDING (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2020, WITH CITY COUNCIL VOTE OCCURRING ON NOVEMBER 10, 2020) SPONSORED BY MAYOR CARRIER BY REQUEST**

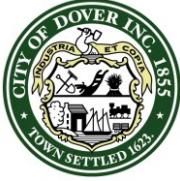
C. ORDINANCES IN 1ST READING

1. **CHAPTER 9: BOARDS, COMMISSION, AND COMMITTEES – SECTION 9, BOARD OF HEALTH (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2021) SPONSORED BY MAYOR CARRIER BY REQUEST**
2. **CHAPTER 53: BICYCLES AND PLAY VEHICLES, SECTION 2 (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2021) SPONSORED BY MAYOR CARRIER BY REQUEST**
3. **CHAPTER 141: VEHICLES AND TRAFFIC, SECTIONS 13, 18, 30, AND 42 (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2021) SPONSORED BY MAYOR CARRIER BY REQUEST**

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN



CITY OF DOVER

CITY OF DOVER - RESOLUTION

**Agenda Item#: 7.A.
Public Hearing Only**

Resolution Number: **R – 2021.09.22 – 163**

Resolution Re: FY2022 CIP Appropriation and Authorization for Bonding
for Pudding Hill Water Treatment Plant

WHEREAS: Public water system improvements are necessary to restore the City's ability to draw drinking water from its public supply wells in the highly productive Pudding Hill aquifer, requiring financing on an interim basis through a bond issuance, though the City will also be seeking full reimbursement via a private party, and/or seeking supplemental assistance via the NH PFAS Remediation Loan Fund; and

WHEREAS: The City's public drinking water is a clear priority, and during periods over the past two years the City has restricted water use in the City due to unavailability of the public supply wells in the Pudding Hill aquifer; and

WHEREAS: The City's public supply wells Pudding Hill aquifer need a new Water Treatment Plant, which has been designed to implement treatment to make the Pudding Hill water supply available for use; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital project is appropriated for \$17,400,000 with estimated useful life in excess of the length indicated:

Item #	Description	Proposed	Life/Yrs	Department	Fund
		Appropriation			
1	Pudding Hill Water Treatment Plant	\$17,400,000	20	Comm Serv - PW	Water
	Total	\$17,400,000			

AND FURTHER BE IT RESOLVED THAT:

To meet the appropriations of this resolution there is authorized, under and pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the issuance and sale of general obligation bonds of the City of Dover in a principal amount equal to the total of the appropriations. The full faith and credit of the City is hereby pledged for the principal and interest on said bonds. The bonds are to be signed by the City Manager and countersigned by the City Treasurer, with the Finance Director and City Treasurer having the discretion of fixing the dates, maturities, denominations, place of payment, interest rate or rates and form, and to provide for the sale of the bonds.

AND FURTHER BE IT RESOLVED THAT:

Pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the City of Dover is hereby authorized to participate in any other Federal or State loan or grant programs for drinking water projects, to include but not limited to the NH Drinking Water and Groundwater Trust Fund, the NH Drinking Water State Revolving Fund (DWSRF), or NH PFAS Remediation Loan Fund, for financing this project. The City Manager, Finance Director and Treasurer are authorized, on behalf of the City of Dover, to file for participation in any eligible Federal or State loan or grant programs to obtain the funding for the Pudding Hill Water Treatment Plant project.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after public hearing.



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Resolution Re: FY2022 CIP Appropriation and Authorization for Bonding
for Pudding Hill Water Treatment Plant

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date: 09/22/2021
Approved Date:

Public Hearing Date: 10/13/2021
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.		



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**Agenda Item#: 7.A.
Public Hearing Only**

Resolution Number: **R – 2021.09.22 – 163**

Resolution Re: FY2022 CIP Appropriation and Authorization for Bonding
for Pudding Hill Water Treatment Plant

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2022 Capital Improvements Program project in the amount of \$17,400,000 for the Pudding Hill Water Treatment Plant. This project is to be financed through either the sale of General Obligation bonds, and/or participating in any Federal or State loan or grant programs to fund the project. The resolution authorizes the City to issue bonds and/or participate in Federal or State loan or grant programs to finance the project.

Three water supply wells for the City are located in the Pudding Hill aquifer. They are the Griffin Well, Ireland Well, and DPH-1 Well. The Pudding Hill aquifer has a permitted withdrawal capacity of 780 gallons per minute, or 1.12 million gallons per day, while operating any combination of the wells. This volumetric capacity exceeds 40% of the City's annual average daily demand.

Due to concerns over emerging contamination, the Griffin Well was voluntarily taken offline in December 2015, due to the presence of per- and poly-fluoralkyl substances (PFAS). Ongoing water quality testing also noted the presence of iron, manganese, 1,4 Dioxane and MtBE. The Ireland Well was voluntarily taken offline June 2018, after monitoring well samples indicated rising levels of PFAS. DPH-1 has also remained voluntarily offline, for fear of pulling or introducing possible contamination to the well point.

A responsible party for the contamination has been identified by the New Hampshire Department of Environmental Services (DES), though in the City's view the responsible party is not limited to the subsidiary company owning the contaminated site, but also that subsidiary's corporate parents and/or affiliates (collectively "responsible party"). The responsible party (subsidiary company) has entered into a Consent Decree with the State and has submitted a formal Remedial Action Plan (RAP) to address cleanup of their contaminated parcel, which includes wellhead treatment for the City's contaminated water supply wells. A state-of-the-art water treatment plant has been designed to address contamination, and make the water safe and potable for public consumption. The treatment plant design was peer-reviewed by faculty at the University of New Hampshire, which validated the recommended treatment processes of Greensand-Plus filtration, advance oxidation (peroxide & UV light) and carbon absorption. The recommended treatment processes were also validated via an extended pilot study.

The proposed treatment plant will be constructed on City-owned property off Mast Road, in relatively close proximity to the Bellamy River. An artificial recharge pumping station was recently completed in this general area to help augment the volume of the aquifer, while also creating a hydraulic barrier to prevent additional contamination from reaching the Ireland and PDH-1 Well sites. Water can be extracted from the Bellamy River and introduced into retention ponds strategically located within the aquifer. The recharge facility was completed at no cost to the City via funding from the NH Groundwater Trust Fund.



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Resolution Number: **R – 2021.09.22 – 163**
Resolution Re: **FY2022 CIP Appropriation and Authorization for Bonding
for Pudding Hill Water Treatment Plant**

Debt Authorization versus Debt Retirement

The following table compares the tentative authorization amount to the amount of debt being retired:

Description	Water
Pending Authorization	17,400,000
Prior FY2022 CIP Authorization	4,225,000
FY2022 Principal Retirement	1,115,357
Net Change	20,509,643

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2021 and this authorization, against the statutory debt limit.

Description	Water Fund
Debt Outstanding	13,042,743
Authorized - Unissued	31,678,000
Total Issued & Unissued	44,720,743
This Authorization	17,400,000
Grand Total	62,120,743
Legal Debt Limit	395,862,383
Under (Over) Legal Limit	333,741,640
Percent Under (Over)	84.31%

Financial Policy Considerations

The proposed debt authorization contained in this resolution will result in the following City Council adopted Financial Policies not being adhered to:

- A. Water Fund debt shall not exceed 5% of the State of NH legal limit.
- B. Water Fund debt service for any given fiscal year shall not exceed 40% of the total appropriations for the fund.

Water Fund debt will exceed the 5% policy limit in FY2022 and continue through FY2027 as a result of the funding appropriated for Pudding Hill Water Treatment Plant authorization coupled with the impact of the Water System Facilities Upgrade in the FY2017 CIP and FY2018 CIP. The Water Fund debt service as a percentage of budget is projected to exceed the 40% policy level in FY2022 and continue through FY2027. This is the result of the funding appropriated for Water System Facilities Upgrade in FY2017 and FY2018 CIPs, as well as the \$17,400,000 proposed for debt financing in this resolution.



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Budgetary and Rate Impacts

The \$17,400,000 debt obligation is expected to be paid back over a 20-year period. Principal repayments would be \$870,000 per year. The annual impact to the City's Water Fund budget is based upon annual principal and interest repayment. The interest that would accrue on outstanding principal balances over the 20-year period, based on an interest rate of 2.45%, is estimated to be a total of \$4,476,150 impact to the City's Water Fund budget over that 20-year period, approximately \$223,808 annual impact. The combined impact of principal and interest repayment for the debt financing would be \$1.10 impact on the water rate. For a single-family home with an average annual water usage of 75 HCF the annual impact would be \$82.50.

Other Considerations

The public supply wells reliant upon the Pudding Hill aquifer were removed from use due to contamination. As discussed above, the responsible party for the contamination has been identified and confirmed by the NH Department of Environmental Services (DES). The City has been in ongoing discussions with the responsible party concerning the funding the responsible party is expected to contribute toward the project costs. At this time, those discussions are ongoing. The City's view is that per the State requirements of Env-Or 600 Contaminated Site Management and the responsible party's Remedial Action Plan, as well as other requirements of the law, the responsible party is obligated to fully fund the Pudding Hill Water Treatment Plant and associated operations and maintenance costs in the future.

The City has determined that construction of the Pudding Hill Water Treatment Plant needs to move forward at this time and cannot be further delayed, given the City's public water needs, the rising costs of construction, and other considerations. The project is estimated to take two (2) years to complete. The City is seeking the appropriation so the project can proceed through the bid process now with an award for construction in early November. Contemporaneously, the City will continue discussions with the responsible party.

The City is continuing to explore, with the NH Department of Environmental Services, the possibility of State loan and grant funding programs that the City may be eligible to participate in for the Pudding Hill Water Treatment Plant project.

CITY MANAGER'S REPORT

October 13, 2021

Reporting On:
September 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 September:

	For Month	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	45	143	703	466	342
Review Existing Legal Contracts & Draft Memo	17	35	-	-	-
Legal Contracts/Memo Created	11	49	350	256	269
Right to Know Requests Processed	6	17	51	49	41
Resolutions	6	16	73	75	53
Ordinances	3	4	19	10	18
Leases	2	7	-	-	-
Primex Auto Claims Handled	3	-	-	-	-
Primex Liability Claims Handled	7	-	-	-	-
Primex Property Claims Handled	8	-	-	-	-

Customer Focused Outcomes: Right to Know

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

- Beryl Lipton & Granite State News – Budget & Funding Data, Hiring & Employment Data
- FundMap – City of Dover Trust Funds #B20044
- BBG Real Estate Services – Open Building/Fire Violations and Certificate of Occupancy Property Records (Picker House, 42 Main Street, Dover)
- Zoning Info.com – Property Records (56 Self Storage Center, 56 Sixth Street, 48 Grove Street, Dover)
- Gregory Gough – Open code violations for the City.
- Gregory Gough – Water/Sewer list of names that have been shutoff.

**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 of potential interest;
Community Services	Assistance with trial in Strafford Superior Court concerning Spruce Lane and Old Garrison Road; assistance with construction contract administration questions; assistance with Great Bay Municipal Alliance for Adaptive Management; 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 new cable franchise agreement;
Executive	No assistance required.
Fire & Rescue	Assistance with code enforcement; assistance with contracts;
Finance	Assistance with current use collection matter; assistance with tax assessment; assistance with sale of city property; assistance with election-related questions; assistance with trust administration; track and file City claims with Primex;
Planning	Assistance with zoning ordinance amendments and review; assistance with Code enforcement; assistance with CDBG administration and compliance; assistance with RSA 91-A requests; assistance with general questions and public inquiries;
Police	Assistance with general inquiries and research; assistance with parking administration and code matters;
Public Library	No assistance required.
Public Welfare	Assistance with general inquiries;
Recreation	No assistance required.
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 face covering policy issues; assistance with review of potential new policies; assistance with labor matters; assistance with other matters as requested;

Financial Outcomes: Litigation

-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. The case was tried by the City Attorney, Deputy City Attorney, and outside counsel in the Strafford County Superior Court on September 15, 17, 20, 21, and 22. Unfortunately, time did not allow completion of the trial. Two additional trial days have been scheduled for October 20th and 22nd of 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. In September 2021, the Court issued a final Order on the remaining issues, finding the defendants to be in contempt of a prior stipulation and requiring that the defendants complete construction of the drainage project within 90 days of receiving additional materials from the City.

-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. An appeal to New Hampshire Supreme Court has been filed by the intervening abutter. The appeal is in the briefing stage. The appellants filed their brief in September 2021. The City recently filed a memorandum of law stating its position in the appeal.

-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. In September 2021, the PUC approved the stipulation and terminated the case.

-**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. The appellant's brief has been filed.

- **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"). This matter has been resolved and the lawsuit is in the process of being dismissed.

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 September. 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 after the first pandemic surge. The current D variant surge has prolonged the business loss as customers continue to be wary of public closed spaces. This limits restaurant, retail and hotel business. 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 and August was severely limited by over 5 inches of rain during the months spread over several days. Fortunately, September weather was more friendly for outdoor seating. 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 but went to 2.7% in September with Dover schools reopening. The number of people employed in September 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 now six 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, somewhat volatile in the oil and commodities sectors in the first months of the second quarter, has become more volatile in September with two significant corrections triggered by a threatened failure in the Chinese real estate market affecting markets worldwide. Recent high inflation rates in the form of sharply rising energy, food and vehicle costs, further curtailed consumer confidence as did the resurgence of COVID-19 cases. 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. 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 2.2%. Lending rates are still a great value but bank lending restrictions have tightened. Most recent predictions are that inflation 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 Road 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 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 American DuraFilm that is building a 15,000 SF building on Innovation Way at Venture Drive to investigate scenarios to get infrastructure on part 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. 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 has 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.
- American 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

August	Aug-21	Aug-20	Aug-19	Fiscal YTD 2022	Fiscal Year 2021	Fiscal Year 2020
Meter Activity - Total						
Meter Transactions	42,379	31,965	44,511	86,783	385,006	442,999
Income from Meters	\$76,470	\$56,049	\$66,377	\$158,665	\$676,715	\$836,199
Active Meter Days	26	26	22	52	302	292
Average Daily Meter Transactions	1,630	1,257	2,023	1,669	1,275	1,517
Meter Activity - Parking Garage						
Meter Transactions	2,433	1,666	3,288	5,174	11,463	36,219
Income from Meters	\$6,397	\$4,449	\$6,563	\$13,853	\$62,637	\$88,142
Active Meter Days	26	26	22	52	302	292
Average Daily Meter Transactions	94	64	149	100	74	124
Parking Permit Activity						
Total Parking Permits Issued	809	654	650	1,605	8,756	6,809
Residential Permits Issued	43	36	35	81	473	441
Business Permits Issued	766	618	615	1,524	8,283	6,499
Permit Income	\$16,389	\$12,992	\$19,867	\$76,120	\$265,168	\$246,485
Parking Ticket Activity						
Total Parking Tickets Issued	610	437	753	1,294	6,644	7,862
Accessible Space Tickets Issued	1	2	2	5	23	48
Winter Restriction Tickets Issued	0	0	0	0	381	164
Parking Ticket Income	\$12,097	\$9,425	\$11,960	\$22,253	\$160,519	\$180,148
Electric Vehicle Charging Stations						
Number of times Stations Used	29	6	18	49	100	233
Charging Station Income	\$180	\$41	\$44	\$314	\$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
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
August 2021	3,210	3,799	1,275	368

J. MICHAEL JOYAL, JR.
CITY MANAGER



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 22, 2021**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cullen led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

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

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

5. PROCLAMATIONS/AWARDS

Mayor Carrier read a proclamation for Frank West's 100th Birthday.

Mayor Carrier read a proclamation for former Fire Chief James Smith.

Mayor Carrier read a proclamation for former firefighter Lieutenant Ernest LeBlanc.

Mayor Carrier read a proclamation for Indigenous People's Day.

6. APPROVAL OF AGENDA

Deputy Mayor Ciotti moved to approve the Agenda; seconded by Councilor Shanahan.
Vote: 9/0.

7. PUBLIC HEARINGS

A. GENERAL FUND FY2022 BUDGET AMENDMENT – APPROPRIATION OF ADDITIONAL STATE AID TO SCHOOL DEPARTMENT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL.) SPONSORED BY MAYOR CARRIER BY REQUEST

Micaela Demeter, 33A Piscataqua Road: She spoke in favor of the resolution.

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



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 22, 2021**
Meeting Time: **7:00 pm**

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.

John Donais, 16 Durham Road: He spoke about the need to protect Dover's wetlands. He asked the Council not to consider large development proposals that impact the City's water supply.

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

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing. City Manager asked Annie from the Community Garden Project to give a presentation on the project.

Annie, Community Garden Project gave a presentation to the Council.

City Manager Joyal spoke about issues in the City: COVID-19, Flu vaccines, tax assessing is almost complete, the volunteer work of Northeast Color, City's financials, and he recognized employees' anniversary.

Councilor Cullen spoke about the homeless encampment on the Dover/Somersworth line. City Manager Joyal said police are well aware of problems in the area and Community Services is working with ServPro to clean up the area.

Community Services Director Storer gave an overview of the actions taken in this matter.

Mayor Carrier asked that Roosevelt Avenue be looked at for touchups on paving.

Deputy Mayor Ciotti mentioned Belknap Street also needed to be looked at.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. September 8, 2021 – Regular Meeting

Deputy Mayor Ciotti moved to approve the Minutes; seconded by Councilor Muffett-Lipinski.
Vote: 9/0.

11. MAYOR'S REPORT

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

Deputy Mayor Ciotti moved to accept the Mayor's Report; seconded by Councilor O'Connor.
Vote: 9/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 22, 2021**
Meeting Time: **7:00 pm**

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. 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.)**
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Williams.
School Business Administrator Michael Limanni gave an overview of the Resolution to the Council.
Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. AWARD OF EXTENDED WARRANTY AND PREVENTIVE MAINTENANCE AGREEMENT WITH ZOLL MEDICAL CORPORATION**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 2. STATE OF NH CONTRACT FOR CISCO SECURITY HARDWARE AND PROFESSIONAL SERVICES**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 3. APPROVAL OF ACCEPTANCE OF DONATION BY NORTHEAST COLOR FOR WORK AND SUPPLIES FOR IMPROVING THE COMMUNITY TRAIL**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 4. APPROVAL OF PAYMENT IN LIEU OF PROPERTY TAX (PILOT) AGREEMENT BETWEEN CITY AND THE HOUSING PARTNERSHIP: A NON-PROFIT CORPORATION**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 5. DIRECTOR OF PUBLIC WELFARE EMPLOYMENT AGREEMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 6. PURCHASE OF VOYAGE MARK II SCALE MODEL SOLAR SYSTEM (REVISED)**
SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 22, 2021**
Meeting Time: **7:00 pm**

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

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 Thibodeaux moved to pull Item 13.A.4.

Councilor Cullen moved to pull Item 13.A.6.

Roll Call Vote: 9/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.4.; seconded by Councilor Thibodeaux.

City Manager Joyal gave an overview of the Resolution to the Council.

Roll Call Vote: 9/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.6.; seconded by Councilor Shanahan.

Councilor Cullen said he would not vote in favor of this Resolution.

Roll Call Vote: 7/2; Passed. Deputy Mayor Ciotti and Councilor Cullen were opposed.

Councilor Shanahan gave an overview of the Legislative Liaison Report to the Council.

Councilor Thibodeaux gave an overview of the Library Board of Trustees Report to the Council.

Councilor Shanahan gave an overview of the Ordinance Committee Report to the Council.

Deputy Mayor Ciotti gave an overview of the Parking Commission Report to the Council.

Councilor O'Connor gave an overview of the Pool Advisory Committee Report to the Council.

Councilor Shanahan gave an overview of the Racial Equity and Inclusion Ad-Hoc Committee Report to the Council.

Councilor O'Connor gave an overview of the Recreation Advisory Board Report to the Council.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, September 22, 2021**
Meeting Time: **7:00 pm**

B. RESOLUTIONS

1. B21061 TELECOMMUNICATIONS SERVICES

SPONSORED BY MAYOR CARRIER BY REQUEST

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

- 2. FISCAL YEAR 2022 CAPITAL IMPROVEMENTS PROGRAM (CIP)
APPROPRIATION AND AUTHORIZATION FOR BONDING FOR PUDDING HILL
WATER TREATMENT PLANT
(REQUIRES A 2/3 MAJORITY OF THE CITY COUNCIL.)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 13, 2021, WITH A
CITY COUNCIL VOTE TO OCCUR ON OCTOBER 27, 2021.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Ciotti moved to refer to a public hearing on October 13, 2021; seconded
by Councilor Muffett-Lipinski.
Vote: 9/0.

3. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Councilor Muffett-Lipinski referred to a negative email the Council received about drug abuse in the City, and stated that she wished the City could take this opportunity to educate citizens on the seriousness of this issue.

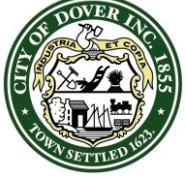
Councilor Thibodeaux agreed with Councilor Muffett-Lipinski's comments. She reminded everyone that she will be holding her a Coffee of the Councilor on Saturday.

Councilor O'Connor promoted the Portsmouth Shipyard apprentice program and encouraged people to apply.

Deputy Mayor Ciotti asked about 91-A Right to Know Requests the City has received.
City Manager Joyal gave an overview of the requests received to the Council.

16. ADJOURN

Councilor O'Connor moved to adjourn; seconded by Councilor Muffett-Lipinski.
Vote: 9/0.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE Agenda Item#: 12.A.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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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:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

~~“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~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- 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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- 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.~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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,



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

hairdresser, 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,



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- (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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- (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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- 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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

~~(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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

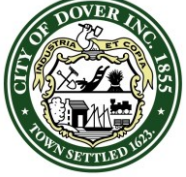
Ordinance Number: **O – 2021.09.08 - 006**
Ordinance Title: Zoning
Chapter: 170
Sections: 6, 12, 14, 16, 18, 20, 24, 25, 27.1, 27.2, 28.2, 39, and 41

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

 CITY OF DOVER	CITY OF DOVER – ORDINANCE Agenda Item#: 12.A.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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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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- (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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.

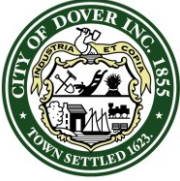
(3) A state dredge and fill application shall be submitted for any proposed change to a wetland (RSA 482-A).

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.



CITY OF DOVER

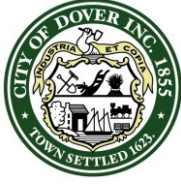
CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- (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

 CITY OF DOVER	CITY OF DOVER – ORDINANCE Agenda Item#: 12.A.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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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

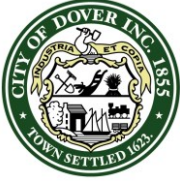
The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT or R-40 zone, which is greater than ~~50-25~~ acres, and ~~within five hundred (500) feet of a road maintained by the State of New Hampshire served by public water and sanitary sewer.~~”

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



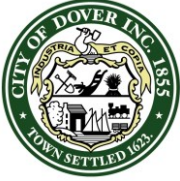
CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- 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



CITY OF DOVER

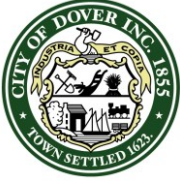
CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

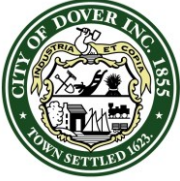
- (a) The general character of the nonresidential STRUCTUREs within the development LOT is intended to be a pedestrian friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façade treatment, 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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:

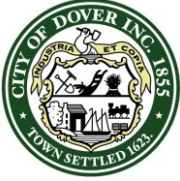
CONSERVATION LOT means a LOT created solely for the purpose of land conservation. The CONSERVATION LOT must contain no less than fifty percent (50%) developable uplands, but will have no DEVELOPMENT RIGHTS. The CONSERVATION LOT may be owned by a private, nonprofit organization, which has as its purpose 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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

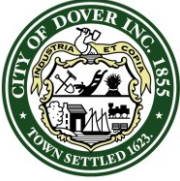
1. The square footage of the parent lot minus ~~environmental constraints unsuitable areas (wetlands, conservation areas etc)~~ is the base lot size.
2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
3. The net area is then multiplied by a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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.

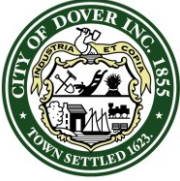
16. AMENDMENT

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.

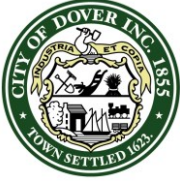
FEMA means Federal Emergency Management Agency.

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.)



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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]

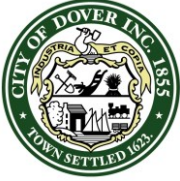
MANUFACTURED HOME means a STRUCTURE, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. MANUFACTURED HOME also includes park trailers, travel trailers and other similar 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.

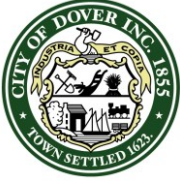
START OF CONSTRUCTION means the date the BUILDING permit was issued, provided the actual START OF CONSTRUCTION, repair, reconstruction, placement, or other improvement was within one hundred eighty (180) days of the permit date. START OF CONSTRUCTION includes SUBSTANTIAL IMPROVEMENTS. The actual start 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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.

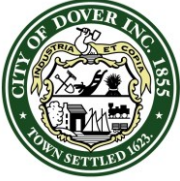
UNSUITABLE DEVELOPMENT AREA means the area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year floodplain as shown on the latest FEMA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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

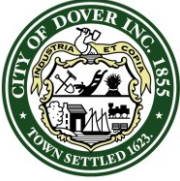
Ordinance Number: **O – 2021.09.08 - 006**
Ordinance Title: Zoning
Chapter: 170
Sections: 6, 12, 14, 16, 18, 20, 24, 25, 27.1, 27.2, 28.2, 39, and 41

- (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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

(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.

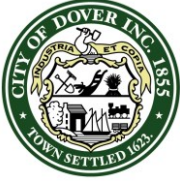
G. Information to be Obtained and Maintained. [Amended on 04-20-2005 by Ord. No. 13-2005]

(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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

(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.

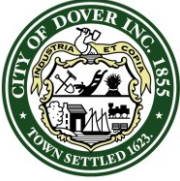
(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this Section.

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#: 12.A.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

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;

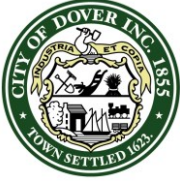
Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with MANUFACTURED HOMEs less than fifty (50) feet long requiring four (4) additional ties per side.

- (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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

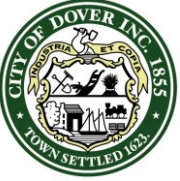
- (b) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed using methods and practices that minimize FLOOD damage.
- (c) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service 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.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE	
	Agenda Item#: 12.A.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	

(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).

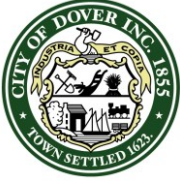
K. Specific Standards.

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:



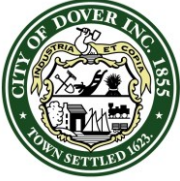
CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

- (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.



CITY OF DOVER

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

(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.

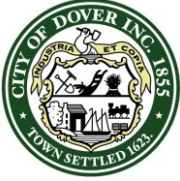
(7) All new residential structures or residential developments and all new non-residential structures and non-residential developments shall have all driveways and/or all road access or streets constructed with the driving surface at or above base flood elevation to ensure safe ingress and egress during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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

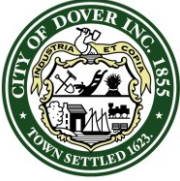
Agenda Item#: 12.A.1.

Ordinance Number: **O – 2021.09.08 - 006**
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Chapter: 170
Sections: 6, 12, 14, 16, 18, 20, 24, 25, 27.1, 27.2, 28.2, 39, and 41

- (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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2021.09.08 - 006**
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Sections: 6, 12, 14, 16, 18, 20, 24, 25, 27.1, 27.2, 28.2, 39, and 41

(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.”

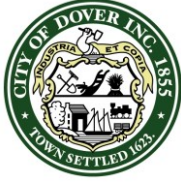
17. TAKES EFFECT

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#: 12.A.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: 09/08/2021	Public Hearing Date: 10/13/2021
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:

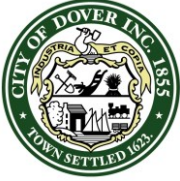
For reference, amendments to the City of Dover’s zoning ordinance are governed by Dover Code Chapter 170-53 and RSA chapter 675. The amendments provided in this ordinance, being provided for Council ratification, are derived from suggestions resulting from a subcommittee created by the Planning Board 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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item#: 12.A.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

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.

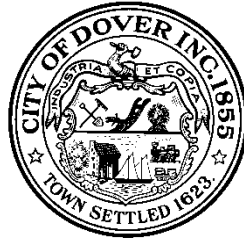
The effect of the proposed amendment on the City's economy and fiscal resources; and

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

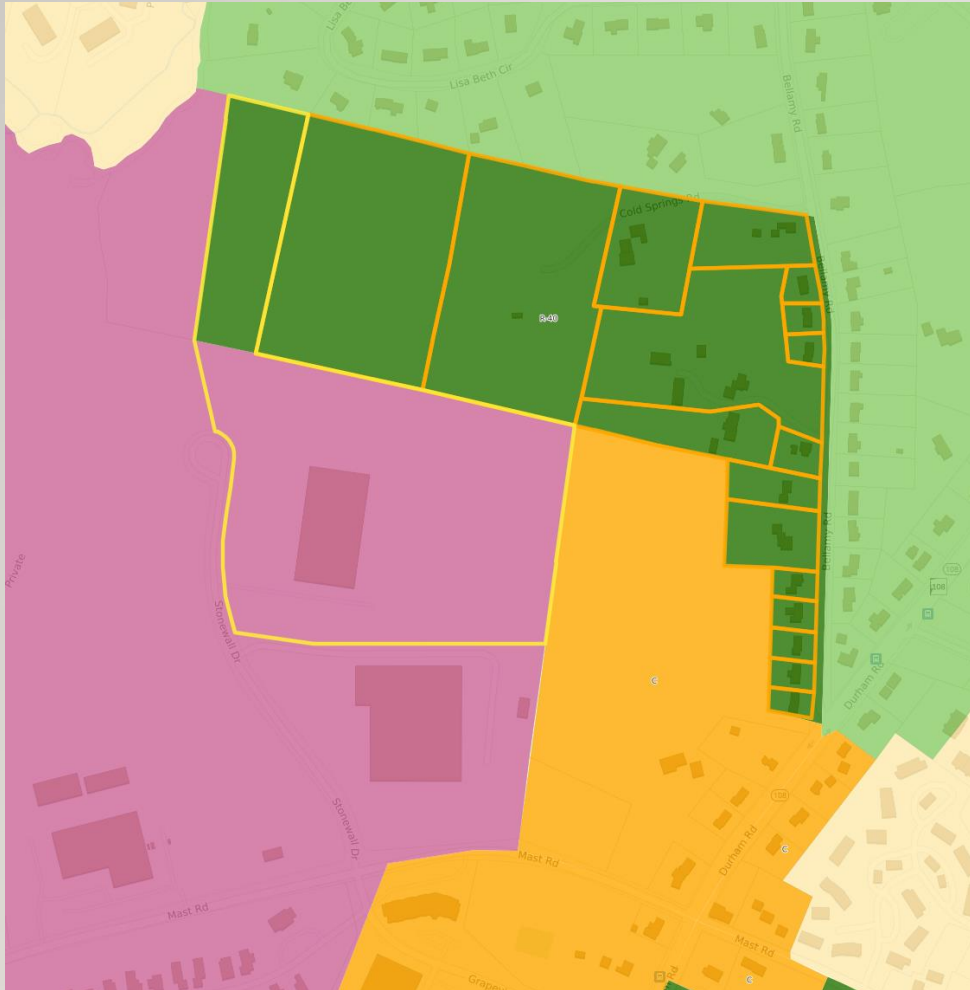
WHAT'S NEXT?

- 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

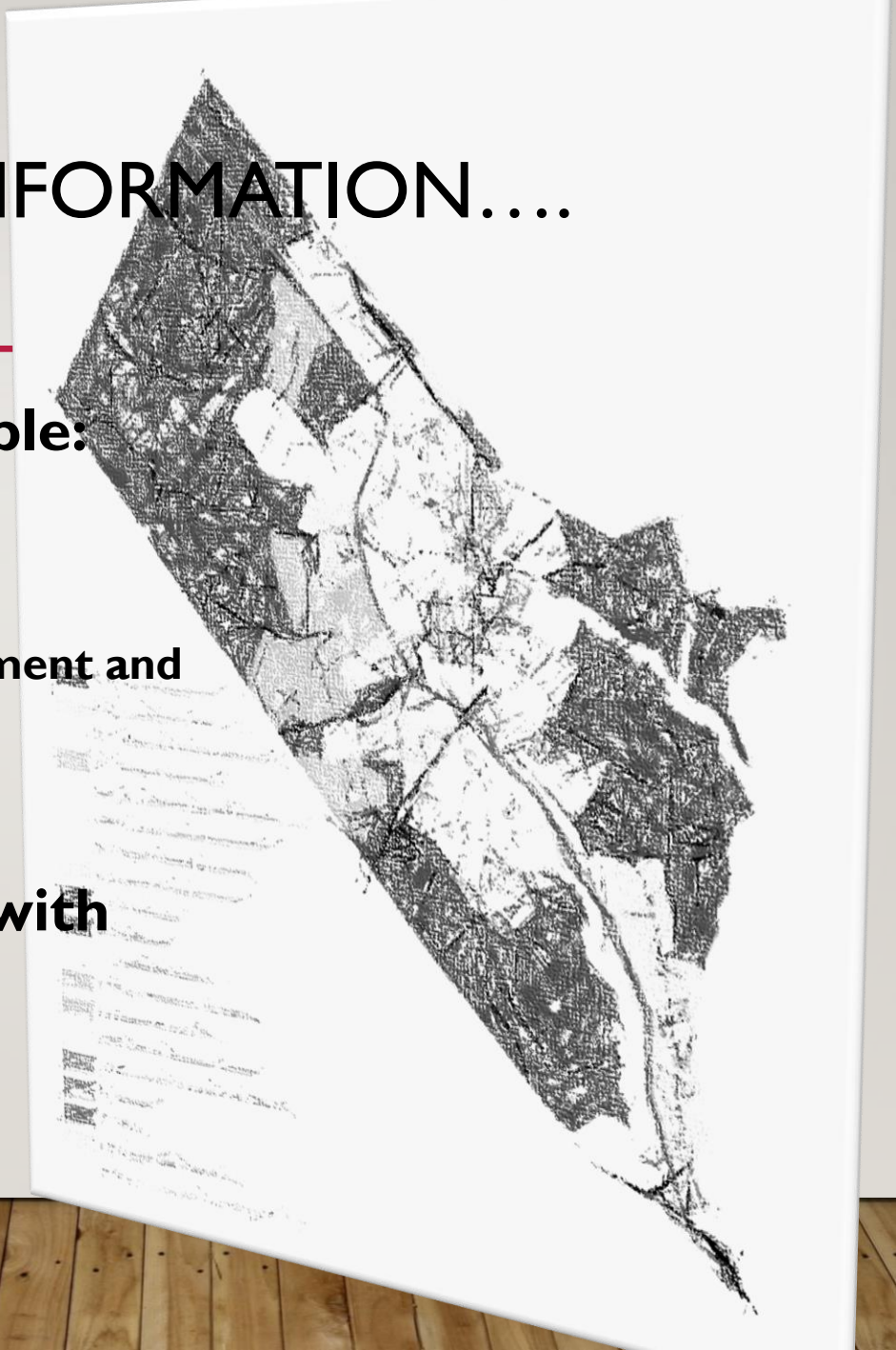
- Clarifies TDR for residential, you need to ID location of units generated at initial approval.
- CM, IT zones

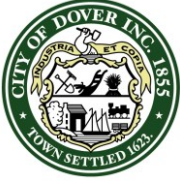
- Floodplain Amendment

- 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.**





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R - 2021.10.13 – 164**

Resolution Re: Amending City of Dover's Designated Representatives to
Community Power Coalition of New Hampshire

WHEREAS: Pursuant to a resolution passed on July 14, 2021 ([R-2021.07.14-130](#)), the City Manager was authorized to execute a Joint Powers Agreement ("JPA") of Community Power Coalition of New Hampshire ("CPCNH"); and

WHEREAS: The same resolution appointed the City Manager or designee as the voting representative of the City of Dover to CPCNH, and the Assistant City Manager as the City of Dover's alternate; and

WHEREAS: Due to future projected activity and meetings of CPCNH, as well as the City's hiring of a new Resilience Coordinator /Assistant City Planner, the City of Dover's appointed representatives to CPCNH should be amended and updated.

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

The final resolving clause of R-2021.07.14-130 is amended to read as follows: "Provided a majority of the Board of Directors of the Community Power Coalition of New Hampshire ("CPCNH") approve the City of Dover's membership, the Assistant City Manager or designee shall serve as the representative of the City of Dover to attend meetings of CPCNH and vote on behalf of the City of Dover, and the City's Resilience Coordinator/Assistant City Planner shall serve as the City of Dover's alternate."

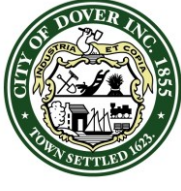
AUTHORIZATION

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 - 2021.10.13 – 164 Resolution Re: Amending City of Dover’s Designated Representatives to Community Power Coalition of New Hampshire
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DOCUMENT HISTORY:

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

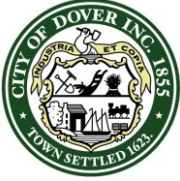
DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor 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:

This resolution amends a resolution passed on July 14, 2021 ([R-2021.07.14-130](#)) to designate different City of Dover representatives to the Community Power Coalition of New Hampshire. R-2021.07.14-130 in all other respects remains unaffected by this resolution.

Document Created by: Legal Document Posted on: October 7, 2021	Amending City of Dover’s Designated Representatives to Community Power Coalition of New Hampshire Page 2 of 2
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2021.10.13 – 165**

Resolution Re: Approval of Amendment to Cemetery Board By-Laws

WHEREAS: On September 14, 2021, the Cemetery Board voted to amend its By-Laws in order to reduce the number of annual meetings from six to five and move the November meeting to December.

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

The City Council approves the amendments to the Cemetery Board's By-Laws, as adopted and approved by the Cemetery Board on September 14, 2021.

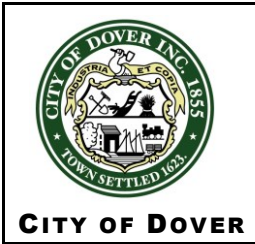
AUTHORIZATION

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 - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2021.10.13 – 165**

Resolution Re: Approval of Amendment to Cemetery Board By-Laws

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 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:

See attached amended By-Laws of the Cemetery Board, as approved and amended by the Cemetery Board on September 14, 2021.

[Dover Code Section 9-1\(F\)](#) requires that the City Council approve committee rules.

BY-LAWS

ARTICLE 1 - NAME

- A. The City of Dover Cemetery Board.

ARTICLE II – PURPOSE

- A. The Cemetery Board shall consist of five (5) members appointed by the City Council. Board Members shall serve a term of three (3) years.
- B. The Cemetery Board shall organize annually by choice of a Chairman and other officers and committees if necessary. The Board shall establish its own by-laws and procedures.
- C. The Cemetery Board shall perform the following functions:

Section 1: To consider and recommend general policies for the operation of municipal cemeteries.

Section 2: To make recommendations on the investments and expenditures of donations and bequests made to the city for the benefit of said cemeteries.

Section 3: Make an annual report of all cemeteries to the City Manager and keep other such records and reports as he/she shall direct.

ARTICLE III – OFFICERS AND THEIR DUTIES

- A. Officers shall be Chairman, Vice-Chairman and Clerk.
- B. The Chairman shall preside at all meetings. The Chairman shall appoint all committees and shall represent the rest of the board members if called by the City Council.
- C. The Vice-Chairman shall preside at the meetings in the absence of the Chairman.
- D. The Clerk shall keep minutes of all meetings and be responsible for minutes of all meetings being sent out seven (7) days prior to the next meeting. The Clerk shall have a copy of the By-laws and Rules and Regulations of the Cemetery at all the meetings.
- E. The minutes shall conform to Chapter 91-A and the State RSA-Right to Know Law. The minutes shall be filed with the City Clerk's office within 144 hours (which is six (6) business days.)

ARTICLE IV – MEETINGS

- A. The Cemetery Board will meet on the second Tuesday of each month, during the months of February, April, ~~May~~, June, September and ~~November~~ December.
- B. Special meetings may be called by the Chairman of any three (3) members of the Board.

ARTICLE V – ELECTIONS

- A. The election of officers will take place at the ~~November~~ December meeting each year.
- B. The Chairman is limited to two (2) consecutive years on office.

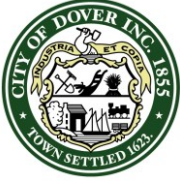
ARTICLE VI – QUORUM

- A. A quorum shall consist of three (3) members of the board.

ARTICLE VII – AMENDMENTS

- A. The By-laws can be amended at any regular meeting or special meeting of the Cemetery Board by four (4) out of five (5) votes of the board, provided the amendment has been sent to each member one (1) month before the next meeting.
- B. These By-laws are subject to all rules and regulations of the City of Dover.

By-laws Amended: ~~July 12, 2005~~ September 14, 2021 (by Cemetery Board, approved by City Council on October 13, 2021)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2021.10.13 – 166**

Resolution Re: Acceptance of (i) Emerald Lane (Final Phase) from Indian Ridge at Dover, LLC and (ii) a Related Drainage Easement from Indian Ridge Homeowners' Association

WHEREAS: Emerald Lane, within the Indian Ridge subdivision, was planned as a public right of way before the City's Planning Board; and

WHEREAS: The developer, Indian Ridge at Dover, LLC, has publicly dedicated that final phase of Emerald Lane, and is now requesting public acceptance of same; and

WHEREAS: As part of the proposed public acceptance, the Indian Ridge Homeowners Association has agreed to release any rights in the conveyed portion of Emerald Lane as well as grant the City drainage rights related to final phase of Emerald Lane.

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

The City of Dover accepts the final phase of Emerald Lane, as described and conveyed in the attached Warranty Deed from Indian Ridge at Dover, LLC to the City, as a public right-of-way and the City Manager is authorized to finalize said deed, accept and record a Warranty Deed.

AND, FURTHER BE IT RESOLVED THAT:

The City Manager is hereby authorized to finalize, sign, acquire, and accept a drainage easement from the Indian Ridge Homeowners Association in connection with the public acceptance of the final phase of Emerald Lane referenced above, and to take any necessary steps to record said deed at the Strafford County Registry of Deeds.

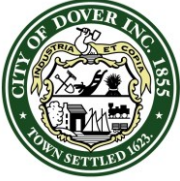
AUTHORIZATION

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.3.

Resolution Number: **R – 2021.10.13 – 166**

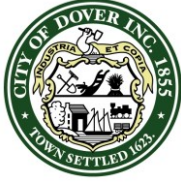
Resolution Re: Acceptance of (i) Emerald Lane (Final Phase) from Indian Ridge at Dover, LLC and (ii) a Related Drainage Easement from Indian Ridge Homeowners' Association

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 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.		

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 13.A.3. Resolution Number: R – 2021.10.13 – 166 Resolution Re: Acceptance of (i) Emerald Lane (Final Phase) from Indian Ridge at Dover, LLC and (ii) a Related Drainage Easement from Indian Ridge Homeowners' Association
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RESOLUTION BACKGROUND MATERIAL:

A street is created as an official public way in one of 4 ways as follows:

- Highway layout
- Prescription
- Dedication and acceptance
- Deed

See RSA 229:1. Creation of this street as an official highway by dedication and acceptance will be accomplished with this resolution and satisfaction of the conditions set forth in this resolution, as well as by deed.

Dedication and acceptance is a two-step process. The most common act of dedication is the filing and recording of an approved subdivision plan. The second and final step is a formal vote of acceptance by the City Council, and the recording of appropriate documents in the Strafford County Registry of Deeds.

Only streets meeting City specifications are accepted. Acceptance is in the sole discretion of the City Council. The City of Dover maintains and provides services for the City's public rights-of-way.

The Community Services Department has reviewed the final phase of Emerald Lane referenced in this resolution and determined that the road meets City standards and specifications for street acceptance. The developer has provided the City with a letter of credit. Attached for reference are the following:

- Draft Warranty Deed from Indian Ridge at Dover, LLC to the City of Dover;
- Subdivision Plans referenced in the Warranty Deed.
- Drainage Easement from the Indian Ridge Homeowners Association to the City of Dover;
- Release of Roadway by Indian Ridge Homeowners Association.

The Council has accepted to prior portions of the subject road. On July 10, 2013 the City Council voted to accept Phase I ([R-2013-07.100-77](#)). On May 25, 2016, the City Council voted to accept Phase II ([R-2016.05.25-070](#)).

RELEASE AND TERMINATION OF RIGHTS IN ROADWAY

Indian Ridge Homeowners' Association, an unincorporated association of Lot owners ("HOA"), having an address of P.O. Box 1981, Dover, NH 03820

for no consideration

releases to Indian Ridge at Dover, LLC, a New Hampshire limited liability company, having a mailing address of 42J Dover Point Road, Dover, State of New Hampshire, 03820

all right, title, and interest, if any, in and to the roadway designated as Emerald Lane, located in Dover, Strafford County, New Hampshire, and depicted on plan of land entitled "Overall Subdivision Plan, Indian Ridge, Emerald Lane, Dover, New Hampshire dated August 28, 2015, prepared by Trittech Engineering Corporation" recorded at the Strafford County Registry of Deeds as Plans 110-070, 110-071, 110-072, 110-073 and 110-074 (collectively the "Plan").

The intent and purpose of this instrument is to release to grantee and, via merger with the fee interest, terminate any and all rights the HOA may have acquired in Emerald Lane based on instruments recorded with the Strafford County Registry of Deeds at Book 4832, Page 300 and Book 4870, Page 271.

This instrument is given in connection with the acceptance of Emerald Lane by the City of Dover as a public way. The action evidenced by this instrument was approved by the HOA in accordance with its by-laws at a Board of Directors meeting duly noticed and held on September 13, 2021.

Executed this ____ day of September, 2021.

Indian Ridge Homeowners' Association

By: Leon Lapierre

Its: President, Duly Authorized

STATE OF NEW HAMPSHIRE

Rockingham, ss.

On this ____ day of September, 2021, before me, the undersigned notary public, personally appeared Leon Lapierre, President of the Indian Ridge Homeowners' Association, who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that he has the authority to sign this instrument in the capacity indicated.

Notary Public/Justice of the Peace
My commission expires:

GRANT OF DRAINAGE EASEMENT

Indian Ridge Homeowners' Association, an unincorporated association of Lot owners ("HOA"), having an address of P.O. Box 1981, Dover, NH 03820

for no consideration, grants to **THE CITY OF DOVER, a municipality**, with a principal place of business at City Hall, 288 Central Avenue, Dover, Strafford County, State of New Hampshire 03820, and its successors and assigns, with **WARRANTY** covenants, the following:

Drainage Easement rights regarding Emerald Lane

The non-exclusive right and easement to divert or direct, or both, water, including but not limited to stormwater, from Emerald Lane in and through the various pavement areas, catch basins, drains, sumps, hydrants, conduits, pipes, utility and sewer structures, and any other infrastructure contained therein, into and through the drainage easements identified below. Emerald Lane is situated at the existing cul-de-sac terminus of the public portion of Emerald Lane, so-called, in Dover, Strafford County, New Hampshire, and shown as Emerald Lane on a plan entitled "Overall Subdivision Plan, Indian Ridge, Emerald Lane, Dover, New Hampshire dated August 28, 2015, prepared by Tritech Engineering Corporation" recorded at the Strafford County Registry of Deeds as Plans 110-070, 110-071, 110-072, 110-073 and 110-074 (collectively the "Plan").

The drainage easements in which rights are hereby granted are identified as:

1. Drainage Easement over, under, across, and through a portion of Lot 15-1 as shown on the Plan.
2. Drainage Easement over, under, across, and through a portion of Lot 15-5 as shown on the Plan.
3. Drainage Easement over, under, across, and through a portion of Lot 15-6 as shown on the Plan.
4. Drainage Easement over, under, across, and through a portion of Lot 15-9 as shown on the Plan.
5. Drainage Easement over, under, across, and through a portion of Lot 15-10 as shown on the Plan.
6. Drainage Easement over, under, across, and through a portion of Lot 15-15 as shown on the Plan.

7. Drainage Easement over, under, across, and through a portion of Lot 15-16 as shown on the Plan.
8. Drainage Easement over, under, across, and through a portion of Lot 15-23 as shown on the Plan.
9. Drainage Easement over, under, across, and through a portion of Lot 15-24 as shown on the Plan.
10. Drainage Easement over, under, across, and through a portion of Lot 15-39 as shown on the Plan.
11. Drainage Easement over, under, across, and through a portion of Lot 15-40 as shown on the Plan.

The Grantee shall have the right, but not the obligation, to enter onto the easement areas in order to inspect, repair, maintain or replace the drainage infrastructure contained in said easements in order to ensure and achieve appropriate drainage of stormwater from Emerald Lane into and through the drainage easements identified herein.

No portion of the premises hereby conveyed are subject to homestead rights.

Pursuant to RSA 78-B:2, I, this conveyance is exempt from the transfer tax.

Being a portion of the rights granted to Indian Ridge Homeowners' Association by two instruments, the first being dated November 9, 2020, recorded at Book 4832, Page 330, and the second being dated February 12, 2021, recorded at Book 4870, Page 271.

This instrument is given in connection with the acceptance of Emerald Lane by the City of Dover as a public way. The action evidenced by this instrument was approved by the HOA in accordance with its by-laws at a Board of Directors meeting duly noticed and held on _____, 2021.

The City of Dover's acceptance of this conveyance was authorized by vote of the Dover City Council on _____.

Executed this ____ day of _____, 2021.

Indian Ridge Homeowners' Association

By: Leon Lapierre
Its: President, Duly Authorized

STATE OF NEW HAMPSHIRE

Rockingham, ss.

On this ____ day of _____, 2021, before me, the undersigned notary public, personally appeared Leon Lapierre, President of the Indian Ridge Homeowners' Association, who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state government agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, and that he has the authority to sign this instrument in the capacity indicated.

Notary Public/Justice of the Peace
My commission expires:

Accepted this ____ day of _____, 2021.

Accepted by the City of Dover.

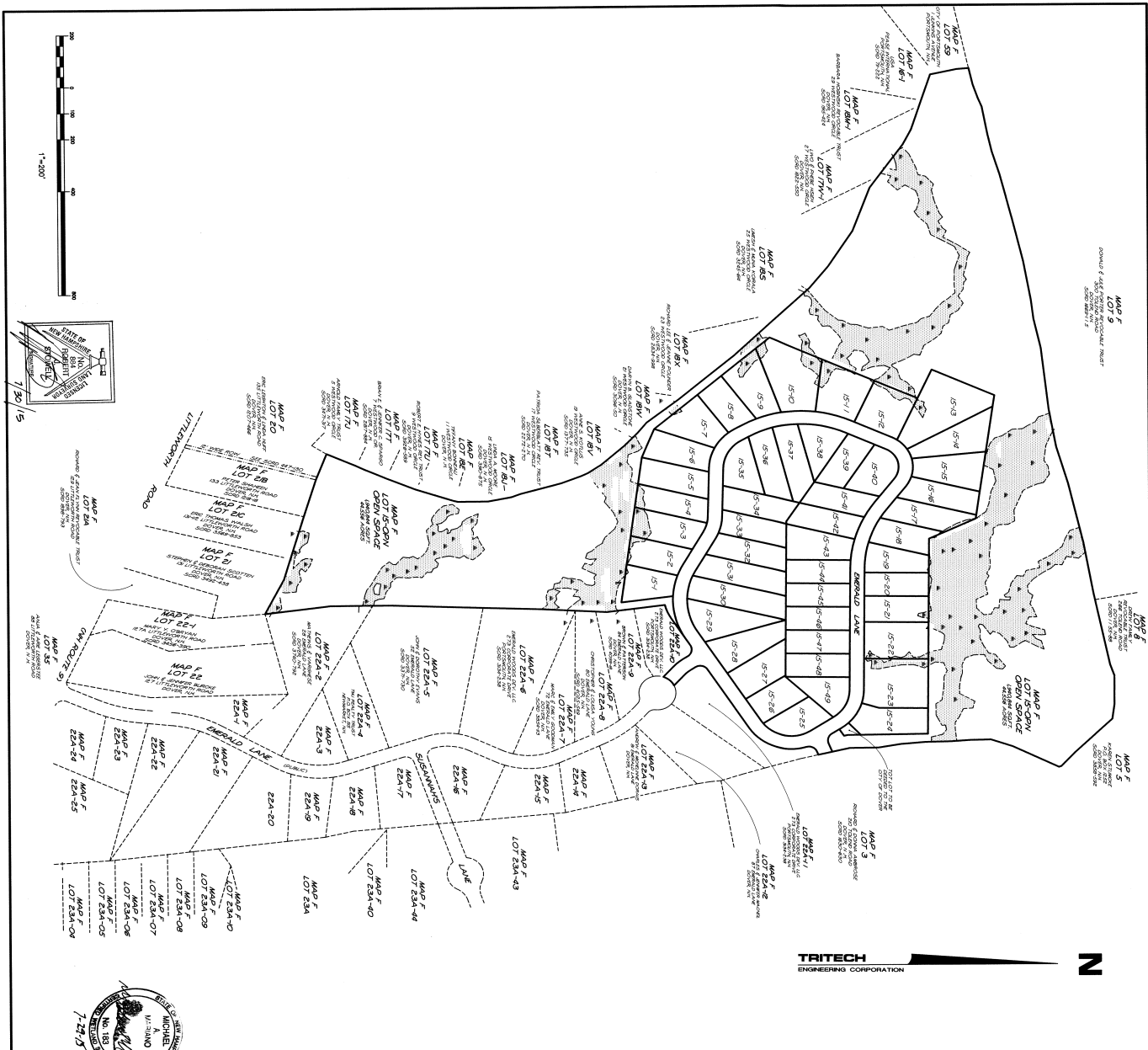
J. Michael Joyal, Jr., City Manager

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

Personally appeared J. Michael Joyal, Jr. City Manager for the City of Dover, and acknowledged that he executed the above instrument, as his free act and deed on behalf of the City of Dover, before me, this ____ day of _____, 2021.

Notary Public

My Commission Expires:



NOTES

- 1) INCH TO SUBDIVISION COVER TAX MAP F LOT 15 AND 49 OPEN SPACE LOTS (SPACE MAPS REQUIRED)
- 2) CURRENT OWNER OF RECORD LOT 15 AND 49 OPEN SPACE LOTS (SPACE MAPS REQUIRED)
- 3) TOTAL LOT AREA: 3,463.87 SQ. FT. - 78.80 ACRES
- 4) TAX MAP F LOT 15
- 5) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 6) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 7) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 8) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 9) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 10) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 11) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 12) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 13) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 14) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 15) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
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- 20) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 21) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA
- 22) PROJECT FIELD REFERENCE: 8000 3000 PINE SQA

APPROVED

DATE: 8/2/14
 BY: [Signature]
 TITLE: [Title]

REVISIONS

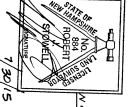
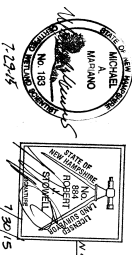
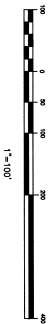
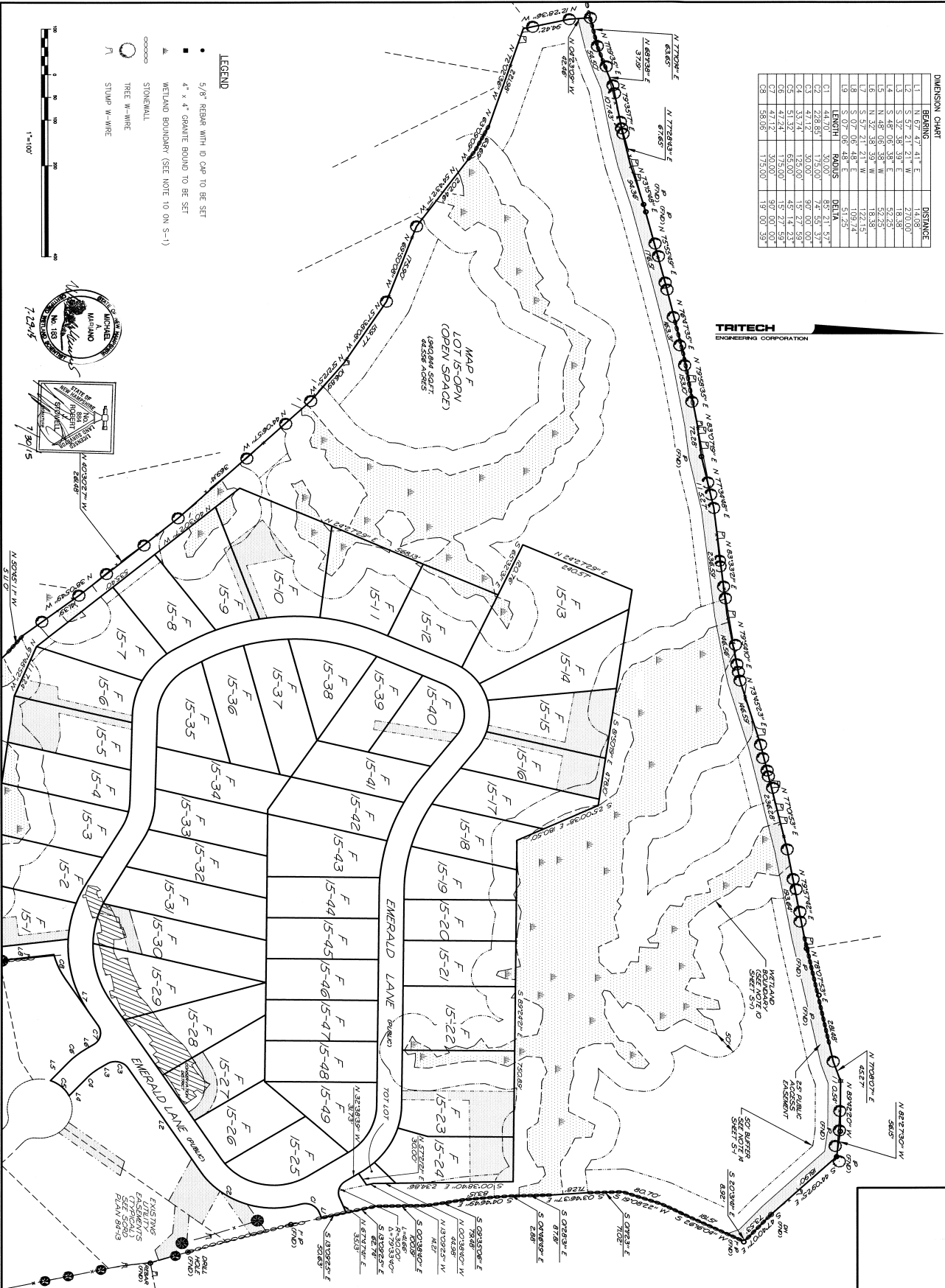
DATE	DESCRIPTION
10-6-14	REVISED PER TRC COMMENTS
4-1-15	REVISED PER REVIEW COMMENTS
6-08-15	REVISED PER REVIEW COMMENTS
7-14-15	REVISED PER CONDITIONS OF APPROVAL

DIMENSION CHART			
LINE	BEARING	LENGTH	AREA
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L2	S 57° 21' 21" W	270.00	
L3	S 37° 38' 38" E	18.38	
L4	N 46° 06' 38" W	52.25	
L5	N 37° 39' 39" W	18.38	
L6	S 57° 21' 21" W	123.15	
L7	S 37° 38' 38" E	52.25	
L8	S 57° 21' 21" W	123.15	
L9	S 37° 38' 38" E	52.25	
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L98	S 57° 21' 21" W	123.15	
L99	S 37° 38' 38" E	52.25	
L100	S 57° 21' 21" W	123.15	

TRITECH
ENGINEERING CORPORATION

N

Doc # 0000042 Doc 4 2015 10 PM
Register of Deeds, Stafford County



SHEET NO.
S-2

OPEN SPACE AREA PLAN
INDIAN RIDGE
EMERALD LANE
DOVER, NEW HAMPSHIRE
AUGUST 28, 2014 JOB NO. 04200
SCALE: 1" = 100'

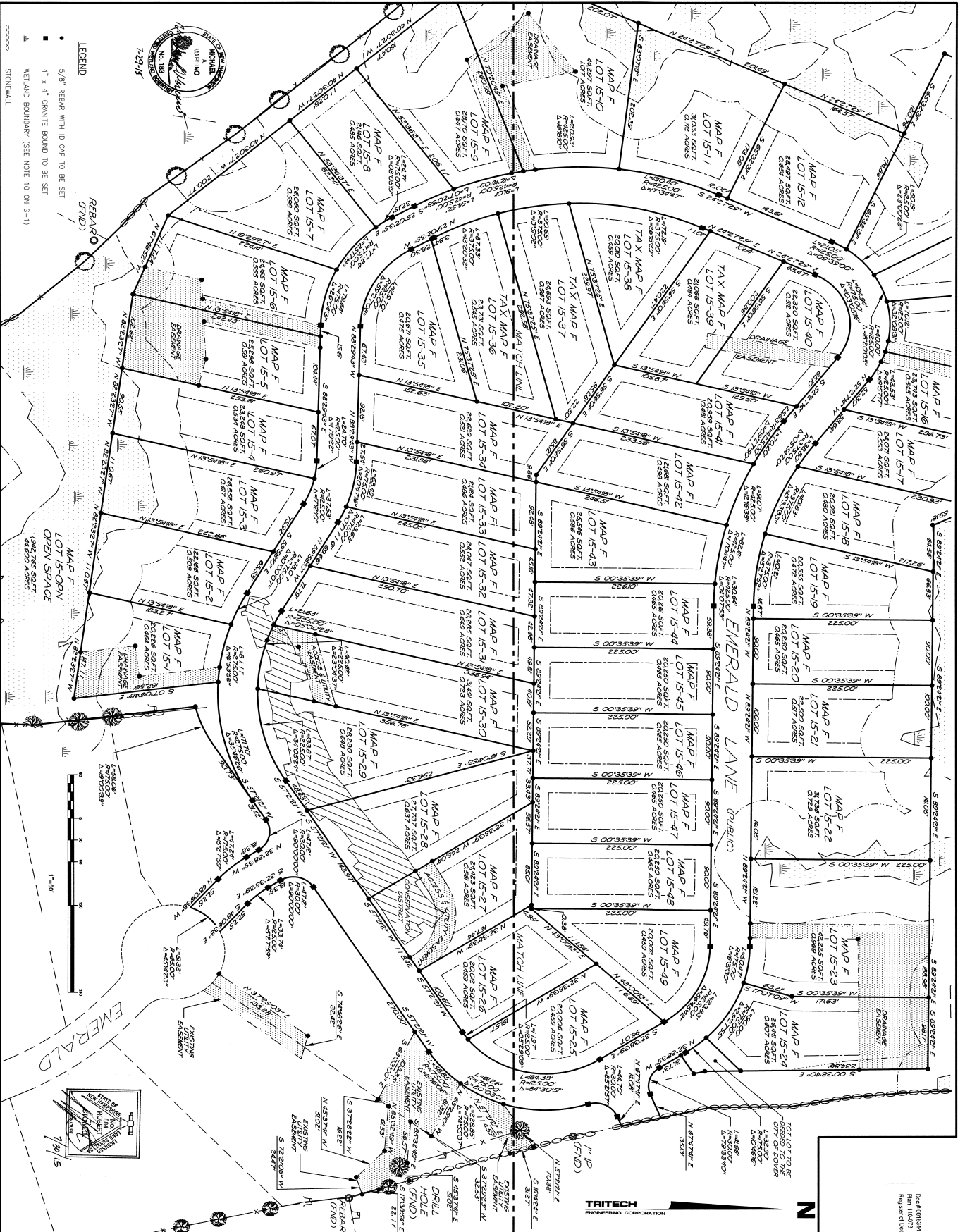
REVISIONS	DATE	DESCRIPTION
10-14	REVISED PER TRC COMMENTS	
4-13-15	REVISED PER REVIEW COMMENTS	
3-11-15	GENERAL REVISIONS	
1-13-15	REVISED PER REVIEW COMMENTS	
7-14-15	REVISED PER CONDITIONS OF APPROVAL	

TRITECH
ENGINEERING CORPORATION

APPROVED
DATE 8/12/14
BY [Signature]
FOR [Signature]

755 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03830
TELEPHONE 603 742 8107
FAX 603 742 3830

(P14-58)



SHEET NO. **S-4**

SUBDIVISION PLAN

INDIAN RIDGE

EMERALD LANE
DOVER, NEW HAMPSHIRE

AUGUST 28, 2014 JOB No. 04200

SCALE: 1" = 60'

REVISIONS	DATE	DESCRIPTION
10-6-14	REVISED PER TRC COMMENTS	
4-13-15	REVISED PER REVIEW COMMENTS	
5-11-15	GENERAL REVISIONS	
6-30-15	REVISED PER REVIEW COMMENTS	
7-14-15	REVISED PER CONDITIONS OF APPROVAL	

TRITECH
ENGINEERING CORPORATION

APPROVED

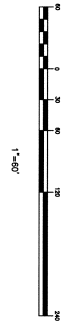
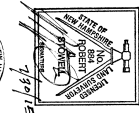
DATE: 8/15/15

Office of Review: N/A

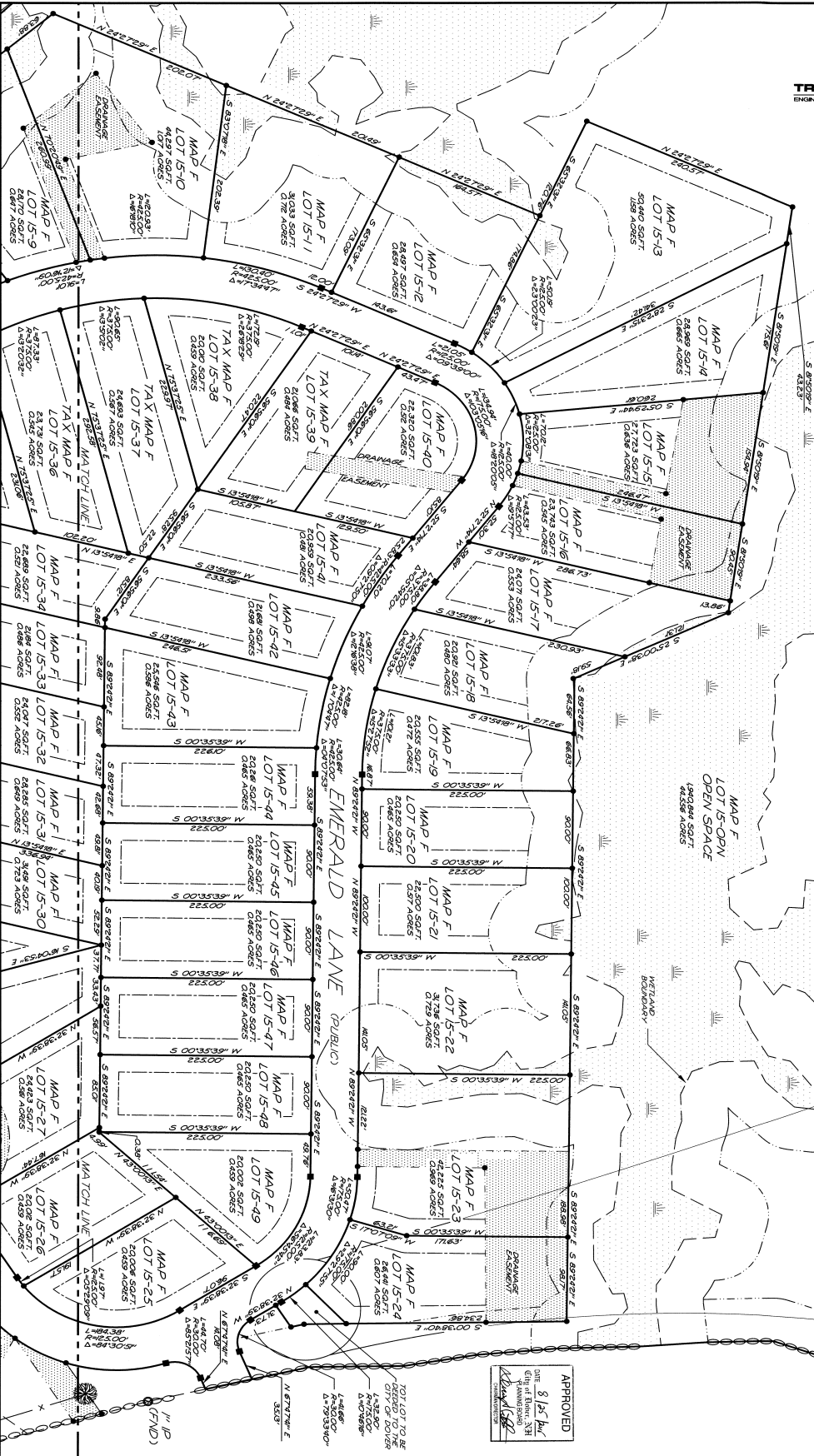
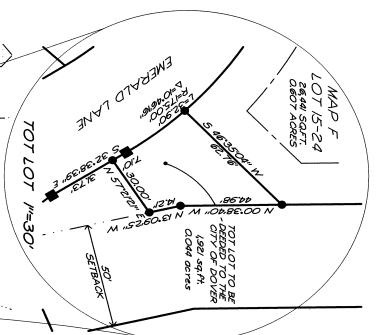
755 CENTRAL AVENUE
DOVER NEW HAMPSHIRE 03860
TELEPHONE 603 748 8107
FAX 603 748 3830

Doc # 042004-1 Doc 4, 2015 1:15 PM
Plan 11/03/15 1 of 1
Register of Deeds, Stafford County

(P14-SB)



- LEGEND**
- 5/8" REBAR WITH ID CAP TO BE SET
 - 4" x 4" GRANITE BOUND TO BE SET
 - WETLAND BOUNDARY (SEE NOTE 10 ON S-1)
 - STONEWALL



APPROVED
8/15/14
City of Dover, NH
Dover, NH
Dover, NH

SHEET NO. **S-5**

SUBDIVISION PLAN

INDIAN RIDGE

EMERALD LANE
DOVER, NEW HAMPSHIRE

AUGUST 28, 2014 JOB No. 04200

SCALE: 1" = 60'

REVISIONS	DATE	DESCRIPTION
10-6-14		REVISED PER TRC COMMENTS
4-13-15		REVISED PER REVIEW COMMENTS
5-13-15		GENERAL REVISIONS
6-18-15		REVISED PER REVIEW COMMENTS
7-14-15		REVISED PER CONDITIONS OF APPROVAL

TRITECH
ENGINEERING CORPORATION

756 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03860
TELEPHONE 603 748 8107
FAX 603 748 3830

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT, **INDIAN RIDGE AT DOVER, LLC**, a New Hampshire limited liability company having a place of business at 42J Dover Point Road, Dover, New Hampshire 03820, for consideration paid, grants to **THE CITY OF DOVER, a municipality**, with a principal place of business at City Hall, 288 Central Avenue, Dover, Strafford County, State of New Hampshire 03820, and its successors and assigns, with **WARRANTY** covenants, the following:

Emerald Lane

A Fee Simple Interest in and to a certain tract or parcel of land, with the improvements thereon, said improvements including but not limited to ownership and operational control of all pavement, conduits, pipes, utility and sewer structures, and any other infrastructure contained therein, situate at the existing cul-de-sac terminus of the public portion of Emerald Lane, so-called, in Dover, Strafford County, New Hampshire, and shown as Emerald Lane on a plan entitled "Overall Subdivision Plan, Indian Ridge, Emerald Lane, Dover, New Hampshire dated August 28, 2015, prepared by Tritech Engineering Corporation" recorded at the Strafford County Registry of Deeds as Plans 110-070, 110-071, 110-072, 110-073 and 110-074 (collectively the "Plan"), more particularly bounded and described as follows:

Beginning at a point at the Northeasterly end of the existing cul-de-sac terminus of the public portion of Emerald Lane at the entrance to the extended Emerald Lane now constructed and at Map F Lot 22A-11 as shown on Plan 110-070;

Then turning and running along the southerly sideline of said Emerald Lane and the northerly sideline of the existing cul-de-sac terminus of the public portion of Emerald Lane, as shown on Plan 110-073, along a curve to the left with a radius of 65.00 feet, with an arc length of 51.32 feet to a point;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 48° 06' 38" W, a distance of 52.25' feet to granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 47.24 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 32° 38' 39" W, a distance of 18.38 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 30.00 feet, with an arc length of 47.12 feet to a granite bound;

Thence turning and running along the s sideline of said Emerald Lane, as shown on Plan 110-073, S 57° 21' 21" W, a distance of 31.42 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 275.00 feet, with an arc length of 171.70 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 275.00 feet, with an arc length of 81.11 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 275.00 feet, with an arc length of 48.01 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 59° 58' 10" W, a distance of 65.53 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 59° 58' 10" W, a distance of 75.92 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 125.00 feet, with an arc length of 37.53 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 125.00 feet, with an arc length of 24.70 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 88° 29' 43" W, a distance of 67.07 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 88° 29' 43" W, a distance of 104.44 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 88° 29' 43" W, a distance of 15.61 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 79.64 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 77.24 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 24.71 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 29° 02' 35" W, a distance of 32.15 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 425.00 feet, with an arc length of 54.52 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 425.00 feet, with an arc length of 91.01 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 425.00 feet, with an arc length of 120.93 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 425.00 feet, with an arc length of 130.40 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 24° 27' 29" E, a distance of 12.00 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 24° 27' 29" E, a distance of 143.61 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 21.05 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 50.19 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 40.00 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 70.12 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 43.53 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 52° 27' 14" E, a distance of 52.30 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 52° 27' 14" E, a distance of 58.64 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 375.00 feet, with an arc length of 38.80 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 375.00 feet, with an arc length of 101.83 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 375.00 feet, with an arc length of 101.21 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 89° 24' 21" E, a distance of 16.87 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 89° 24' 21" E, a distance of 90.00 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 89° 24' 21" E, a distance of 100.00 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 89° 24' 21" E, a distance of 141.05 feet to a 5/8" rebar with ID Cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 89° 24' 21" E, a distance of 121.22 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 50.47 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 90.00 feet to a 5/8" rebar with ID Cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 10° 46' 16" E along a curve to the right having a radius of 175.00 feet, with an arc length of 32.90 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 32° 38' 39" E, a distance of 31.73 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 30.00 feet, with an arc length of 41.66 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 67° 47' 41" E, a distance of 35.13 feet to a point;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-071, S 13° 09' 25" E, a distance of 50.63 feet to a point;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 67° 47' 41" W, a distance of 14.08 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 30.00 feet, with an arc length of 44.70 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-071, along a curve to the right having a radius of 175.00 feet, with an arc length of 228.85 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 57° 21' 21" W, a distance of 270.00 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 30.00 feet, with an arc length of 47.12 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 32° 38' 39" E, a distance of 18.38 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 125.00 feet, with an arc length of 33.74 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 48° 06' 38" E, a distance of 52.25 feet to the point of beginning.

Excepting therefrom:

Those certain tracts or parcels of land, with the buildings thereon, situated at and known as Lots 15-25 through 15-49, respectively, in the Indian Ridge Subdivision (the "Subdivision") as shown on the Plan of Land entitled "Overall Subdivision Plan, Indian Ridge, Emerald Lane, Dover, New Hampshire dated August 28, 2015, prepared by Tritech Engineering Corporation" recorded at the Strafford County Registry of Deeds as Plans 110-070, 110-071, 110-072, 110-073 and 110-074 ("Plan"), more particularly bounded and described as follows:

Beginning at a point at the Southwesterly corner of Map F, Lot 15-40, along the sideline of said Emerald Lane, as shown on Plan 110-073, at a granite bound running N 24° 27' 29" E a distance of 43.47 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 175.00 feet, with an arc length of 134.94 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 52° 27' 14" E, a distance of 85.10 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 52° 27' 14" E, a distance of 25.83 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 425.00 feet, with an arc length of 70.20 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 12° 16' 38" E, along a curve to the left having a radius of 425.00 feet, with an arc length of 91.07 to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 425.00 feet, with an arc length of 82.18 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a slight curve to the left having a radius of 425.00 feet, with an arc length of 30.64 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane as shown on Plan 110-073, S 89° 24' 21" E, a distance of 59.38 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~
S 89° 24' 21" E, a distance of 90.00 feet to a 5/8" rebar with ID cap;

Thence continue running along the southerly sideline of said Emerald Lane, as shown on Plan 110-073, S 89° 24' 21" E, a distance of 90.00 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~
S 89° 24' 21" E, a distance of 90.00 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~
S 89° 24' 21" E, a distance of 90.00 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~
S 89° 24' 21" E, a distance of 49.76 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S, along a curve to the right having a radius of 125.00 feet, with an arc length of 123.83 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 32° 38' 39" E, a distance of 96.07 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 184.38 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 11.97 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, S 57° 21' 21" W, a distance of 100.60 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~ S 57° 21' 21" W, a distance of 118.42 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~ S 57° 21' 21" W, a distance of 143.97 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~S~~ S 57° 21' 21" W, a distance of 48.43 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 225.00 feet, with an arc length of 133.87 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 225.00 feet, with an arc length of 90.62 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 225.00 feet, with an arc length of 21.63 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 59° 58' 10" W, a distance of 71.79 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~N~~ N 59° 58' 10" W, a distance of 69.66 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073 along a curve to the left having a radius of 175.00 feet, with an arc length of 23.63 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the left having a radius of 175.00 feet, with an arc length of 63.49 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 88° 29' 43" W, a distance of 27.54 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~N~~ N 88° 29' 43" W, a distance of 92.15 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~N~~ N 88° 29' 43" W, a distance of 67.43 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 125.00 feet, with an arc length of 129.70 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 29° 02' 35" W, a distance of 28.30 feet to a 5/8" rebar with ID cap;

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~N~~ N 29° 02' 35" W, a distance of 3.84 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 375.00 feet, with an arc length of 87.33 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 375.00 feet, with an arc length of 90.65 feet to a 5/8" rebar with ID cap;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, along a curve to the right having a radius of 375.00 feet, a distance of 172.19 feet to a granite bound;

Thence turning and running along the sideline of said Emerald Lane, as shown on Plan 110-073, N 24° 27' 29" E, a distance of 11.01 feet to a 5/8" rebar with ID cap; and

Thence continue running along the sideline of said Emerald Lane, as shown on Plan 110-073, ~~N~~ N 24° 27' 29" E, a distance of 101.14 feet to a 5/8" rebar with ID cap and to the point of beginning.

Being a portion of the same premises conveyed to Indian Ridge at Dover, LLC by deeds dated December 31, 2015, recorded with the Strafford County Registry of Deeds at Book 4350, Page 139 and Book 4350, Page 142.

No portion of the premises hereby conveyed are subject to homestead rights.

Pursuant to RSA 78-B:2, I, this conveyance is exempt from the transfer tax.

The City of Dover's acceptance of this conveyance was authorized by vote of the Dover City Council on _____.

Signed as a sealed instrument this _____ day of _____, 2021.

INDIAN RIDGE AT DOVER, LLC

By: Scott J. O'Neill

Its: Manager

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Scott J. O'Neill, Manager of Indian Ridge at Dover, LLC, who proved to me through satisfactory evidence of identification, which was ☐ photographic identification with signature issued by a federal or state governmental agency, ☐ oath or affirmation of a credible witness, ☐ personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily, and in the capacity indicated, and that he has the authority to sign in that capacity.

Name:

Notary Public/Justice of the Peace

My Commission Expires:

Accepted by the City of Dover.

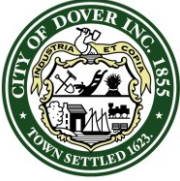
J. Michael Joyal, Jr., City Manager

STATE OF NEW HAMPSHIRE
STRAFFORD, SS

Personally appeared J. Michael Joyal, Jr. City Manager for the City of Dover, and acknowledged that he executed the above instrument, as his free act and deed on behalf of the City of Dover, before me, this _____ day of _____, 2021.

Notary Public

My Commission Expires:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2021.10.13 – 167**

Resolution Re: Consent to and Acceptance of Land and Easement
Contribution from STF Development Corporation In Lieu of
Impact Fees

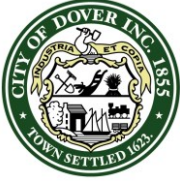
- WHEREAS: STF Development Corporation (“STF”) owns a parcel of land located on Snows Court, Dover, NH, Tax Map 32, Lot 35A, as shown on a set of plans entitled “Subdivision Plan, Land of STF Development Corporation Snows Court, Dover, NH”; and
- WHEREAS: As part of the above referenced subdivision two parcels were created lots 35A and 35A-1. 35A is intended to be a single family home and 35A-1 was intended to be undeveloped in response to neighborhood request; and
- WHEREAS: STF owns a parcel of land located on Sheffield Drive, Dover, NH, Tax Map K, Lot 37, as is shown on a set of plans entitled “Site Plan Sheffield Drive, Dover, NH”; and
- WHEREAS: Sheffield Drive intersects Dover Point Road across from Pointe Place, where the City wishes to have a traffic control device at the intersection which would require encroachment on Map K lot 37; and
- WHEREAS: STF owes \$35,358 in recreation fees from various projects; and
- WHEREAS: STF owes \$17,259 in public safety impact fees for various projects; and
- WHEREAS: The City’s Impact Fee Ordinance (Dover Code § 170-23) allows for fees to be paid by donation of real property or infrastructure; and
- WHEREAS: STF wishes to contribute an easement for the traffic control device and donate Map 32 Lot 35A-1 for passive recreation and public access to the Cochecho River.

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

The City Council has reviewed and hereby consents to the contribution from STF Development Corporation, in lieu of impact fees, of the parcel of land located on Snows Court, Dover, NH, Tax Map 32, Lot 35A-1, as shown on a set of plans entitled “Subdivision Plan, Land of STF Development Corporation Snows Court, Dover, NH.” Provided the Planning Board also approves the acceptance of the aforesaid contribution of property in lieu of impact fees, the City Manager, or designee, is authorized to accept a satisfactory Warranty Deed from STF Development Corporation for the parcel and cause the recording of said deed in the Strafford County Registry of Deeds, in exchange for Recreation Fees due.

AND, BE IT FURTHER RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

The City Council has reviewed and hereby consents to the contribution from STF Development Corporation, in lieu of impact fees, and accepts an easement for the parcel of land located on Sheffield Drive, Dover, NH, Tax Map K, Lot 37, as is shown on the provided attachment. Provided the Planning Board also approves the acceptance of the aforesaid contribution of property in lieu of impact fees, the City Manager, or designee, is authorized to accept a Warranty Deed from STF Development Corp. for the easement and record said Deed in the Strafford County Registry of Deeds, in exchange for Public Safety Fees due.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2021.10.13 – 167**
Resolution Re: Consent to and Acceptance of Land and Easement
Contribution from STF Development Corporation In Lieu of
Impact Fees

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

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

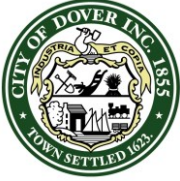
Recorded by: Susan M. Mistretta
City Clerk

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 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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2021.10.13 – 167**
Resolution Re: Consent to and Acceptance of Land and Easement
Contribution from STF Development Corporation In Lieu of
Impact Fees

RESOLUTION BACKGROUND MATERIAL:

A subdivision plan and easement sketch are attached for reference.

Dover Code § 170-23 allows for the acceptance of property in lieu of cash payments.

As part of a request for a Conditional Use Permit for the single family home on the Snows Court land, the abutters spoke to the Planning Board about the environmental sensitivity of the parcel and the need to not further develop the lot. STF Development Corp. agreed to convey the parcel to the City for passive recreation and public access to the Cochecho River. No improvements (canoe launch etc) to the parcel are expected at this time, though may be contemplated in the future.

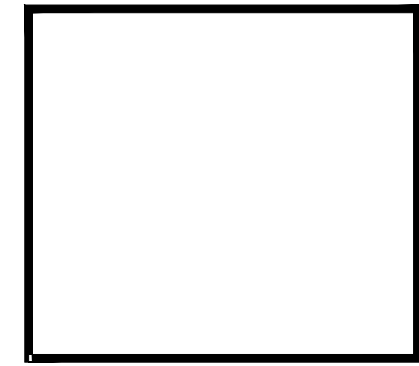
City staff have reviewed the proposed contributions of property and determined they are of at least equivalent value. By way of further background, in December of 2020, the City Council considered and tabled Resolution R-2020.12.09, which would have exchanged \$77,000 of recreation impact fees for the Snow's Court parcel. The Council requested that staff re-evaluate the value and over the past year, that re-evaluation has occurred. The City Assessor reviewed the land valuation and indicated the waterfrontage had value over and above the residual land. This combined value was \$26,000. Planning staff then reviewed values for the public access to the river, and determined that unimproved, the land value increased by \$10,000.

No concerns were raised by the City Council regarding the Sheffield Drive easement.

As part of the development of Sheffield Drive and Pointe Place, staff and civil engineers involved with all projects have identified the need for increased traffic control at the intersection created with Dover Point Road. This initially was intended to be a traffic signal. Overtime the State of New Hampshire, which owns Dover Point Road just south of this area, and City staff have reviewed options for a roundabout at the intersection. If completed a wider area of right of way would be necessary. The easement proposed would provide for that area. The development approvals for Pointe Place have all included provisions for the developer to cost share on the traffic control device. Currently, the device must be installed before certificate of occupancy of the next major piece (a mixed use building or all 30 townhouses recently approved). A final right of way easement layout will be created with the final design of the planned traffic control device.

JURISDICTIONAL WETLANDS WERE DELINEATED BY CYNTHIA BALCIUS OF STONEY RIDGE ENVIRONMENTAL LLC IN JANUARY, 2019, UTILIZING THE FOLLOWING STANDARDS:

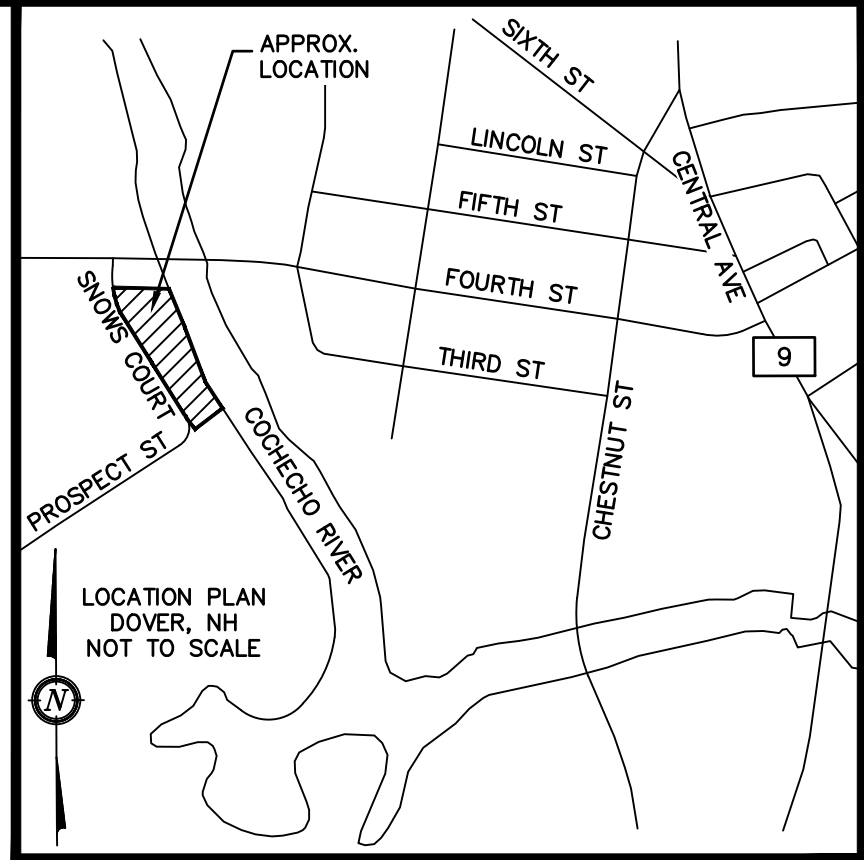
- 1) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0. 2010. L.M. VASILAS, G.W. HURT, AND C.V. NOBLE (EDS.). UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS.
- 2) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. VERSION 3. APRIL 2004. NEIWPCC WETLANDS WORKGROUP. WILMINGTON, MA 01887.
- 3) NORTH AMERICAN DIGITAL FLORA: NATIONAL WETLAND PLANT LIST, VERSION 2.1.0 (HTTP://WETLAND_PLANTS.USACE.ARMY.MIL). U.S. ARMY CORPS OF ENGINEERS, ENGINEER RESEARCH AND DEVELOPMENT CENTER, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY, HANOVER, NH, AND BONAP, CHAPEN HILL.
- 4) STATE OF NEW HAMPSHIRE 2014 WETLAND PLANT LIST. LICHVAR, R.W., M. BUTTERWICH, N.C. MELVIN, AND W.N. KIRCHNER. 2014. THE NATIONAL WETLAND PLANT LIST: 2014 UPDATE OF WETLAND RATINGS. PHYTONEURON 2014-41:1-42.
- 5) CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, JANUARY 1987. WETLANDS RESEARCH PROGRAM TECHNICAL REPORT Y-87-1.
- 6) REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION. JANUARY 2012, VERSION 2. U.S. ARMY CORPS OF ENGINEERS. ENVIRONMENTAL LABORATORY ERDC/EL TR-12-1.
- 7) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. DECEMBER 1979. L. COWARDIN, V. CARTER, F. GOLET, AND E. LAROE. US DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE. FWS/OBS-79/31.



STONEY RIDGE ENVIRONMENTAL, LLC.
CYNTHIA BALCIUS, CWS #61

PLAN REFERENCES:

1. "WHITE ENTERPRISES INC. PLAN OF LOTS, PROSPECT ST., DOVER NEW HAMPSHIRE" BY: GL DAVIS & ASSOCIATES DATED: APRIL, 1968 S.C.R.D. PLAN #9A, POCKET #9, FOLDER #2
2. "PLAN OF LAND OF LEWIS & SARAH BROWN, EASTERLY SIDE OF SNOWS COURT, DOVER, N.H." BY: G.A. CRAWFORD DATED: APRIL 27, 1955 S.C.R.D. PLAN #55, POCKET #3, FOLDER #1
3. "PLAN OF LAND, GERARD R. COTE, DOVER, N.H." BY: GL DAVIS & ASSOCIATES S.C.R.D. PLAN #55, POCKET #2, FOLDER #15



NOTES:

- 1.) OWNER: STF DEVELOPMENT CORPORATION 242 CENTRAL AVENUE DOVER, NH 03820
- 1A.) APPLICANT: STF DEVELOPMENT CORPORATION 242 CENTRAL AVENUE DOVER, NH 03820
- 2.) TAX MAP 32, LOT 35A
- 3.) LOT AREA: 40,592 Sq. Ft., 0.92 Ac.
- 4.) S.C.R.D. BOOK 2515, PAGE 207
- 5.) ZONING: (R-12) MEDIUM DENSITY RESIDENTIAL DISTRICT MINIMUM FRONTAGE ~ 100' MINIMUM LOT SIZE ~ 12,000 Sq. Ft. FRONT BUILD TO LINE ~ 15'-25' REAR SETBACK ~ 30' SIDE SETBACK ~ 15' WETLANDS BUFFER ~ 50.0' MAX. BUILDING HEIGHT: 35' MAX. LOT COVERAGE: 30%
- 6.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, PART OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY #330145, MAP #33017C0310E, DATED: SEPTEMBER 30, 2015
- 7.) THE FEMA FLOOD ZONE IS AT ELEVATION 46.4', LOCATED ACROSS THE STREET.
- 8.) VERTICAL DATUM BASED ON NAVD88 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83. COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
- 9.) THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN FEBRUARY OF 2019, WITH AN ERROR OF CLOSURE OF 1 PART IN 21612.70.
- 10.) THE INTENT OF THIS PLAN IS TO SHOW THE BOUNDARIES OF A PROPOSED 2 LOT SUBDIVISION ON TAX MAP 32, LOT 35A.
- 11.) THIS IS A 9 SHEET PLAN SET WITH SHEET 3 WILL BE RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS. SHEET 3 WILL BE ON FILE AT THE CITY OF DOVER OR THIS OFFICE. FOR MORE INFORMATION ON THIS SUBDIVISION, CONTACT THE CITY OF DOVER PLANNING DEPARTMENT, 288 CENTRAL AVENUE, DOVER, NH 03820, (603) 516-6008.
- 12.) BOTH LOTS WILL BE SERVICED BY MUNICIPAL WATER AND SEWER.
- 13.) OWNER TO WORK WITH CITY ENGINEER ON PROPOSED WATER AND SEWER UTILITIES FOR THE PROPOSED LOT.
- 14.) NHDES SUBDIVISION APPROVAL NOT REQUIRED DUE TO THE SITE BEING SERVICED BY MUNICIPAL WATER AND SEWER.
- 15.) SEE SHEET 5 FOR ALL OTHER STANDARD SUBDIVISION NOTES ON FILE AT THE DOVER PLANNING.

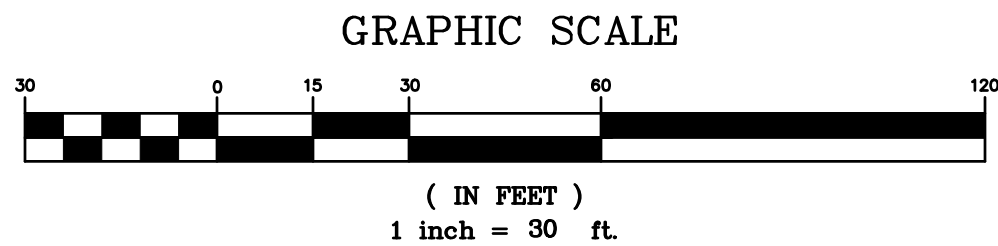
LEGEND:

- IRON BOUND ~TBS~
- IRON PIPE ~FND~
- CONCRETE BOUND ~FND~
- UTILITY POLE
- GUY WIRE
- ⊕ TEMPORARY BENCH MARK (T.B.M.)

- SURVEY TIE LINE
- PROPOSED BOUNDARY LINE
- BUILDING SETBACK LINE
- APPROXIMATE ABUTTING BOUNDARY LINE
- 100' CONSERVATION DISTRICT
- 50' PRIMARY BUILDING SETBACK LINE (NHDES)
- 150' NATURAL WOODLAND BUFFER LINE (NHDES)
- FEMA FLOODWAY LINE
- CONCRETE HEADWALL OR RETAINING WALL
- FND FOUND
- TYP TYPICAL
- S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER, N.H. - 1:10,000 -

KENNETH A. BERRY LLS 805 DATE



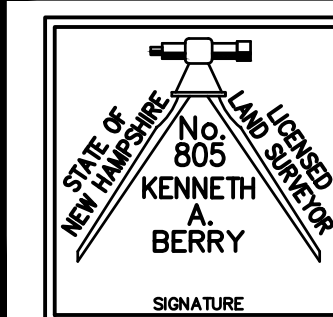
APPROVED DOVER

WHETHER OR NOT OTHERWISE EXPRESSLY RECITED ON THIS SUBDIVISION PLAN, THE SUBDIVISION APPROVAL GRANTED IS CONDITIONED ON FAITHFUL AND DILIGENT ADHERENCE BY THE OWNER/SUBDIVIDER/DEVELOPER OF ALL TERMS, CONDITIONS, PROVISIONS AND SPECIFICATIONS OF THE CITY OF ROCHESTER LAND SUBDIVISION REGULATIONS AS AMENDED OR AS MAY LATER BE AMENDED, IN EFFECT ON THE DATE OF APPROVAL, UNLESS OR EXCEPT INSOFAR AS EXPRESSLY WAIVED, IN ANY PARTICULAR, BELOW. NON - ADHERENCE MAY RESULT IN A REVOCATION OF APPROVAL. ANY VARIATION FROM THE APPROVED PLAN WILL REQUIRE A RESUBMISSION FOR SUBDIVISION APPROVAL.

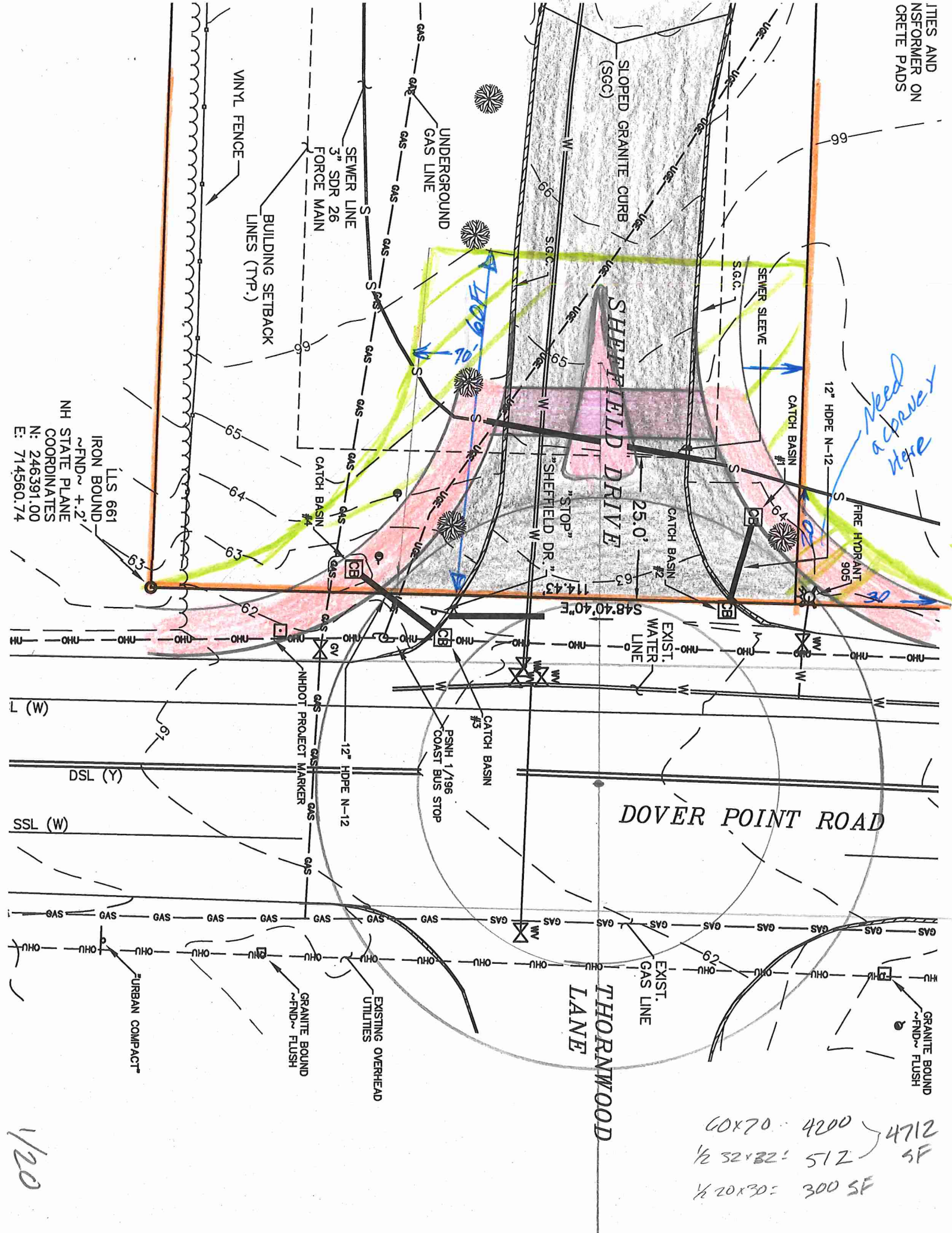
REVISION	DATE	DESCRIPTION

SUBDIVISION PLAN
LAND OF
STF DEVELOPMENT CORPORATION
SNOWS COURT
DOVER, N.H.
TAX MAP 32, LOT 35A

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603) 332-2863
SCALE : 1 IN. EQUALS 30 FT.
DATE : JUNE 14, 2019
FILE NO. : DB 2019 - 013



ITIES AND
NSFORMER ON
CRETE PADS



60x70 = 4200 } 4712 SF
1/2 32x32 = 512 }
1/2 20x30 = 300 SF

1/20



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2021.10.13 – 168**
Resolution Re: B11001 Wright-Pierce Additional Scope of Work #10 for Engineering Design Services for the Stark Ave & Downtown Area Sewer Rehabilitation Project-Phase C

WHEREAS: A sealed (RFQ) Request for Qualifications #B11001 was issued and received for Professional Engineering Services for the Waste Water Treatment Facilities Plan on August 23, 2010 at 2:00 PM; and

WHEREAS: Wright-Pierce was awarded design of equipment upgrades and plant processes via resolution [R-2012.07.25-96](#), as well as several subsequent additional scopes of work using available funds as outlined in the background section of this resolution; and

WHEREAS: The City received Additional Scope of Work #10 for engineering design services for the Stark Avenue and Downtown Area Sewer Rehabilitation Project-Phase C in the amount of \$237,600.00 contingent upon final approval by the NH Department of Environmental Services.

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

Upon receipt of approval by the NH Department of Environmental Services, the Purchasing Agent is hereby authorized to issue a Purchase Order to Wright-Pierce of Portsmouth, NH for engineering design services for the Stark Avenue and Downtown Area Sewer Rehabilitation Project-Phase C in the amount not to exceed \$237,600.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4757.04560.21	Utility Systems	1,185,000.00	97,763.52
5320.1.300.43250.4757.04561.16	Sewer-Downtown Inflow & Infiltration Elim.	61,758.19	31,758.19
5320.1.300.43250.4757.04561.19	Sewer-Downtown Inflow & Infiltration Elim.	791,772.61	791,772.61

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

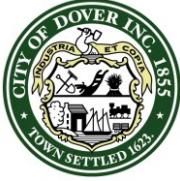
Resolution Number: **R – 2021.10.13 – 168**
Resolution Re: B11001 Wright-Pierce Additional Scope of Work #10 for
Engineering Design Services for the Stark Ave &
Downtown Area Sewer Rehabilitation Project-Phase C

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2021.10.13 – 168**
Resolution Re: B11001 Wright-Pierce Additional Scope of Work #10 for Engineering Design Services for the Stark Ave & Downtown Area Sewer Rehabilitation Project-Phase C

RESOLUTION BACKGROUND MATERIAL:

Wright-Pierce Engineers completed a Comprehensive Wastewater Treatment Facilities Plan for the City in March 2012. The plan was necessary because the Wastewater Facility went on line in June of 1991, and although the facility has been maintained extremely well, many of the operating components of the facility were in need of an upgrade.

In 2012, the City entered into an agreement with Wright Pierce Engineers for the engineering design phase for equipment upgrades and plant processes to meet new NH Department of Environmental Services (NHDES) parameters. Wright Pierce was awarded Phase I design of equipment upgrades and plant processes phase via council resolution [R-2012.07.25-96](#) in the amount of \$496,500.00.

The City received very favorable pricing for the construction of the Phase I upgrades, thereby allowing the City to continue the design services for upgrades needed and identified in the City's Waste Water Facility Plan. City Council approved Additional Scope of Work #1 for additional design services in the amount of \$110,600.00 via council resolution [R-2014.04.09-024](#).

Additional Scope of Work #2 adding \$9,925.00 for conceptual design services of the wet well/catch basin work was accepted in March 2016 and Additional Scope of Work #3 in the amount of \$256,800.00 for (IPP) Industrial Pretreatment Program study and catch basin screening facility design services was approved by the NHDES and via council resolution [R-2017.04.12-033](#).

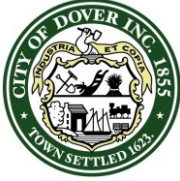
Additional Scope of Work #4 adding \$81,900.00 for engineering services related to the design of the aeration blower and emergency generator work. Wright Pierce will perform evaluation, design, and provide bid specifications/consulting for the work, as well as construction oversight was approved via council resolution [R-2018.05.09-046](#).

Additional Scope of Work #5 adding \$62,800 for the River Street Pump Station Conceptual Design, \$3,500 for the Henry Law Avenue Sewer Cleaning Bid Package, and \$2,500.00 for the Replacement Rotation Assembly Bid Package for a total of \$68,800.00 was approved via council resolution [R-2020.05.13-066](#).

Additional Scope of Work #6 adding \$379,276.00 for construction administration services, resident engineering and supporting staff, supervision of initial start-up and operation of the project, manual preparation, and record drawings for the new catch basin and wet well cleanings treatment facility was approved by the NHDES and via council resolution [R-2020.10.28-183](#).

Additional Scope of Work #7 adding \$120,000.00 for construction administration services, resident engineering and supporting staff, supervision of initial start-up and operation of the project, manual preparation, and record drawings for the Stark Avenue and Downtown Area Sewer Rehabilitation Project – Phase A was approved by the NHDES and via council resolution [R-2021.03.10-028](#).

Additional Scope of Work #8 adding \$142,200.00 for construction administration services, resident engineering and supporting staff, supervision of initial start-up and operation of the project, manual



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2021.10.13 – 168**
Resolution Re: B11001 Wright-Pierce Additional Scope of Work #10 for Engineering Design Services for the Stark Ave & Downtown Area Sewer Rehabilitation Project-Phase C

preparation, and record drawings for the Stark Avenue and Downtown Area Sewer Rehabilitation Project – Phase B was approved by the NHDES and via council resolution [R-2021.05.26-076](#).

Additional Scope of Work #9 adding \$677,000.00 for Upgrades to the River Street Pump Station to complete the Preliminary Design-Phase II and Final Design-Phase III was approved by the NHDES and via council resolution [R-2021.08.25-151](#). The Conceptual Design was completed by Wright-Pierce in the Spring of 2021. On August 11, 2021, the FY2022 CIP Appropriation and Authorization for CWSRF Loan for River Street Pump Station Upgrades in the amount of \$7,206,000.00 was approved via council resolution [R-2021.07.14-131](#).

Additional Scope of Work #10 is being requested for engineering design services for the Stark Avenue and Downtown Area Sewer Rehabilitation Project – Phase C in the amount of \$237,600.00 contingent upon final approval by the NH Department of Environmental Services. The proposed design work includes sewer pipe/manhole replacement in the Elliot Park and Stark Avenue areas, and pipe replacement/lining along a portion of Stark Avenue.

Bid Information:

A sealed (RFQ) Request for Qualifications #B11001 was issued and received for Professional Engineering Services for the Waste Water Treatment Facilities Plan on August 23, 2010 at 2:00 PM.

Award Information:

A purchase order will be issued to Wright-Pierce to authorize expenditures as outlined in this resolution. Approval of the Additional Scope of Work (aka Engineering Design Phase Contract for Professional Services for Treatment Works) is also required by the NH Department of Environmental Services.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

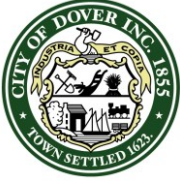
Agenda Item#: 13.B.1.

Resolution Number: **R – 2021.10.13 – 168**
Resolution Re: B11001 Wright-Pierce Additional Scope of Work #10 for Engineering Design Services for the Stark Ave & Downtown Area Sewer Rehabilitation Project-Phase C

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	117	Number of Responses:	8
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until completion	Estimated Delivery:	As needed
Recommended Award to:	Wright-Pierce	Fund:	CIP
Other Approvals Required:	Yes, NHDES	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation.

[B11001 Bid Documents and Vendor List](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R - 2021.10.13 – 169**

Resolution Re: Approval of Purchase and Sale Agreement Between City of Dover, Dover Business and Industrial Development Authority, and American Durafilm Co., Inc.

WHEREAS: The City and the Dover Business and Industrial Development Authority (“DBIDA”) have marketed and advertised parcels within Enterprise Park for purposes of economic development; and

WHEREAS: American Durafilm Co., Inc. (“American Durafilm”) offered to purchase an approximately 3.1 to 3.5 acre parcel at the corner of Innovation Way and Venture Drive, to be subdivided off of a 36.19 +/- acre parcel known as Tax Map D, Lot 11-1; and

WHEREAS: Thereafter, American Durafilm, the City of Dover, and DBIDA negotiated and entered into a Purchase and Sale Agreement dated June 28, 2021; and

WHEREAS: The Purchase and Sale Agreement is contingent on various conditions, including DBIDA and City Council approval of the sale; and

WHEREAS: On September 1, 2021, DBIDA reviewed and approved the Purchase and Sale Agreement; and

WHEREAS: The Purchase and Sale Agreement is now being submitted to City Council for its review and approval.

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

The City Council approves the Purchase and Sale Agreement accompanying this resolution, entered into between the City of Dover, Dover Business and Industrial Authority, and American Durafilm Co., Inc. and dated June 28, 2021.

AND, BE IT FURTHER RESOLVED THAT:

The City Manager is authorized to finalize the sale on terms deemed acceptable and consistent with the Purchase and Sale Agreement, as well as take and any all actions necessary to effectuate the sale and transfer described within the Purchase and Sale Agreement, including but not limited to executing a satisfactory deed and accomplishing filings with the Strafford County Registry of Deeds and New Hampshire Department of Revenue Administration.

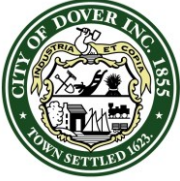
AUTHORIZATION

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.B.2.

Resolution Number: **R - 2021.10.13 – 169**
Resolution Re: Approval of Purchase and Sale Agreement Between City of Dover, Dover Business and Industrial Development Authority, and American Durafilm Co., Inc.

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 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:

See Purchase and Sale Agreement attached. As set forth in Section 4.01, the purchase price is \$60,000 per usable acre. American Durafilm proposed a 3.3 acre lot to the Planning Board, which, if all 3.3 acres are usable, would entail a purchase price of \$198,000.

On September 28, 2021, the Planning Board unanimously approved American Durafilm's subdivision application. The subdivision plan submitted to the Planning Board is attached for reference.

American Durafilm is a fabricator of various products. The company provides high performance films, coatings, and tubing.

PURCHASE AND SALE AGREEMENT

June 28, 2021, and is made by and between **AMERICAN DURAFILM CO., INC.**, (the "Buyer") a corporation organized under the laws of the State of Massachusetts with an address at 55 Boynton Road, Holliston, Massachusetts 01746, and the **City of Dover ("City")** and its **DOVER BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY ("DBIDA")**, each with an address of 288 Central Avenue, Dover, NH 03820 (collectively City and DBIDA are referred to as the "Seller").

RECITALS

The Seller is the owner of an approximately 36.19 acre parcel of real property in the City of Dover identified as Map D, Lot 11-1, being a portion of the premises conveyed to DBIDA by Warranty Deed of New Homes, Inc., dated June 20, 1991 and recorded at the Strafford County Registry of Deeds at Book 1559, Page 394, and DBIDA serving as the successor in interest to the Dover Industrial Development Authority by Release Deed dated March 28, 2016 and recorded at the Strafford County Registry of Deeds at Book 4368, Page 691; *see also* Quitclaim Deed recorded at Book 1738, Page 130;

Buyer has expressed interest in purchasing approximately 3.1 to 3.5 acres, more or less, of Map D, Lot 11-1, in the area at the corner of Innovation Way and Venture Drive, as will be defined in a forthcoming site plan being prepared by the Buyer (the "Parcel").

Following due consideration, the Seller has, subject to the conditions and contingencies set forth below, determined that the proposal by Buyer is an appropriate proposal.

The Seller and the Buyer wish to enter into a contingent agreement pursuant to which the Seller shall convey the Parcel to the Buyer.

NOW, THEREFORE, with the aforesaid recitals incorporated into the Agreement below, and for and in consideration of the mutual covenants and agreements contained herein, the receipt and adequacy of which is hereby acknowledged by both parties hereto, the Buyer and the Seller, intending to be bound, do hereby agree as follows:

ARTICLE I

DEFINITIONS

The following terms shall have the meanings ascribed to them in this Article I for purposes of this Purchase and Sale Agreement. Unless otherwise defined below, capitalized terms used herein shall have the meaning as set forth in this Agreement.

"*Approval Deadline*" means the date 270 days after the later of: (i) the Effective Date; (ii) the date of DBIDA's approval pursuant to Section 2.02; or (iii) the date of approval of the Project Plans.

"Buyer" means American Durafilm Co., Inc., 55 Boynton Road, Holliston, Massachusetts 01746.

"City" means the City of Dover, New Hampshire, including all municipal bodies, boards, and authorities, and their subcommittees or subdivisions, specifically including DBIDA.

"City Council" means the City Council for the City of Dover.

"Closing Date" means the date for conveyance of the Parcel as set forth in Section 4.02.

"Concept Plan" means the plan attached hereto as Exhibit A.

"Deposit" means the deposit paid by the Buyer to the Seller pursuant to Section 4.01.

"Effective Date" means the later date that the DBIDA and the City Council approve this Agreement pursuant to Section 2.01.

"Heine Agreement" means the Agreement between Heine USA Ltd. and DBIDA dated September 13, 2007, with respect to Innovation Way.

"Permitted Assignee" means any Person directly or indirectly controlling, controlled by, or under common control with the Buyer. For purposes of this definition, the term "controls," "is controlled by," or "is under common control with" shall mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person or entity, whether through the ownership of voting securities, by contract or otherwise.

"Person" means an individual, a corporation, a limited liability company, a partnership, a limited liability partnership, an association, a joint stock company, a joint venture, a trust, an unincorporated organization or a government or any agency or political subdivision thereof.

"Parcel" means approximately 3.1 to 3.5 acres, more or less, of Map D, Lot 11-1, in the area at the corner of Innovation Way and Venture Drive, as shown in the Concept Plan, the boundaries of which will be finally and formally defined and shown in forthcoming site and subdivision plans being prepared by the Buyer and agreed upon and approved by Seller;

"Project" means the approximately 15,000 square foot industrial facility, and related improvements, to be constructed by the Buyer on the Parcel, substantially as shown on the Concept Plan.

"Project Approvals" means all final, unappealed and unappealable federal, state and local permits required for the construction and use of the Project, including, but not limited to, site plan and subdivision approval from the Dover Planning Board, one or more conditional use permits from Dover Planning Board, and an Alteration of Terrain Permit from the New Hampshire Department of Environmental Services (if necessary), all in form and content, and with conditions, satisfactory to the Buyer.

"Project Plans" means the site and subdivision plans agreed to and approved by the parties pursuant to Section 2.03.

"Protective Covenants" means the terms and conditions set forth in the Declaration of Protective Covenants and Performance Standards for Enterprise Park dated April 3, 1992, recorded with the Strafford County Registry of Deeds at Book 1604, Page 625, as amended at Book 1654, Page 151, and as may have been further updated from time to time.

"Purchase and Sale Agreement" or *"Agreement"* means this Purchase and Sale Agreement, by and between the Buyer and the Seller, as amended or supplemented from time to time.

"Purchase Price" shall have the meaning set forth in Section 4.01 of this Purchase and Sale Agreement.

"Seller" means the City, a municipal corporation, and DBIDA, an industrial authority of the City, with an address at 288 Central Avenue, Dover, NH 03280.

ARTICLE II

CONDITIONS PRECEDENT AND CONTINGENCIES

This Agreement shall be fully contingent upon the satisfactory resolution of the conditions precedent listed below in this Article II.

Section 2.01 DBIDA and City Council Approval of Purchase and Sale Agreement.

The parties acknowledge that Seller cannot convey the Parcel unless and until DBIDA and City Council each approve this Purchase and Sale Agreement and authorize the completion of the process of conveying the Parcel. Seller must do so pursuant to duly noticed and authorized votes of the public bodies. If DBIDA or the City Council fail or refuse to approve this Purchase and Sale Agreement (and the Seller's conveyance of the Parcel as set forth in this Purchase and Sale Agreement), either party shall have the right to terminate this Agreement without further obligation or recourse except for Seller's obligation to return the Deposit pursuant to Section 4.01.

Section 2.02 DBIDA Architectural Review and Approval

The Protective Covenants require that DBIDA, as successor to Dover Industrial Authority, shall review and approve any and all construction and development in Enterprise Park, including the Parcel. Buyer shall therefore diligently seek DBIDA's final approval(s) as required by the Protective Covenants. If Buyer is unable, despite Buyer's best efforts, to obtain final approval of DBIDA by the Closing Date hereinafter stated, then Buyer may terminate this Agreement without further obligation and without recourse by the Seller.

Section 2.03 Agreement on, and Final Approval of, Site Plan, Subdivision, and Parcel

Boundaries

The parties acknowledge that the Parcel has yet to be defined by exact boundaries, monuments, or metes/bounds, meaning the Parcel location still remains to be determined as well. The final boundaries of the Parcel will be shown in site and subdivision plans being prepared by the Buyer, subject to review and approval of the Seller, substantially as shown on the Concept Plan. If the Seller and Buyer cannot agree on the boundaries and location of the Parcel, then either party may terminate this Agreement without further obligation or recourse except for Seller's obligation to return the Deposit pursuant to Section 4.01. Furthermore, if the Buyer cannot obtain the Project Approvals on or before the Approval Deadline, then Buyer may terminate this Agreement without further obligation and without recourse by the Seller. The City Council's approval of this Agreement shall constitute approval for City staff to seek or join in seeking any necessary land use approvals to subdivide and define the Parcel consistent with the Concept Plan.

Section 2.04 Determination and Satisfaction of Amount Due, If Any, to Heine, USA

The parties acknowledge that the Parcel is subject to the Heine Agreement, a copy of which has been provided to the Buyer and is incorporated by reference, inclusive of all contractual obligations set forth in the Heine Agreement of the Seller and, by virtue of this Agreement and future anticipated conveyance of the Parcel, the Buyer. The parties' obligations under this Agreement are contingent upon the satisfactory determination of the amount to be paid by the Buyer pursuant to the Heine Agreement. If the Buyer is unable to determine and resolve this issue by the closing, either party may terminate this Agreement without further obligation or recourse except for Seller's obligation to return the Deposit pursuant to Section 4.01.

Section 2.05 Estimate of Impact and Utility Connection Fees Assessed to Buyer

The parties acknowledge that there is a need to determine what impact and utility connection fees shall be assessed to Buyer in connection with any development and use of the Parcel. If such determination is unsatisfactory to the Buyer for any reason, then the Buyer may terminate this Agreement without further obligation of Seller and without recourse by the Seller.

Section 2.06 Intentionally Omitted.

Section 2.07 State and Local Permitting

It shall be the duty of the Buyer to ascertain and obtain the Project Approvals. Satisfactory issuance of the Project Approvals shall be a condition precedent to closing. If the Buyer cannot obtain the Project Approvals on or before the Approval Deadline, then Buyer may terminate this Agreement without further obligation and without recourse by the Seller.

ARTICLE III

REPRESENTATIONS, WARRANTIES AND COVENANTS

Section 3.01 Representations, Covenants and Warranties of the Buyer.

The Buyer represents, warrants, and covenants as follows:

(a) *Organization.* The Buyer is a corporation duly organized and validly existing under the laws of the State of Massachusetts and has the power and authority to own its properties and assets and to carry on its business in the State as now being conducted and as hereby contemplated.

(b) *Authority.* The Buyer has the power and authority to enter into and to perform its obligations under this Purchase and Sale Agreement, and has taken all action necessary to cause this Purchase and Sale Agreement to be executed and delivered, and this Purchase and Sale Agreement has been duly and validly executed and delivered by the Buyer.

(c) *Binding Obligation.* This Purchase and Sale Agreement is a legal, valid and binding obligation of the Buyer, enforceable against the Buyer in accordance with its terms, subject to bankruptcy and other equitable principles.

(d) *No Conflict.* The execution and delivery by the Buyer of this Purchase and Sale Agreement and compliance with the provisions hereof, do not and will not in any material respect conflict with or constitute on the part of the Buyer a breach or default under any agreement or instrument to which it is a party or by which it is bound.

(e) *Litigation.* As of the date of this Purchase and Sale Agreement, there is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending or, to the best of its knowledge, threatened by or against the Buyer: (i) in any way questioning the due formation and valid existence of the Buyer; (ii) in any way contesting or affecting the validity of this Purchase and Sale Agreement or the consummation of the transactions contemplated hereby; (iii) which would have a material adverse effect upon the financial condition of the Buyer or any of its principals, or its ability to perform its obligations under this Purchase and Sale Agreement.

(f) *Compliance with Laws.* The Buyer shall not, with knowledge, commit, suffer or permit any act to be done in, upon the Parcel in violation of any law, ordinance, rule, regulation or order of any governmental authority or any covenant, condition or restriction now or hereafter affecting the Parcel.

Section 3.02 Representations of the Seller.

Seller represents, warrants, and covenants as follows:

(a) *Organization.* The City is a municipal corporation. DBIDA is an authority of the City organized pursuant to RSA chapter 162-G. The City and DBIDA have the full legal right, power and authority to enter into this Purchase and Sale Agreement, and to carry out and consummate the transactions on Seller's part, subject to approval by DBIDA and City Council.

(b) *Authority.* Upon execution of this Purchase and Sale Agreement by Seller and subject to the contingencies and conditions precedent in Article II above, Seller, by all necessary official action thereof, shall have duly authorized and approved the adoption, execution and delivery by the City of, and the performance of, the obligations on its part contained in this Purchase and Sale Agreement, such authorizations and approvals shall be in full force and effect and shall not have been amended, modified or rescinded, and this Purchase and Sale Agreement shall have been duly executed and delivered and is enforceable against the Seller, subject to bankruptcy and other equitable principles.

(c) *Litigation.* There is no action, suit, proceeding, inquiry or investigation, at law or in equity, before or by any court, government agency, public board or body, pending or, to the best of its knowledge, threatened by or against Seller in any way contesting or affecting the validity of this Purchase and Sale Agreement or the consummation of the transactions contemplated hereby.

Section 3.03 No Implied Approval; No Waiver of Ordinances, Statutes, Rules or Regulations.

Nothing herein shall be construed as affecting Seller's or the Buyer's rights or duties to perform their respective obligations and fulfill their respective responsibilities under any zoning ordinances, use regulations, building codes, or subdivision requirements, or any other laws, regulations, rules, codes or statutes relating to the Parcel, subdivision of the Parcel, the site of the Parcel, or any other such approvals.

Nothing contained in this Purchase and Sale Agreement shall constitute, be deemed to constitute or imply that the City Council, or any City board, department, office, or agency, officer, or employee of the City shall approve, authorize, or consent to any action or activity within or required for any future development or subdivision of the Parcel, including any land use approval, requirements for the provision of public utilities or services, or any administrative, judicial, quasi-judicial, or legislative action, unless and until such respective authorizations, approvals or consents are duly and properly issued by the City Council, and/or the City's respective board, department, office, agency, officer or employee.

ARTICLE IV

BUYER'S ACQUISITION OF PARCEL

Section 4.01 Acquisition Terms; Purchase Price; Deposit

Within five (5) business days following the Effective Date, the Buyer shall provide the Seller with a good faith deposit of Five Thousand Dollars even (\$5,000), to be held by the Seller's real estate agent in escrow. The Deposit shall be nonrefundable unless the Seller materially breaches this Agreement or this Agreement is terminated by either party pursuant to Article II or Section 4.03. Upon satisfaction of the conditions set forth in this Article IV and the conditions precedent in Article II, the Buyer shall purchase and the Seller shall sell the Parcel. The purchase price for the Parcel shall be determined according to the final Parcel acreage, at a price of Sixty

Thousand Dollars and Zero Cents in United States currency (\$60,000.00) per usable acre (the "Purchase Price"), to be paid at the Closing via a bank or certified check or wire or similar means. If, for example, the ultimate parcel is 3 acres, then the Purchase Price shall be \$180,000. The Deposit shall be applied as a credit toward the Purchase Price.

As part of the conveyance, Seller shall have the right to either (i) ensure and establish the boundary of the Parcel fronting on and along Innovation Way is set back at least 20 feet from the edge of pavement on the northerly side of Innovation Way, allowing the City to retain the fee interest in such land for purposes of enlarging Innovation Way, subject to any land use or planning board approval(s) deemed necessary and/or advisable to accomplish and plat same, or (ii) reserve any necessary highway, right of way, and/or related slope, lateral support, drainage, utility, sign, signal, traffic sign, and/or sewer easements in the deed, if and to the extent the Seller deems such easements necessary to establish, maintain, preserve, and/or allow for a current or future public use or function. For example, the Seller may determine there is a need to ensure viatic uses or adequate space for a utility corridor to house multiple utility along Innovation Way or surrounds. The City Council's approval of this Agreement shall constitute approval for City staff to seek or join in seeking any necessary land use approvals to either locate a new northerly boundary of Innovation Way or reserve any necessary highway, right of way, and/or slope, lateral support, drainage, utility, sign, signal, traffic sign, and/or sewer easements as described above in this paragraph.

As part of the conveyance, Seller shall have the right to include the following rights expressly stated, reserved, and created within the deed to the Buyer, with respect to the Parcel :

(i) Discounted Repurchase: Seller shall have an exclusive option and right to repurchase the Parcel for a purchase price equal to the Purchase Price paid pursuant to this Agreement less \$25,000 (hereinafter the "Discounted Repurchase Right"). The Discounted Repurchase Right (a) shall arise and commence only upon Buyer's (or assignee's) failure to obtain a final certificate of occupancy for the Project within two (2) years from the Closing Date, which such period shall be extended for so long as Buyer (or its assignee) has obtained a building permit for the Project and is diligently and in good faith constructing the Project in accordance with the Project Approvals (or is otherwise precluded from doing so by any of the reasons set forth in Section 5.11), and (b) shall terminate on the earlier of the date three (3) years after the commencement of such right or the date on which Buyer (or its assignee) obtains a final certificate of occupancy for the Project. If Seller exercises its Discounted Repurchase Right, Seller shall purchase and acquire the Parcel free of any mortgage, lien, or encumbrance other than those matters contained in the quitclaim deed from Seller delivered to Buyer on the Closing Date pursuant to the terms of this Agreement; and

(ii) Perpetual ROFR: In addition to the Discounted Repurchase Right, Seller shall have an exclusive and perpetual option and right of first refusal to purchase the Parcel, which shall arise upon expiration of the Discounted Repurchase Right period if no final certificate of occupancy for the Project has issued and shall extend thereafter in perpetuity (hereinafter the "Perpetual ROFR"). With respect to the Perpetual ROFR, in the case of any bona fide offer to purchase the Parcel, whether received from a foreclosure process, any public sale

or execution of any lien or encumbrance, or as part of a general offering or sale process, Buyer or mortgage holder or lienholder as the case may be shall notify Seller of the any such offer and, upon the receipt of said notice, Seller have a period of sixty (60) days afterwards to exercise the Perpetual ROFR which, if exercised by Seller, shall entitle Seller to match the terms of any pending offer to purchase, take priority over any such offer, and result in Seller purchasing and acquiring the Parcel free of any mortgage, lien, or encumbrance other than those matters contained in the quitclaim deed from Seller delivered to Buyer on the Closing Date pursuant to the terms of this Agreement. Moreover, the Perpetual ROFR described in this paragraph shall reset and reapply six months after the expiration of the City's period for exercising same.

The Discounted Repurchase Right and Perpetual ROFR shall each run with the land and be binding upon any lienholder, mortgage holder, subsequent owner, transferee, or assignee of the Parcel or any interest therein. However, should the Seller exercise either the Discounted Repurchase Right or the Perpetual ROFR and complete the purchase of the Parcel, upon recording of the conveyance back to the Seller both the Discounted Repurchase Right and the Perpetual ROFR shall be permanently extinguished.

As part of the conveyance, Buyer may at its election assign its right to receive title to a Permitted Assignee, who shall be bound to the same extent as the Buyer to the rights and obligations stated in this Agreement.

Buyer shall provide all necessary tax identification and other tax-related information as part of the closing, including, if necessary, any subsidiary or related entity.

With respect to certain anticipated or potential closing costs, the parties agree as follows:

- Closing Attorney: The Buyer shall be solely responsible for any other fee due to the closing attorney's or agent's office, including the costs for escrow services, deed preparation, HUD-1 statement preparation, title review, and title insurance.
- Real estate agent/broker fees: Seller shall be solely responsible for any fee due to its real estate broker or agent in connection with sale of the Parcel. Buyer shall be solely responsible for any fee due to its real estate broker or agent in connection with sale of the Parcel.
- Permitting, Land Use Fees and Costs, Other Fees: The Buyer shall be solely responsible for any surveying, consultant, permitting, site plan, subdivision, or other such fees incurred with respect to any and all approvals sought, as well as sale and/or development of the Parcel.

Seller shall convey the Parcel by quitclaim deed, conveying the Parcel "as is", "where is", and "with all faults", as to its physical condition, and, other than the Heine Agreement, free of any known liens, agreements, leases, restrictions, tenancies, parties in possession, assessments, mortgages and other encumbrances, except (i) any easements or encumbrances of record that do

not materially interfere with the Buyer's intended development and use of the Project; (ii) the Protective Covenants, which shall be recited and imposed on the Parcel in the conveying deed, and/or (iii) any conveyed, retained or reserved rights or options of the Seller as provided for in this Agreement.

Section 4.02 Closing Date and Location.

The closing date for the conveyance of the Parcel shall be at a date/time mutually agreed to by the parties and shall occur no later than forty-five days following the issuance of all Project Approvals and the satisfaction of all conditions precedent thereto, TIME BEING OF THE ESSENCE (the "Closing Date"). The Closing Date may only be extended by mutual agreement of the parties in writing. The Closing shall take place at a mutually agreeable location or shall be completed remotely via appropriate escrow arrangements.

Section 4.03 Other Closing Terms and Conditions.

(a) *Transfer Tax and Legal Review.* Seller believes the City and DBIDA are exempt for Seller's portion of any New Hampshire Real Estate Transfer Tax ("RETT") by virtue of RSA 78-B:2, I. The Buyer, however, shall be and remain fully responsible for any RETT return and payment incurred and owed by its purchase of the Parcel.

(b) *Survey and Deed.* The Buyer, at its sole cost, shall have the obligation to cause all surveys and other such services needed to prepare a final site plan and subdivision plan, and/or other delineations in connection with land use approvals sought and the conveyance of the Parcel to the Buyer. Furthermore, the Buyer, at its cost, shall also generate a deed necessary for transfer of the Parcel and associated recording of the deed. The final deed shall contain all operative protective covenants of Enterprise Park as may be applicable to the Parcel, which may include Declaration of Protective Covenants and Performance Standards for Enterprise Park dated April 3, 1992, recorded with the Strafford County Registry of Deeds at Book 1604, Page 625, as amended at Book 1654, Page 151, and as may have been further updated from time to time, exact title references to be recited in the final deed shall be determined by Seller prior to closing as set forth in Section 2.06 above.

(c) *Inspections.* The Buyer shall have the right, but not the obligation, to perform its due diligence review of the condition of the Parcel and the feasibility of its intended use and development of the Project, all in such manner as the Buyer determines but within 90 days of the execution of this Agreement. During such time, as the Buyer determines reasonably necessary or desirable, the Buyer and its agents, designees, and employees shall have, and are hereby granted, the right, but shall have no obligation, to enter upon the Parcel to undertake such engineering studies, soils tests, subsurface tests, test borings, geotechnical studies, water surveys, percolation tests, boundary and topographical surveys, utility surveys, sewage disposal surveys, drainage determinations, inspections and tests, environmental assessments, tests for hazardous materials, including test pits and groundwater sampling and/or monitoring wells, traffic and road studies and such other investigations, tests and assessments as the Buyer shall desire, including, but not limited to, a Level I Environmental Site Assessment. The Buyer shall have no obligation to purchase the Parcel if its inspections reveal unknown and unsatisfactory conditions or liabilities.

The Seller hereby grants the Buyer permission to enter the Parcel, at Buyer's sole risk, for purposes of said inspections, and agrees to cooperate in good faith to accommodate such inspections.

(d) *Title.* Though the Parcel is to be conveyed by Quitclaim deed, Buyer is entitled to verify prior to closing that Seller has insurable and satisfactory title to the Parcel. If the Buyer determines that there are any matters of title affecting the Parcel which shall prevent or impede the Buyer from acquiring the Parcel by the Closing Date or will materially interfere with the Buyer's intended development and use of the Project, the Buyer shall provide prompt written notice to the Seller of the specific title matter(s) and the proposed resolution of the matter(s). Thereafter, the Seller shall have a reasonable period of time (not to exceed sixty (60) to cure such matter(s). If the matter cannot be satisfactorily cured by during such period of time, then the Buyer shall have the option to terminate this Agreement without recourse or further obligation. If the cure period expires after the Closing Date, the parties agree to discuss a reasonable extension in good faith. No payment for the extension of the Closing Date, based on title matters which the Seller must cure, shall be required. If the Seller elects not to undertake such cure or fails to effect a cure within such time period, then the Buyer may elect to (or not to) purchase the Parcel, failing which this Purchase and Sale Agreement shall terminate without further obligation and without recourse by the Seller. The Seller shall convey the Parcel subject to all matters of title as of the expiration of the period for reviewing title.

(e) *Risk of Loss.* Until the Closing, the Seller shall bear all risk of loss to the Parcel, and all costs and liabilities arising from the ownership of the Parcel.

(f) *Other:* The conditions precedent and contingencies identified in Article 2 above are incorporated herein by reference.

ARTICLE V

MISCELLANEOUS

Section 5.01 Agreement Termination.

In the event a contingency or condition precedent cannot be satisfactorily cleared or addressed, and/or in the event the contingencies and conditions precedent listed in Article 2 or Section 4.03 above cannot be fulfilled, the party specified in Article 2 or Section 4.03 (as the case may be) shall have the right to terminate this Agreement with recourse or further obligation, except for the return of the Deposit pursuant to Section 4.01.

Section 5.02 Release and Indemnification.

The Buyer releases the City, the members of the City Council, DBIDA, the members of DBIDA, and the City's and DBIDA's respective officers, attorneys, agents and employees, from, agrees that the City, the members of the City Council, DBIDA, the members of DBIDA, and the City's respective officers, attorneys, agents and employees, shall not be liable for and indemnifies the City, the members of the City Council, DBIDA, the members of DBIDA, and the City's respective officers, attorneys, board members, agents and employees against, all liabilities, claims,

costs and expenses, including out-of-pocket and incidental expenses and legal fees, imposed upon, incurred or asserted against the City, the members of the City Council, DBIDA, the members of DBIDA, and the City's respective officers, attorneys, agents and employees, arising, directly or indirectly, in whole or in part, out of the negligence or willful act or omission of the Buyer, its agents or anyone who is directly employed by Buyer in connection with the Seller's performance of its duties and obligations under this Purchase and Sale Agreement, including any due diligence or inspections that the Buyer undertakes with respect to the Parcel until the Closing Date; provided that, such release or indemnification shall not apply to any actions or claims brought as a result of any material breach of this Purchase and Sale Agreement, willful misconduct or fraudulent action of the City, the members of the City Council, DBIDA, the members of DBIDA, and/or the City's respective officers, attorneys, agents and employees.

In case any claim or demand is at any time made, or action or proceeding is brought, against or otherwise involving the City, any member of the City Council, DBIDA, any member of DBIDA, or any officer, attorney, board member, agent or employee of the City, in respect of which indemnity may be sought hereunder, the person seeking indemnity promptly shall give notice of that action or proceeding to the Buyer, and the Buyer upon receipt of that notice shall have the obligation and the right to assume the defense of the action or proceedings with counsel acceptable to both parties. An indemnified party may employ separate counsel and participate in the defense, but the fees and expenses of such counsel shall be paid by the indemnified party unless (i) the employment of such counsel has been specifically authorized by the Buyer in writing, or (ii) the Buyer has failed to assume the defense and to employ counsel or (iii) the named parties to any such action (including any impleaded parties) include both an indemnified party and the Buyer, and such indemnified party may have one or more legal defenses available to it which are different from or additional to those available to the Buyer, in which case, if the indemnified party notified the Buyer in writing that the indemnified party elects to employ separate counsel at the Buyer's expense, the Buyer shall not have the right to assume the defense of such action on behalf of such indemnified party and the Buyer shall be responsible for payment of the fees and expense of such separate counsel.

The indemnification set forth above is intended to and shall include the indemnification of all affected officials, attorneys, agents, board members, officers and employees of the City and/or DBIDA, respectively, and each and all of their successors and assigns. Those indemnifications and any other indemnifications provided for herein are intended to and shall be enforceable by each and every indemnified party to the full extent permitted by law and shall survive the termination of this Purchase and Sale Agreement.

Section 5.03 Notices.

Any notice, payment or instrument required or permitted by this Purchase and Sale Agreement to be given or delivered to either party shall be deemed to have been received when personally delivered or transmitted by telecopy or facsimile transmission (which shall be immediately confirmed by telephone and shall be followed by mailing an original of the same within 24 hours after such transmission) or 72 hours following deposit of the same in any United

States Post Office, registered or certified mail, postage prepaid, addressed as follows:

Seller: City of Dover & DBIDA
Attn: City Manager & DBIDA Chairperson
City Hall
288 Central Avenue
Dover, New Hampshire 03820-4169

With a copy to: City Attorney
City of Dover, New Hampshire
City Hall
288 Central Avenue
Dover, New Hampshire 03820-4169

Buyer: American Durafilm Co., Inc.
55 Boynton Road
Holliston, Massachusetts 01746

With a copy to: J. Mack Hendrick, President
American Durafilm Co., Inc.
55 Boynton Road
Holliston, Massachusetts 01746

and to Buyer's counsel:

Cleveland, Waters and Bass, P.A.
Two Capital Plaza
P.O. Box 1137
Concord, NH 03302-1137
Attention: Philip M. Hastings, Esquire
Email: hastingsp@cwbp.com

Each party may change its address or addresses for delivery of notice by delivering written notice of such change of address to the other party.

Section 5.04 Severability.

If any part of this Purchase and Sale Agreement is held to be illegal or unenforceable by a court of competent jurisdiction, the remainder of this Purchase and Sale Agreement shall be given effect to the fullest extent possible.

Section 5.05 Successors and Assigns.

This Purchase and Sale Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. Except as provided in Section 4.01, assignment of

this Agreement by the Buyer shall not be permitted without the prior written consent of the Seller. In connection with any such consent of the Seller, the Seller may condition its consent upon the acceptability of the financial condition of the proposed assignee, upon the assignee's express assumption of all obligations of the Buyer hereunder or upon any other reasonable factor which the Seller deems relevant in the circumstances. In any event, any such assignment of this Agreement shall be in writing, shall clearly identify the scope of the rights and obligations assigned and shall not be effective until approved by the Seller.

Section 5.06 Waiver.

Failure by a party to insist upon the strict performance of any of the provisions of this Purchase and Sale Agreement by the other party, or the failure by a party to exercise its rights upon the default of the other party, shall not constitute a waiver of such party's right to insist and demand strict compliance by the other party with the terms of this Purchase and Sale Agreement thereafter.

Section 5.07 Merger.

No other agreement, statement or promise made by any party or any employee, officer or agent of any party with respect to any matters covered hereby that is not in writing and signed by all the parties to this Purchase and Sale Agreement shall be binding.

Section 5.08 Parties in Interest.

Nothing in this Purchase and Sale Agreement, expressed or implied, is intended to or shall be construed to confer upon or to give to any person or entity other than the Seller and the Buyer any rights, remedies or claims under or by reason of this Purchase and Sale Agreement or any covenants, conditions or stipulations hereof, and all covenants, conditions, promises and agreements in this Purchase and Sale Agreement contained by or on behalf of the Seller or the Buyer shall be for the sole and exclusive benefit of the Seller and the Buyer.

Section 5.09 Amendment.

This Purchase and Sale Agreement may be amended, from time to time, by written supplement hereto and executed by both the Seller, through the authorized individual, and the Buyer.

Section 5.10 Time is Of the Essence.

The parties acknowledge that TIME IS OF THE ESSENCE in the timely performance of such duties and obligations under this Agreement.

Section 5.11 Force Majeure

In the event that either party hereto shall be delayed or hindered in or prevented from the performance of any act required hereunder by reasons of strikes, lockouts, inability to procure materials, loss of utility services, restrictive governmental laws or regulations, riots, insurrection,

war, acts of God, disease, pandemic, epidemic, quarantine, public health crisis, state of emergency, or other reason of a like nature not the fault of the party delayed in performing work or doing acts required under the terms of this Agreement, then performance of any such act shall be extended for a period equivalent to the period of such delay.

Section 5.12 Counterparts and Electronic Signatures.

This Purchase and Sale Agreement may be executed in counterparts, each of which shall be deemed an original. The Seller and the Buyer each (a) has agreed to permit the use from time to time, where appropriate, of .pdf or other electronic signatures in order to expedite the transaction contemplated by this Agreement, (b) intends to be bound by its respective .pdf or other electronic signature, (c) is aware that the other will rely on the .pdf or other electronically transmitted signature, and (id) acknowledges such reliance and waives any defenses to the enforcement of this Agreement and the documents affecting the transaction contemplated by this Agreement based on the fact that a signature was sent by electronic transmission only

Section 5.13 Effective Date.

This Purchase and Sale Agreement shall be effective on the Effective Date.

Section 5.14 Default.

In the event of a default by a party, and unless otherwise specified in this Purchase and Sale Agreement, the non-defaulting party shall have any and all rights and remedies under this Agreement, at law or in equity, including the right of specific performance.

Section 5.15 Broker.

Seller has employed the services of a broker, agent, finder or other person in connection with the transactions contemplated pursuant to this Purchase and Sale Agreement, compensation for which shall be the sole obligation of the Seller. Seller is not responsible for any fees, expenses, or other amounts as may be due between the Buyer and any broker, agent, finder or other such person.

Section 5.16 Encumbrance.

At no time prior to the closing shall the Buyer in any way newly encumber the Parcel.

Section 5.17 Choice of Law.

This Agreement has been entered into in the State of New Hampshire and shall be interpreted under New Hampshire law.

Section 5.18 Immunities

Nothing within this Agreement shall be deemed to constitute a waiver of any existing

immunity of the City, which immunities are hereby reserved to the City. This covenant shall survive the termination of this Agreement's conclusion.

Section 5.19 Right to Know

Confidentiality of any and all information/data held by the City under or related to this Agreement shall be governed by the provisions of New Hampshire RSA Chapter 91-A and applicable law. Seller makes no representations that this Agreement is confidential, or that the Seller regards this Agreement as confidential in any way.

[Signature Page follows]

IN WITNESS WHEREOF, the parties have executed this Purchase and Sale Agreement as of the day and year first above written.

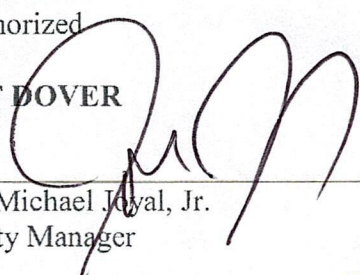
AMERICAN DURAFILM CO., INC.

Date: 6/28/2021

By: 
Name: J. Mack Hendrick
Title: President
Duly Authorized

CITY OF DOVER

Dated: 7/1/21

By: 
Name: J. Michael Joval, Jr.
Title: City Manager

**DOVER BUSINESS AND INDUSTRIAL
DEVELOPMENT AUTHORITY**

Dated: 6-29-21

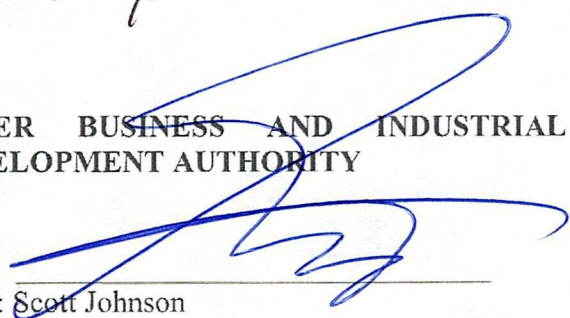
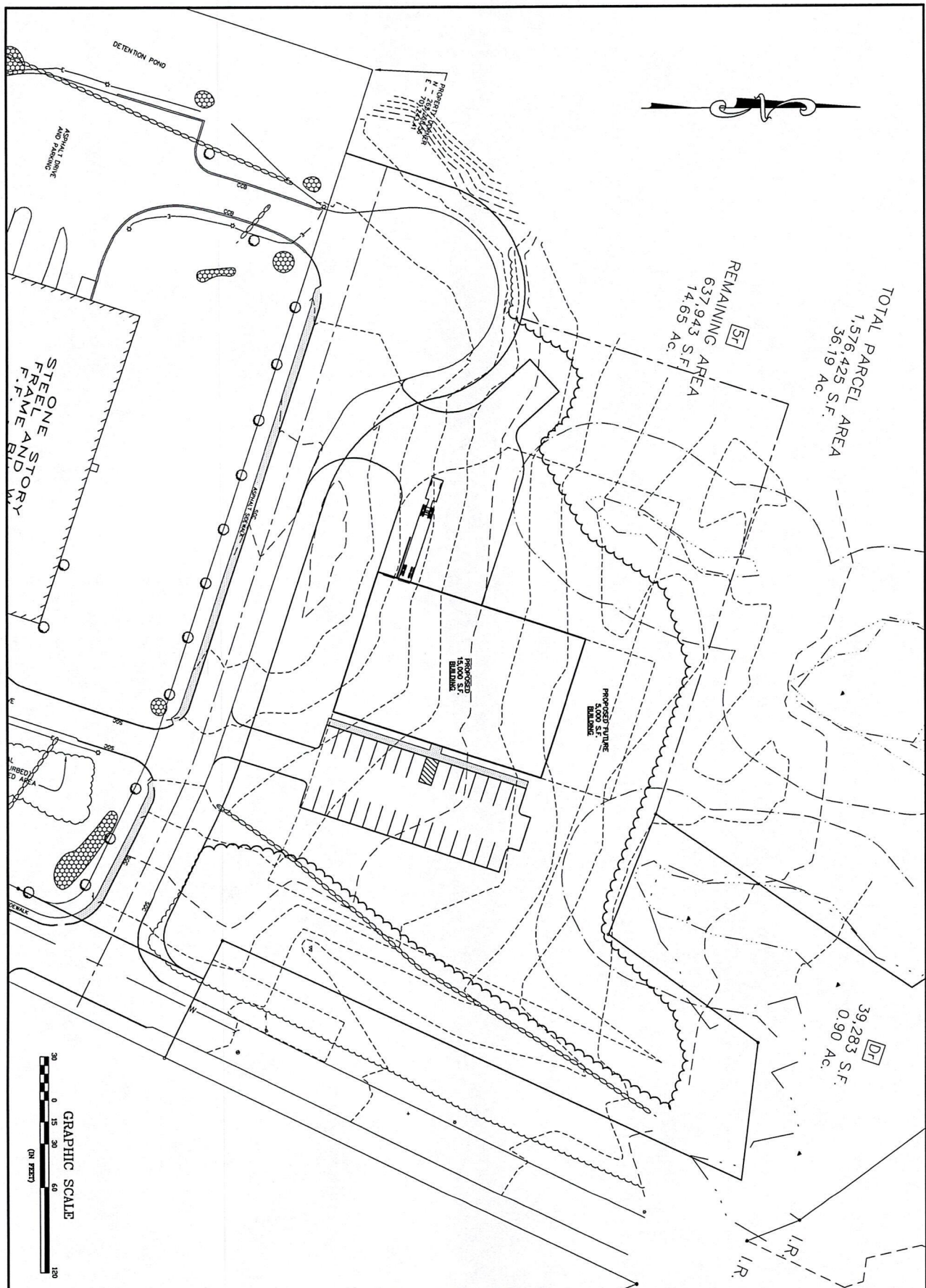
By: 
Name: Scott Johnson
Title: Chair

EXHIBIT A

Concept Plan

{to be attached}

4819-8668-2864, v. 1



CONCEPTUAL SITE PLAN

002

MANUFACTURING/COMMERCIAL
BUILDING
INNOVATION WAY
DOVER, NH

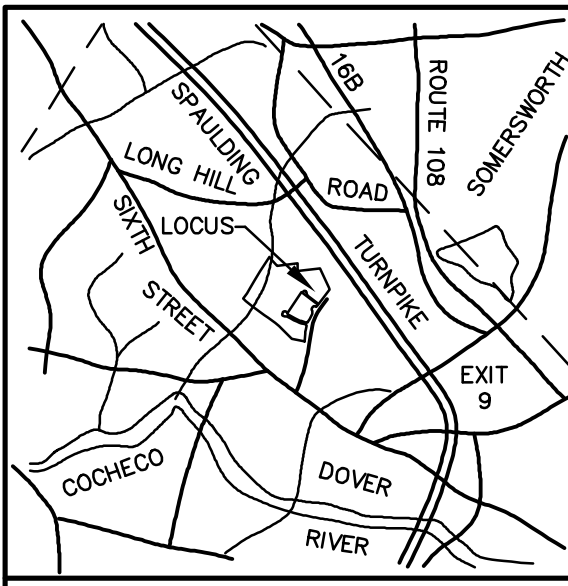
AMERICAN DURAFILM CO. INC.
55 BOYNTON ROAD
P.O. BOX 6770
HOLLISTON, MA 01746

DATE: XXX					
SCALE: 1"=30'					
DRAWN BY: XX					
DESIGN BY: XX					
APPROVED: 01/XX					
PROJECT NO: 21041					
FILE: CONCEPT-002	NO.	REVISION	APP'D	DATE	

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

CIVILWORKS NEW ENGLAND

181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.748.0443



LOCATION PLAN
(NO SCALE)

No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	90°00'00"	25.00	39.27	35.36	S71°03'05"W
C2	07°57'48"	400.00	55.59	55.55	N67°55'49"W
C3	60°56'27"	100.00	106.36	101.42	N41°26'30"W
C4	64°03'45"	75.00	83.86	79.56	N43°00'09"W
C5	12°01'29"	100.00	20.99	20.95	N35°53'59"W
C6	99°18'14"	75.00	129.99	114.32	N79°32'21"W
C7	22°24'32"	193.79	75.80	75.31	N41°42'21"W
C8	86°52'42"	75.00	113.72	103.14	S61°31'38"W

No.	Bearing	Distance
L1	S35°34'25"W	7.80'
L2	S35°34'25"W	41.07'
L3	N83°07'09"W	94.90'
L4	S36°23'11"W	127.09'
L5	N68°18'50"W	87.90'
L6	N33°33'09"W	95.49'
L7	N36°33'25"E	82.31'

L8	N38°23'21"W	104.98'	L15	N09°40'20"E	72.30'	L22	N28°11'03"W	164.35'
L9	S36°21'40"E	131.48'	L16	N63°58'30"W	88.04'	L23	N81°38'07"W	66.39'
L10	N80°00'04"W	131.62'	L17	N35°56'47"W	78.76'	L24	S56°23'32"E	56.28'
L11	S35°41'40"W	90.92'	L18	N77°08'15"E	52.06'	L25	S57°52'29"W	164.83'
L12	S62°17'49"E	73.74'	L19	S45°40'06"E	101.64'	L26	S26°03'04"W	14.76'
L13	S47°03'20"W	164.54'	L20	N64°31'37"E	111.26'	L27	N63°56'55"W	72.54'
L14	N30°30'05"W	76.90'	L21	N08°59'42"W	162.31'	L28	S63°56'56"E	30.00'
						L29	N30°30'05"W	59.35'
						L30	S18°05'17"W	75.00'
						L31	N71°54'43"W	60.49'

REFERENCE PLANS:

- 1.) LOT LINE ADJUSTMENT AND SUBDIVISION PLAN OF LAND PREPARED FOR GEORGE J. FOSTER & Co., INC. AND DOVER BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY, TAX MAP D, LOT Nos. 9A & 11-1, VENTURE DRIVE AND QUALITY WAY, DOVER, STRAFFORD COUNTY, NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: JUNE 12, 2006; BY: McENEANEY SURVEY ASSOCIATES, INC. RECORDED S.C.R.D. PLAN 86-73.

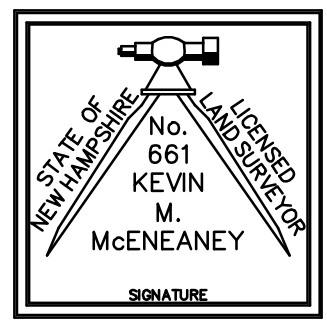
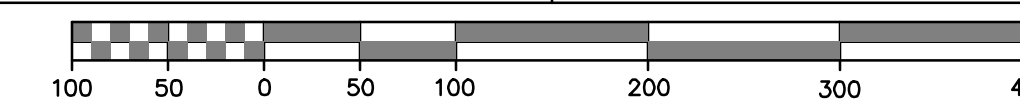
NOTES:

- 1.) OWNERS OF RECORD: OWNER SIGNATURE
DOVER BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY
f/k/a DOVER INDUSTRIAL DEVELOPMENT AUTHORITY, TAX
288 CENTRAL AVENUE
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 1559 / 394
TITLE REF. SEE SCRD 1738 / 130, 1027 / 790, 773 / 481
- 2.) D / 11-1 - DENOTES TAX MAP AND PARCEL NUMBER.
- 3.) PLAN INTENT: TO SUBDIVIDE THE SUBJECT PARCEL INTO TWO (2) LOTS AS SHOWN. LOTS ARE SERVED BY MUNICIPAL SEWER AND WATER SERVICE.
- 4.) TOTAL PARCEL AREA: 1,576,425 S.F. / 36.19 Ac.
- 5.) ZONING DISTRICT IS INNOVATIVE TECHNOLOGY (IT)
DIMENSIONAL REQUIREMENTS:
MINIMUM LOT SIZE = 2 ACRES
MINIMUM LOT COVERAGE = 33 PERCENT
MINIMUM FRONTAGE = 200 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT SETBACK = 50 FEET
SIDE SETBACK = 50 FEET
REAR SETBACK = 50 FEET
MAXIMUM BUILDING HEIGHT = 55 FEET MAXIMUM
- 6.) THE SUBJECT PARCEL IS LOCATED OUTSIDE OF THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANEL 0310; SUFFIX E; MAP NUMBER 33017C0310E; EFFECTIVE DATE SEPTEMBER 30, 2015.
- 7.) BASIS OF BEARING IS THE CITY OF DOVER / GEOD CORP. GRID PER REFERENCE PLAN No. 1.
- 8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000
- 9.) THE PARCELS ARE SUBJECT TO A DOVER CONSERVATION OVERRIDING DISTRICT, 170-27B(2), AREAS WITHIN FIFTY (50) FEET OF A FRESHWATER BROOK.
- 10.) WETLANDS SHOWN WERE TAKEN FROM REFERENCE PLAN No. 1 AND SUPPLEMENTED AT THE PROPOSED LOT LOCATION BY DAMON E. BURT, N.H.C.W.S. #163 OF FRAGILE ROCK ENVIRONMENTAL SERVICES DURING MARCH 2021 IN ACCORDANCE WITH THE 1987 CORPS. OF ENGINEERS WETLANDS DELINEATION MANUAL AND LOCATED BY THIS OFFICE.
- 11.) BUILDING ADDRESSES (INCLUDING APT/UNIT NUMBERS IF APPLICABLE) SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.

SUBDIVISION OF LAND
PREPARED FOR
DOVER BUSINESS AND INDUSTRIAL
DEVELOPMENT AUTHORITY
TAX MAP D, LOT No. 11-1
VENTURE DRIVE, INNOVATION WAY
AND QUALITY WAY
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No. P 21-__

DRAWN BY: RJM FILE: 2334\DWGS\21-2334 S
SCALE: 1" = 100' DATE: SEPTEMBER 2, 2021



McEneaney
Survey
Associates
of NEW ENGLAND

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

THE SOIL TYPES ON THE SITE ARE:
BzB BUXTON SILT LOAM, 3 TO 8 PERCENT SLOPES
GIB GLOUCESTER FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES
GsC GLOUCESTER VERY STONY FINE SANDY LOAM, 8 TO 15 PERCENT SLOPES
StC SUFFIELD SILT LOAM, 8 TO 15 PERCENT SLOPES
SwA SWANTON FINE SANDY LOAM, 0 TO 3 PERCENT SLOPES

THE SOURCE FOR THE SOIL TYPE DATA IS USDA NRCS WEB SOIL SURVEY
<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
21-2334	SUBDIVISION	21-01	1-8	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

LEGEND

- S.F. - SQUARE FEET
- Ac. - ACRE
- (TYP.) - TYPICAL
- ± - MORE OR LESS
- Ø - DIAMETER
- S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
- O- UP - UTILITY POLE
- - STONE WALL
- - - - - EDGE OF WET
- f/k/a - FORMERLY KNOWN AS

- - IRON ROD W/ PLASTIC ID CAP (SET) AT PROPERTY CORNERS
- - CONCRETE BOUND TO BE SET AT CURVE POINTS



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2021.10.13 – 170**

Resolution Re: Authorization to Accept and Expend the Wentworth
Douglass Hospital Grant

- WHEREAS: The City of Dover Police and Fire & Rescue departments have received notice from the Wentworth Douglass Hospital Board of Trustees of the approval of the Restricted Community Benefits Grant submitted separately by each department; and
- WHEREAS: The Police Department is approved in the amount of \$125,000 to support the activities of the Police Department Community Outreach Bureau and restores a position previously unfunded and vacant since the beginning of the pandemic. This funding will also pay for supplies, the administration of the Youth Risk Behavior Survey, and web site hosting and training; and
- WHEREAS: The Fire & Rescue Department is approved in the amount of \$37,000 to aid in the continued support and development of the Dover Fire & Rescue Quality Assurance and Improvement Program; and
- WHEREAS: In adhering to the requirements established per NH RSA 31:95-b, authorization by the City Council to apply for, accept and expend Grant funds for eligible uses is required; and
- NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:

In accordance with RSA 31:95-b the City Manager is authorized to accept and expend the Wentworth Douglass Hospital Restricted Community Benefits Grant funds allocated for use by the City of Dover Police Department and the City of Dover Fire and Rescue Department as appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant and authorizes the City Manager to sign all necessary paperwork for the grant.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible uses identified in the Wentworth Douglass Hospital Restricted Community Benefits Grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Orders authority herein. The amount of this authorization shall be limited so as not to exceed available funding.

THIS RESOLUTION REQUIRES A PUBLIC HEARING WITH SEVEN DAYS NOTICE IN NEWSPAPER AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

Financing			
Account	Description	Appropriation	Balance
TBD	Wentworth Douglass Hospital Grant-Police	125,000	125,000
TBD	Wentworth Douglass Hospital Grant-Fire	37,000	37,000



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2021.10.13 – 170**

Resolution Re: Authorization to Accept and Expend the Wentworth
Douglass Hospital Grant

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing 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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

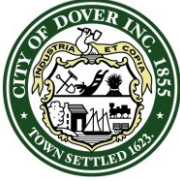
Agenda Item#: 13.B.3.

Resolution Number: **R – 2021.10.13 – 170**
Resolution Re: Authorization to Accept and Expend the Wentworth
Douglass Hospital Grant

RESOLUTION BACKGROUND MATERIAL:

The Wentworth Douglass Hospital has generously helped to support the youth drug, alcohol and other substance prevention activities of the Dover Police Department's Youth to Youth and the Coalition for Youth programs for many years. In fact, the City has received this funding at least 8 separate times. Over the years, the amount has ranged from \$50,000 to its present level of \$125,000. This funding abruptly ended in the spring of 2020 at the beginning of the pandemic. As a result, the City was unable to fill a vacant prevention programmer position. The return of this funding will allow for that position to be added back while also absorbing the expiration of the \$45,000 per year STOP Act grant because the majority of this funding is dedicated to personnel costs. The rest of the funding pays for supplies, the administration of the youth Risk Behavior Survey, web site hosting and training. With this funding, the City of Dover will be able to increase its capacity for our award winning and evidence-based prevention efforts and the ability to return to normal participation levels for Dover Youth to Youth.

The Wentworth Douglass Hospital has generously helped to provide additional funding to support Dover Fire & Rescue Department's emergency medical services delivery – primarily the level and quality of its Paramedic training, but it includes training opportunities for EMS providers at all levels. This year's funding will be used to help provide tuition coverage for Paramedic school tuition. Also funding to enhance our Paramedic Quality Assurance Program, providing members the opportunity to review calls and initiate focused training across all four shifts in certain areas of need or interest. The grant will also provide the opportunity for all Department Paramedics to meet twice a year for Paramedic Rounds, sometimes onsite, other times in area hospitals, to learn about and discuss the latest trends and practices in EMS, with leading hospital providers in our catchment area. This funding provides our Paramedics and AEMT's the opportunity to receive quality call review and continuing education – above and beyond their initial training and mandatory recertification requirements, and is one of the things that separates Dover Fire & Rescue's EMS providers from their peers in surrounding departments.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2021.10.13 – 171**

Resolution Re: Authorization to Accept and Expend the Community Oriented Policing Services (COPS) Grant

WHEREAS: The City of Dover Police Department has received notice from the Department of Justice, Office of the Community Oriented Policing Services of the approval of the Dover NH Social Worker Project proposal through the Community Policing Development program; and

WHEREAS: The Police Department is approved in the amount of \$109,444, with no match required, to support the activities of a police social worker for one year. In addition to working with the Police Department, the police social worker will work closely with the Dover Fire and Rescue as well as our community mental health agency, the local recovery center, the local anti-poverty agency, the school department, other city departments and any other agencies that can assist with the goal of helping people in need; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b, authorization by the City Council to apply for, accept and expend Grant funds for eligible uses is required; and

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

In accordance with RSA 31:95-b the City Manager is authorized to accept and expend the Community Oriented Policing Services grant funds allocated for use by the City of Dover Police Department as appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant and authorizes the City Manager to sign all necessary paperwork for the grant.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible uses identified in the Community Oriented Policing Services Grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Orders authority herein. The amount of this authorization shall be limited so as not to exceed available funding.

THIS RESOLUTION REQUIRES A PUBLIC HEARING WITH SEVEN DAYS NOTICE IN NEWSPAPER AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

Financing

Account	Description	Appropriation	Balance
TBD	Community Oriented Policing Services	109,444	109,444

R-2021.10.13 Authorization to Accept and Expend
Community Oriented Policing Services (COPS) Grant

Document Created by: Finance
Document Posted on: October 7, 2021

(1).doc
Page 1 of 3



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2021.10.13 – 171**

Resolution Re: Authorization to Accept and Expend the Community
Oriented Policing Services (COPS) Grant

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

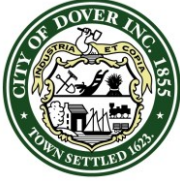
Recorded by: Susan Mistretta
City Clerk

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

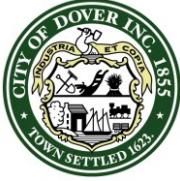
Agenda Item#: 13.B.4.

Resolution Number: **R – 2021.10.13 – 171**

Resolution Re: Authorization to Accept and Expend the Community
Oriented Policing Services (COPS) Grant

RESOLUTION BACKGROUND MATERIAL:

Over the past few years, there has been a dramatic increase in the number of social service calls for service that the Dover Police and the Dover Fire and Rescue Departments have handled. These include welfare checks and assistance calls that often have very little or nothing to do with crimes but very often involve mental illness, substance abuse, poverty or a combination of all three. Our staff, although well trained in these areas, lack the capacity to conduct any meaningful follow-up to ensure that our customers are provided with the best referral information and after-the-fact assistance. This is where the police social worker would take over. In addition to working with the Police Department, the police social worker will work closely with the Dover Fire and Rescue as well as our community mental health agency, the local recovery center, the local anti-poverty agency, the school department, other city departments and any other agencies that can assist with the goal of helping people in need. The social worker would also be a valuable resource for members of the public that are not involved in police or fire department call for service as a point of contact and referral.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2021.10.13 – 172**

Resolution Re: Amendment of FY2022 Schedule of Fees to Amend the Replacement Parking Permit Fee

WHEREAS: The City adopted the FY2022 City of Dover Schedule of Fees on June 2, 2021, and;

WHEREAS: Parking Commission voted on September 21, 2021 to amend the Replacement Parking Permit Fee, and;

WHEREAS: The City Council regulates permit fees, and;

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

The City Council authorizes changes to the Police Department Section of the approved FY2022 Schedule of Fees – Replacement Parking Permit, to reflect amending the fee, as follows:

Replacement Parking Permit Fee:

AMEND:

Replacement Parking Permit Fee – Current \$5.00 to “An amount determined by the cost of a new permit prorated for remaining term of permit being replaced”

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE OF COUNCIL.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2021.10.13 – 172**
Resolution Re: Amendment of FY2022 Schedule of Fees to Amend the Replacement Parking Permit Fee

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:

This is based on the September 21st vote of the Parking Commission for the amendment of the Replacement Parking Permit Fee. The number of permits being reported lost has increased dramatically in the past year. This recommendation would make the cost of replacement permit equal to the value of the remaining term of the permit.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R – 2021.10.13 – 173**
Resolution Re: Final Acceptance of Garrison Elementary School
Improvements and Dissolution of the Garrison Elementary
School Construction Joint Building Committee

WHEREAS: Construction on Garrison Elementary School was completed as of September 24, 2021. The primary components of this project included renovations to the driveways and parking lots, the existing building envelope and its interior, upgrades to all mechanical, electrical, plumbing components, and other improvements to Shaw's Lane lighting; and

WHEREAS: The final cost of the project was \$8,222,223.73; and

WHEREAS: The project resulted in \$38,562.63 of unexpended funds; and

WHEREAS: The Garrison Elementary School Construction Joint Building Committee approved the attached Final Financial Report for the construction of the Garrison Elementary School; and

WHEREAS: The Garrison Elementary School Construction Joint Building Committee voted to transfer the Garrison Elementary School building to the School Department and the School Board accepted the building; and

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

1. The Final Financial Report of the Garrison Elementary School Construction Joint Building Committee is received and acknowledged as attached in the Background of this resolution; and
2. The dissolution of the Garrison Elementary School Construction Joint Building Committee is acknowledged; and
3. The unexpended funds in the amount of \$38,562.63 consisting of unexpended bond proceeds shall forthwith be returned to the municipality for reprogramming to other approved School department capital improvement projects.

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 Wyatt
City Attorney

Recorded by: Sue Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R – 2021.10.13 – 173**
Resolution Re: Final Acceptance of Garrison Elementary School
Improvements and Dissolution of the Garrison Elementary
School Construction Joint Building Committee

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:

A vote of the School Board to accept the transfer of the building and to accept the Final Report was passed on October 4, 2021. A copy of the adopted School Board resolution of October 4, 2021 is attached to this resolution.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2021.10.13 – 174**
Resolution Re: Reprogram Unexpended Bond Proceeds from the Garrison Elementary School Improvement Project to Dover High School Project

- WHEREAS: On an annual basis the City Council adopts the Capital Improvements Program (CIP), which includes the Debt Financing authorization for certain CIP projects; and
- WHEREAS: There is \$38,562.63 of unexpended bond proceeds from the Garrison Elementary School Improvement project as it was completed under budget; and
- WHEREAS: The City has identified the immediate need for additional funding for the ongoing Dover High School Construction project; and
- WHEREAS: The School Board adopted a resolution on October 4, 2021 requesting that the \$38,562.63 of unexpended bond proceeds to be reprogrammed to the High School construction project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of \$38,562.63 of unexpended bond proceeds is hereby reprogrammed from the Garrison Elementary School Construction project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
4019.1.600.46900.4725.07103.19	GES Construction	\$ 38,562.63	\$ (38,562.63)	\$ -
4016.1.600.46900.4725.07101.16	DHS Construction	\$ 180,664.21	\$ 38,562.63	\$ 219,226.84
		\$ 219,226.84	\$ -	\$ 219,226.84

NOTE: This resolution reprograms unexpended bond proceeds and therefore requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing.

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 Wyatt
City Attorney

Recorded by: Sue Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2021.10.13 – 174**
Resolution Re: Reprogram Unexpended Bond Proceeds from the Garrison Elementary School Improvement Project to Dover High School Project

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:

This resolution does not authorize any additional appropriation. The City Council previously authorized the appropriation for the Garrison Elementary School Improvements.

This resolution does not authorize an increase in the indebtedness of the City. The City Council previously authorized debt financing the identified project. This resolution reprograms funding from the Garrison Elementary School project to the Dover High School project.

On December 9, 2015 the City Council adopted the FY2017 Capital Improvements Plan (CIP) Authorization for bonding, which included \$6,900,000.00 for the Garrison Elementary School Improvements project. The project is now completed and there is \$38,562.63 of unexpended bond proceeds that can be reprogrammed to another School department CIP project.

The Dover High School project is an approved FY2016 CIP Project and is currently an active project. The project has need for additional funding for final completion.

A copy of the School Board resolution adopted October 4, 2021 requesting the reprogramming of the unexpended bond proceeds to the High School project is attached to this City Council resolution.

Document Created by: Finance Department
Document Posted on: October 7, 2021

R-2021.10.13 Reprogram Unexpended Bond Proceeds from the Garrison Elementary School Construction Project.doc
Unexpended Bond Proceeds from the Garrison Elementary School Improvement Project to Dover High School Project
Page 2 of 3

RESOLUTION

RE: FY2021-2022 Closeout of Garrison Elementary School Construction Project

- WHEREAS: Construction on Garrison Elementary School was completed as of September 24, 2021. The primary components of this project included renovations to the driveways and parking lots, the existing building envelope and its interior, upgrades to all mechanical, electrical, plumbing components, and other improvements to Shaw's Lane lighting; and
- WHEREAS: The final cost of the project was \$8,222,223.73; and
- WHEREAS: The project resulted in \$38,562.63 of unexpended funds; and
- WHEREAS: The Garrison Elementary School Construction Joint Building Committee approved the attached Final Financial Report for the construction of the Garrison Elementary School; and
- WHEREAS: The Garrison Elementary School Construction Joint Building Committee voted to transfer the Garrison Elementary School building to the School District; and

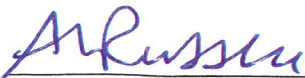
NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

1. The Final Financial Report of the Garrison Elementary School Construction Joint Building Committee be received and acknowledged as attached in the Background of this resolution; and
2. The dissolution of the Garrison Elementary School Construction Joint Building Committee be acknowledged.
3. The amount of \$38,562.63 of unexpended bond proceeds be hereby reprogrammed from the Garrison Elementary School Construction project to the Dover High School Construction Project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
4019.1.600.46900.4725.07103.19	GES Construction	\$ 38,562.63	\$ (38,562.63)	\$ -
4016.1.600.46900.4725.07101.16	DHS Construction	\$ 180,664.21	\$ 38,562.63	\$ 219,226.84
		\$ 219,226.84	\$ -	\$ 219,226.84

NOTE: This resolution reprograms unexpended bond proceeds and therefore requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing.

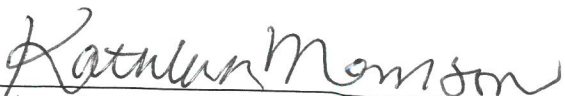
SUBMITTED BY:



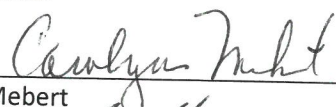
Amanda L. Russell, Chairperson



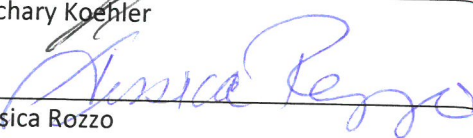
Keith Holt, Vice Chairperson


Kathleen Morrison, Secretary


Rachel Burdin


Carolyn Mebert


Zachary Koehler


Jessica Rozzo

October 4, 2021

CAPITAL IMPROVEMENTS SUMMARY
Garrison Elementary School Project
Final Financial Report - September 24, 2021

Transfer of Appropriations from Garrison School Facility Improvements, FY2006, CC approval 2/10/2016	\$	14,830.98
Transfer of Appropriations from Woodman Park Elementary School Facility Improvements, FY2008, CC approval 2/10/2016	\$	56,455.62
Transfer of Appropriations from Dover High School, FY2009, CC approval 2/10/2016	\$	471.76
Transfer of Appropriations from Garrison School Facility Improvements, FY2015, CC approval 2/10/2016	\$	89,028.00
Appropriation (FY16), CC approval 12/9/2015	\$	6,900,000.00
Appropriation (FY18), CC approval 12/13/2017	\$	1,200,000.00
Total Appropriation:	\$	8,260,786.36

<u>Date</u>	<u>CIPM#</u>	<u>Expenditures to Date:</u>	<u>Amount:</u>
7/21/2016	GES01	Harriman - For Professional Services provided between 6/1/2016-6/30/2016 - Facilities Study	\$ 5,250.00
7/21/2016	GES01	Harriman - Reimbursable Expenses (travel) through 6/30/2016 - Facilities Study	\$ 83.77
9/15/2016	GES02	Harriman - For professional Services provided between 7/1/2016-7/31/2016 - Facilities Study	\$ 9,550.00
9/15/2016	GES02	Harriman - Reimbursable Expenses (travel) through 7/31/2016 - Facilities Study	\$ 12.49
10/6/2016	GES03	Harriman - For professional Services provided between 8/1/2016-8/31/2016 - Facilities Study	\$ 11,650.00
10/6/2016	GES03	Harriman - Reimbursable Expenses (travel) through 8/31/2016 - Facilities Study	\$ 221.32
11/3/2016	GES04	Harriman - For professional Services provided between 9/1/2016-9/30/2016 - Facilities Study	\$ 12,450.00
11/3/2016	GES04	Harriman - Reimbursable Expenses (travel) through 9/30/2016 - Facilities Study	\$ 114.63
1/19/2017	GES05	Harriman - For professional Services provided between 10/1/2016-12/31/2016 - Facilities Study	\$ 1,000.00
4/6/2017	GES06	Harriman - For professional Services provided between 1/1/2017-1/31/2017 - Facilities Study	\$ 10,600.00
4/6/2017	GES07	Harriman - For professional Services provided between 2/1/2017-2/28/2017 - Phase I Design	\$ 22,275.00
4/6/2017	GES08	Harriman - For professional Services provided between 2/1/2017-2/28/2017 - Phase I Design	\$ 37,125.00
4/6/2017	GES08	Harriman - Reimbursable Expenses (travel) through 2/28/2017 - Phase I Design	\$ 27.09
5/4/2017	GES09	Harriman - For professional Services provided between 3/1/2017-3/31/2017 - Phase I Design	\$ 14,850.00
5/4/2017	GES09	Harriman - Reimbursable Expenses (travel) through 3/31/2017 - Phase I Design	\$ 13.20
5/18/2017	GES10	Titcomb Associates - Topographical and Boundary Field Survey	\$ 9,100.00
6/1/2017	GES11	Harriman - For professional Services provided between 4/1/2017-4/30/2017 - Phase I Design	\$ 29,700.00
6/1/2017	GES11	Harriman - Reimbursable Expenses (travel) through 4/30/2017 - Phase I Design	\$ 188.79
6/29/2017	GES12	Harriman - For professional Services provided between 5/1/2017-5/31/2017 - Phase I Design	\$ 9,900.00
6/29/2017	GES12	Harriman - Reimbursable Expenses (travel) through 5/31/2017 - Phase I Design	\$ 64.74
6/30/2017	GES13	Harriman - For professional Services provided between 6/1/2017-6/30/2017 - Phase I Design (ck date 7/20/17)	\$ 19,800.00
6/30/2017	GES14	Titcomb Associates - Add'l Services for Wetland Delineation (ck date 7/20/17)	\$ 2,000.00
6/30/2017	GES15	John Turner Consulting Inc. - Geotechnical Investigation (8.1.17 manifest, FY17 expense)	\$ 7,000.00
8/24/2017	GES16	Harriman - For professional Services provided between 7/1/2017-7/31/2017 - Phase I Design	\$ 39,600.00
8/24/2017	GES16	Harriman - Reimbursable Expenses (travel) through 7/31/2017 - Phase I Design	\$ 12.23
10/19/2017	GES17	Harriman - For professional Services provided between 8/1/2017-7/31/2017 - Phase I Design	\$ 99,000.00
10/19/2017	GES17	Harriman - Reimbursable Expenses (travel) through 8/31/2017 - Phase I Design	\$ 96.75
10/19/2017	GES18	Harvey Construction Corp., - CM's Preconstruction Phase Services	\$ 25,000.00
10/19/2017	GES19	John L. Carter Sprinkler Co., Inc. - Sprinkler MIC Testing	\$ 2,370.00
11/2/2017	GES20	Desmarais Environmental, Inc. - Industrial hygiene services to conduct haz material survey for asbestos	\$ 1,960.00
11/2/2017	GES21	Harriman - For professional Services provided between 9/1/2017-9/30/2017 - Phase I Design	\$ 79,200.00
11/2/2017	GES21	Harriman - Reimbursable Expenses (travel/printing) through 9/30/2017 - Phase I Design	\$ 207.36
1/25/2018	GES22	Harriman - For professional Services provided between 10/1/2017-12/31/2017 - Phase I Design	\$ 59,400.00
1/25/2018	GES22	Harriman - Reimbursable Expenses (travel/printing) through 12/31/2017 - Phase I Design	\$ 547.61
2/22/2018	GES23	Harvey Construction Corp., - CM's Preconstruction Phase Services	\$ 5,744.00
3/22/2018	GES24	Harvey Construction - GMP Services through 1/31/2018 (App#1)	\$ 43,280.84
4/5/2018	GES25	Harriman - For professional Services provided between 1/1/2018-1/31/2018 - Facilities Study	\$ (1,000.00)
4/5/2018	GES25	Harriman - For professional Services provided between 1/1/2018-1/31/2018 - Phase I Design	\$ 9,900.00
4/5/2018	GES25	Harriman - Reimbursable Expenses through 1/31/2018 - Phase I Design	\$ 2,794.71
3/22/2018	GES26	Horizon Engineering Associates - Commissioning Services 1/1/2018-2/2/2018	\$ 325.00
4/5/2018	GES27	Harvey Construction - GMP Services through 2/28/2018 (App#2)	\$ 262,111.03
4/19/2018	GES28	Harriman - For professional Services provided between 2/1/2018-2/28/2018 - Phase I Design	\$ 172,792.00
4/19/2018	GES28	Harriman - Reimbursable Expenses through 2/28/2018 - Phase I Design	\$ 1.54
4/19/2018	GES29	Desmarais Environmental, Inc. - Project monitoring & additional charges for premium time & sampling	\$ 8,435.00
5/3/2018	GES30	Harvey Construction - GMP Services through 3/31/2018 (App#3)	\$ 330,094.53
5/3/2018	GES31	Harriman - For professional Services provided between 3/1/2018-3/31/2018 - Phase I Design	\$ 61,704.00
5/3/2018	GES31	Harriman - Reimbursable Expenses through 3/31/2018 - Phase I Design	\$ 29.38
5/3/2018	GES31	Harriman - FFE Design Fees - 50% of fee	\$ 6,700.00
5/3/2018	GES32	Horizon Engineering Associates - Commissioning Services 2/3/2018-3/2/2018	\$ 2,654.00
5/3/2018	GES32	Horizon Engineering Associates - Commissioning Services 3/3/2018-3/30/2018	\$ 1,508.00
5/17/2018	GES33	S.W. Cole Engineering, Inc. - Steel inspection services rendered through 4/21/2018	\$ 475.00
5/17/2018	GES34	Desmarais Environmental, Inc. - Abatement services performed in April 2018	\$ 4,308.00
5/31/2018	GES35	Horizon Engineering Associates - Commissioning Services 3/31/2018-4/27/2018	\$ 453.00
5/31/2018	GES36	S.W. Cole Engineering, Inc. - Steel inspection services rendered through 5/19/2018	\$ 950.00
5/31/2018	GES37	Harvey Construction - GMP Services through 4/30/2018 (App#4)	\$ 279,065.41
5/31/2018	GES38	Harriman - For professional Services provided between 4/1/2018-4/30/2018 - Phase I Design	\$ 3,960.00
5/31/2018	GES38	Harriman - Reimbursable Expenses through 4/30/2018 - Phase I Design	\$ 38.25
5/31/2018	GES38	Harriman - FFE Design Fees - 25% of fee	\$ 3,350.00
5/31/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$ 1,352.99
6/7/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$ 1,352.99
6/14/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$ 845.61
6/21/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$ 350.02
6/28/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$ 340.86
6/28/2018	GES39	Harriman - For professional Services provided between 5/1/2018-5/31/2018 - Phase I Design	\$ 3,960.00
6/28/2018	GES39	Harriman - Reimbursable Expenses through 5/31/2018 - Phase I Design	\$ 47.53
6/28/2018	GES39	Harriman - FFE Design Fees - 10% of fee	\$ 1,340.00
6/28/2018	GES40	Harvey Construction - GMP Services through 5/31/2018 (App#5)	\$ 464,756.48
6/30/2018	GES41	Horizon Engineering Associates - Commissioning Services 4/28/2018-6/1/2018 (ck date 7/19/2018)	\$ 1,858.00
6/30/2018	GES42	Harriman - For professional Services provided between 6/1/2018-6/30/2018 - Phase I Design (ck date 7/19/2018)	\$ 3,960.00
6/30/2018	GES42	Harriman - Reimbursable Expenses through 6/30/2018 - Phase I Design (ck date 7/19/2018)	\$ 25.19
6/30/2018	GES42	Harriman - FFE Design Fees - 5% of fee (ck date 7/19/2018)	\$ 670.00
6/30/2018	GES43	Harvey Construction - GMP Services through 6/30/2018 (App#6) (ck date 7/19/2018)	\$ 911,296.16

CAPITAL IMPROVEMENTS SUMMARY
Garrison Elementary School Project
As of: January 31, 2020

7/12/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	277.38
7/19/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.68
7/26/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	216.66
<u>Expenditures to Date, Cont'd:</u>				
8/2/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	143.39
8/9/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.68
8/16/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	208.04
8/16/2018	GES44	Desmarais Environmental, Inc. - Abatement services performed in July 2018	\$	20,340.00
8/16/2018	GES45	Pro AV Systems - Phase I (30% of project cost, 9 Lightspeed Topcat Systems)	\$	15,544.00
8/16/2018	GES46	Ockers Company - Epson Projectors and installation kits	\$	98,784.00
8/23/2018	GES47	Harvey Construction - GMP Services through 7/31/2018 (App#7)	\$	900,437.49
8/23/2018	GES48	Optiv Security, Inc. - WAPs	\$	15,334.48
8/23/2018	GES49	Ockers Company - Installation of Epson Projectors	\$	1,890.00
8/23/2018	GES50	Horizon Engineering Associates - Commissioning Services 6/2/2018-7/27/2018	\$	2,742.00
8/23/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	289.26
8/30/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	277.38
9/6/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	346.72
9/6/2018	GES51	Harriman - For professional Services provided between 7/1/2018-7/31/2018 - Phase I Design	\$	3,960.00
9/6/2018	GES51	Harriman - Reimbursable Expenses through 7/31/2018 - Phase I Design	\$	154.50
9/6/2018	GES51	Harriman - FFE Design Fees - 4% of fee	\$	536.00
9/13/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	346.72
9/20/2018	GES52	Optiv Security, Inc. - POE+ switches for outdoor cameras	\$	6,557.54
9/20/2018	GES53	Harvey Construction - GMP Services through 8/31/2018 (App#8)	\$	727,156.11
9/20/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	359.14
9/27/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	349.16
10/4/2018	GES54	Harriman - For professional Services provided between 8/1/2018-8/31/2018 - Phase I Design	\$	3,960.00
10/4/2018	GES54	Harriman - Reimbursable Expenses through 8/31/2018 - Phase I Design	\$	113.50
10/4/2018	GES54	Harriman - FFE Design Fees - 4% of fee	\$	268.00
10/11/2018	GES55	Harvey Construction - GMP Services through 9/30/2018 (App#9)	\$	532,561.00
10/11/2018	GES56	Horizon Engineering Associates - Commissioning Services 7/28/2018-8/31/2018	\$	612.00
10/11/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.69
10/18/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.69
10/25/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	144.65
11/1/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.69
11/1/2018	GES57	Harriman - For professional Services provided between 9/1/2018-9/30/2018 - Phase I Design	\$	3,960.00
11/1/2018	GES59	School Furnishings, Inc. - FFE	\$	13,651.44
11/1/2018	GES60	Virco, Inc. - FFE	\$	22,468.02
11/8/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.69
11/15/2018	n/a	M. Brooks - Clerk of Works, Wages/Benefits	\$	138.69
11/15/2018	GES58	C&W Services - post construction clean-up	\$	1,799.28
11/15/2018	GES61	Kelley Brothers - Door cores (91) for project	\$	3,494.40
11/15/2018	GES62	Horizon Engineering Associates - Commissioning Agent	\$	1,901.00
11/15/2018	GES63	S.W. Cole Engineering, Inc. - Steel inspections on new bar joists.	\$	950.00
11/15/2018	GES64	Harvey Construction - GMP Services through 10/31/2018 (App#10)	\$	347,387.78
11/29/2018	GES65	Pro AV Systems - 8 Lightspeed Topcat Systems & 8 Redcat Access Systems	\$	23,150.00
11/29/2018	GES66	Harriman - For professional Services provided between 10/1/2018-10/31/2018 - Phase I Design	\$	3,960.00
11/29/2018	GES66	Harriman - Reimbursable Expenses through 10/31/2018 - Phase I Design	\$	12.60
12/27/2018	GES67	Harvey Construction - GMP Services through 11/30/2018 (App#11)	\$	201,744.09
12/27/2018	GES68	Ockers Company - Installation of Epson Projectors	\$	1,680.00
12/27/2018	GES69	Creative Office Pavilion - Phase I FFE purchases	\$	25,165.40
1/24/2019	GES70	Virco, Inc. - FFE	\$	13,956.20
1/24/2019	GES71	Horizon Engineering Associates, LLP - Commissioning Services, 9/29/2018-11/30/2018	\$	3,097.02
1/24/2019	GES72	Harvey Construction - GMP Services through 12/31/2018 (App#12)	\$	189,849.31
1/24/2019	GES73	School Furnishings, Inc. - FFE	\$	15,009.05
1/24/2019	GES74	Harriman - For professional Services provided between 11/1/2018-12/31/2018 - Phase I Design	\$	7,920.00
1/24/2019	GES74	Harriman - Reimbursable Expenses through 12/31/2018 - Phase I Design	\$	297.96
1/24/2019	n/a	S. Parsons - Clerk of Works, Wages/Benefits	\$	40.87
1/25/2019	n/a	Eversource rebate on LED lighting, Phase I	\$	(16,067.00)
2/7/2019	GES75	Desmarais Environmental - Abatement design and monitoring services	\$	3,258.00
2/21/2019	GES76	D.M. Burns Security, Inc - 50% deposit	\$	1,100.00
2/21/2019	GES77	Harvey Construction - GMP Services through 1/31/2019 (App#13)	\$	277,009.79
3/14/2019	GES78	Harriman - For professional Services provided between 1/1/2019-1/31/2019 - Phase I Design	\$	3,960.00
3/14/2019	GES78	Harriman - Reimbursable Expenses through 1/31/2019 - Phase I Design	\$	86.77
3/14/2019	GES79	Horizon Engineering Associates, LLP - Commissioning Services, 12/1/2018-12/31/2018	\$	710.00
3/14/2019	GES80	Optiv Security, Inc. - Custom consulting service for WAPs	\$	4,200.00
3/21/2019	GES81	Horizon Engineering Associates, LLP - Commissioning Services, 1/1/2019-2/1/2019	\$	454.00
3/21/2019	GES82	Harvey Construction - GMP Services through 2/28/2019 (App#14)	\$	307,808.07
4/4/2019	GES83	Harriman - For professional Services provided between 2/1/2019-2/28/2019 - Phase I Design	\$	3,960.00
4/4/2019	GES84	D.M. Burns Security, Inc - Balance remaining to relocate rear hallway keypad to security system & relocate motion detectors	\$	1,100.00
4/4/2019	GES85	D.M. Burns Security, Inc - reinstalled keypad with new wire; troubleshoot motions; new wires in hallway motions	\$	1,635.00
4/4/2019	GES86	S.W. Cole Engineering, Inc. - professional services through 2/23/2019 (steel inspection, 1/26/19)	\$	950.00
4/18/2019	GES87	Horizon Engineering Associates, LLP - Commissioning Services, 2/2/2019-3/1/2019	\$	551.00
4/18/2019	GES88	Ockers Company - installation, cabling & testing of projectors	\$	1,890.00
4/18/2019	GES89	School Furnishings, Inc. - FFE	\$	5,281.60
4/18/2019	GES90	Harvey Construction - GMP Services through 3/31/2019 (App#15)	\$	368,344.19
4/24/2019	JE6757	Reimbursement from state for CCTV system (public school infrastructure grant)	\$	(42,000.00)
5/16/2019	GES91	Harriman - For professional Services provided between 3/1/2019-3/31/2019 - Phase I Design	\$	3,960.00
5/16/2019	GES92	Horizon Engineering Associates, LLP - Commissioning Services, 3/2/2019-3/29/2019	\$	1,112.08
5/16/2019	GES93	School Furnishings, Inc. - FFE	\$	2,388.00
5/16/2019	GES94	Optiv Security - HPE Aruba Switch	\$	2,620.34
5/16/2019	GES95	Pro AV Systems - 10 installed Lightspeed Topcats	\$	13,119.32

CAPITAL IMPROVEMENTS SUMMARY
Garrison Elementary School Project
As of: January 31, 2020

5/16/2019	GES96	Harvey Construction - GMP Services through 4/30/2019 (App#16)	\$	264,457.22
5/16/2019	GES97	Virco, Inc. - FFE	\$	10,647.84
5/30/2019	GES98	Creative Office Pavilion - FFE purchases	\$	18,070.30
5/30/2019	GES99	School Furnishings, Inc. - FFE	\$	13,178.39
5/30/2019	GES100	Harriman - For professional Services provided between 4/1/2019-4/30/2019 - Phase I Design	\$	3,960.00
5/30/2019	GES100	Harriman - For reimbursable expenses between 4/1/2019-4/30/2019 - Phase I Design	\$	124.08
5/30/2019	GES100	Harriman - For professional Services provided between 4/1/2019-4/30/2019 - FFE Design Fees	\$	536.00
6/6/2019	n/a	S. Parsons - Clerk of Works, Wages/Benefits	\$	447.51
<u>Expenditures to Date, Cont'd:</u>				
6/13/2019	n/a	S. Parsons - Clerk of Works, Wages/Benefits	\$	447.51
6/27/2019	GES101	Creative Office Pavilion - FFE purchases	\$	16,673.60
6/27/2019	GES102	Harvey Construction - GMP Services through 5/31/2019 (App#17)	\$	103,777.44
6/27/2019	GES103	Harriman - For professional Services provided between 5/1/2019-5/31/2019 - Phase I Design	\$	3,960.00
6/27/2019	GES103	Harriman - For reimbursable expenses between 5/1/2019-5/31/2019 - Phase I Design	\$	99.41
6/30/2019	GES104	Harvey Construction - GMP Services through 6/30/2019 (App#18), (Check Date 7/11/2019)	\$	71,794.73
6/30/2019	GES105	MacKinnon & Sons Excavating, LLC - Excavating & Miscellaneous Services performed on 6/20/2019 (Check Date 7/11/2019)	\$	8,580.00
6/30/2019	GES106	Harriman - For professional Services provided between 6/1/2019-6/30/2019 - Phase I Design (Check Date 8/8/2019)	\$	3,960.00
6/30/2019	GES107	Ockers Co. - Installation & configuration of projectors (Check Date 8/8/2019)	\$	2,100.00
6/30/2019	GES108	Brox Industries - Stone & Loam carried by MacKinnon & Sons for parking lot (Check Date 8/8/2019)	\$	1,475.76
6/30/2019	GES109	Horizon Engineering Associates - Services 3/30/2019-6/28/2019 (Check Date 8/8/2019)	\$	10,816.00
6/30/2019	GES110	School Furnishings, Inc. - FFE (Check Date 8/8/2019)	\$	12,222.68
7/3/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	453.16
7/11/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	465.04
7/18/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	475.12
7/25/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	490.59
8/1/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	475.12
8/8/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	475.12
8/15/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	475.12
8/22/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	490.61
8/22/2019	GES111R	MacKinnon & Sons Excavating, LLC - Excavating & Miscellaneous Services performed on 7/17/2019	\$	2,025.00
8/22/2019	GES113	Harriman - For professional Services provided between 6/1/2019-6/30/2019 - Phase I Design (Check Date 8/8/2019)	\$	5,940.00
8/29/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	382.30
8/30/2019	n/a	Citizens Bank-Credit Card - items for ribbon cutting ceremony (part of \$3K approved by JBC 8/13/2019), tumblers, pencils, stickers	\$	1,204.44
9/5/2019	n/a	S. Cartabona - Clerk of Works, Wages/Benefits	\$	475.12
9/5/2019	GES112	Tri-City Masonry - site improvements	\$	294.00
9/19/2019	GES114	MacKinnon & Sons Excavating - site improvements (labor)	\$	5,130.00
9/19/2019	GES115	Continental Paving, Inc. - site improvements (supply) - original PO amount \$100,000	\$	105,936.86
9/19/2019	GES116	Everett J. Prescott, Inc - work related to playground area	\$	456.64
9/19/2019	GES117	Core & Main LP - site improvements	\$	817.60
9/19/2019	GES118	Redimix Companies - site improvements	\$	392.00
9/19/2019	GES119	Fastenal Company - site improvements	\$	39.95
9/19/2019	GES120	Tri-State Sealcoating & Paving, Inc - site improvements	\$	990.00
9/19/2019	GES121	Brox Industries, Inc - site improvements	\$	675.47
9/19/2019	GES122	Brox Industries, Inc - site improvements	\$	233.68
9/19/2019	GES123	Affinity LED Light, LLC - lot light (part of \$1,500 approved by JBC 8/27/2019)	\$	153.00
9/30/2019	GES124	Citizens Bank, Credit Card - payment for Peavey Escort 5000 purchased through Audio Leaders	\$	810.00
9/19/2019	GES125	Harvey Construction - GMP Services through 9/1/2019 (App#19)	\$	123,583.60
9/26/2019	GES126	Hi-Way Safety Systems, Inc - white lane lines, fog lines, etc for playground area	\$	186.91
9/26/2019	GES127	4Promos LLC - lanyards for ribbon cutting ceremony	\$	490.00
9/26/2019	GES128	New England Sealcoating Co., Inc. - 30% deposit for painting in playground area	\$	2,550.00
9/26/2019	GES129	Horizon Engineering Associates - Commissioning Services provided 8/3/2019-8/30/2019	\$	3,004.00
10/2/2019	n/a	Eversource rebate on LED lighting, Phase II	\$	(8,000.00)
10/31/2019	GES130	R.Pepin & Sons, Inc. - site improvements	\$	886.00
10/31/2019	GES131	Dustons Market - items for ribbon cutting ceremony	\$	50.95
10/31/2019	GES132	Hannaford Bros Company - items for ribbon cutting ceremony	\$	126.56
10/31/2019	GES133	Amazon.com - items for ribbon cutting ceremony	\$	632.71
10/31/2019	GES135	R.M.S. Electric - installation of Lot Light	\$	2,795.00
10/31/2019	GES136	Siemens - Control System Upgrade at GES	\$	20,648.95
11/17/2019	GES134	New England Sealcoating, Inc. - painting in playground area	\$	5,950.00
12/5/2019	GES137	City of Dover - loam as a result of finish pavement and structure installation	\$	3,349.50
12/5/2019	GES138	Pro AV Systems - 25% payment per original proposal, video/audio/rack/equipment/services for gymnasium	\$	8,214.35
12/5/2019	GES139	Virco, Inc. - FFE	\$	1,774.64
1/2/2020	GES140	School Furnishings - FFE	\$	35,301.03
1/2/2020	GES141	Horizon Engineering Associates - Commissioning Services provided 9/28/2019-11/1/2019	\$	1,300.00
1/2/2020	GES142	Pro AV Systems - balance of proposal for video/audio/rack/equipment/services for gymnasium	\$	24,412.99
1/2/2020	GES143	Liberty Electric, Inc. - Associated electrical expense with Pro AV system	\$	4,180.00
6/24/2021	GES144	Northeast Electric - Shaw's Lane Lighting - PO#202106094	\$	11,730.00
8/5/2021	GES145	Northeast Electric - Shaw's Lane Lighting - PO#202108201	\$	5,041.64
8/5/2021	GES146	Northeast Electric - Shaw's Lane Lighting - PO#202108201	\$	389.06
8/5/2021	GES147	Shea Concrete - Shaw's Lane Lighting - PO#202107645	\$	6,150.00
8/5/2021	GES148	MacKinnon & Sons - Shaw's Lane Lighting - PO#202107580	\$	21,105.00
8/5/2021	GES149	Reliable Equipment - Skyjack R/T Scissor - PO#202107639	\$	1,200.00
8/5/2021	GES150	Northeast Electric - Shaw's Lane Lighting - PO#202108201	\$	24.60
8/5/2021	GES151	Reliable Equipment - Skyjack R/T Scissor Pickup - PO#202107639	\$	50.00
8/26/2021	GES152	Brox Industries - Asphalt - PO#202201448	\$	232.74
8/26/2021	GES153	Tri-State Sealcoating - Sawcut & Prep - PO#202201449	\$	1,722.00
9/16/2021	GES154	Northeast Electric - Shaw's Lane Lighting - PO#202201928	\$	10.00
9/16/2021	GES155	CED - Shaw's Lane Lighting - PO#202201927	\$	42.08
Total Expenditures:			\$	8,222,223.73

Budget Availability: \$38,562.63

CAPITAL IMPROVEMENTS SUMMARY
Garrison Elementary School Project
As of: January 31, 2020

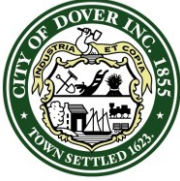
<u>Harvey Construction Corporation, Guaranteed Maximum Price (GMP)</u>	
Original Contract Sum	\$ 6,148,800.00
Alternate 6 (HVAC and associated costs)	\$ 393,319.00
	Total Change Order #001: \$ 393,319.00
Ceramic Tile (\$6,210 applied to Harvey GMP budget item; zero dollar change to contract)	\$ -
	Total Change Order #002: \$ -
Asbestos Removal (\$25,846 applied to Harvey Contingency, zero dollar change to contract)	\$ -
	Total Change Order #003: \$ -
Miscellaneous Electrical Items (\$3,557 applied to Harvey Contingency, zero dollar change to contract)	\$ -
	Total Change Order #004: \$ -
PR-003 Infill Skylight	\$ 5,684.00
	Total Change Order #005: \$ 5,684.00
ASI-007 Admin Area Reno	\$ 56,544.82
	Total Change Order #006: \$ 56,544.82
<u>Harvey Construction Corporation, Guaranteed Maximum Price (GMP), Cont'd.</u>	
Contingency_Demo Duct/Relocate Sprinkler/Baffle Install	\$ -
	Total Change Order #007: \$ -
Fire Alarm Modifications/Voice Amplifier Connection/Additional WAP	\$ 6,209.69
	Total Change Order #008: \$ 6,209.69
Contingency_Demo Existing Flooring at Corridor	\$ -
	Total Change Order #009: \$ -
Cubbies	\$ 70,448.60
	Total Change Order #010: \$ 70,448.60
Cafeteria renovation, (PCO 11, 12, 13 & materials under PR 008, 009, 010)	\$ 133,846.34
	Total Change Order #011: \$ 133,846.34
Transfer of buyout savings to GMP contingency	\$ -
	Total Change Order #012: \$ -
Electrical Room 161 Panel Relocation	\$ 7,134.94
	Total Change Order #013: \$ 7,134.94
Bal. HVAC Rev to Admin Area; Admin Area VCT; Admin Office Carpet; Wainscot; Bal. of Admin Area Finishes	\$ 63,923.09
	Total Change Order #014: \$ 63,923.09
Entrance Emergency Lighting; Backflow Preventor for new boiler	\$ 1,656.46
	Total Change Order #015: \$ 1,656.46
Additional Glazing, PCO#25	\$ 1,154.53
Prep canopy lead paint, PCO#26	\$ -
Revised urinal screen size, PCO#27	\$ 1,355.19
Replace two doors/hardware scheduled ETR, PCO#28	\$ -
Inspectional services requests, PCO#30	\$ 27,214.00
New backflow preventor, PCO#31	\$ 1,815.32
Replace existing valves not functioning, PCO#32	\$ 3,822.88
Added transformer, PCO#33	\$ 33,219.57
	Total Change Order #016: \$ 68,581.49
Credit PCO25 from Contingency, PCO#34	\$ (1,154.53)
Balance of PR16 - Added Transformer, PCO#35	\$ 1,389.79
R&R Flooring at 178 Teachers Room, PRO#36	\$ 3,015.03
PR20 added duct smokes, PCO#37	\$ 19,222.10
PR18 Boiler Pump, PCO#39	\$ 18,575.96
Replace Leaking Coil at Admin Area, PCO#40	\$ 2,549.64
PR19 added Staff Restroom, PCO#41	\$ 32,280.48
	Total Change Order #017: \$ 75,878.47
Additional KG Finishes, PCO#38	\$ 31,983.41
Little League Field in Lieu of Basketball Court, PCO#42	\$ -
Change Hardware at Staff Restroom, PCO#43	\$ 1,207.06
PR19 Toilet Accessories, PCO#44	\$ 694.40
30 Wing Heat, PCO#45	\$ -
Wire Boiler Controls, PCO#46	\$ -
11/6/2018 Allowance Reconciliation, PCO#48	\$ (61,128.80)
Credit C&W Invoice, PCO#49	\$ (1,799.28)
	Total Change Order #018: \$ (29,043.21)
	Change Order #019, Approved 1/15/2019

CAPITAL IMPROVEMENTS SUMMARY
Garrison Elementary School Project
As of: January 31, 2020

Modify Sprinkler Heads Wing 10, ISD Request, PCO#50	\$	2,319.57
F&I (8) Additional White Boards	\$	10,030.46
Total Change Order #019:	\$	12,350.03
Change Order #020, Approved 1/29/2019		
ASI 25 - Added Wall Clocks, PCO#47	\$	491.42
PR21 - Tamper Resistant Receptacles at KG, PCO#52	\$	1,022.87
Total Change Order #020:	\$	1,514.29
Change Order #021, Approved 3/12/2019		
PR23 - New CUHs, PCO#53	\$	6,239.58
PR27R1-New Boiler Pump & VFD, PCO#55	\$	12,026.47
Total Change Order #021:	\$	18,266.05
Change Order #022, Approved 3/26/2019		
PR22 - Guardrail/Fall Protection, PCO#56	\$	7,831.92
New Light Fixtures at Room 169, PCO#57 (contingency)	\$	-
PR26-AC Data 188, PCO#58	\$	15,836.91
PR25 - Tel/Data Room Door Opening, PCO#59	\$	4,629.69
Total Change Order #022:	\$	28,298.52
Change Order #023, Approved 5/21/2019		
Added Power and Tel/Data for AV, PCO#060	\$	-
Replace Corroded Heads at 30 Wing, PCO#061	\$	1,796.41
Total Change Order #023:	\$	1,796.41
Change Order #024, Approved 9/10/2019		
GMP Returned Savings	\$	(358,693.72)
Total Change Order #024:	\$	(358,693.72)
Total Change Orders to Date:	\$	557,715.27
New Contract Sum Including Approved Change Orders:	\$	6,706,515.27

Retainage

3/22/2018	GES24	Harvey Construction - Application #1	\$	380.00
4/5/2018	GES27	Harvey Construction - Application #2	\$	13,555.77
5/3/2018	GES30	Harvey Construction - Application #3	\$	16,812.41
5/31/2018	GES37	Harvey Construction - Application #4	\$	14,642.66
6/28/2018	GES40	Harvey Construction - Application #5	\$	23,446.03
6/30/2018	GES43	Harvey Construction - Application #6 (ck date 7/19/2018)	\$	44,885.29
8/23/2018	GES47	Harvey Construction - Application #7	\$	43,499.41
9/20/2018	GES53	Harvey Construction - Application #8	\$	35,128.33
10/11/2018	GES55	Harvey Construction - Application #9	\$	25,727.59
11/15/2018	GES64	Harvey Construction - Application #10	\$	13,296.05
12/27/2018	GES67	Harvey Construction - Application #11	\$	8,809.50
1/24/2019	GES72	Harvey Construction - Application #12	\$	8,328.14
2/21/2019	GES77	Harvey Construction - Application #13	\$	12,972.64
3/21/2019	GES82	Harvey Construction - Application #14	\$	14,588.88
4/18/2019	GES90	Harvey Construction - Application #15	\$	17,479.36
5/16/2019	GES96	Harvey Construction - Application #16 (released retainage)	\$	(146,776.03)
9/19/2019	GES125	Harvey Construction - Application #19 (released retainage)	\$	(146,776.03)
Total Retainage Held:				\$ -



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.8.

Resolution Number: **R – 2021.10.13 – 175**

Resolution Re: Adoption of FY2023-FY2028 Capital Improvements Plan

WHEREAS: The Capital Improvements Program (CIP) serves as the City's long range planning document for the purchase or construction of capital assets; and

WHEREAS: The CIP anticipates the scheduling and financing over the course of the next six years of individual capital related projects with an estimated annual aggregate cost of \$25,000 or more and useful life of three years or greater; and that

WHEREAS: The CIP is updated annually following review by the Planning Board and adoption by the City Council;

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

The Proposed Capital Improvements Program for Fiscal Year 2023-2028 reflected in the attached document is hereby adopted.

NOTE: This resolution requires a duly advertised public hearing.

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 Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.8.

Resolution Number: **R – 2021.10.13 – 175**

Resolution Re: Adoption of FY2023-FY2028 Capital Improvements Plan

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing 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.		

RESOLUTION BACKGROUND MATERIAL:

This resolution establishes the attached FY2023 through FY2028 Capital Improvements Program.

This resolution only recognizes and adopts a financial and operational planning document for the City's infrastructure and capital assets over the course of the next six years and does NOT authorize or appropriate funding for projects or authorize bonding.

The FY2023 – FY2028 CIP projects and their anticipated schedule for funding are reflected in the attached document.

Capital Improvements Program - FY2023-2028

Proposed

6-Oct-21

All Projects

BOLD = New Project
UNDERLINED = Change in Schedule

* = Multi Category Project
ITALIC = \$ Change

PROJECT DESCRIPTION	2023	2024	2025	2026	2027	2028	Total	Finance Method
GENERAL GOVERNMENT								
Transfer to Capital Reserve - Infrastructure & Equip	1,175,000	1,325,000	1,475,000	1,625,000	1,775,000	1,925,150	9,300,150	OB
Transfer to Capital Reserve - Cemetery	125,000	125,000	125,000	125,000	125,000	125,000	750,000	OB
General Facility Improvements	50,000	50,000	50,000	50,000	50,000	50,000	300,000	RF
CAMA Software Replacement and Implementaion	37,000						37,000	OB
Cemetery Equipment & Improvements		250,000		250,000		250,000	750,000	RF
Chapel Restoration			500,000				500,000	DF
TOTAL GENERAL GOVT.	1,387,000	1,750,000	2,150,000	2,050,000	1,950,000	2,350,150	11,637,150	
POLICE								
Police Cruiser Replacement Program	144,000	144,000	144,000	144,000	144,000	144,000	864,000	RF
Public Safety Communications/Security Improvements	100,000	100,000	100,000	100,000	100,000	100,000	600,000	OB
TOTAL POLICE	244,000	244,000	244,000	244,000	244,000	244,000	1,464,000	
FIRE & RESCUE								
<i>Ambulance Replacement</i>	271,000		263,000		266,000		800,000	RF
Front Line Vehicle Corrosion Repair	100,000						100,000	RF
<i>Protective Gear</i>	208,000					250,000	458,000	RF
<i>Command/Staff Vehicle Replacement</i>		62,000		62,000		62,000	186,000	RF
Pumper/Quint Replacement				900,000			900,000	RF
<i>SCBA Gear</i>				506,730			506,730	RF
Squad Replacement				500,000			500,000	RF
Aerial Platform Replacement						1,500,000	1,500,000	DF
TOTAL FIRE & RESCUE	579,000	62,000	263,000	1,968,730	266,000	1,812,000	4,950,730	
COMMUNITY SERVICES - PUBLIC WORKS								
PW Heavy Equipment	450,000	500,000	550,000	600,000	650,000	700,000	3,450,000	RF
General Streets Improvements	2,341,451	2,435,109	2,532,513	2,633,814	2,739,166	2,848,733	15,530,786	OB
General Sidewalk Improvements	126,531	131,592	136,856	142,330	148,023	153,944	839,276	OB
Bridge Improvements	180,000	200,000	200,000	200,000	200,000	200,000	1,180,000	OB
Drainage System Improvements	250,000	300,000	350,000	400,000	450,000	450,000	2,200,000	OB
Traffic Signal Upgrades/Traffic Calming	90,000	90,000	90,000	90,000	90,000	90,000	540,000	OB
Cochecho Replace Storm Drain Outfall	500,000						500,000	DF
Roundabout Dover Point Road/Pointe Place	175,000	800,000					975,000	DF/RF
Portland Avenue Retaining Wall	750,000						750,000	DF
<u>Street Reconstruction - Whittier Street</u>	650,000						650,000	DF
Street Reconstruction Lower Central Avenue		3,000,000					3,000,000	DF
Street Reconstruction - Sunset Drive			200,000	1,000,000			1,200,000	DF
<u>Bridge Replacement - Oak Street</u>				5,000,000			5,000,000	GF
<u>Soundwalls - Renaud/Keating</u>				400,000			400,000	RF/GF
Street Reconstruction - Atlantic Avenue				900,000	600,000		1,500,000	DF
Street Reconstruction - Home Street*				250,000		2,000,000	2,250,000	DF
Drainage Improvements - Spruce/Tanglewood					900,000		900,000	DF
Street Reconstruction - Piscataqua/Back River*					1,000,000		1,000,000	DF
Sidewalk Construction - Outer Sixth Street						300,000	300,000	DF
Sidewalk Construction - Dover Point Road						800,000	800,000	DF
Street Reconstruction - Oak/Ham/Ela*						1,000,000	1,000,000	DF
Street Reconstruction - Rutland						300,000	300,000	DF
TOTAL COMM SERV - PW	5,512,982	7,456,701	4,059,369	11,616,144	6,777,189	8,842,677	44,265,062	
CULTURE & RECREATION								
Transfer to Capital Reserve - Park/Playground Imprv.	112,500	112,500	112,500	112,500	112,500	112,500	675,000	OB
Park Infrastructure Replace/Maintenance	75,000	75,000	75,000	75,000	75,000	75,000	450,000	RF
Community Trail Phase IV	131,000						131,000	RF
<i>Park Improvements - Garrison Hill Park</i>	320,000						320,000	RF
Indoor Pool Solar Panel Purchase			150,000				150,000	RF
Arena - Foster Rink Air Conditioning				75,000			75,000	RF
Henry Law Park Public Bathrooms					410,000		410,000	RF
TOTAL CULTURE & RECREATION	638,500	187,500	337,500	262,500	597,500	187,500	2,211,000	
PUBLIC LIBRARY								
Library Books and Collections	129,241	133,118	137,112	141,225	145,462	149,826	835,984	OB
TOTAL PUBLIC LIBRARY	129,241	133,118	137,112	141,225	145,462	149,826	835,984	
TOTAL CITY DEPARTMENTS	8,490,723	9,833,319	7,190,981	16,282,599	9,980,151	13,586,153	65,363,926	
EDUCATION								
Transfer to Capital Reserve - Curriculum	150,000	150,000	150,000	150,000	150,000	150,000	900,000	OB
Transfer to Capital Reserve - Facilities	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000	OB
<i>Transfer to Capital Reserve - Info. Technology</i>	480,000	20,000	20,000	20,000	20,000	20,000	580,000	OB
Transfer to Capital Reserve - Athletics	20,000	20,000	20,000	20,000	20,000	20,000	120,000	OB
<i>Curriculum Replacement and Upgrade</i>	250,000	100,000	100,000	100,000	100,000	100,000	750,000	RF
Facilities/School Maintenance and Repairs	100,000	100,000	100,000	100,000	100,000	100,000	600,000	RF
Furniture Replacement	25,000	25,000	25,000	25,000	25,000	25,000	150,000	OB
<u>DHS Equip Storage, Bleacher, Turf/Track Replace</u>	200,000		2,500,000				2,700,000	DF
<i>Information Technology Replacement and Upgrade</i>		480,000	480,000	480,000	480,000	480,000	2,400,000	OB
Garrison Elementary School Renovations		300,000		5,928,000			6,228,000	DF
DHS Solar Panel Purchase				600,000	100,000	100,000	800,000	RF

Capital Improvements Program - FY2023-2028

Proposed

6-Oct-21

All Projects

BOLD = New Project

* = Multi Category Project

UNDERLINED = Change in Schedule

ITALIC = \$ Change

	Fiscal Year						Finance
PROJECT DESCRIPTION	2023	2024	2025	2026	2027	2028	Method
TOTAL EDUCATION	1,475,000	1,445,000	3,645,000	7,673,000	1,245,000	1,245,000	16,728,000
TOTAL GENERAL FUND	9,965,723	11,278,319	10,835,981	23,955,599	11,225,151	14,831,153	82,091,926
SPECIAL REVENUE FUNDS							
Building Access Control and CCTV Systems	100,000	100,000	100,000	60,000			360,000 OB
Conservation Funding	250,000	250,000	250,000	250,000	250,000	250,000	1,500,000 OB
<i>DoverNet Client System Replacement</i>	55,700	55,700	55,700	55,700	55,700	55,700	334,200 OB
SAU Athletic Improvements	30,000	30,000	30,000	30,000	30,000	30,000	180,000 OB
SAU Cafeteria Maintenance/Repair/Upgrade	40,000	40,000	40,000	40,000	40,000	40,000	240,000 OB
SAU HVAC Upgrades	260,000	4,240,000					4,500,000 GF
SAU Light Vehicle Replacement	50,000	50,000	50,000	50,000	50,000	50,000	300,000 OB
Downtown Parking Garage Maintenance	225,000						225,000 RF
SAU Technology Replacement and Upgrade	480,000						480,000 GF
McConnell Center Boiler & Pump Replacement		4,500	250,000				254,500 OB
McConnell Center Rubber Roof			6,500	275,000			281,500 OB
Parking Facility - Downtown			8,100,000				8,100,000 DF
McConnell Center Gym AC				10,000	260,000		270,000 OB
TOTAL SPECIAL REVENUE FUNDS	1,490,700	4,770,200	8,882,200	770,700	685,700	425,700	17,025,200
TIF DISTRICT FUNDS							
Waterfront Development Site Improvements	4,200,000	4,200,000					8,400,000 DF
TOTAL TIF DISTRICT FUNDS	4,200,000	4,200,000	0	0	0	0	8,400,000
COMMUNITY SERVICES - WATER FUND							
Transfer to Capital Reserve	500,000	500,000	500,000	500,000	500,000	500,000	3,000,000 OB
Water Exploration	100,000	100,000	100,000	100,000	100,000	100,000	600,000 RF
Water Heavy Equipment Replacement	40,000	40,000	40,000	40,000	40,000	40,000	240,000 RF
Water Light Vehicle Replacement*	15,000	15,000	15,000	15,000	15,000	15,000	90,000 OB
Water Main Replacement - City Wide	162,240	168,730	175,479	182,498	189,798	197,390	1,076,135 RF
Water Meter Replacement	175,000	175,000	175,000	175,000	175,000	175,000	1,050,000 OB
Water Treatment Plant & Well Equipment	81,120	84,365	87,739	91,249	94,899	98,695	538,067 RF
Wellhead Protection	100,000	100,000	100,000	100,000	100,000	100,000	600,000 RF
SCADA Radio Replacements & Upgrades	100,000						100,000 OB
New Water Storage Tank	3,100,000	3,000,000					6,100,000 DF
Rehabilitate Garrison Hill Water Storage Tank		1,400,000					1,400,000 DF
New Supply Source Development				300,000	4,000,000	4,000,000	8,300,000 RF/DF
<i>Water Main Replacement - Littleworth Road</i>				1,000,000	1,000,000	1,100,000	3,100,000 DF
Water Main Replacement - Durham Road				850,000			850,000 DF
Water Main Replacement - Horne Street*				100,000		1,500,000	1,600,000 DF
Water Main Replacement - Piscataqua Road*				250,000	1,500,000		1,750,000 DF
Well Upgrades - Hughes Well					2,000,000	2,000,000	4,000,000 DF
Water Main Replacement - Central Avenue					300,000	3,700,000	4,000,000 DF
Emergency Interconnect with Portsmouth						300,000	300,000 GF
Water Main Replacement - Chapel/Portland						250,000	250,000 DF
Water Main Replacement - Oak/Ham/Ela*						1,000,000	1,000,000 DF
TOTAL WATER FUND	4,373,360	5,583,095	1,193,218	3,703,747	10,014,697	15,076,085	39,944,202
COMMUNITY SERVICES - SEWER FUND							
Transfer to Capital Reserve	500,000	500,000	500,000	500,000	500,000	500,000	3,000,000 OB
Inflow/Infiltration Study/Mitigation	300,000	300,000	300,000	300,000	300,000	300,000	1,800,000 RF
Pump Station Equipment Replace-Maint.	81,120	84,365	87,739	91,249	94,899	98,695	538,067 OB
Sewer Heavy Equipment Replacement	40,000	40,000	40,000	40,000	40,000	40,000	240,000 RF
Sewer Light Vehicle Replacement*	15,000	15,000	15,000	15,000	15,000	15,000	90,000 OB
Sewer Main Replacements - City Wide	162,240	168,730	175,479	182,498	189,798	197,390	1,076,135 RF
<i>WWTP General Permit Compliance</i>	1,900,000	400,000	400,000	400,000	400,000	400,000	3,900,000 OB/RF
Henry Law/River Street - Sewer Main Replace	500,000	500,000					1,000,000 DF
SCADA Radio Replacements & Upgrades	100,000						100,000 OB
WWTP - Capacity Upgrades, Nutrient Removal	750,000						750,000 DF
Phase C Inflow & Infiltration Removal		1,950,000					1,950,000 DF
Pump Station Upgrade - Mill Street		200,000	2,300,000				2,500,000 DF
Pump Station Upgrade - Charles Street				250,000	1,050,000		1,300,000 DF
Sewer Main Replacement - Horne Street*				100,000		1,000,000	1,100,000 DF
WWTP - Capacity Upgrades, treatment				300,000		4,100,000	4,400,000 DF
Pump Station Upgrade - Butterfield Building						150,000	150,000 DF
Sewer Main Installation - North End						500,000	500,000 DF
TOTAL SEWER FUND	4,348,360	4,158,095	3,818,218	2,178,747	2,589,697	7,301,085	24,394,202
TOTAL OTHER FUNDS	14,412,420	18,711,390	13,893,636	6,653,194	13,290,094	22,802,870	89,763,604
TOTAL ALL PROJECTS	24,378,143	29,989,709	24,729,617	30,608,793	24,515,245	37,634,023	171,855,530



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.9.

Resolution Number: **R – 2021.10.13 – 176**
Resolution Re: **Appropriation For FY2023 Capital Improvements
Program – Non-Debt Financed Projects**

WHEREAS: The City Council desires to make public improvements as listed in the Capital Improvements Program for Year 1 and to finance these improvements with transfers from Reserve Trust Funds and appropriation of existing funds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL, THAT:
The following capital outlays are appropriated as part of the FY2023 Capital Improvements Program for the purposes so designated and the Finance Director is authorized to transfer the funds from the respective Reserve Funds in the amounts listed.

Item	Description	Appropriation	Funding	Fund
1	General Facility Improvements	\$50,000	General Fund Capital Reserve	Trust
2	Police Cruiser Replacement Program	144,000	General Fund Capital Reserve	Trust
3	Ambulance Replacement	271,000	General Fund Capital Reserve	Trust
4	Fire Front Line Vehicle Corrosion Repair	100,000	General Fund Capital Reserve	Trust
5	Fire Protective Gear	208,000	General Fund Capital Reserve	Trust
6	Public Works Heavy Equipment	450,000	General Fund Capital Reserve	Trust
7	Roundabout Dover Point Road/Pointe Place	175,000	Transportation Reserve	Trust
8	Park Infrastructure Replace/Maintenance	50,000	Park Improvements Reserve	Trust
9	Park Improvements - Garrison Hill Park	50,000	Park Improvements Reserve	Trust
10	Park Infrastructure Replace/Maintenance	25,000	Recreation Facilities Capital Reserve	Trust
11	Community Trail Phase IV	131,000	Recreation Facilities Capital Reserve	Trust
12	Park Improvements - Garrison Hill Park	270,000	Recreation Facilities Capital Reserve	Trust
13	Downtown Parking Garage Maintenance	225,000	Parking Improvements Reserve	Trust
14	Facilities/School Maintenance and Repairs	100,000	School Facilities Reserve	Trust
15	DHS Equip Storage, Bleacher, Turf/Track Replace	200,000	School Facilities Reserve	Trust
16	Curriculum Replacement and Upgrade	250,000	School Curriculum Reserve	Trust
17	Water Exploration	100,000	Water Fund Capital Reserve	Trust
18	Water Heavy Equipment Replacement	40,000	Water Fund Capital Reserve	Trust
19	Water Main Replacement - City Wide	162,240	Water Fund Capital Reserve	Trust
20	Water Treatment Plant & Well Equipment	81,120	Water Fund Capital Reserve	Trust
21	Wellhead Protection	100,000	Water Fund Capital Reserve	Trust
22	Inflow/Infiltration Study/Mitigation	300,000	Sewer Fund Capital Reserve	Trust
23	Sewer Heavy Equipment Replacement	40,000	Sewer Fund Capital Reserve	Trust
24	Sewer Main Replacement - City Wide	162,240	Sewer Fund Capital Reserve	Trust
25	WWTP General Permit Compliance	1,400,000	Sewer Fund Capital Reserve	Trust
	Total	\$5,084,600		

Note: This resolution requires a public hearing and a 2/3 majority vote according to C6-6 of the charter.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.9.

Resolution Number: **R – 2021.10.13 – 176**
Resolution Re: **Appropriation For FY2023 Capital Improvements
Program – Non-Debt Financed Projects**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan Mistretta
City Clerk

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.9.

Resolution Number: **R – 2021.10.13 – 176**
Resolution Re: **Appropriation For FY2023 Capital Improvements
Program – Non-Debt Financed Projects**

RESOLUTION BACKGROUND MATERIAL:

This resolution appropriates capital reserve funds to finance a portion of the FY2023 Capital Improvements Program. In addition, it authorizes the transfer of Capital Reserve Fund moneys.

The following table reflects the amount to be appropriated from the various funds and their projected balances as of 6/30/2022:

Description	Proposed Appropriation	Balance 6/30/2022	Notes
Capital Reserve Funds CIP			
General Fund Capital Reserve	\$1,223,000	\$152,020	(1)
Parks Improvements Reserve	\$100,000	\$36,726	(2)
Transportation Reserve	\$175,000	\$109,408	(3)
Recreation Facilities Capital Reserve	\$426,000	\$313,406	(4)
School Facilities Capital Reserve	\$300,000	\$1,236,727	
School Curriculum Reserve	\$250,000	\$101,606	(5)
Water Fund Capital Reserve	\$483,360	\$2,290,159	
Sewer Fund Capital Reserve	\$1,902,240	\$1,436,353	(6)
Parking Improvements Reserve	\$225,000	\$811,181	
Total	\$5,084,600		

1. The General Fund Capital Reserve will have sufficient funds for the appropriations as a transfer from the General Fund of \$1,175,000 into the reserve is proposed in the CIP FY 2023-2028 to be budgeted during FY2023 as part of the City's General Fund Operating Budget.
2. The Parks Improvements Reserve will have sufficient funds for the appropriations as a transfer from the General Fund of \$112,500 into the reserve is proposed in the CIP FY 2023-2028 to be budgeted during FY2023 as part of the City's General Fund Operating Budget.
3. The Transportation Reserve will have sufficient funds for the appropriations as a transfer in the amount of \$175,000 into the reserve is estimated for FY 2023 from Transportation Improvement Fees collected by the City.
4. The Recreation Facilities Capital Reserve will have sufficient funds for the appropriations as a transfer in the amount of \$120,000 into the reserve is estimated for FY2023 from the collection of Recreation Impact Fees.
5. The School Curriculum Reserve will have sufficient funds for the appropriations as a transfer from the General Fund of \$150,000 into the reserve is proposed in the CIP FY 2023-2028 to be budgeted during FY2023 as part of the School's General Fund Operating Budget.
6. The Sewer Fund Capital Reserve will have sufficient funds for the appropriations as a transfer from the Sewer Fund of \$500,000 into the reserve is proposed in the CIP FY 2023-2028 to be budgeted during FY2023 as part of the City's Sewer Fund Operating Budget.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.10.

Resolution Number: **R – 2021.10.13 – 177**

Resolution Re: **Appropriation For FY2023 Capital Improvements
Program and Authorization for Bonding**

WHEREAS: The City Council desires to make public improvements and to finance these improvements with the sale of general obligation bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The following capital projects are appropriated, with estimated useful lives in excess of the length indicated, as part of the FY2023 Capital Improvements Program:

Item #	Description	Proposed Appropriations	Life/Yrs	Department	Fund
1	Cochecho Replace Storm Drain Outfall	500,000	20	Comm Serv - PW	General
2	Portland Avenue Retaining Wall	750,000	20	Comm Serv - PW	General
3	Sidewalk Replacement - Whittier Street	650,000	20	Comm Serv - PW	General
4	Waterfront Development Site Improvements	8,400,000	20	Waterfront TIF	Waterfront TIF
5	New Water Storage Tank	6,100,000	20	Comm Serv - Water	Water
6	Henry Law/River Street - Sewer Main Replace	1,000,000	20	Comm Serv - Sewer	Sewer
7	WWTP - Capacity Upgrades, Nutrient Removal	750,000	20	Comm Serv - Sewer	Sewer
	Total	18,150,000			

AND FURTHER BE IT RESOLVED THAT:

To meet the appropriations of this resolution there is authorized, under and pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the issuance and sale of general obligation bonds of the City of Dover in a principal amount equal to the total of the appropriations. The full faith and credit of the City is hereby pledged for the principal and interest on said bonds. The bonds are to be signed by the City Manager and countersigned by the City Treasurer, with the Finance Director and City Treasurer having the discretion of fixing the dates, maturities, denominations, place of payment, interest rate or rates and form, and to provide for the sale of the bonds.

AND FURTHER BE IT RESOLVED THAT:

Pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the City of Dover is hereby authorized to participate in the NH Clean Water State Revolving Fund (CWSRF) Program for financing eligible Sewer Fund projects provided CWSRF funding is available; and the City of Dover is hereby authorized to participate in the NH Drinking Water State Revolving Fund (DWSRF) Program for financing the Water Fund projects provided DWSRF funding is available. The City Manager, Finance Director and Treasurer are authorized, on behalf of the City of Dover, to file for participation in the NH CWSRF and DWSRF Programs and obtain loans through the programs for eligible identified projects.

NOTE: This resolution requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.10.

Resolution Number: **R – 2021.10.13 – 177**
Resolution Re: **Appropriation For FY2023 Capital Improvements
Program and Authorization for Bonding**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan Mistretta
City Clerk

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.10.

Resolution Number: **R – 2021.10.13 – 177**
 Resolution Re: **Appropriation For FY2023 Capital Improvements Program and Authorization for Bonding**

RESOLUTION BACKGROUND MATERIAL:

This resolution makes appropriations for the projects of the FY2023 Capital Improvements Program financed by debt and authorizes the sale of bonds and/or participation in the CWSRF or DWSRF.

This resolution makes appropriations for projects that are scheduled to be completed over multiple years. The Finance Department requests from all departments with projects to submit cash flow requirements for projects. These cash flow projections are completed to determine the amount by project for the coming bond issuance. Those projects that are not financed or are only partially financed remain as authorized unissued debt and bonded (financed) when the cash need arises.

Debt Authorization versus Debt Retirement

The following table compares the tentative authorization amount to the amount of debt being retired: The Net Sewer reflects the amount retired by user fees (total debt retirement less State aid for principal).

Description	City	School	Water	Sewer	Waterfront TIF	Total
FY2023 Authorization	1,900,000	0	6,100,000	1,750,000	8,400,000	18,150,000
FY2023 Retirement	4,041,199	3,344,746	1,282,556	1,544,872	229,142	10,442,515
Net Change	(2,141,199)	(3,344,746)	4,817,444	205,128	8,170,858	7,707,485

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2021 and this authorization, against the legal debt limits.

Description	City	School	Water	DBIDA-IP	Waterfront TIF	Exempt	Total
Debt Outstanding	38,083,620	85,543,306	13,042,743	0	2,199,104	26,824,327	165,693,100
Authorized - Unissued	26,955,315	1,651,000	31,678,000	0	8,412,500	9,985,765	78,682,580
Total Issued & Unissued	65,038,935	87,194,306	44,720,743	0	10,611,604	36,810,092	244,375,680
This Authorization	1,900,000	0	6,100,000	0	8,400,000	1,750,000	18,150,000
Grand Total	66,938,935	87,194,306	50,820,743	0	19,011,604	38,560,092	262,525,680
Legal Debt Limit	126,522,280	295,218,652	421,740,932	4,000,000	NA	NA	
Unused Capacity	59,583,345	208,024,346	370,920,189	4,000,000			
Percent Unused	47.1%	70.5%	87.9%	100.0%			

Notes: Legal debt limits are based on a percent of equalized assessed value. City 3%, School 7%, Water 10%.
 DBIDA limits are set by special legislation.
 IP = Industrial Park projects
 IB = Industrial Building projects
 Exempt includes Sewer, Special Revenue Funds, TIF District, and Tolend Road Landfill debt.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.10.

Resolution Number: **R – 2021.10.13 – 177**

Resolution Re: **Appropriation For FY2023 Capital Improvements Program and Authorization for Bonding**

Multi-Year Projects Proposed Bonding Schedule

The following table summarizes the bonding schedule for the proposed debt authorizations. This table shows that for multi-year projects the issuance of bonds will be done based on cash flow requirements per the projects' proposed segments as presented in the Capital Improvements Program.

Item #	Description	Proposed						
		Appropriations	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
1	Cochecho Replace Storm Drain Outfall	\$ 500,000	500,000					
2	Portland Avenue Retaining Wall	750,000	750,000					
3	Sidewalk Replacement - Whittier Street	650,000	650,000					
4	Waterfront Development Site Improvements	8,400,000	4,200,000	4,200,000				
5	New Water Storage Tank	6,100,000	3,100,000	3,000,000				
6	Henry Law/River Street - Sewer Main Replace	1,000,000	500,000	500,000				
7	WWTP - Capacity Upgrades, Nutrient Removal	750,000	750,000					
		18,150,000	10,450,000	7,700,000	-	-	-	-

Financial Policy Considerations

The proposed debt authorizations contained in this resolution will result in the following City Council adopted Financial Policies not being adhered to:

- A. Water Fund debt shall not exceed 5% of the State of NH legal debt limit.
- B. Water Fund debt service for any given fiscal year shall not exceed 40% of the total appropriations for the fund.

Water Fund debt will exceed the 5% policy limit in FY2022 and continue through FY2028 as a result of the funding appropriated in this resolution and the funding for Water System Facilities Upgrade in the FY2017 CIP and FY2018 CIP. The Water Fund debt service as a percentage of budget is projected to exceed the 40% policy level in FY2023 and continue through FY2028. This is the result of the funding appropriated for Water System Facilities Upgrade in FY2017 and FY2018 CIPs, as well as the \$6,100,000 proposed for debt financing in this resolution.

Rate Impacts

The following tables summarize the change from year to year on the Property Tax Rate and the Utility Rates, net of existing debt service and aid, related to the projects proposed to be bonded in FY2023. The top table reflects the impact of the new CIP projects only; the second set reflects the combined impact of the new CIP projects and anticipated debt related to prior year authorizations. The rate changes have been adjusted for any amendments to projects from the proposed CIP.



CITY OF DOVER

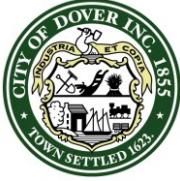
CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.10.

Resolution Number: **R – 2021.10.13 – 177**
 Resolution Re: **Appropriation For FY2023 Capital Improvements Program and Authorization for Bonding**

CIP Only					CIP Only				
Net Change in Property Tax Rates					Net Change in Utility Rates				
	2023	2024	2025			2023	2024	2025	
City	0.07	0.14	0.16		Water	0.41	0.74	0.77	
School	0.01	0.03	0.11		Sewer	0.21	0.50	0.70	
Total Change	0.08	0.17	0.27		Total Change	0.62	1.24	1.47	
Est Tax Rate	25.13	25.30	25.57		Est Utility Rate	16.21	17.45	18.92	
% Change City	0.75%	1.50%	1.70%		% Change Water	6.89%	11.64%	11.51%	
% Change School	0.09%	0.26%	0.96%		% Change Sewer	2.18%	5.08%	6.90%	
% Change Total	0.32%	0.68%	1.07%		% Change Total	3.98%	7.65%	8.73%	
Including Prior Year Authorizations					Including Prior Year Authorizations				
Net Change in Property Tax Rates					Net Change in Utility Rates				
	2023	2024	2025			2023	2024	2025	
City	0.20	0.26	(0.20)		Water	1.96	1.81	(0.28)	
School	-0.01	0.01	0.05		Sewer	0.78	0.65	0.61	
Total Change	0.19	0.27	(0.15)		Total Change	2.74	2.46	0.33	
Est Tax Rate	25.24	25.51	25.36		Est Utility Rate	18.33	20.79	21.12	
% Change City	2.15%	2.74%	-2.09%		% Change Water	32.94%	22.88%	-3.61%	
% Change School	-0.09%	0.09%	0.44%		% Change Sewer	8.09%	6.24%	5.93%	
% Change Total	0.76%	1.07%	-0.59%		% Change Total	17.58%	13.42%	1.83%	
Rate per \$1,000 of Assessed Value					Rate per 100 Cubic Feet of Water Consumption				

The table below reflects the net change from year to year, and the total change after 3 years, for an average single family home for taxes and user fees, based on the FY21 assessed value at \$351,205 with 75 HCF of average water usage.



CITY OF DOVER

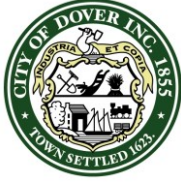
CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.10.

Resolution Number: **R – 2021.10.13 – 177**

Resolution Re: **Appropriation For FY2023 Capital Improvements
Program and Authorization for Bonding**

Impact to Average Single Family Home				
				Change
				After
Description	Yr1	Yr2	Yr3	3 Years
CIP Only				
Property Tax	28	60	95	183
Water Fees	31	56	58	144
Sewer Fees	16	38	53	106
Total Avg SFH Impact	75	153	205	432
Including PY Authorizations				
Property Tax	67	95	(53)	109
Water Fees	147	136	(21)	262
Sewer Fees	59	49	46	153
Total Avg SFH Impact	272	279	(28)	524

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.1. Ordinance Number: O – 2021.10.13 – 007 Ordinance Title: Boards, Commissions and Committees Chapter: 9 Section: 2 – Board of Health
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The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to make a technical correction to Chapter 9 Boards, Commissions, and Committees, Section 2, Board of Health, to bring the ordinance in line with RSAs.

2. AMENDMENT

Chapter 9 entitled Boards, Commissions, and Committees, is hereby amended by revising Section 9-2, Board of Health as follows:

§9-2 Board of Health.

A. Membership. The Board of Health shall consist of five members, including a physician who lives or practices in the City of Dover, a dentist who lives or practices in the City of Dover, a citizen of the City of Dover with relevant qualifications or experience in public health, an ex officio City Councilor, and the Health Officer. ~~Pursuant to RSA 128:3, the~~ The Health Officer shall act as Chair and Secretary.

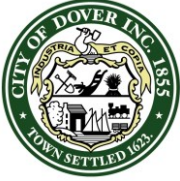
B. Terms of members. Members shall be appointed to terms of three years.

C. Authority and duties. The Board of Health shall perform the following functions:

(1) The Board of Health shall study, consider and recommend to the City Council and the City Manager, or designee, general policies for public health in the City of Dover.

(2) As authorized by RSA 147:1, and with the consultation of the Board of Health, the Health Officer may make such rules and regulations for the prevention and removal of nuisances, for the control and restriction of infections and contagious disease and such other regulations relating to the public health as, in his/her judgment, the health and safety of the people may require, which shall take effect when approved by the City Council and published in one or more newspapers of the City. The members of the Board, except the Health Officer, shall serve without pay.

(3) The Board of Health shall meet at such times and places as it may deem necessary for the consideration of matters relating to the public health; it shall investigate, inquire into and advise in all cases referred to it for such purpose by the Health Officer. In case the Health Officer is unable to act as the executive officer of the Board through sickness or other good cause, the Board may elect from its membership a suitable person to act temporarily as Chair of the Board for the purposes of conducting necessary meetings or proceedings.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2021.10.13 – 007**
Ordinance Title: Boards, Commissions and Committees
Chapter: 9
Section: 2 – Board of Health

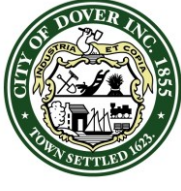
3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

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 Mistretta City Clerk		

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.1. Ordinance Number: O – 2021.10.13 – 007 Ordinance Title: Boards, Commissions and Committees Chapter: 9 Section: 2 – Board of Health
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DOCUMENT HISTORY:

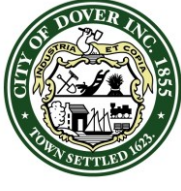
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
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:

Chapter 9-2 was previously amended on March 10, 2021 through ordinance 2021.02.24-001. This previous amendment added in language referencing RSA 128:3, however RSA 128:7 states “this chapter shall not apply to cities.” As the City is not subject to RSA chapter 128 this ordinance is a technical correction to bring Chapter 9-2 in compliance with RSAs.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.2. Ordinance Number: O – 2021.10.13 – 008 Ordinance Title: Bicycles and Play Vehicles Chapter: 53 Section: 2
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The City of Dover Ordains:

- PURPOSE**
The purpose of this ordinance is to amend Chapter 53 of the City of Dover’s Code, entitled “Bicycles and Play Vehicles,” and specifically section 2.
- AMENDMENT**
Chapter 53 entitled “Bicycles and Play Vehicles” is hereby amended by revising Section 53-2, “Bicycle registration required,” as follows:

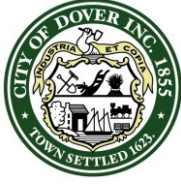
§ 53-2 **Bicycle registration required.**

- A. Any person residing in Dover who rides or operates any bicycle upon any way within the City of Dover is urged to register the same with the Police Department. In order to be registered, a bicycle shall:
- Be in good, safe mechanical condition.
 - Have a distinctive identification marker or serial number.
- B. Any owner or person having the custody and control over any bicycle registered in accordance with the provisions hereof shall not attach any registration sticker to any bicycle other than that to which it is assigned. Fees and periods of registration shall be established by the Chief of Police.

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

REQUIRES A PUBLIC HEARING

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 Mistretta City Clerk		
Document Created by: Department		O-2021.10.13 Chapter 53, Bicycles and Play Vehicles	
Document Posted on: October 7, 2021		Page 1 of 2	

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.2. Ordinance Number: O – 2021.10.13 – 008 Ordinance Title: Bicycles and Play Vehicles Chapter: 53 Section: 2
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DOCUMENT HISTORY:

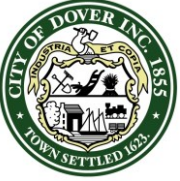
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
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:

This ordinance revision has been proposed and endorsed by the Transportation Advisory Commission after consideration of resident concerns over enforceability and potential confusion. While municipalities are empowered by state law to mandate bicycle registration, *see* RSA 265:149, the Dover Police Department has not historically enforced this provision. The amendments bring Chapter 53-2 in line with current practice. New Hampshire statutes also specify numerous equipment provisions related to bicycles, so it is unnecessary to have additional provisions in City Code.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: O – 2021.10.13 – 009 Ordinance Title: Vehicles and Traffic Chapter: 141 Section: 13 18 30 42	Agenda Item #: 13.C.3.

The City of Dover Ordains:

1. PURPOSE

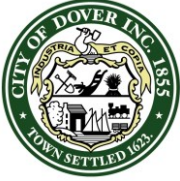
The purpose of this ordinance is to amend Chapter 141 of the City of Dover’s Code, entitled “Vehicles and Traffic,” and specifically sections 13, 18, 30, and 42.

2. AMENDMENT

Chapter 141 entitled “Vehicles and Traffic” is hereby amended by revising Section 141-13, “General parking restrictions”, as follows:

§ 141-13 General parking restrictions.

- A. Truck parking. Vehicles over 19 feet in overall length, with permission of the Chief of Police or his/her designated representative, may stop and unload merchandise in a parking space, but under no circumstances shall any vehicle obstruct or impede the free flow of traffic.
- B. Designation of taxicab stands and bus stops. The Chief of Police may establish bus stops and taxicab stands on such public streets and in such places and such numbers as shall be determined to be of the greatest benefit and convenience to the public, and every such bus stop or taxicab stand shall be designated by an appropriate sign. It shall be unlawful for the owner/operator, owner or person having custody of any vehicle other than a bus or taxicab to park or permit the same to be parked in an officially designated bus stop or taxicab stand.
- C. Loading and unloading zones. The Chief of Police may establish loading and unloading zones which shall be marked by appropriate signs. It shall be unlawful for the owner of any vehicle or any person having custody to any vehicle to park said vehicle or permit the same to be parked in any zone designated as a loading or unloading zone unless actually engaged in loading or unloading with the vehicle's hazard lights activated.
- D. Parking of commercial vehicles.
 - (1) It shall be unlawful for the driver of any bus or taxicab to stand or park upon any street in any business district at any place other than a bus stop or taxicab stand, except while actually engaged in taking on or leaving passengers.
 - (2) No tractor-trailer combination or other truck shall park on the travel portion of the street for the purpose of loading or unloading on Monday through Saturday, between the hours of



CITY OF DOVER

CITY OF DOVER - ORDINANCE

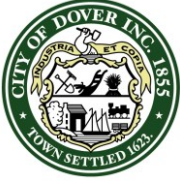
Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

11:00 a.m. and 1:00 p.m. and from 3:30 p.m. to 6:00 p.m., upon the streets indicated in Schedule K (§ **141-50**). This subsection shall not apply to trucks used on said streets for emergency purposes or while engaged in highway or other necessary maintenance or repairs.

E. Restricted parking.

- (1) Henry Law Park — River Street parking area. No person shall park a vehicle in designated parking in the River Street parking area at the Henry Law Park and Recreation Facility unless he/she is a City employee on City business or is present and using the recreational facility or grounds at Henry Law Park. The parking of vehicles for any other purpose is prohibited. Violators shall be subject to Table B fines under § **141-23** as set forth in the Fine Schedule adopted by City Council.
- (2) Summer Street. No person, except for visitors to the Woodman Institute, shall be allowed to park on the northerly side of Summer Street from the intersection with Central Avenue westerly for 120 feet, during operating hours when the Woodman Institute is open for the season. Signage shall be posted that indicates the hours, days and/or months of the restricted parking, based on the Woodman Institute's operating hours. Violators shall be subject to Table A fines under § **141-23**.
- (3) Orchard Street. No person, except for visitors to the Dover Police Station, shall be allowed to park in the two posted police station visitor spaces in front of 40 Chestnut Street (Cochecho Park Apartments) and the three posted police station visitor spaces on the first floor of the parking garage. Violators shall be subject to Table A fines under § **141-23**.
- (4) ~~Orchard Street Parking Garage. Between the hours of 2:00 a.m. and 6:00 a.m., no person shall park a vehicle in the Orchard Street Parking Garage unless it is properly displaying a valid permit or has obtained an overnight parking receipt for a designated space from a parking meter. (reserved)~~
- (5) Orchard Street Parking Garage. No person shall park a non-plug-in electric vehicle in a designated electric vehicle charging station space. Plug-in electric vehicles shall not remain in a designated electric charging station space in excess of four hours.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

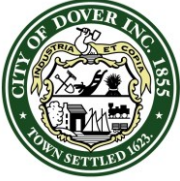
- (6) Orchard Street Parking Garage. The Chief of Police shall have the authority to designate certain spaces within the parking garage for vehicles properly displaying a permit that is valid for use in the parking garage. Violations of this subsection shall be a Table B violation, and the vehicle may be towed at the vehicle owner's expense.
- (7) Orchard Street Parking Garage: The parking garage is not intended for long-term storage of vehicles, and any vehicle remaining in the parking garage for more than five consecutive days without prior notification to and the approval of the Police Department shall be a Table B violation and the vehicle may be towed at the owner's expense.
- F. Parking for primary purpose of advertising prohibited. No person shall park a vehicle upon any public way for the primary purpose of advertising goods or services, except as provided in Chapter **109**, Peddlers and Vendors. Violators shall be subject to Table B fines under § **141-23** as set forth in the Fine Schedule as adopted by City Council.

3. AMENDMENT

Chapter 141 entitled “Vehicles and Traffic” is hereby amended by revising Section 141-18, “Downtown Resident parking permit”, as follows:

§ 141-18 **Downtown Resident parking permit.**

- A. The Police Department is authorized to sell and distribute parking permits for residents of downtown who reside within 200 feet of an authorized residential parking area. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits.
- B. A maximum of one residential parking permit may be issued per legal residential unit upon certification that on-site parking is unavailable. Permits shall be assigned to specific vehicles owned by occupants of such residential unit. Permits are only valid for the nearest parking area designated by the Police Department for a particular residential unit.
- C. Authorized residential parking areas include designated spaces in the metered parking garage and City-controlled parking lots that are not leased or deeded to a third party, excluding the Orchard Street Parking Lot. In addition, the following streets qualify for



CITY OF DOVER

CITY OF DOVER - ORDINANCE

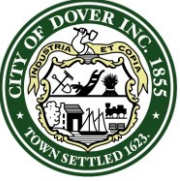
Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

residential permit parking: ~~First Street (northerly side spaces not subject to third party license), Second Street (both sides, from the driveway between 20 and 22 Second Street westerly to Chestnut Street),~~ Main Street, St. John Street and School Street (angled parking spaces only). Lastly, tenants who were previously issued and hold residential parking permits on First or Second Street as of November 1, 2021 may continue to use those permits until the expiration or surrender of such permits and not thereafter; no new residential parking permits shall be issued for First Street or Second Street.

- D. Residential parking permits are not intended for long-term storage of vehicles, and any vehicle remaining in the same space or the same parking garage for more than five consecutive days without notification to and the approval of the Police Department shall have its permit revoked, and the vehicle may be towed at the owner's expense. Notice of this requirement shall be provided with each residential parking permit issued.
- E. The Police Department, on a yearly basis, shall verify the residential status of each permit holder and require a signed statement from the applicant as to his/her qualifications to obtain a residential parking permit.
- F. Accepted documentation to qualify for a residential permit is a lease or utility bill in the applicant's name demonstrating a qualified address, and absent either of those two, a vehicle registered to a qualified address and verification by the property owner.
- G. Any misrepresentation regarding the application for or use of a residential parking permit, any unauthorized transfer of the permit, or any other misuse of the permit shall be cause for its revocation by the Police Department.
- H. This section does not authorize resident parking permits for residential developments that have insufficient on-site parking and were approved as "commercial ventures" by the Planning Board.
- I. The rate for the permits shall be set and/or adjusted by the City Council during the annual Fee Schedule adoption.

4. AMENDMENT

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Ordinance Number: O – 2021.10.13 – 009 Ordinance Title: Vehicles and Traffic Chapter: 141 Section: 13 18 30 42	Agenda Item #: 13.C.3.

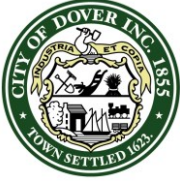
Chapter 141 entitled “Vehicles and Traffic” is hereby amended by revising Section 141-30, “Hours of operation and rates”, as follows:

§ 141-30 Hours of operation and rates.

- A. Paid parking shall be required daily between the hours of 9:00 a.m. and 8:00 p.m., except on Sundays, with the exception of:
 - (1) The Orchard Street Parking Garage where designated as metered or paid parking shall also be required as paid parking at all times, 24 hours a day and seven days a week.
 - (2) The following holidays: January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day, or on a date to coincide with the federal observance if it is held on a different day; July 4; the first Monday in September, known as Labor Day; the second Monday in October, known in Dover as Indigenous People’s Day; November 11, known as Veterans Day; Thanksgiving Day; the Friday after Thanksgiving; and Christmas Day. When one of the listed holidays falls on a Sunday, the Monday after shall be observed as a holiday.
- B. Parking meter rates shall be set forth in the annual Fee Schedule adopted by the City Council.
- C. For good cause, the Chief of Police, upon recommendation of the Parking Commission, shall have the authority to temporarily suspend the provisions of this section for specified dates and times.
- D. Free parking permitted for persons with a walking disability under RSA 265:74 shall be limited to a maximum of three hours.

5. AMENDMENT

Chapter 141 entitled “Vehicles and Traffic” is hereby amended by revising Section 141-42, “Schedule C: Stop Intersections”, as follows



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

§ 141-42 Schedule C: Stop Intersections.

In accordance with § 141-8, the following streets are designated as full stop street intersections:

Stop Sign on	At Intersection of:
Abbott Street	Central Avenue
Abbott Street	Mount Vernon Street
Academy Street	Church Street
Adelle Drive	Durham Road
Alder Lane	Wilbrod Avenue
Allan Street	Old Rochester Road
Alumni Drive	Bellamy Road
Alumni Drive	Durham Road
Amy Lane	Sixth Street
Angle Street	Central Avenue
Apache Street	Old Rochester Road
Applevale Drive	Middlebrook Road
Arch Street	Washington Street
Ash Street	Central Avenue
Ash Street	Grove Street
Ash Street	Horne Street
Ash Street	Mt. Vernon Street
Ash Street (4-way)	Maple Street
Atkinson Street	St. Thomas Street
Atkinson Street	Silver Street
Atkinson Street	Washington Street
Atlantic Avenue	Portland Avenue
Auburn Street	New Rochester Road
Augusta Way	Middle Road
Austin Drive	Garrison Road
Ayers Lane	Royer Lane
Back Road	Henry Law Avenue
Baker Street	East Concord Street
Beech Road	Longmeadow Road
Beech Road	Stark Avenue
Belanger Drive	Dover Point Road
Belknap Street	Fisher Street
Belknap Street	Silver Street
Belknap Street	Washington Street



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

Stop Sign on

Bellamy Road
Benjamin Way
Beverly Lane
Birchwood Place **[Added 4-25-2018 by Ord. No. 2018.04.11-003]**

Boxwood Lane
Brickyard Drive
Browning Drive
Cailey Anna Lane
Canney Lane
Canney Lane
Cataract Avenue
Cataract Avenue
Chandler Way
Chapel Street
Charles Street
Cherrywood Drive
Chestnut Street
Chestnut Street (4-way)
Church Street
Church Street
Clearwater Drive
Clifford Street
Clifford Street **[Added 1-28-2015 by Ord. No. 2015.01.14-001]**

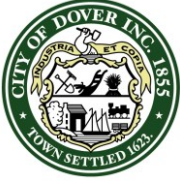
Cobble Hill Drive
Cochecho Street
Columbus Avenue
Columbus Avenue
Conifer Commons
Constitution Way
Corbin Drive
Cordeiro Drive
Cornerstone Drive
Cottonwood Drive
Country Club Drive
County Farm Cross Road

At Intersection of:

Durham Road
Danielle Lane
Bellamy Road
Central Avenue

Cottonwood Drive
Isaac Lucas Drive
Tennyson Avenue
Corbin Drive
Overlook Drive
Quaker Lane
Bellamy Road
Rutland Street
Knox Marsh Road
Portland Avenue
Central Avenue
Sixth Street
Central Avenue
Sixth Street
Central Avenue
Locust Street
Spur Road
Rutland Street
Towle Avenue

Elmview Circle
Rogers Street
Littleworth Road
Tolend Road
Glenwood Avenue
Dover Point Road
Mast Road
Varney Road
County Farm Cross Road
Wildewood Drive
Gulf Road
County Farm Road



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

Stop Sign on

County Farm Cross Road
County Farm Road
County Farm Road
Court Street
Crescent Avenue
Crestview Drive [Added 12-26-2016 by Ord.
No. 2016.10.12-013]

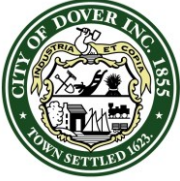
Crosby Road
Cushing Street
Cushing Street
Danielle Lane
Danielle Lane
Dean Drive
Deborah Lane
Digby Lane
Dover Neck Road
Dover Point Road (northbound)
Drew Road
Dover Street
Dover Street
Dunn's Bridge Lane
Durrell Street
East Street
East Concord Street
East Concord Street
East Watson Street
Ela Street
Elliott Park
Elm Street
Elm Street
Elmview Circle
Emerald Lane [Added 12-9-2015 by Ord. No.
2015.10.28-02]
Essex Street
Essex Street
Everett Street
Evergreen Valley Drive

At Intersection of:

Sixth Street
County Farm Cross Road
Sixth Street
Central Avenue
Horne Street
Glenwood Avenue

Littleworth Road
Silver Street
Washington Street
Mathes Hill Drive
Spruce Lane
Tolend Road
Spur Road
Back River Road
Middle Road
Route 4
Back River Road
East Street
Park Street
Durham Road
St. John Street
New York Street
Ham Street
Hill Street
Court Street
Pearl Street
Stark Avenue
Silver Street
Summer Street
Court Street
Susannah's Crossing

Forest Street
Portland Avenue
Ham Street
Sullivan Drive



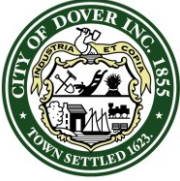
CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

Stop Sign on	At Intersection of:
Ezras Way	Littleworth Road
Fairway Drive	Gulf Road
Fayette Street	Green Street
Fieldstone Drive	Long Hill Road
Fifth Street	Central Avenue
Fifth Street	Chestnut Street
Fifth Street [Added 8-27-2014 by Ord. No. 2014.08.13-16]	Grove Street
Fisher Street	Locust Street
Fisher Street	Rutland Street
Florence Street [Added 3-27-2019 by Ord. No. 2019.03.13-005]	Broadway
Florence Street [Added 3-27-2019 by Ord. No. 2019.03.13-005]	Oak Street
Florence Street	Pearl Street
Forest Street [Added 4-22-2020 by Ord. No. 2020.48.08-004]	Essex Street
Forest Street [Added 4-22-2020 by Ord. No. 2020.48.08-004]	Hancock Street
Fourth Street	Central Avenue
Fourth Street	Chestnut Street
Fourth Street [Added 12-9-2015 by Ord. No. 2015.10.28-025]	Grove Street
Fourth Street	Washington Street
Foxtail Ridge	Sixth Street
Franklin Plaza	Central Avenue
French Cross Road	Tolend Road
Garrison Road	Back River Road
George Street	Henry Law Avenue
Gerrish Road	Old Dover Point Road
Glen Hill Road [Added 4-23-2014 by Ord. No. 2014.04.09-006]	Tolend Road
<u>Glencrest Avenue</u>	<u>Glenwood Avenue</u>
Glencrest Avenue	Horne Street
Glenwood Avenue	Sixth Street
Governor Sawyer Lane	Stark Avenue
Grady's Lane	Mast Road



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

Stop Sign on

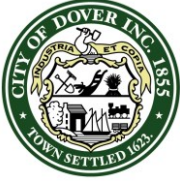
Grandview Drive
Green Street
Grove Street
Grove Street [Added 4-22-2020 by Ord. No. 2020.48.08-004]
Grove Street
Grove Street
Grove Street
Grove Street (northerly and southerly)
Hale Street
Hale Street
Ham Street
Ham Street
Ham Street
Hampshire Circle
Hancock Street
Hancock Street
Hanson Street [Added 4-25-2018 by Ord. No. 2018.04.11-003]
Hanson Street
Harlans Way
Hawthorne Road
Henry Law Avenue
Hill Street
Hill Street
Homestead Lane
Horne Street
Horne Street
Horne Street
Hough Street
Hough Street
Hough Street
Hough Street
Hough Street
Hubbard Road
Hubbard Road
Industrial Park Drive

At Intersection of:

Littleworth Road
Washington Street
Ash Street
Third Street

Fifth Street
Fourth Street
Hough Street
Sixth Street
Central Avenue
Locust Street
Broadway
Central Avenue
Park Street
Whittier Street
Forest Street
Portland Avenue
Central Avenue

Henry Law Avenue
Mast Road
Stark Avenue
George Street
Broadway
Central Avenue
Dover Point Road
Glenwood Avenue
Hough Street
Sixth Street
Central Avenue
Grove Street
Horne Street
Maple Street
Mt. Vernon Street
Hawthorne Road
Middle Road
Littleworth Road



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

Stop Sign on

Ironwood Lane
Ironwood Lane
Isaac Lucas Circle
Ivans Lane
Karens Way
Keating Avenue [Added 4-22-2020 by Ord. No. 2020.48.08-004]
Kent Avenue [Added 9-9-2020 by Ord. No. 2020.08.26-012]
Kent Avenue [Added 9-9-2020 by Ord. No. 2020.08.26-012]
Kirkland Street
Kirkland Street
Landing Way
Leathers Lane
Leighton Road
Lexington Street
Lexington Street
Locust Street
Long Hill Road
Long Hill Road
Longmeadow Road
Lowell Avenue
Maple Street
Maple Street
Maple Street
Martin Lane
Mast Road
Mast Road
Mathes Hill Drive
Mathes Hill Drive
Mechanic Street
Merry Street [Added 12-26-2016 by Ord. No. 2016.10.12-013]
Merry Street
Middle Road
Middle Road

At Intersection of:

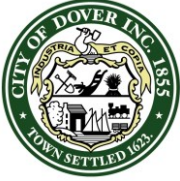
Cherrywood Drive
Cottonwood Drive
Middle Road
Dover Point Road
Cordeiro Drive
Renaud Avenue

Newport Road

Applevale Drive and Middlebrook Road

Central Avenue
Locust Street
Dover Point Road
Back River Road
Dover Point Road
Silver Street
Washington Street
Washington Street
Old Rochester Road
Sixth Street
Woodland Road
Central Avenue
Ash Street
Hough Street
Sixth Street
Henry Law Avenue
Back River Road
Spruce Lane
Danielle Lane (south)
Mast Road
Chapel Street
Central Avenue

Ridge Street
Back Road
Dover Point Road



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

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Chapter: 141
Section: 13
18
30
42

Stop Sign on

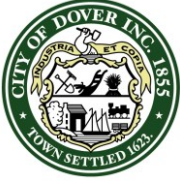
Middlebrook Road
Milk Street
Mineral Park Drive
Mohawk Drive
Morningside Drive (southerly)
Mt. Vernon Street
Mt. Vernon Street
Mt. Vernon Street
Mt. Vernon Street (4-way)
Mulligan Drive
Mulligan Drive
Nelson Street
Newport Road
Newport Road [Added 9-9-2020 by Ord. No. **2020.08.26-012**]
Newton Street
New Bellamy Lane
New Bellamy Lane
New York Street
Niles Street
Northam Drive
Northway Circle
Oak Street
Old Dover Point Road
Old Littleworth Road
Olde Madbury Lane
Old Rochester Road
Old Rochester Road
Old Stage Road
Orchard Street
Overlook Drive
Park Street
Park Street [Added 3-27-2019 by Ord. No. **2019.03.13-005**]
Park Street
Park Street
Parker Street

At Intersection of:

Stark Avenue
Central Avenue
Pleasant View Circle
Shawnee Lane
River Dale Avenue
Hough Street
Lowell Avenue
Sixth Street
Ash Street
Back Road
Samuel Hanson Avenue
Atkinson Street
Middlebrook Road
Hawthorne Road

New Rochester Road
Dover Point Road
Spur Road
Broadway
Henry Law Avenue
Glenwood Avenue
Plaza Drive
Atlantic Avenue
Dover Point Road
Littleworth Road
Knox Marsh Road
Indian Brook Drive
Long Hill Road
Littleworth Road
Central Avenue
Tuttle Lane
Ham Street
Hill Street

New York Street
Oak Street
Rutland Street



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
Chapter: 141
Section: 13
18
30
42

Stop Sign on

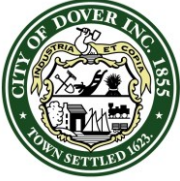
Parker Street
Pearson Drive
Penny Lane
Philip Street
Philip Street
Pierce Street
Pierce Street
Pinecrest Lane
Pineview Drive
Plaza Drive
Pleasant View Circle
Pointe Place [Added 3-27-2019 by Ord. No. 2019.03.13-005]
Pondview Drive
Portland Avenue
Production Drive
Progress Drive
Quail Drive
Quaker Lane
Redden Street
Renaud Avenue [Added 4-22-2020 by Ord. No. 2020.48.08-004]
Reservoir Street
Reyner's Brook Drive
Richmond Street
Ridge Street
River Street
Riverside Drive
Roberta Drive
Roberts Road
Rogers Street
Roosevelt Avenue
Roosevelt Avenue
Rutland Street
Rutland Street
St. John Street
St. John Street

At Intersection of:

Woodman Park Drive
Dover Point Road
Henry Law Avenue
Long Hill Road
Old Rochester Road
Broadway
Central Avenue
Weeks Lane
Dover Point Road
Glenwood Avenue
Whittier Street
Julia Drive and Teresa Drive

Mast Road
Main Street
Sixth Street
Knox Marsh Road
Sixth Street
Tuttle Lane
Horne Street
Shamrock Lane

Mt. Vernon Street
Sixth Street
Washington Street
Driveway of 833 Central Avenue
Henry Law Avenue
Dover Point Road
Dover Point Road
Dover Point Road
Portland Avenue
Horne Street
Mt. Vernon Street
Central Avenue
Silver Street
Broadway
Chapel Street



CITY OF DOVER

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18
30
42

Stop Sign on

St. Thomas Street (westerly)
St. Thomas Street (westerly)
St. Thomas Street (westerly)
Salem Avenue [Added 9-9-2020 by Ord. No. 2020.08.26-012]
Samuel Hanson Avenue
Sandpiper Drive
School Street
Seaborne Drive
Second Street
Shamrock Lane [Added 4-22-2020 by Ord. No. 2020.48.08-004]
Shawnee Lane
Shaw's Lane
Sixth Street
Sixth Street (4-way)
South Pine Street
South Watson Lane
South Watson Lane
Southwood Drive
Spring Street
Spring Street
Spruce Lane (easterly and westerly)
Spur Road [Added 4-1-1992 by Ord. No. 04-92]
Station Drive
Strafford Road
Sullivan Drive
Summer Street
Summer Street [Added 3-27-2019 by Ord. No. 2019.03.13-005]
Summer Street
Sumner Drive
Sunnybrooke Drive
Sunset Drive
Susannah's Crossing [Added 12-9-2015 by Ord. No. 2015.10.28-026]

At Intersection of:

Atkinson Street
Belknap Street
Locust Street
Applevale Drive
Back Road
Watson Road
Main Street
Garrison Road
Chestnut Street
Renaud Avenue
Old Rochester Road
Garrison Road
Central Avenue
Chestnut Street
Central Avenue
East Watson Street
Stark Avenue
Mast Road
Central Avenue
Locust Street
Back River Road
Gerrish Road
Sixth Street
Old Rochester Road
Old Rochester Road
Central Avenue
Elm Street
Locust Street
Knox Marsh Road
Mast Road
Bellamy Road
Emerald Lane



CITY OF DOVER

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18
30
42

Stop Sign on

Sylvan Drive
Tennyson Avenue
Tennyson Avenue
Third Street
Third Street
Third Street (westerly)
Thornwood Drive **[Added 3-27-2019 by Ord. No. 2019.03.13-005]**
Three Rivers Farm Road
Towle Avenue
Towne Drive
Trakey Street
Trakey Street
Tuttle Lane
Tuttle Lane
Union Street
Upper Factory Road **[Added 4-23-2014 by Ord. No. 2014.04.09-007]**
Wallace Drive
Washington Street **[Added 12-26-2016 by Ord. No. 2016.10.12-013]**
Watson Road
Watson Road
Wentworth Douglass Hospital Driveway
Wentworth Douglass Hospital ER Entrance
Wentworth Terrace
Westgate Drive
Westwood Circle
Whittier Street
Whittier Street
Wilbrod Avenue
Wildewood Drive
Wildewood Drive
Willand Avenue
Willand Avenue
Williams Street
Willow Street

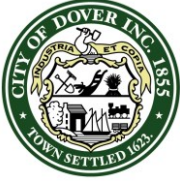
At Intersection of:

Durham Road
Court Street
Henry Law Avenue
Chestnut Street
Grove Street
Chestnut Street
Julia Drive and Teresa Drive

Gulf Road
Clifford Street
Henry Law Avenue
Central Avenue
Locust Street
Dover Point Road
Middle Road
Court Street
Tolend Road

Columbus Avenue
Arch Street

County Farm Road
Tolend Road
Old Rollinsford Road
Central Avenue
Hilton Park Drive
Knox Marsh Road
Littleworth Road
Glenwood Avenue
Tolend Road
Glenwood Avenue
Cottonwood Drive
Sixth Street
New Rochester Road
Old Rochester Road
Henry Law Avenue
Tolend Road



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

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18
30
42

Stop Sign on

Wingate Lane
Winston Avenue [Added 9-9-2020 by Ord.
No. 2020.08.26-012]
Winston Avenue [Added 9-9-2020 by Ord.
No. 2020.08.26-012]
Woodland Road
Woodman Park Drive
Young Street

At Intersection of:

Back River Road
Applevale Drive
Applevale Drive and Middlebrook Road
Stark Avenue
Clifford Street
Main Street

6. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:

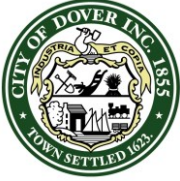
Daniel R. Lynch
Finance Director

Sponsored by:

Mayor Robert Carrier
By request

Document Created by: Legal
Document Posted on: October 7, 2021

O-2021.10.13, Chapter 141, Vehicles and Traffic
Page 16 of 19



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item #: 13.C.3.

Ordinance Number: **O – 2021.10.13 – 009**
Ordinance Title: Vehicles and Traffic
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18
30
42

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.3. Ordinance Number: O – 2021.10.13 – 009 Ordinance Title: Vehicles and Traffic Chapter: 141 Section: 13 18 30 42
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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		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
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.		

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item #: 13.C.3. Ordinance Number: O – 2021.10.13 – 009 Ordinance Title: Vehicles and Traffic Chapter: 141 Section: 13 18 30 42
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ORDINANCE BACKGROUND MATERIAL:

Section 13: The removal of this subsection is a technical update in keeping with a prior ordinance updating Section 141-30(A)(1).

Section 18: Due to current and anticipated increase in demand for turnover of customer parking in support of downtown businesses, the changes to this section would remove First and Second Streets as authorized resident permit parking areas. Permits would be available in nearby areas, such as the Transportation Center Lot, Chestnut Street Bridge, Third Street lot, and Orchard Street parking garage. Residential tenants currently holding permits on First and Second Street would be exempted from the amendment, though no new residential parking permits would issue for First or Second Street. The parking commission voted to approve and recommend these amendments.

Section 30: RSA 265:74 provides for free parking for those with walking disabilities, subject to local “discretion to set the time periods using guidelines which shall be provided by the governor’s commission on disability.” Those guidelines are available at this link: <https://www.nh.gov/disability/documents/parkingguidelines71118.pdf> The guidelines were considered and found to be consistent with the change proposed herein. In addition, with Dover’s change to progressive pricing, all day paid parking is allowed. The parking commission voted to approve and recommend these amendments.

Section 42: Residents have recently expressed concern about the lack of a stop sign at the intersection of Glencrest Avenue and Glenwood Avenue. The Transportation Advisory Committee reviewed the issue and concurred with the placement of a new stop sign.