



CITY OF DOVER

ORDINANCE COMMITTEE – MINUTES

Meeting Type: **Ordinance Committee Meeting**
Meeting Location: **City Hall, City Council Conference Room**
Meeting Date: **Monday, March 6, 2023**
Meeting Time: **8:30 a.m.**

1. CALL TO ORDER/ATTENDANCE

Deputy Mayor Shanahan called the meeting to order at 8:30 a.m.

2. ATTENDANCE

Present: Deputy Mayor Dennis Shanahan, Councilor Fergus Cullen, Councilor Lindsey Williams, City Attorney Joshua Wyatt, Deputy City Attorney Jennifer Perez, Environmental Projects Manager Gretchen Young, and Patty Moniello, Legal Assistant.

3. PUBLIC FORUM

No citizens or members of the public present for public forum.

4. APPROVAL OF PRIOR MEETING MINUTES –

- January 9, 2023

Councilor Williams moved to approve; seconded by Councilor Cullen. Vote unanimous in favor.

5. REVIEW OF PROPOSED OR PENDING ORDINANCES

Deputy Mayor Shanahan mentioned that there are no new ordinances on the City Council's upcoming agenda this week, though there are a couple long-term ordinances in the future.

City Attorney Wyatt discussed the two companion outdoor dining ordinances recently passed in February, which essentially codified the outdoor dining program similar to prior recent years. Attorney Wyatt explained there were two ordinances because the City's alcohol ordinance needed to be updated to allow service in the outdoor dining areas. The proposed fee is still working its way through City Council and has not yet been finally approved.

Councilor Cullen asked for clarification that this ordinance is essentially codifying what the City has done in practice over the last two years? Is this making it effectively permanent? City Attorney Wyatt said yes.

Deputy Mayor Shanahan inquired about the status of implementing the recent ordinance enabling the Planning Board to delegate minor site plan approvals to the Technical Review Committee. Councilor Cullen responded saying the implementing regulations have been adopted by the Planning Board.



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6. STORMWATER UTILITY UPDATE

Environmental Projects Manager, Gretchen Young, provided an update on the stormwater utility initiative. She explained that there was a recent “kick off” meeting (February 21) between City staff and third-party consultants from Stantec and VHB. That meeting produced some target dates for deliverables and actions. Mrs. Young explained the outreach plan is at 30%, which is pretty basic, with a 60% plan date scheduled for March 18 or 19 and they are hoping to roll that out in April. She explained the consultants envision two large meetings where they will try and bring in a number of people from the public in June and at the end of the summer, with the hope of a presentation with staff and public to go to HOAs or smaller pockets of the population to do outreach and solicit feedback. Mrs. Young stated that other components of the consultants’ work involve data research from finance and a GIS team working with UNH Stormwater Center for data. She explained that, once the finances are understood, the working group will be putting together scenarios, which will go to the DUC and Ordinance Committee for discussion and review. She expects this will happen throughout the summer of 2023.

Councilor Cullen asked for a timeframe on having a draft of the ordinance. Mrs. Young stated September or October are likely, though pieces may come together throughout the summer of 2023.

Attorney Wyatt mentioned that the kickoff meeting was a good one – a couple of hours long – and part of it was hammering out a possible schedule of dates, targeting the ordinance for City Council introduction in November. Deputy Mayor Shanahan asked for even the “roughest of drafts” ahead of time so they can begin their review.

Deputy Mayor Shanahan asked if we have reached out to any other communities for structure of their ordinances. Mrs. Young stated that Stantec has a fair amount of experience creating ordinances on a regional scale and has talked to Stantec about some of the legal aspects. Attorney Wyatt mentioned that Deputy City Attorney Jen Perez has reviewed stormwater utility ordinances from MA, ME and VT. Attorney Perez stated that she has reviewed mostly MA and ME and has a rough shell started and is pulling information from those to get a good structure going, but it’s still early. Attorney Wyatt mentioned that Stantec has been involved with stormwater utility startups for small and big communities and Stantec is confident its experience will benefit Dover’s effort.

Deputy Mayor Shanahan asked if we expect the ordinance to be turnkey and will it be the one and only document we will need to run a utility? Attorney Wyatt explained that he expects the stormwater utility ordinance will likely function similar to our DUC rules, which have a set of codified rules with appendices that explain certain aspects, such as how to calculate the fee. Attorney Wyatt explained that those methodologies are engineer-driven and must be rationally tailored to the statutory enabling legislation and circumstances of individual users. Attorney Wyatt expects that, likely, we will bring forward a draft ordinance



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that includes one or more appendices specifying methodologies underlying or implementing certain ordinance provisions.

Attorney Wyatt also mentioned that policymakers should be aware of a recent petition filed by Conservation Law Foundation (“CLF”) with the federal Environmental Protection Agency (“EPA”). He explained that a residual designation could result in multiple layers of new regulation for certain properties (federal and local), though the two programs do not overlap entirely and in many respects could be complementary. Attorney Wyatt explained that the EPA is supposed to make a preliminary determination within 90 days and, should EPA want to proceed, would then put the issue out for formal notice and comment by the public. Mrs. Young mentioned the consultants were already exploring and working on options that may make sense in light of the federal filing. Councilor Williams stated that the CLF petition is under discussion at the county and regional level.

Councilor Cullen asked about water and sewer funds, if those are restricted funds (and how), and would stormwater utility funds be similarly restricted? Attorney Wyatt explained that water/sewer fund uses are restricted by state, as is stormwater utility funds. Deputy Mayor Shanahan stated that he would expect stormwater utility revenues to be used and restricted in same way as other local utility revenues.

7. GENERAL DISCUSSION

There were no general discussion matters.

8. BUILD AGENDA FOR NEXT MEETING

Deputy Mayor Shanahan stated that he would like to hold open Monday, April 3, 2023 at 8:30 for a future Ordinance Committee meeting, if needed.

9. ADJOURN

Deputy Mayor Shanahan asked if there were any final comments. Not hearing anything else, Councilor Williams moved to adjourn - seconded by Councilor Cullen. Vote unanimous in favor.

Meeting adjourned at 8:52 a.m.