



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, July 12, 2023**
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 5, SECTIONS 8, 10, and 15**
SPONSORED BY MAYOR CARRIER BY REQUEST

B. **CHAPTER 81, SECTION 20**
SPONSORED BY MAYOR CARRIER BY REQUEST

8. **PUBLIC 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. **June 14, 2023 – Workshop Session**

B. **June 14, 2023 – Regular Meeting**

11. **MAYOR'S REPORT**

12. **UNFINISHED BUSINESS**

A. **ORDINANCES IN THE 2ND READING**

1. **CHAPTER 5, SECTIONS 8, 10, and 15**
SPONSORED BY MAYOR CARRIER BY REQUEST

2. **CHAPTER 81, SECTION 20**
SPONSORED BY MAYOR CARRIER BY REQUEST

B. **ORDINANCES IN THE 3RD READING**

C. **RESOLUTIONS**

1. **DECLARING THE FIRST SETTLERS CEMETERY (ALSO KNOWN AS ROBERTS CEMETERY) ON DOVER POINT ROAD (TAX MAP L, LOT 93) ABANDONED**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **FY2024 CIP APPROPRIATION FOR DOVER MIDDLE SCHOOL HVAC AND AUTHORIZATION FOR BONDING (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)**
SPONSORED BY MAYOR CARRIER BY REQUEST



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- 3. FY2024 CIP APPROPRIATION FOR DOVER SCHOOLS LED LIGHTING UPGRADES AND AUTHORIZATION FOR BONDING.**
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
SPONSORED BY MAYOR CARRIER BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. B23084 HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 2. B23086 BITUMINOUS CONCRETE (ASPHALT) PICKED UP**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 3. VARIOUS SENIOR CENTER TRIPS**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 4. B23088 BULK OIL AND LUBRICANT PRODUCTS STATE OF NH CONTRACT**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 5. AUTHORIZING DOG WARRANT FOR UNLICENSED DOGS**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 6. GRANTING PERMISSION TO CUT NUISANCE TREES ON OLD GARRISON ROAD (A SCENIC ROAD)**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 7. EKOLA PROPOSED CONSERVATION EASEMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 8. STOCKBOWER PROPOSED CONSERVATION EASEMENT**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 9. APPROVAL OF A LIMITED ACCESS RIGHT OF WAY USE AND OCCUPANCY AGREEMENT FOR EMERGENCY WATER INTERCONNECTION WITH CITY OF PORTSMOUTH**
SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

- | | |
|---|--|
| 1. School Board (Muffett-Lipinski) | 16. Ordinance Committee (Shanahan) |
| 2. Planning Board (Cullen) | 17. Parking Commission (Hinkel) |
| 3. Appointments Committee (Williams) | 18. Pool Advisory Committee (Hackett) |
| 4. Arena Commission (Hackett) | 19. Committee for Racial Equity and Inclusion (Nemeth) |
| 5. Arts Commission (Nemeth) | 20. Recreation Advisory Board (Shanahan) |
| 6. Board of Health (Thibodeaux) | 21. <u>Solid Waste Advisory Commission (Muffett-Lipinski)</u> |
| 7. Collaborative City Council and School Board (M-Lipinski) | 22. <u>Transportation Advisory Commission (Williams)</u> |
| 8. Conservation Commission (Williams) | 23. <u>Waterfront TIF Advisory Board (Shanahan)</u> |
| 9. Downtown TIF Advisory Board (Hinkel) | 24. <u>Joint Building Committee – DHS (Carrier)</u> |
| 10. Energy Commission (Thibodeaux) | 25. <u>COAST (Shanahan)</u> |
| 11. Graffiti Management Ad Hoc Committee (Nemeth) | 26. <u>Coheco Waterfront Development Advisory Committee (Carrier)</u> |
| 12. Heritage Commission (Nemeth) | 27. <u>Dover Main Street (Carrier)</u> |
| 13. Legislative Liaison (Shanahan) | 28. <u>Strafford Regional Planning Commission (Williams)</u> |
| 14. Library Board of Trustees (Thibodeaux) | 29. <u>Government Affairs (Carrier)</u> |
| 15. McConnell Center Advisory Committee (Thibodeaux) | |



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CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
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Meeting Time: **7:00 pm**

B. RESOLUTIONS

1. **B21001 UNTREATED SALT & SOLAR SALT COOPERATIVE PURCHASE**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **B23040 RIVER STREET PUMP STATION UPGRADES**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **AUTHORIZATION TO ACCEPT AND EXPEND ARPA CHAPEL STREET RAVINE STORMWATER TREATMENT SYSTEM PROPERTY ASSESSMENT GRANT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (TO BE REFERRED TO A PUBLIC HEARING ON JULY 26, 2023.)**
SPONSORED BY MAYOR CARRIER BY REQUEST
4. **AUTHORIZATION TO ACCEPT AND EXPEND THE InvestNH MUNICIPAL HOUSING OPPORTUNITY PLANNING GRANT FROM NH DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (TO BE REFERRED TO A PUBLIC HEARING ON JULY 26, 2023.)**
SPONSORED BY MAYOR CARRIER BY REQUEST
5. **AUTHORIZATION TO ACCEPT AND EXPEND THE NEW HAMPSHIRE OFFICE OF HIGHWAY SAFETY GRANT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (TO BE REFERRED TO A PUBLIC HEARING ON JULY 26, 2023.)**
SPONSORED BY MAYOR CARRIER BY REQUEST
6. **B15060 HORSELY WITTEN GROUP CONSTRUCTION OVERSIGHT COCHECHO WATERFRONT DEVELOPMENT PROJECT**
SPONSORED BY MAYOR CARRIER BY REQUEST
7. **B11001 WRIGHT PIERCE CONSTRUCTION OVERSIGHT RIVER STREET PUMP STATION UPGRADES**
SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

1. **CHAPTER 170, SECTIONS: TABLE OF CONTENTS, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, AND 53**
(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 9, 2023.)
SPONSORED BY COUNCILOR CULLEN AS PLANNING BOARD REPRESENTATIVE

14. COUNCIL CORRESPONDENCE

- A. **Letter from Strafford Regional Planning Commission, dated 7/8/2023**

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Conference Room
Meeting Date: **Wednesday, June 14, 2023**
Meeting Time: **6:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Williams led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Shanahan, Councilor Cullen, Councilor Hackett, Councilor Hinkel, Councilor Nemeth, Councilor Thibodeaux, and Councilor Williams.

Absent: Councilor Muffett-Lipinski.

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

5. PUBLIC FORUM

Citizens are invited to speak on the subject matter of the Workshop. Statements shall be limited to five minutes.

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

6. DISCUSSIONS

A. PUBLIC WATER SUPPLY SYSTEM IMPROVEMENTS

Keith Pratt and James Wieck of Emery & Garrett gave a PowerPoint presentation to the City Council regarding Dover Water Facility Improvements.

7. ADJOURNMENT

Councilor Nemeth moved to adjourn; seconded by Councilor Hinkel.

Vote: 7/0.



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CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
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1. CALL TO ORDER

2. ~~MOMENT OF SILENCE~~

3. ~~PLEDGE OF ALLEGIANCE~~

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Shanahan, Councilor Cullen, Councilor Hackett, Councilor Hinkel, Councilor Nemeth, Councilor Thibodeaux, and Councilor Williams.

Absent: Councilor Muffett-Lipinski.

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

5. PROCLAMATIONS/AWARDS

Mayor Carrier read a proclamation for Frank Torr.

Mayor Carrier read a proclamation for Suzanne Weete.

Mayor Carrier read a proclamation for the Great Bay Rowing Team

6. APPROVAL OF AGENDA

Deputy Mayor Shanahan moved for the following motions:

Substitute as a whole Item 13.B.1.

He moved to change the public hearing date from June 28, 2023 to July 12, 2023 for the Resolution titled: Declaring First Settlers Cemetery (also known as Roberts Cemetery) on Dover Point Road (Tax Map L, Lot 93) Abandoned.

He made a motion to moved Item 13.B.3. to follow the approval of the Agenda.

He made a motion to move Items 13.B.1. and 13.B.2. to following the Public Forum.

Deputy Mayor Shanahan moved to suspend the rules and approve the Agenda as amended; seconded by Councilor Cullen.

Vote: 8/0.

Deputy Mayor Shanahan moved for the adoption of Item 13.B.3.; seconded by Councilor Hinkel.

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

Roll Call Vote: 8/0.

7. PUBLIC HEARINGS

A. AUTHORIZATION TO ACCEPT AND EXPEND INVESTNH MUNICIPAL DEMOLITION GRANT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)

SPONSORED BY MAYOR CARRIER BY REQUEST

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

B. FY2023 GENERAL FUND UNASSIGNED FUND BALANCE TRANSFERS TO CERTAIN SPECIAL REVENUE FUNDS AND CAPITAL PROJECT FUNDS TO ADDRESS FUND DEFICITS

(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)

SPONSORED BY MAYOR CARRIER BY REQUEST

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



CITY OF DOVER

CITY COUNCIL - MINUTES

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C. DISSOLUTION OF CERTAIN SPECIAL REVENUE FUNDS AND CAPITAL PROJECT FUNDS INTO THE GENERAL FUND

(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)

SPONSORED BY MAYOR CARRIER BY REQUEST

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

D. FY2024 CIP APPROPRIATION FOR DOVER MIDDLE SCHOOL HVAC AND AUTHORIZATION FOR BONDING

(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)

SPONSORED BY MAYOR CARRIER BY REQUEST

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

E. FY2024 CIP APPROPRIATION FOR DOVER SCHOOLS LED LIGHTING UPGRADES AND AUTHORIZATION FOR BONDING.

(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)

SPONSORED BY MAYOR CARRIER BY REQUEST

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

8. PUBLIC 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.

Councilor Hinkel moved to suspend the rules to allow non-resident teachers and paraprofessionals speak during Public Forum; seconded by Deputy Mayor Shanahan.

Roll Call Vote: 8/0.

Lesley Hocking, Dover High School Teacher: She spoke in favor of Item 13.B.1. and 13.B.2.

Lisa Dillingham, Dover Teachers' Union President: She spoke in favor of Item 13.B.1. and 13.B.2.:

Jonathan Nichols, Woodman Museum's Executive Director: He gave an overview of upcoming events at the Woodman Museum.

Sally Staude, 21 Sierra Hill Drive: She spoke against Item 13.B.4.

Mary Hebbard, 97 Spruce Lane: She spoke against Item 13.B.4.

Carolyn Woodward, 54 Grandview Drive : She spoke in favor of Item 13.B.2.

Andrew Wallace, 459 Central Avenue: He spoke in favor of Item 13.B.1. and 13.B.2.

Matt LeBlanc, Dover Middle School Teacher: He spoke in favor of Item 13.B.1. and 13.B.2. (The speaker's name was audible.)

Kristin Bonny and Jill Helliwell, Paraprofessionals: They spoke in favor of Item 13.B.2.

Allison Mandsager, Paraprofessional: She spoke in favor of Item 13.B.2.

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



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CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, June 14, 2023**
Meeting Time: **7:00 pm**

Deputy Mayor Shanahan moved for the adoption of Item 13.B.1; seconded by Councilor Thibodeaux.

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

Superintendent Harbron answered questions from the Council regarding the contract.

Roll Call Vote: 8/0.

Deputy Mayor Shanahan and Councilor Hackett recused themselves from discussion and vote for Item 13.B.2.

Councilor Williams moved for the adoption of Item 13.B.2.; seconded by Councilor Thibodeaux.

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

Roll Call Vote: 6/0.

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

- A. May 24, 2023 – Regular Meeting**
- B. June 7, 2023 – Workshop Session**

Deputy Mayor Shanahan moved to approve the Minutes; seconded by Councilor Hackett.

Vote: 8/0.

11. MAYOR'S REPORT

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

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

Vote: 8/0.

12. UNFINISHED BUSINESS

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

1. AUTHORIZATION TO ACCEPT AND EXPEND INVESTNH MUNICIPAL DEMOLITION GRANT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved for its adoption; seconded by Councilor Thibodeaux.

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

Roll Call Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
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**2. FY2023 GENERAL FUND UNASSIGNED FUND BALANCE TRANSFERS TO CERTAIN SPECIAL REVENUE FUNDS AND CAPITAL PROJECT FUNDS TO ADDRESS FUND DEFICITS
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved for its adoption; seconded by Councilor Nemeth.
City Manager Joyal gave an overview of the Resolution to the Council.
Roll Call Vote: 8/0.

**3. DISSOLUTION OF CERTAIN SPECIAL REVENUE FUNDS AND CAPITAL PROJECT FUNDS INTO THE GENERAL FUND
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved for its adoption; seconded by Councilor Hackett.
City Manager Joyal gave an overview of the Resolution to the Council.
Roll Call Vote: 8/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. B23074 AWARD BID FOR LANDSCAPING SERVICES AT FISH LADDER PARK
SPONSORED BY MAYOR CARRIER BY REQUEST**
- 2. B23082 AWARD OF BID FOR MINI SWAT ROBOT OR DOCUMENTED EQUAL
SPONSORED BY MAYOR CARRIER BY REQUEST**
- 3. LIBRARY BOOKS & MEDIA PURCHASES BAKER TAYLOR INC
SPONSORED BY MAYOR CARRIER BY REQUEST**
- 4. ACKNOWLEDGMENT OF REQUEST FOR REVIEW OF WATER/SEWER ABATEMENT APPEAL FOR PROPERTY AT 28-30 SECOND STREET REVIEW AND REFERRAL OF SAME FOR REVIEW
SPONSORED BY MAYOR CARRIER BY REQUEST**
- 5. APPROVAL OF AMENDMENTS TO THE OPERATIONAL RULES FOR THE COMMITTEE FOR RACIAL EQUITY AND INCLUSION
SPONSORED BY MAYOR CARRIER BY REQUEST**
- 6. AUTHORIZATION TO JOIN AND SEEK APPROVAL OF LOT LINE ADJUSTMENT APPLICATIONS WITH RESPECT TO DOVER TAX MAP 40, LOT 17, DOVER TAX MAP 40, LOTS 18, 18-B, 18-C, 18-D, 18-E, AND 18-F, SOMERSWORTH TAX MAP 41, LOT 9, AND SOMERSWORTH TAX MAP 64, LOT 1
SPONSORED BY MAYOR CARRIER BY REQUEST**



CITY OF DOVER

CITY COUNCIL - MINUTES

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COMMITTEE REPORTS

1. School Board (Muffett-Lipinski)
2. Planning Board (Cullen)
3. Appointments Committee (Williams)
4. Arena Commission (Hackett)
5. Arts Commission (Nemeth)
6. Board of Health (Thibodeaux)
7. Collaborative City Council and School Board (M-Lipinski)
8. Conservation Commission (Williams)
9. Downtown TIF Advisory Board (Hinkel)
10. Energy Commission (Thibodeaux)
11. Graffiti Management Ad Hoc Committee (Nemeth)
12. Heritage Commission (Nemeth)
13. **Legislative Liaison (Shanahan)**
14. **Library Board of Trustees (Thibodeaux)**
15. McConnell Center Advisory Committee (Thibodeaux)
16. **Ordinance Committee (Shanahan)**
17. **Parking Commission (Hinkel)**
18. Pool Advisory Committee (Hackett)
19. **Committee for Racial Equity and Inclusion (Nemeth)**
20. **Recreation Advisory Board (Shanahan)**
21. Solid Waste Advisory Commission (Muffett-Lipinski)
22. Transportation Advisory Commission (Williams)
23. Waterfront TIF Advisory Board (Shanahan)
24. **Joint Building Committee – DHS (Carrier)**
25. COAST (Shanahan)
26. Cochecho Waterfront Development Advisory Committee (Carrier)
27. Dover Main Street (Carrier)
28. Strafford Regional Planning Commission (Williams)
29. Government Affairs (Carrier)

Deputy Mayor Shanahan moved for the adoption of the Consent Calendar; seconded by Councilor Hinkel.

Mayor Carrier asked the Council if they had items they would like pulled for further discussion.

Deputy Mayor Shanahan pulled Item 13.A.4.

Mayor Carrier asked for a roll call vote on the remaining items on the Consent Calendar.

Roll Call Vote: 8/0.

Deputy Mayor Shanahan moved for the adoption of 13.A.4.; seconded by Councilor Hinkel.

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

Roll Call Vote: 8/0.

Deputy Mayor 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.

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

Councilor Hinkel gave an overview of the Parking Commission Report to the Council.

Councilor Nemeth gave an overview of the Committee for Racial Equity and Inclusion Report to the Council.

Deputy Mayor Shanahan gave an overview of the Recreation Advisory Board Report to the Council.

Mayor Carrier gave an overview of the Joint Building Committee – DHS Report to the Council.

B. RESOLUTIONS

1. **COLLECTIVE BARGAINING AGREEMENT – DOVER TEACHERS' UNION (DTU)** SPONSORED BY MAYOR CARRIER BY REQUEST

Moved up on the Agenda to follow Public Forum.

2. **COLLECTIVE BARGAINING AGREEMENT – DOVER EDUCATIONAL OFFICE PERSONNEL UNION (DEOP)** SPONSORED BY MAYOR CARRIER BY REQUEST

Moved up on the Agenda to follow Public Forum.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
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Meeting Date: **Wednesday, June 14, 2023**
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3. ACKNOWLEDGMENT AND ACCEPTANCE OF DONATION BY NORTHEAST COLOR FOR WORK AND SUPPLIES IMPROVING THE COMMUNITY TRAIL
SPONSORED BY MAYOR CARRIER BY REQUEST

Moved up on the Agenda to follow Approval of the Agenda.

4. DENOUNCING UNCONSTITUTIONAL BOOK CENSORSHIP AT PUBLIC LIBRARIES
SPONSORED BY COUNCILOR HINKEL AND COUNCILOR THIBODEAUX

Deputy Mayor Shanahan moved for its adoption; seconded by Councilor Thibodeaux. Councilor Thibodeaux and Councilor Hinkel gave an overview of the Resolution to the Council.

Councilor Cullen clarified his intention to voting against the Resolution, emphasizing that he believed the Council should refrain from expressing any opinion on the matter.

Roll Call Vote: 7/1; Passed. Councilor Cullen was opposed.

C. ORDINANCES IN 1ST READING

1. CHAPTER 5, SECTIONS 8, 10, and 15
(TO BE REFERRED TO A PUBLIC HEARING ON JULY 12, 2023.)
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to refer the substituted Ordinance to a public hearing on July 12, 2023; seconded by Councilor Williams

Vote: 8/0.

2. CHAPTER 81, SECTION 20
(TO BE REFERRED TO A PUBLIC HEARING ON JULY 12, 2023.)
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved to refer to a public hearing on July 12, 2023; seconded by Councilor Williams.

Vote: 8/0.

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

Councilor Nemeth moved to adjourn; seconded by Councilor Williams.

Vote: 8/0.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.1. Ordinance Number: O – 2023.06.14 – 006 Ordinance Title: Administrative Code Chapter: 5 Section: 8 Executive Department 10 Fire and Rescue Department 15 Planning and Community Development Department
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The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is make a technical update to the description of one function in the Executive Department and reorganize inspection functions from the Fire and Rescue Department to the Planning and Community Development Department.

2. AMENDMENT

Chapter 5 entitled “Administrative Code” is hereby amended by revising Section 5-8, “Executive Department”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 5-8 Executive Department.

- A. There shall be an Executive Department, under the direct supervision of the City Manager, who shall be responsible for human resource, legal, economic development and information systems functions and who shall administer the functions of the Department with appropriate supervisory, clerical and labor staff.
- B. The duties of the Executive Department shall include, but are not limited to:
- (1) Human resource functions.
 - (a) Establish and operate a merit system of personnel administration, including a uniform classification and compensation plan, as prescribed by § **C7-2** of the City Charter.
 - (b) Prepare and maintain all personnel records and systems and work to ensure compliance with all applicable federal and state laws.
 - (c) Establish and operate a risk management and safety program for all City employees.
 - (2) Legal functions.
 - (a) Represent the City in all matters in which the City has an interest coming before any court, tribunal, or quasi-judicial or legislative body, except in such cases as other arrangements may be specifically made by the City Manager and/or City Council.
 - (b) Advise the City Manager, Mayor, City Council and department heads in all cases when a legal opinion is required, in writing, insofar as practicable.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2023.06.14 – 006**
Ordinance Title: Administrative Code
Chapter: 5
Section: 8 Executive Department
10 Fire and Rescue Department
15 Planning and Community Development Department

(c) Draft all deeds, leases, contracts, ordinances, and such other legal instruments as required on behalf of the City.

(d) Examine and approve all deeds, leases and other legal instruments tendered by the City prior to their acceptance.

(e) Call to the attention of the City Manager or City Council all matters of law affecting the City.

(f) Render legal counsel and service in person or by nominee as may be related to this office, upon direction of the City Manager.

(3) ~~Economic~~ Business development functions.

(a) Coordinate and direct a program for the promotion of the development of industry and business in the City of Dover.

(b) Provide encouragement and assistance to new businesses and industries seeking to move to the City of Dover and work to promote and provide support for the retention of existing businesses and industries within the City.

(4) Information systems functions.

(a) Maintain close coordination with department heads to establish information technology requirements.

(b) Establish information technology procedures.

(c) Provide advice on feasibility of desired information technology products.

(d) Perform system analysis and design, establish and monitor information networks, write computer software, test and debug computer software and complete system documentation.

(e) Prepare and administer the DoverNet budget.

(f) Maintain the technical reference library.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2023.06.14 – 006**
Ordinance Title: Administrative Code
Chapter: 5
Section: 8 Executive Department
10 Fire and Rescue Department
15 Planning and Community Development Department

3. AMENDMENT

Chapter 5 entitled “Administrative Code” is hereby amended by revising Section 5-10, “Fire and Rescue Department”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 5-10 Fire and Rescue Department.

- A. There shall be a Fire and Rescue Department, under the direct supervision of a Fire and Rescue Chief, who shall be responsible for fire and emergency medical services, ~~and emergency management-and inspection~~ functions and who shall administer the functions of the Department with appropriate supervisory, clerical and labor staff. The Fire and Rescue Chief shall have all the powers conferred upon fire wardens ~~and fire chiefs~~ by law (see, e.g., RSA 154:2; 155-A:7, I), and may delegate inspections and enforcement functions and duties to duly authorized subordinates within the Fire and Rescue Department or the Planning and Community Development Department. The Fire and Rescue Chief shall be the Emergency Management Director, with all duties and powers associated with the position pursuant to state law.
- B. The duties of the Fire and Rescue Department shall include, but are not limited to:
- ~~(1) — Fire, emergency medical services and emergency management functions.~~
 - ~~(a)~~ Extinguish fires and endeavor to protect life and property against fires.
 - ~~(b)~~ Provide emergency and nonemergency medical aid and transportation to local hospitals.
 - ~~(c)~~ Plan, organize and direct matters related to emergency management and preparedness for natural and man-made disasters.
 - ~~(d)~~ Prepare and maintain all Fire and Rescue Department records as required.
 - ~~(e)~~ Mitigate minor hazardous materials leaks and spills, and coordinate the response to major hazardous material incidents.
 - ~~(f)~~ Educate the public on matters related to fire and life safety along with self-preparedness for natural and man-made disasters.
 - ~~(g)~~ Care for and maintain all property and equipment assigned to the Fire and Rescue



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2023.06.14 – 006**
Ordinance Title: Administrative Code
Chapter: 5
Section: 8 Executive Department
10 Fire and Rescue Department
15 Planning and Community Development Department

Department.

~~(h8)~~ Issue fire permits as necessary and appropriate.

~~(i9)~~ Plan and carry out a training program of instruction for all regular and call fire and rescue personnel.

~~(j10)~~ Cooperate with surrounding communities through mutual-aid programs so that additional firefighting and emergency medical personnel and equipment may be made available when needed.

~~(2) — Inspection functions.~~

~~(a) — Enforce the building, electrical, plumbing and health codes of the City of Dover (see Chapter 57, Building Construction, Chapter 77, Electrical Standards, Chapter 113, Plumbing, and Chapter 89, Health and Sanitation, respectively).~~

~~(b) — Enforce all state laws and adopted codes, except as otherwise provided by law, relating to the construction, equipment, alteration, and condition of buildings within the City.~~

~~(c) — Review plans and specifications of proposed buildings, and issue building permits as necessary and appropriate.~~

~~(d) — Maintain a file of all applications for building permits, and provide copies for tax assessment purposes.~~

~~(e) — Inspect every structure upon which work is being done, where a permit is required, as often as necessary and appropriate given the nature and terms of the permit.~~

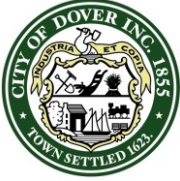
~~(f) — Investigate complaints regarding matters affecting public health.~~

~~(g) — Prepare and maintain all necessary records required by law.~~

~~(h) — Procure, study, analyze and report data concerning public health.~~

~~(i) — Investigate complaints or issues regarding private water supplies and septic tanks.~~

~~(j) — Investigate communicable diseases and sanitary hazards, and enforce sanitary laws.~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2023.06.14 – 006**
Ordinance Title: Administrative Code
Chapter: 5
Section: 8 Executive Department
10 Fire and Rescue Department
15 Planning and Community Development Department

~~(k) Issue burial permits.~~

~~(l) Inspect restaurants, cafes, other eating places and vendors of food as required by law.~~

~~(m) Issue licenses and perform any other functions required by law.~~

4. AMENDMENT

Chapter 5 entitled “Administrative Code” is hereby amended by revising Section 5-15, “Planning and Community Development Department”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 5-15 Planning and Community Development Department.

A. There shall be a Planning and Community Development Department, under the direct supervision of a Director, who shall be responsible for planning functions, inspections functions to the extent delegated and duly authorized by the Fire and Rescue Chief, and community development functions, and who shall administer the functions of the Department with appropriate supervisory, clerical and labor staff. In performing any function involving delegated authority of and by the Fire and Rescue Chief, the employees within the Planning and Community Development Department to whom such authority has been delegated shall be considered subordinates of the Fire and Rescue Chief.

B. The duties of the Planning and Community Development Department shall include, but are not limited to:

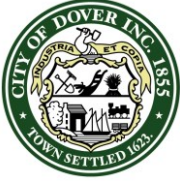
1. Land use and long range planning functions

~~(1a)~~ Advise the Planning Board, ~~and~~ the Zoning Board of Adjustment, and other land use boards and authorities of the City.

~~(2b)~~ Investigate, study, report and recommend on all matters relating to land use, zoning, traffic, parking, highways, public facilities, population, urban renewal, subdivisions, parks, playgrounds and other related phases of City planning.

~~(3c)~~ Revise the Zoning Map as changes are made therein by City ordinance.

~~(4d)~~ Develop and implement the various elements of a general Master Plan to be used



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2023.06.14 – 006**
Ordinance Title: Administrative Code
Chapter: 5
Section: 8 Executive Department
10 Fire and Rescue Department
15 Planning and Community Development Department

as a guide for the development of the City.

(5e) Perform all research work that might be assigned by the City Manager.

(6f) Investigate, study and report on all matters relating to construction and use of municipal structures and buildings as necessary and appropriate.

2. Inspection functions

(a) Perform the duties stated within and enforce the building, electrical, plumbing and health codes of the City of Dover (see Chapter 57, Building Construction, Chapter 77, Electrical Standards, Chapter 113, Plumbing, Chapter 85, Food Service Establishments, and Chapter 89, Health and Sanitation, respectively).

(b) Enforce all state laws and adopted codes, except as otherwise provided by law, relating to the construction, equipment, alteration, and condition of buildings within the City.

(c) Review plans and specifications of proposed buildings, and issue building permits as necessary and appropriate.

(d) Maintain a file of all applications for building permits, and provide copies for tax assessment purposes.

(e) Inspect every structure upon which work is being done, where a permit is required, as often as necessary and appropriate given the nature and terms of the permit.

(f) Investigate complaints regarding matters affecting public health.

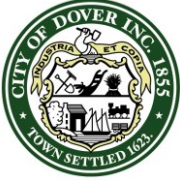
(g) Prepare and maintain all necessary records required by law.

(h) Procure, study, analyze and report data concerning public health.

(i) Investigate complaints or issues regarding private water supplies and septic tanks.

(j) Investigate communicable diseases and sanitary hazards, and enforce sanitary laws.

(k) Issue burial permits.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2023.06.14 – 006**
Ordinance Title: Administrative Code
Chapter: 5
Section: 8 Executive Department
10 Fire and Rescue Department
15 Planning and Community Development Department

(l) Inspect restaurants, cafes, other eating places and vendors of food as required by law.

(m) Issue licenses and perform any other functions required by law.

(n) Perform all school building inspections and issue reports related to same as required by law (see RSA 153:14, II(b)).

3. Community Development Functions

(a) Develop annual Community Development Block Grant application to the United States Department of Housing and Urban Development (“HUD”).

(b) Work within the HUD framework to provide increased employment opportunities to low/moderate income persons through loans to local businesses

(c) Investigate, study, report and recommend on all matters relating to community development, housing and other related aspects of providing opportunities to low/moderate income persons.

(d) Create annual consolidated Plan Performance Report for HUD.

5. TAKES EFFECT

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

REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON JULY 12, 2023

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 - ORDINANCE Agenda Item#: 12.A.1. Ordinance Number: O – 2023.06.14 – 006 Ordinance Title: Administrative Code Chapter: 5 Section: 8 Executive Department 10 Fire and Rescue Department 15 Planning and Community Development Department
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DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

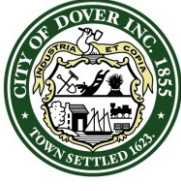
VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance concerns the City’s administrative code. Changes to the administrative code are addressed in Dover’s Charter (C5-9) and RSA 49-C:21.

This ordinance first makes a technical correction to the previous “Economic development” functions, which are better described today as “Business development” functions.

This ordinance also relocates the City’s inspection functions to the Planning and Community Development Department and elaborates on certain defined functions and duties of that department. Experience has shown that much of the workflow of the City’s inspections department dovetails with investigations, reviews, and approvals by the Planning and Community Development Department. For reference, these changes were discussed at a workshop meeting on June 7, 2023.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.2. Ordinance Number: O – 2023.06.14 – 007 Ordinance Title: Fire Prevention and Life Safety Chapter: 81 Section: 20 Administration and enforcement
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The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to make a technical amendment corresponding to a separate ordinance relocation inspections functions from the Fire and Rescue Department to the Planning and Community Development Department.

2. AMENDMENT

Chapter 81 entitled “Fire Prevention and Life Safety” is hereby amended by revising Section 81-20, “Administration and enforcement”, as follows:

a. THE FOLLOWING ARE AMENDED:

§ 81-20 Administration and enforcement.

The authority having jurisdiction for the administration and enforcement of this article shall be the Inspection Services Division ~~within~~of the City of Dover Planning and Community Development~~Fire and Rescue~~ Department. Fees shall be charged for plan reviews, issuance of permits, and inspections. Fees shall be adopted by the City Council and published as an adopted Fee Schedule. No permits, reviews or inspections shall be issued or conducted until all outstanding fees owed by the applicant to the City of Dover have been paid.

3. TAKES EFFECT

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

REQUIRES PUBLIC HEARING
TO BE REFERRED TO PUBLIC HEARING ON JULY 12, 2023

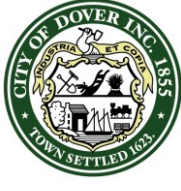
AUTHORIZATION

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 - ORDINANCE Agenda Item#: 12.A.2. Ordinance Number: O – 2023.06.14 – 007 Ordinance Title: Fire Prevention and Life Safety Chapter: 81 Section: 20 Administration and enforcement
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DOCUMENT HISTORY:

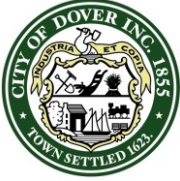
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance is a companion to another ordinance moving inspections functions from the Fire and Rescue Department to the Planning and Community Development Department. This ordinance contains a technical amendment to memorialize the correct department within which inspections functions will be located.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R - 2023.04.12 – 064**

Resolution Re: Declaring the First Settlers Cemetery (also known as Roberts Cemetery) on Dover Point Road (Tax Map L, Lot 93) Abandoned

WHEREAS: There is an approximately .92 acre ancient burial ground in the City currently known as the “First Settlers Cemetery” (and also known as the “Roberts Cemetery”), located on Dover Point Road and identified as Tax Map L, Lot 93, and hereinafter referred to as the Cemetery; and

WHEREAS: The City has conducted a title search and attempted to reach heirs, but is unaware of any owner who can be located and is presently claiming ownership of the Cemetery; and

WHEREAS: RSA 289:20 prescribes a statutory procedure whereby the City may declare a cemetery abandoned by action of City Council; and

WHEREAS: On December 13, 2022, the Cemetery Board met, reviewed the issue, and concurred with declaring the Cemetery abandoned.

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

The Cemetery is hereby declared abandoned pursuant to RSA 289:20.

The issue of declaring the Cemetery abandoned is hereby referred to a future public hearing to occur at a public meeting of the City Council to occur least sixty days after, and no more than ninety days after, notice of the City’s intent to declare the aforesaid burial ground abandoned has been published in the newspaper. The City Clerk shall cause such notice of intent to be published in the newspaper in accordance with RSA 289:20, containing the information required by RSA 289:20 in said published notice.

TO BE REFERRED TO A PUBLIC HEARING TO OCCUR AT LEAST SIXTY, BUT NO MORE THAN NINETY, DAYS AFTER PUBLICATION IN A NEWSPAPER IN ACCORDANCE WITH RSA 289:20.

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#: 12.C.1. Resolution Number: R - 2023.04.12 – 064 Resolution Re: Declaring the First Settlers Cemetery (also known as Roberts Cemetery) on Dover Point Road (Tax Map L, Lot 93) Abandoned	

DOCUMENT HISTORY:

First Reading Date: 04/12/2023	Public Hearing Date: 7/12/2023
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

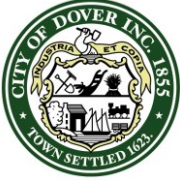
RESOLUTION BACKGROUND MATERIAL:

The so-called “First Settlers Cemetery” is believed to be the burial ground of the earliest, or some of the earliest, English colonists to be buried in what is now the City of Dover. To better understand the property’s history, the City has engaged a title abstractor, who found researched information as to past ownership. However, attempts to contact the suspected heir have been unsuccessful to date. A copy of that title report accompanies this resolution.

At the public meeting this resolution is finally acted upon, the notice of intent published in the newspaper should be read aloud as required by RSA 289:20.

Below is an excerpt showing the location of the subject cemetery:

Document Created by: Legal Document Posted on: July 7, 2023	R-2023.04.12 Declaring the First Settlers Cemetery (also known as Roberts Cemetery) on Dover Point Road (Tax Map L, Lot 93) Abandoned Page 2 of 3
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R - 2023.04.12 – 064**

Resolution Re: Declaring the First Settlers Cemetery (also known as Roberts Cemetery) on Dover Point Road (Tax Map L, Lot 93) Abandoned



To declare a cemetery abandoned, RSA 289:20 requires the following process:

I. The municipality shall place an advertisement in at least one newspaper having general distribution in the municipality and surrounding area. The advertisement shall state the intent of the municipality, identifying the burial ground by name, if known, and by names and dates of the oldest stones in the burial ground, with a request for any direct descendant to contact the town selectmen's office, the town manager, or mayor, as applicable. If the burial ground contains no stones with legible inscriptions, the site may be identified by a detailed description of its location.

II. Not less than 60 days nor more than 90 days after the notice of the intent has been published, the notice shall be read at a regularly scheduled selectmen's meeting or in the case of a city, a city council meeting.

III. If any descendants were located and grant permission, or if no descendants were located, then, after a public hearing, the municipality may declare the burial ground abandoned by a majority vote of the selectmen or city councilmen present and voting.

RSA 289:20.

If and once a cemetery is declared abandoned, then the “cemetery shall become a municipal cemetery for management purposes” and the City will “assume all the authorization and rights of natural lineal descendants.” RSA 289:21.

COUTURE TITLE SERVICES, LLC

84 Stackpole Road
Somersworth, NH 03878-1610
(603) 692-4035 – Office
(603) 767-9083 - Cell
CoutureTitleServices@comcast.net

October 28, 2022

Joshua Wyatt, City Attorney
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169

Re: First Settlers Cemetery, Dover Point Road, Dover, NH

Dear Joshua:

I have spent a considerable amount of time researching the ownership of fee title to the First Settlers Cemetery located on the easterly side of Dover Point Road in Dover, New Hampshire identified by the City of Dover Assessor as Tax Map L, Lot 93 measuring .92 Acres. The cemetery in question is identified on Plan of Lot for Frank G. MacCausland Plan 19A-20 measuring roughly 220 feet along the road with a depth of 178 feet. It is also partly shown on Plan of Matt R. Jr. and Helen R. Williams Plan 44-72. I also provided a copy of the 1892 Atlas showing C. Roberts. The research was difficult due to lack of probate records or little information in the existing probate files. I perused the tombstones at the cemetery and took several pictures trying to ascertain the various members of the Roberts' family, as well as documenting their date of deaths. Numerous deeds dating back to the mid 1800's were reviewed in an attempt to piece together various parcels.

I was able to ascertain the area in question was known as the Hanson Roberts farm. It is possible the deed into Hanson may be from Joseph Roberts in 1840, recorded at Book 187, Page 295. Several deeds were exchanged between Hanson Roberts' children as Hanson and his wife, Lydia H. Roberts, carved up their farm conveying sections in this immediate vicinity to their sons, Howard M. Roberts and Charles W. Roberts. The records are very sketchy.

A clear conveyance of the precise acreage, of which the subject cemetery was a part of, is a deed from Charles R. Roberts to Charles W. Hayes dated 11/16/1898, recorded at Book 318, Page 229. This conveys a 17 1/2 Acre parcel on the easterly side of Dover Pont Road "reserving the burying ground". From probate court records, the site of ancestry.com, as well as the grave stones at the site, I was able to establish the ownership following the death of Charles S. Roberts. I have drawn up a chain of that lineage.

Charles S. Roberts died intestate in 1920 – Probate #X4759 survived by his wife, Ida F. Roberts, son, J. Frank Roberts a/k/a James Frank Roberts and daughter, Helen Roberts later known as Helen Roberts Snook. J. Frank Roberts died intestate in 1922 at the age of 26 survived by his mother, Ida F. Roberts and sister, Helen Roberts; Probate #X5421 There is no probate for Ida F. Roberts but a death certificate recorded at Book 1319, Page 776 states she died 4/7/1951. One large tombstone lists: Charles S. Roberts, wife, Ida F. Roberts, J. Frank Roberts and Helen Roberts Snook.

Charles S. Roberts' daughter, Helen Roberts Snook married late in life to John Edward Snook. She died testate 12/16/1982 according to probate File #A20264. Copies of Helen's will and other pleadings are included with this research. It appears Helen's husband predeceased her as she was listed as a "widow" in 1952 and as "single" in a 1972 deed. Under Helen's will, she left all her real estate on the easterly side of Dover Point Road in Dover, New Hampshire to her deceased cousin, George W. Roberts' widow, Jean Roberts with an address of 8 Whittier Place, Apartment 7B, Boston, MA. There is no Strafford County probate for Jean Roberts. I did not find a grave for either Jean or her husband George W. Roberts. Jean Roberts with the Massachusetts address conveyed acreage on Dover Point Road in 1983 to Matt R. Jr. and Helen R. Williams by deed recorded at Book 1119, Page 738.

David Nelson, a neighbor to this cemetery informed me that descendants of this Roberts' family own the Roberts Cove Basin and Marina located in Alton, New Hampshire. Contact information is P.O. Box 123, or 28 Basin Road, Alton, NH 03809; phone number is 603-569-6040. The automated message stated they were closed for the season. I left a message. There was also a site: marina@robertscovebasin.com. I sent a message to that site also. So far no answer.

In conclusion: Jean Roberts, widow of George W. Roberts, with a last known address in 1982 of Boston, MA. I sent messages to a few Jean Roberts that are on Facebook. It would seem to be looking for a needle in a haystack unless a Roberts' family member can shed some information of Jean's whereabouts or her heirs.

I will keep you informed if I receive any follow up information from these sources.

Sincerely,


Denise R. Couture



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R - 2023.05.24 – 090**
Resolution Re: FY2024 CIP Appropriation for Dover Middle School
HVAC 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; and
- WHEREAS: The Dover School department obtained a cost proposal for the Middle School HVAC upgrades in the total amount of \$4,900,000.00, and as part of the FY2024 CIP there is \$650,000.00 appropriated for Middle School roof replacement; and
- WHEREAS: The Dover School Board has identified a priority need for additional funding for completing the HVAC upgrades at Dover Middle School in the amount of \$4,250,000.00 and at the May 8, 2023 meeting of the School Board they voted to request the additional funding; and

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

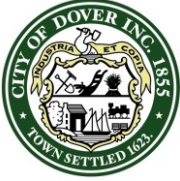
The amount of \$4,250,000.00 is hereby appropriated for the Middle School HVAC upgrades capital project with an estimated useful life in excess of the life indicated:

Item #	Description	Proposed	Life/Yrs	Department	Fund
		Appropriation			
1	Dover Middle School HVAC Upgrades	\$4,250,000	20	Education	General
	Total	\$4,250,000			

AND, FURTHER BE IT RESOLVED;

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 not to exceed 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.

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#: 12.C.2.

Resolution Number: **R - 2023.05.24 – 090**
Resolution Re: FY2024 CIP Appropriation for Dover Middle School
HVAC 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 M. Wyatt
Form and Compliance: City Attorney

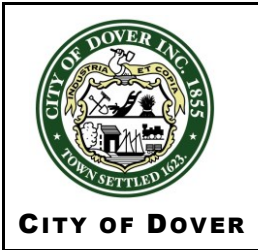
Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date: 05/24/2023	Public Hearing Date: 06/14/2023
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R - 2023.05.24 – 090**
Resolution Re: FY2024 CIP Appropriation for Dover Middle School
HVAC and Authorization for Bonding

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2024 Capital Improvements Program project in the amount of \$4,250,000 for the Dover Middle School HVAC Upgrades. This project is to be financed through the sale of General Obligation bonds. The resolution authorizes the City to issue bonds to finance the project.

The \$650,000 appropriated as part of the FY2024 CIP Non-Debt Financed projects resolution approved by City Council on October 26, 2022, is to be financed through the School Facilities Capital Reserve Fund.

This project will provide HVAC upgrades at the Dover Middle School and also includes the replacement of the existing EPDM roof.

Debt Authorization versus Debt Retirement

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

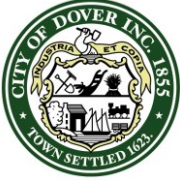
	School
Description	General Fund
Pending Authorization	4,250,000
Prior FY2024 CIP Authorization	0
FY2024 Principal Retirement	3,457,160
Net Change	792,840

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2023 and this authorization, against the statutory debt limit and policy debt limit.

	School		School
Description	General Fund	Description	General Fund
Debt Outstanding	79,439,386	Debt Outstanding	79,439,386
Authorized - Unissued	1,106,000	Authorized - Unissued	1,106,000
Total Issued & Unissued	80,545,386	Total Issued & Unissued	80,545,386
This Authorization	4,250,000	This Authorization	4,250,000
Grand Total	84,795,386	Grand Total	84,795,386
Legal Debt Limit	405,280,193	Policy Debt Limit	113,478,454
Under (Over) Legal Limit	320,484,807	Under (Over) Policy Limit	28,683,068
Percent Under (Over)	79.1%	Percent Under (Over)	25.3%

Notes: Legal debt limit for School is based on 7% percent of equalized assessed value. Policy debt limit for School is based on 28% of legal debt limit.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R - 2023.05.24 – 090**

Resolution Re: FY2024 CIP Appropriation for Dover Middle School
HVAC and Authorization for Bonding

Budgetary and Rate Impacts

The \$4,250,000 debt obligation is expected to be paid back over a 20-year period. Principal repayments would be \$212,500 per year. The annual impact to the General 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 3.44%, is estimated to be a total of \$1,681,300 impact to the General Fund budget. The annual impact for interest in Year 1 would be approximately \$146,200 and appropriately decrease annually over the 20-year repayment period. The combined principal and interest repayment for the debt financing in Year 1 would be a budgetary impact of \$358,700 (\$212,500 + \$146,200). The impact on the school portion of the property tax rate would be \$0.07 per \$1,000 of assessed property value. For an average single family home for taxes, based on the FY2023 assessed value at \$471,406, the property tax impact would be \$32.99 for Year 1.

RESOLUTION

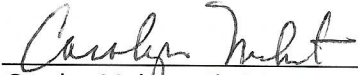
RE: DOVER MIDDLE SCHOOL HVAC PROJECT AND AUTHORIZATION FOR BONDING

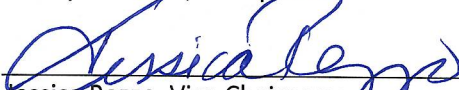
- WHEREAS: On an annual basis the City Council adopts the Capital Improvements Program (CIP), which includes the Capital Reserve (Non-Debt), Grant and Debt Financing authorization for certain School funded CIP projects; and
- WHEREAS: Trane U.S. Inc. submitted a proposal under Contract No. 3314 through Omnia Partners, a public sector cooperative purchasing organization, to provide HVAC upgrades at Dover Middle School and that also includes the replacement of the existing EPDM roof in the total amount of \$4,900,000; and
- WHEREAS: The roof replacement in the amount of \$650,000 was previously approved in the FY2024 CIP and funded through the School Facilities Capital Reserve; and
- WHEREAS: The Dover School Board has identified the need for additional funding for completing the HVAC upgrades at Dover Middle School in the amount of \$4,250,000; and

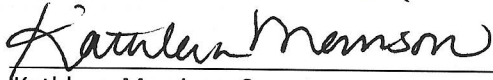
NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

The amount of \$4,250,000 to be appropriated for the HVAC upgrades at Dover Middle School and to be financed through the issuance of bonds.

SUBMITTED BY:

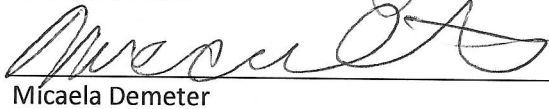

Carolyn Mebert, Chairperson


Jessica Rozzo, Vice Chairperson


Kathleen Morrison, Secretary


Maggie Fogarty


Robin Trefethen


Micaela Demeter


Michelle Clancy

May 8, 2023



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2023.05.24 – 091**
Resolution Re: **FY2024 CIP Appropriation for Dover Schools LED
Lighting Upgrades 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; and

WHEREAS: The Dover School department obtained a cost proposal for the Dover Schools LED Lighting upgrades in the total amount of \$1,305,100.00; and

WHEREAS: The Dover School Board has identified a priority need for funding for completing the LED Lighting upgrades at Dover Schools in the amount of \$1,305,100.00, and at the May 8, 2023 meeting of the School Board they voted to request the additional funding; and

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

The amount of \$1,305,100.00 is hereby appropriated for the Dover Schools LED Lighting upgrades capital project with an estimated useful life in excess of the life indicated:

Item #	Description	Proposed	Life/Yrs	Department	Fund
		Appropriation			
1	Dover Schools LED Lighting Upgrades	\$1,305,100	20	Education	General
	Total	\$1,305,100			

AND, FURTHER BE IT RESOLVED;

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 not to exceed 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.

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.

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#: 12.C.3.

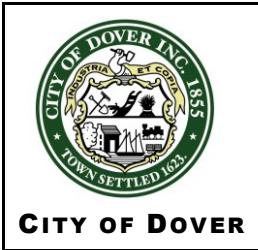
Resolution Number: **R - 2023.05.24 – 091**
Resolution Re: FY2024 CIP Appropriation for Dover Schools LED
Lighting Upgrades and Authorization for Bonding

DOCUMENT HISTORY:

First Reading Date: 05/24/2023	Public Hearing Date: 06/14/2023
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2023.05.24 – 091**
 Resolution Re: FY2024 CIP Appropriation for Dover Schools LED
 Lighting Upgrades and Authorization for Bonding

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2024 Capital Improvements Program project in the amount of \$1,305,100 for the Dover Schools LED Lighting Upgrades. This project is to be financed through the sale of General Obligation bonds. The resolution authorizes the City to issue bonds to finance the project.

This project will provide LED Lighting upgrades at Bellamy Academy, Dover Middle School, Woodman Park Elementary School, Garrison Elementary School and Frances G. Hopkins Elementary School at Horne Street. The project is eligible for incentive awards in the amount of \$115,099 and is estimated to result in annual savings of \$150,000 in utility expense.

Debt Authorization versus Debt Retirement

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

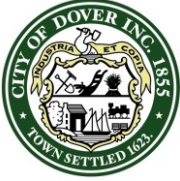
	School
Description	General Fund
Pending Authorization	1,305,100
Prior FY2024 CIP Authorization	4,250,000
FY2024 Principal Retirement	3,457,160
Net Change	2,097,940

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2023 and this authorization, against the statutory debt limit and policy debt limit.

	School		School
Description	General Fund	Description	General Fund
Debt Outstanding	79,439,386	Debt Outstanding	79,439,386
Authorized - Unissued	5,356,000	Authorized - Unissued	5,356,000
Total Issued & Unissued	84,795,386	Total Issued & Unissued	84,795,386
This Authorization	1,305,100	This Authorization	1,305,100
Grand Total	86,100,486	Grand Total	86,100,486
Legal Debt Limit	405,280,193	Policy Debt Limit	113,478,454
Under (Over) Legal Limit	319,179,707	Under (Over) Policy Limit	27,377,968
Percent Under (Over)	78.7%	Percent Under (Over)	24.1%

Notes: Legal debt limit for School is based on 7% percent of equalized assessed value. Policy debt limit for School is based on 28% of legal debt limit.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2023.05.24 – 091**

Resolution Re: FY2024 CIP Appropriation for Dover Schools LED
Lighting Upgrades and Authorization for Bonding

Budgetary and Rate Impacts

The \$1,305,100 debt obligation is expected to be paid back over a 20-year period. Principal repayments would be \$65,255 per year. The annual impact to the General 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 3.44%, is estimated to be a total of \$516,297 impact to the General Fund budget. The annual impact for interest in Year 1 would be approximately \$44,895 and appropriately decrease annually over the 20-year repayment period. The combined principal and interest repayment for the debt financing in Year 1 would be a budgetary impact of \$110,150 (\$65,255 + \$44,895). The impact on the school portion of the property tax rate would be \$0.02 per \$1,000 of assessed property value. For an average single family home for taxes, based on the FY23 assessed value at \$471,406, the property tax impact would be \$9.43 for Year 1.

RESOLUTION

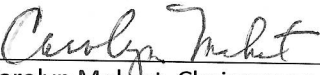
RE: DOVER SCHOOLS LED LIGHTING UPGRADE AND AUTHORIZATION FOR BONDING

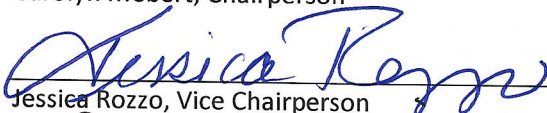
- WHEREAS: The City of Dover solicited and awarded a bid to Affinity LED Lighting, a Dover based business, via City Council Resolution [R-2015.03.11-027](#), to install LED lighting on any City property; and
- WHEREAS: Affinity LED Lighting submitted a proposal to the school district for LED lighting upgrades at Bellamy Academy, Dover Middle School, Woodman Park Elementary School, Garrison Elementary School and Frances G. Hopkins Elementary School at Horne Street in the amount of \$1,305,100 and which is eligible for incentive awards in the amount of \$115,099; and
- WHEREAS: It is anticipated that the conversion to LED lighting will save the school district an estimated annual amount of \$150,000 in utility expense; and

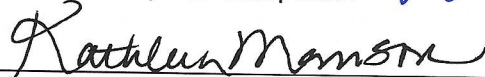
NOW, THEREFORE, BE IT RESOLVED THAT HEREIN IS A FORMAL REQUEST FROM THE DOVER SCHOOL BOARD TO THE MAYOR AND DOVER CITY COUNCIL THAT:

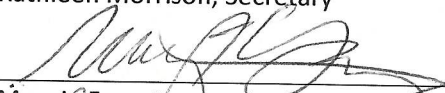
The amount of \$1,305,100 to be appropriated for the Dover schools' LED Lighting Project and to be financed through the issuance of bonds.

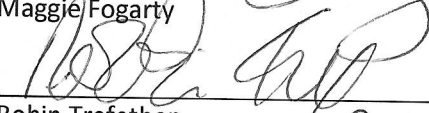
SUBMITTED BY:

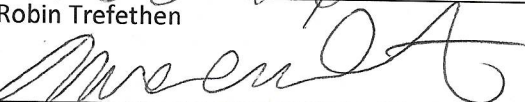

Carolyn Mebert, Chairperson

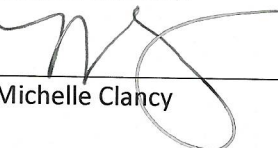

Jessica Rozzo, Vice Chairperson


Kathleen Morrison, Secretary


Maggie Fogarty


Robin Trefethen


Micaela Demeter


Michelle Clancy

May 8, 2023



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2023.07.12 – 103**

Resolution Re: B23084 Household Hazardous Waste Collection Services

WHEREAS: A Sealed Request for Bid #B23084 was issued and received for Household Hazardous Waste Collection Services on June 20, 2023 at 2:00 p.m.; and

WHEREAS: Two firms responded with unit pricing for different chemicals that the City anticipates will be collected for the project in its entirety. The collection day will be held on August 26, 2023; and

WHEREAS: The low bid meeting specifications was submitted by MXI Environmental Services, LLC of Abingdon, VA at varying rates for collection of various household hazardous waste chemicals. The estimated annual expenditure may exceed the \$25,000.00 threshold thereby require council approval.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to MXI Environmental Services, LLC of Abingdon, VA for Household Hazardous Waste Collection Services at given rates provided in conjunction with bid #B23084. 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	FY24 Appropriation	Balance
3320.1.300.43230.4421.000000	Waste Disposal Services	754,700	143,200

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.A.1.

Resolution Number: **R – 2023.07.12 – 103**

Resolution Re: B23084 Household Hazardous Waste Collection Services

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.1.

Resolution Number: **R – 2023.07.12 – 103**

Resolution Re: B23084 Household Hazardous Waste Collection Services

RESOLUTION BACKGROUND MATERIAL:

The City requested proposals from qualified firms for Household Hazardous Waste Collection Services. The vendor will operate collection activities on site at the Community Services Garage on Saturday, August 26, 2022 from 8:30 a.m. to 12:30 p.m. All collected waste, equipment and related materials resulting from the operation of this collection will be removed from the site by the vendor no later than 7:00 p.m. on the day of the collection.

The prior year expense in August 2022 was \$21,565.00.

Through a municipal cost-sharing arrangement, the Towns of Lee, Madbury and Rollinsford are allowed to participate and costs are allocated on a pro-rata share based on population.

Bid Information:

A Sealed Request for Bid #B23084 was issued and received for Household Hazardous Waste Collection Services on June 20, 2023 at 2:00 p.m.

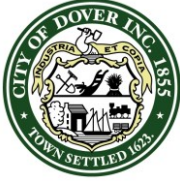
Award Information:

A purchase order will be issued to MXI Environmental Services, LLC selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations emailed:	137	Number of Responses:	2
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Completion	Estimated Delivery:	8/26/2023
Recommended Award to:	MXI Environmental Services, LLC	Fund:	Recycling Collections
Other Approvals Required:	No	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.

[B23084 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2023.07.12 – 104**

Resolution Re: **B23086 Bituminous Concrete (Asphalt) Picked Up**

WHEREAS: A sealed Request for Bid #B23086 was requested and received for Bituminous Concrete (Asphalt) Picked up on June 14, 2023 at 2:30 p.m.; and

WHEREAS: The City requested pricing on four separate material items that include 1" Base, 3/4" Binder, 1/2" Wearing and 3/8" Wearing. All materials will be picked up by City personnel or by City authorized contractors at the vendor's location on an as needed basis; and

WHEREAS: The City received two responses which was reviewed for necessary qualifications, experience, costs, and plant location in proximity to Dover, NH. It is the recommendation by staff to accept both proposals due to the proximity of the plant location(s) and City needs. Brox Industries, Inc. of Dracut, MA for bituminous concrete (asphalt) to be picked up on an "as needed" basis for 3/4" Binder at \$75.50 per ton, 1/2" and 3/8 Wearing at \$75.50 per ton to be picked up in Rochester, NH. In addition, Pike Industries, Inc. of Belmont, NH for bituminous concrete (asphalt) to be picked up on an "as needed" basis for 1" Base of \$69.00 per ton, 3/4" Binder at \$70.00 per ton, 1/2" Wearing at \$70.00 per ton and 3/8" Wearing at \$72.00 per ton to be picked up at either Portsmouth or Farmington locations.

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

The Purchasing Agent is hereby authorized to issue purchase orders to both Brox Industries, Inc. of Dracut, MA and Pike Industries, Inc. of Belmont, NH for the purchase of bituminous concrete (asphalt) to be picked up on an "as needed" basis. 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	FY24 Appropriation	Balance
1000.1.300.43121.4715.00000.00	Streets - Land Improvement	2,100,000	2,100,000

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.A.2.

Resolution Number: **R – 2023.07.12 – 104**

Resolution Re: B23086 Bituminous Concrete (Asphalt) Picked Up

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.2.

Resolution Number: **R – 2023.07.12 – 104**
Resolution Re: B23086 Bituminous Concrete (Asphalt) Picked Up

RESOLUTION BACKGROUND MATERIAL:

Depending upon the quantity and varying types of different up-coming city road construction or rehabilitation projects, the City will have the need to acquire bituminous concrete / asphalt on an “as needed” basis to be picked up at the asphalt manufacturing plant located in Rochester, Farmington, or Portsmouth, NH (through the end of December 2023; (alternate location for winter season with Brox in Dracut, MA), either utilizing city vehicles or private contractors with whom the City has an agreement for vehicle / operator rental services.

The bituminous concrete must meet the most current NHDOT Standard Specifications for road construction. The total estimated annual quantity on all items for FY2024 is projected to be 3,000 tons at an avg of \$72.50 per ton or \$217,500.00.

Bid Information:

A sealed Request for bid #B23086 was requested and received for Bituminous Concrete (Asphalt) to be picked up on an as-needed basis on June 14, 2023 at 2:30 p.m.

Award Information:

A purchase order will be issued to Brox Industries, Inc. and Pike Industries, Inc. to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations emailed:	162	Number of Responses:	2
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	6/30/2024	Estimated Delivery:	As needed
Recommended Award to:	Brox Industries, Inc. and Pike Industries, Inc.	Fund:	Various
Other Approvals Required:	No	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.

[B23086 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.3.

Bid Number: **R - 2023.07.12 – 105**
Bid Description: Various Senior Center Trips

WHEREAS: The Senior Center Travel Supervisor has a schedule of possible trips for the remainder of calendar year 2023 through the beginning of 2024. A list and estimated costs are outlined in the background section of this resolution. The Senior Center Travel Supervisor obtains pricing information for these trips as scheduled; and

WHEREAS: In order to maximize the size of the group, as well as address any last minute cancellations, the travel agents keep the registration open as long as the tour company allows. Sometimes the end date of the registration period and determination of a final price falls after the deadline for the next City Council meeting agenda so the City is not always able to get the resolution to the Council before the trip departs; and

WHEREAS: Revenue is collected and deposited into the special revenue account for the Senior Center and expensed out as needed for various trips. Since the costs are paid for by the traveler, they wish to pick the tour companies they will use; and

WHEREAS: Per 5-28.B. Competitive bidding may be waived by the majority vote of the City Council.

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

The Purchasing Agent is hereby authorized to issue purchase orders for travel services at rates obtained by the Senior Center Travel Supervisor. 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
3410.1.350.45126.4443.00000.00	Rental of Equipment, FY24	110,000.00	110,000.00

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.A.3.

Bid Number: **R - 2023.07.12 – 105**
Bid Description: Various Senior Center Trips

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.

Bid Number: **R - 2023.07.12 – 105**
Bid Description: Various Senior Center Trips

RESOLUTION BACKGROUND MATERIAL:

This is a blanket resolution for the Senior Center trips using various travel agencies as needed. The Senior Center Travel Supervisor obtains pricing information for trips the Dover Senior Center wishes to take that are run annually and have a consistent group of travelers and a set of travel and accommodation expectations that the travelers strive to meet.

In order to maximize the size of the group, as well as address any last minute cancellations, the travel agents keep the registration open as long as the tour company allows. Sometimes the end date of the registration period and determination of a final price falls after the deadline for the next City Council meeting agenda so the City is not always able to get the resolution to the Council before the trip departs.

Coach Company

Boston area attractions (~\$1,200/quarter)

Best of Times Travel

TBD – 1 possible 2024 day trips (Approximately \$4,000)

Yankee Tours:

Boston- Harbor Cruise/Encore – August 2023 (Approximately \$5,000)

Potential additional day trips (approx. \$5k per trip)

Mt Washington Hotel Overnight December 2023 (Between \$15,000 & \$30,000 depending on traveler numbers)

May 2024 (Between \$15,000 - \$30,000 depending on traveler numbers) – Possible Overnight trip

North Shore Music Theater/Ogunquit Playhouse/Seacoast Rep/STAR Theater/WinniTheater other local theaters

Miscellaneous shows throughout the year using City Recreation shuttle service, but tickets will be purchased. Prices vary.

Purchasing Information:

Type:	Purchase order	Advertised:	N/A
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	N/A	Terms:	Net 30
Work Bonded:	No	Contract:	No
Prices will hold for	Until Trip Date	Estimated Delivery:	2023-2024
Recommended Award to:	Various	Fund:	3410
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for City Manager Approval:	Waive competitive bidding procedure.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2023.07.12 – 106**
Resolution Re: B23088 Bulk Oil and Lubricant Products State of NH
Contract

WHEREAS: A sealed Request for Bid #2537-22 was solicited and received by the State of New Hampshire in November 2021 for pricing for Full Synthetic Motor Oil & Lubricant resulting in State of NH Contract 8002979. In addition, a sealed Request for Bid #2643-23 was solicited and received by the State of New Hampshire in May of 2023 for Motor Oils, Lubricants and Compound resulting in State of NH Contract 8003206, and;

WHEREAS: The estimated annual expenditure may exceed the \$25,000.00 threshold thereby require council approval; and

WHEREAS: Exemptions to Competitive Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups; and

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

The Purchasing Agent is hereby authorized to issue a purchase order to Dennison Lubricants for motor and bulk oil and lubricant products on an as needed basis at varying per unit prices provided in conjunction with State of NH Contract(s) 8002979 and 8003206. 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	FY24 Appropriation	Balance
xxxx.1.xxx.xxxxx.4654.xxxxx.xx	Maintenance Supplies	365,829	365,829

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.A.4.

Resolution Number: **R – 2023.07.12 – 106**
Resolution Re: B23088 Bulk Oil and Lubricant Products State of NH
Contract

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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 – 2023.07.12 – 106**
Resolution Re: B23088 Bulk Oil and Lubricant Products State of NH
Contract

RESOLUTION BACKGROUND MATERIAL:

The City purchases bulk oil and lubricant products on an as needed basis. Examples of items include varying types of vehicle oil, antifreeze, windshield washer fluid and power steering fluid.

Dennison Lubricants has been the City's vendor for bulk oil and lubricant products for the past several years and the City has been very pleased with their service and quality products.

Bid Information:

State of New Hampshire bid solicitation. Per 5-29B, Exemptions to Competitive Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices.

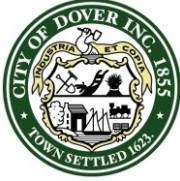
Award Information:

A purchase order will be issued to Dennison Lubricants to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	no
Invitations emailed:	N/A	Number of Responses:	N/A
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	8002979 - 10/31/2024 8003206 - 04/30/2026	Estimated Delivery:	As Needed
Recommended Award to:	Dennison Lubricants	Fund:	Various
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase may exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation.

[B23088 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2023.07.12 – 107**

Resolution Re: **Authorizing Dog Warrant for Unlicensed Dogs**

WHEREAS: Dog owners are required to license their dogs by May 1st of each year; and

WHEREAS: RSA 466:14 requires that the City Clerk thereafter seek authority from the City Council to issue a warrant to local law enforcement.

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

The City Clerk is hereby authorized to issue the annual dog warrant for owners who have not properly licensed their dogs to date, and to proceed with civil forfeiture proceedings as provided for by State law.

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.A.5.

Resolution Number: **R – 2023.07.12 – 107**
Resolution Re: **Authorizing Dog Warrant for Unlicensed Dogs**

DOCUMENT HISTORY:

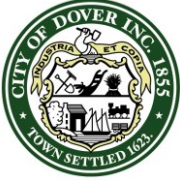
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

RSA chapter 466 contains annual time-based requirements for dog licensure. RSA 466:1 states that every owner or keeper of a dog over 4 months of age shall obtain a license, which remains in effect each year from May 1 to April 30. Failure to timely license or renew a license results in a forfeiture. *See* RSA 466:13. Thereafter, RSA 466:14 requires the City Clerk to obtain authority from the City council to issue a warrant to the appropriate local law enforcement officer to continue the annual process of collecting fees and fines for dog registrations. *See also* Dover Code §§ 69-2 through 69-7.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2023.07.12 – 108**
Resolution Re: **Granting Permission to Cut Nuisance Trees on Old Garrison Road (a Scenic Road)**

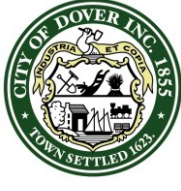
- WHEREAS: The City has designated Old Garrison Road a scenic road pursuant to RSA 231:157;
- WHEREAS: Public Service Company of New Hampshire (“Eversource”) has requested permission to remove a dead tree posing a threat to utility lines, as shown in the photograph in the background of this resolution; and
- WHEREAS: The owners of 310 Old Garrison Road (Map J-10-A-2) have requested permission to remove a dead Ash tree, as shown in the photograph in the background of this resolution.
- WHEREAS: The Community Services Director has reviewed both trees and determined each is a public nuisance posing an imminent threat to safety or property.

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

The City Manager or designee, together with Community Services Director (as road agent), are permitted to remove or authorize removal of the two dead trees on Old Garrison Road, shown in the background of this resolution, without public hearing as permitted by RSA 231:158, II.

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 - RESOLUTION Agenda Item#: 13.A.6. Resolution Number: R – 2023.07.12 – 108 Resolution Re: Granting Permission to Cut Nuisance Trees on Old Garrison Road (a Scenic Road)
---	--

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Chapter 117 of the Dover Code governs scenic roads. Chapter 170 of the Dover Code includes the roads currently designated as scenic roads, including Old Garrison Road. RSA 231:157 and RSA 231:158 also address scenic roads and tree removal. RSA 231:158, II provides “that a road agent or his designee may, without [an otherwise required] hearing, but only with the written permission of the selectmen, remove trees or portions of trees which have been declared a public nuisance pursuant to RSA 231:145 and 231:146.” In Cities, the mayor and council generally perform the functions of “selectmen” where selectmen are empowered to act by governing law. RSA 21:28; RSA 49-C:15; RSA 47:13.

Below are photographs of the dead trees proposed for removal.



CITY OF DOVER

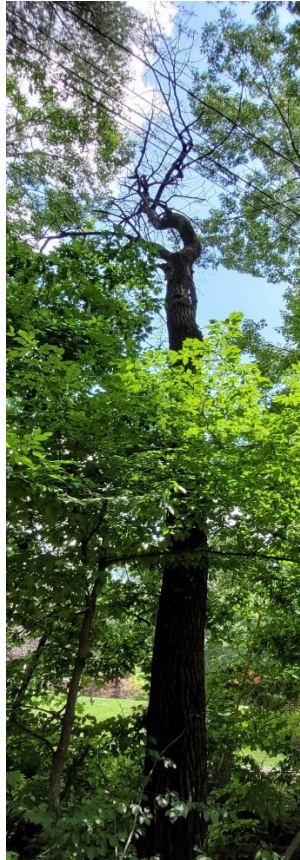
CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2023.07.12 – 108**

Resolution Re: **Granting Permission to Cut Nuisance Trees on Old Garrison Road (a Scenic Road)**

The dead tree proposed to be removed by Eversource (in proximity to aerial lines) is shown below:





CITY OF DOVER

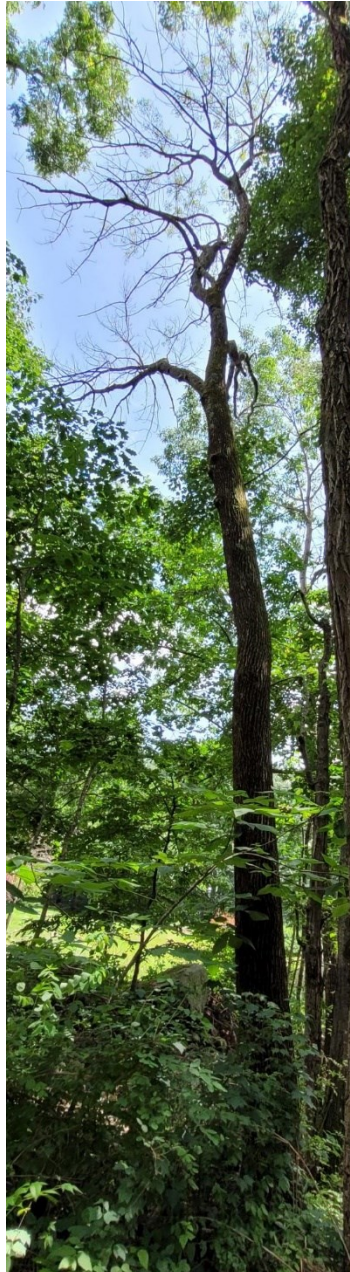
CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2023.07.12 – 108**

Resolution Re: **Granting Permission to Cut Nuisance Trees on Old Garrison Road (a Scenic Road)**

The dead tree proposed to be removed by the owners of 310 Old Garrison Road is shown below:





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2023.07.12 – 109**
Resolution Re: Approval of Ekola Conservation Easement

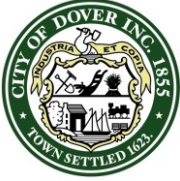
- WHEREAS: RSA 36-A:4, I authorizes the Conservation Commission to acquire in the name of the City, by purchase, the fee simple or lesser interest in land within the boundaries of the municipality, subject to the approval of the City Council; and
- WHEREAS: Nancy L. Ekola, Trustee of the Nancy L. Ekola Revocable Trust of 2018 (“Grantor”) owns a 12.76-acre property identified on Dover Tax Maps as Map B, Lot 8A; and
- WHEREAS: Subject to the approval of the Dover City Council and the Dover Conservation Commission, the City of Dover has entered into a donation agreement dated May 24, 2023 for the donation of a 10.39-acre conservation easement on the aforesaid -12.76-acre parcel; and
- WHEREAS: Pursuant to the donation agreement, the City, at its sole cost, will undertake and have completed a survey of the conservation easement boundary, an environmental hazard assessment, and any necessary title research; and
- WHEREAS: At a meeting on June 12, 2023, the Dover Conservation Commission authorized expenditure of funds.

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

- A. That the donation agreement between the City and Grantor regarding the donation of a 10.39-acre conservation easement on a 12.76-acre property identified on Dover Tax Maps as Map B, Lot 8A is approved; and
- B. That consistent with the donation agreement, the City Manager or designee shall negotiate, finalize, execute, and take necessary steps to record with the Strafford County Registry of Deeds a deed acceptable to all parties; and
- C. The Conservation Commission is authorized to expend funds from the Conservation Fund to pay for items such as recording fees, a survey, title research, title policy and legal work to accomplish the acquisition of the conservation easement on the property. The total amount of these fees shall not exceed \$21,000.
- D. That the Dover City Manager is authorized to sign any and all closing documents pertaining to the above-described transfer, and
- E. The amount of the authorization contained herein shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance	Charge
3290.1.180.46100.4710.00000.00.000.000.700	Land	\$1,342,367.14	\$1,342,367.14	\$21,000.00



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2023.07.12 – 109**

Resolution Re: Approval of Ekola Conservation Easement

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

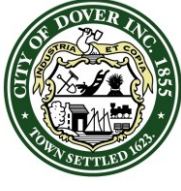
Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT 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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.7. Resolution Number: R – 2023.07.12 – 109 Resolution Re: Approval of Ekola Conservation Easement
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RESOLUTION BACKGROUND MATERIAL:

See the following accompanying documents:

- Donation Agreement dated May 24, 2023;
- Abutter letter and map;
- Proposed conservation easement map.

The City entered into a donation agreement on May 24, 2023 to acquire a 10.39-acre conservation easement located at 39 County Farm Cross Road, identified as Tax Map B, Lot 8A. This conservation easement would protect 10.39-acres of the 12.76-acre parcel owned by Nancy L. Ekola Revocable Trust of 2018. As the Ekola's have generously offered to donate the conservation easement, the City is expected to cover the cost of the conservation easement boundary survey per the donation agreement.

The proposed conservation easement has significant conservation value, including:

- Proximity to the Blackwater Brook;
- Abutment of an existing conservation easement;
- Some of the highest ranked wildlife habitat in New Hampshire;
- Prime farmland soils as well as soils of statewide importance.

This expenditure would have no impact on taxpayers. The Conservation Fund is funded through Land Use Change Tax paid by landowner's that develop land previously in the Current Use Program as well as through the Transfer of Development Rights program.

The Dover Conservation Commission held a public hearing on June 12, 2023 (see abutter letter and map attached) in accordance with RSA 36-A:5 and voted to approve the expenditure of funds for the survey associated with the acceptance of the 10.39-acre conservation easement, as well as the due diligence and other costs necessary for the acquisition.



CITY OF DOVER, NEW HAMPSHIRE
CONSERVATION COMMISSION
288 Central Avenue
Dover, NH 03820

Date: May 26, 2023
To: Property Owners Abutting 39 County Farm Cross Road
From: Bill Hunt, Conservation Commission Chair
RE: Invitation to Attend June 12, 2023 Public Hearing

The Dover Conservation Commission will hold a **Public Hearing at 5:30 PM on Monday, June 12, 2023, in the City Council Conference Room in Dover City Hall at 288 Central Avenue**, for the purpose of receiving public input on a proposal to utilize the Dover Conservation Fund to cover a survey and transaction costs associated with the acceptance of a donated 10.39-acre conservation easement. The parcel where the conservation easement is proposed is known as Map B, Lot 8A on the Dover tax maps and is located at 39 County Farm Cross Road. As an abutter to this property, you are invited to attend the public hearing.

The City has a Donation and Acceptance agreement to accept the 10.39-acre conservation easement. If the Conservation Commission approves the expenditure associated with the acceptance, the acceptance of the conservation easement will be sent to the Dover City Council for approval.

The property is close to Blackwater Brook and is connected to an existing conservation easement. The proposed conservation easement would encompass some of the highest ranked wildlife habitat in New Hampshire, helping to further expand the protected wildlife corridor in this area. In addition to wildlife, the proposed easement area would also contain prime farmland soils as well as soils of statewide importance.

For additional information, please contact Jackson Kaspari, Ph.D. – Resilience Manager at 603-516-6008 or via e-mail at j.kaspari@dover.nh.gov.

Attachment – Map of 39 County Farm Cross Road and surrounding properties.

39 County Farm Cross Rd - Abutter Map



Property Information

Property ID: B0008-A00000
Location: 39 COUNTY FARM CROSS RD
Owner: EKOLA NANCY L TRUSTEE
Land Use: 101
Zoning Code: R-40

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 12/16/2022
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

CONSERVATION EASEMENT DONATION AGREEMENT

THIS DONATION AGREEMENT (the "Agreement") is effective as of 5/24/2023, and is made by and between **CITY OF DOVER, NEW HAMPSHIRE**, a body corporate and politic, and a political subdivision of the State of New Hampshire with an address of 288 Central Avenue, Dover, NH (the "City") and **NANCY L. EKOLA, TRUSTEE OF THE NANCY L. EKOLA REVOCABLE TRUST OF 2018** (the "Grantor").

RECITALS

The Grantor is the owner of certain property identified as "Ekola Parcel" on the map in Exhibit A, located on County Farm Cross Road in the City of Dover, County of Strafford, State of New Hampshire, more particularly being the property referenced in the deed from Nancy L. Ekola, to the Grantor recorded in the Strafford County Registry of Deeds in Book 4623 Page 680 and depicted on the Dover Tax Maps as Map B, Lot 8A. ("Property")

The Grantor and the City wish to enter into an agreement pursuant to which the Grantor shall grant a donated Conservation Easement on 10.39 acres of the Property, assessed under current use, to the City.

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 City and the Grantor, intending to be bound, do hereby agree as follows:

ARTICLE I

CONDITIONS PRECEDENT

All obligations of the City within this Agreement shall be fully contingent upon the satisfactory resolution of the conditions precedent listed below in this Article I. In the event any of the conditions precedent listed below are not resolved, then the City may terminate this Agreement without further obligation of the City and without recourse by the Grantor.

Section 1.01 City Council & Conservation Commission Approval Required.

The parties acknowledge that the City cannot acquire the Conservation Easement donation unless and until the City Council and the City's Conservation Commission approve this Agreement, the expenditure of funds, and the City Council authorizes the City Manager to complete the process of acquiring the Conservation Easement. The City Council and the City's Conservation Commission must do so pursuant to a duly noticed and authorized vote of each body. The failure or refusal of the City Council and/or the Conservation Commission to approve the City's acceptance of the Conservation Easement as set forth in this Agreement by December 31, 2023, shall enable either party the right to terminate this Agreement without further obligation and recourse to the other.

ARTICLE II

REPRESENTATIONS, WARRANTIES AND COVENANTS

Section 2.01 Representations, Covenants and Warranties of the Grantor.

The Grantor represents, warrants, and covenants for the benefit of the City as follows:

(a) *Authority.* The Grantor has the power and authority to enter into and to perform its obligations under this Agreement, and has, or will, taken all action necessary to cause this Agreement to be executed and delivered.

(b) *Binding Obligation.* This Agreement is a legal, valid and binding obligation of the Grantor, enforceable against the Grantor, and the City may rely on the pledge made herein by the Grantor to convey the Conservation Easement herein described as a donation to the City so as to enable the City to secure charitable contributions of land and funds from third parties for purposes relating to the conservation of this as well as other properties.

(c) *Condition of Property.* The Grantor agrees that the Property shall remain as it now is until the transfer of the Conservation Easement to the City. The Grantor will prevent and refrain from any use of the Property for any purpose or in any manner which would be contrary to the terms of the Conservation Easement. In the event of such actions the City may, without liability, refuse to accept the conveyance of the Conservation Easement.

Section 2.02 Representations of the City.

The City represents and warrants to the Seller as follows:

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

Section 2.03 No Waiver of Ordinances, Rules or Regulations.

Nothing herein shall be construed as affecting the City's or the Grantor'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 City's intended use of the Conservation Easement.

ARTICLE III

CITY'S ACQUISITION OF CONSERVATION EASEMENT

Section 3.01 Acquisition Terms

Upon satisfaction of the conditions set forth in this Article III and the conditions precedent in Article I, the City shall accept and the Grantor shall donate the Conservation Easement. The Grantor shall convey the Conservation Easement by a good, insurable warranty Conservation Easement deed over the Property, free and clear of all liens, encumbrances, or exceptions, except as provided herein and except such easements, restrictions and other exceptions of record as will not adversely affect the conservation purposes of the Conservation Easement deed.

Section 3.02 Closing Date and Location.

The closing date for the conveyance of the Conservation Easement shall be at a date/time mutually agreed to by the parties with a goal to close by December 31, 2023 ("Closing Date") although the Parties recognize the closing may occur at a later date. The Closing Date may only be extended by mutual agreement of the parties in writing. The Closing shall take place at City Hall in Dover, New Hampshire unless otherwise agreed to by the parties.

Section 3.03 Other Closing Terms and Conditions.

(a) *Transfer Tax and Legal Review.* The City believes the City's acquisition of the Conservation Easement is exempt from New Hampshire Real Estate Transfer Tax by virtue of RSA 78-B:2, I. If the transfer is not exempt or fully exempt, the parties shall be responsible for their own respective transfer tax obligations as buyer or seller in accordance with RSA chapter 78-B.

The City acknowledges that the Grantor has made this pledge with the belief that the City is now, and will be at the time of the donation, exempt from Federal income taxation under Section 501(c) of the Internal Revenue Code of 1986, as amended (the "Code"), and that the value of said conservation easement donation may be tax deductible at the time of transfer to the extent allowed under Section 170(a) of the Code.

The Grantor shall be responsible for paying for their own legal fees and appraisal costs, should they elect to pursue a tax deduction. The City makes no representation as to the tax consequences of the transaction contemplated by this Pledge Agreement. Grantor will obtain independent tax counsel and be solely responsible for compliance with the gift value substantiation requirements of the Internal Revenue Code.

(b) *Survey and Deed.* The City, at its sole cost and expense, will undertake and have completed prior to closing a survey of the Conservation Easement boundary, said boundary to be mutually agreed to by the City and Grantor; an environmental hazard assessment; and title research. If, as part of the boundary survey, encroachments upon or under the Property from other property are found, the Grantor agrees to resolve said encroachments to the satisfaction of the City. In the event the Grantor cannot resolve said encroachments to the satisfaction of the City, the City

may, without liability, refuse to accept the conveyance of the Conservation Easement.

(c) *Inspections.* The City shall have the right to conduct an environmental inspection and assessment of the Property and based upon said inspection may, at its discretion, refuse to accept the Conservation Easement at any time prior to closing. The Grantor hereby grants the City permission to enter the Property, with reasonable advance notice, for purposes of inspections, and agrees to cooperate in good faith to accommodate such inspections.

(c) *Title.* If the City determines that there are any matters of title affecting the Property which shall prevent or impede the City from acquiring the Conservation Easement by the Closing Date, the City shall provide prompt written notice to the Grantor of the specific title matter(s) and the proposed resolution of the matter(s). Thereafter, the Grantor shall have a reasonable period of time, until the Closing Date, to cure such matter(s). If the matter cannot be satisfactorily cured by the Closing Date, then the City shall have the option to terminate this Agreement without recourse or further obligation. If the Closing Date can be extended to accommodate efforts to cure, the parties agree to discuss a reasonable extension in good faith. If the Grantor elects not to undertake such cure or fails to effect a cure within such time period, then the City may elect to (or not to) accept the Conservation Easement, failing which this Agreement shall terminate. The Grantor shall convey the Conservation Easement subject to all matters of title as of the expiration of the period for reviewing title, subject to any matters which the City satisfactorily cures or deems acceptable.

(d) *Risk of Loss.* Until the Closing, the Grantor shall bear all risk of loss to the Property, and all costs and liabilities arising from the ownership of the Property.

(e) *Land Use Change Tax:* Grantor shall be solely responsible for paying any applicable Land Use Change Tax ("LUCT") due with respect to the donation of the Conservation Easement to the City.

ARTICLE IV

MISCELLANEOUS

Section 4.01 Agreement Termination.

In the event a contingency cannot be satisfactorily cleared or addressed, and/or in the event the contingencies and conditions precedent listed in Article I above cannot be fulfilled, the City shall have the right to terminate this Agreement without recourse or further obligation by written notice provided to the Grantor by the City at any time prior to closing.

Section 4.02 Indemnification.

To the fullest extent permitted by law, the Grantor agrees to defend (with counsel acceptable to the City), indemnify, and hold harmless the City of Dover from and against any claims, losses, damages or expense (including reasonable attorneys' fees) arising out of the death or, injuries, or damages to any person, or damage or destruction of any property, in

connection with or in relation to this Agreement to the extent caused by, and/or alleging, the negligent acts, errors, or omissions of the Grantor or its officers, directors, employees, agents or independent professional associates, or any of them. This covenant shall survive the termination of this Agreement.

Section 4.03 Notices.

Any notice by a party hereto to the other party to this Agreement shall be provided as follows:

City:	City Manager City of Dover, New Hampshire City Hall 288 Central Avenue Dover, New Hampshire 03820-4169
-------	--

Grantor:	Nancy L. Ekola, Trustee Nancy L. Ekola Revocable Trust of 2018 39 County Farm Cross Road Dover, NH 03820
----------	---

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 4.04 Severability.

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

Section 4.05 Successors and Assigns.

This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. Assignment of this Agreement by the Grantor shall not be permitted without the prior written consent of the City.

Section 4.06 Waiver.

Failure by a party to insist upon the strict performance of any of the provisions of this 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 Agreement thereafter.

Section 4.07 Amendment.

This Agreement may be amended, from time to time, by written supplement hereto and executed by both the City, through the City Manager, and the Grantor.

Section 4.08 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, 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 4.09 Counterparts.

This Agreement may be executed in counterparts, each of which shall be deemed an original.

Section 4.10 Default.

In the event of a default by a party, and unless otherwise specified in this 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 4.11 Choice of Law.

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

Section 4.12 Immunities

Nothing within this Agreement shall be deemed to constitute a waiver of any existing immunity of the City of Dover, which immunities are hereby reserved to the City of Dover. This covenant shall survive the termination of this Agreement's conclusion.

Section 4.13 Right to Know

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

[Signature Page follows]

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

CITY OF DOVER, NEW HAMPSHIRE

DocuSigned by:

By:

J. Michael Joyal, Jr.

Name: J. Michael Joyal, Jr

Title: City Manager

By:

Nancy Ekola

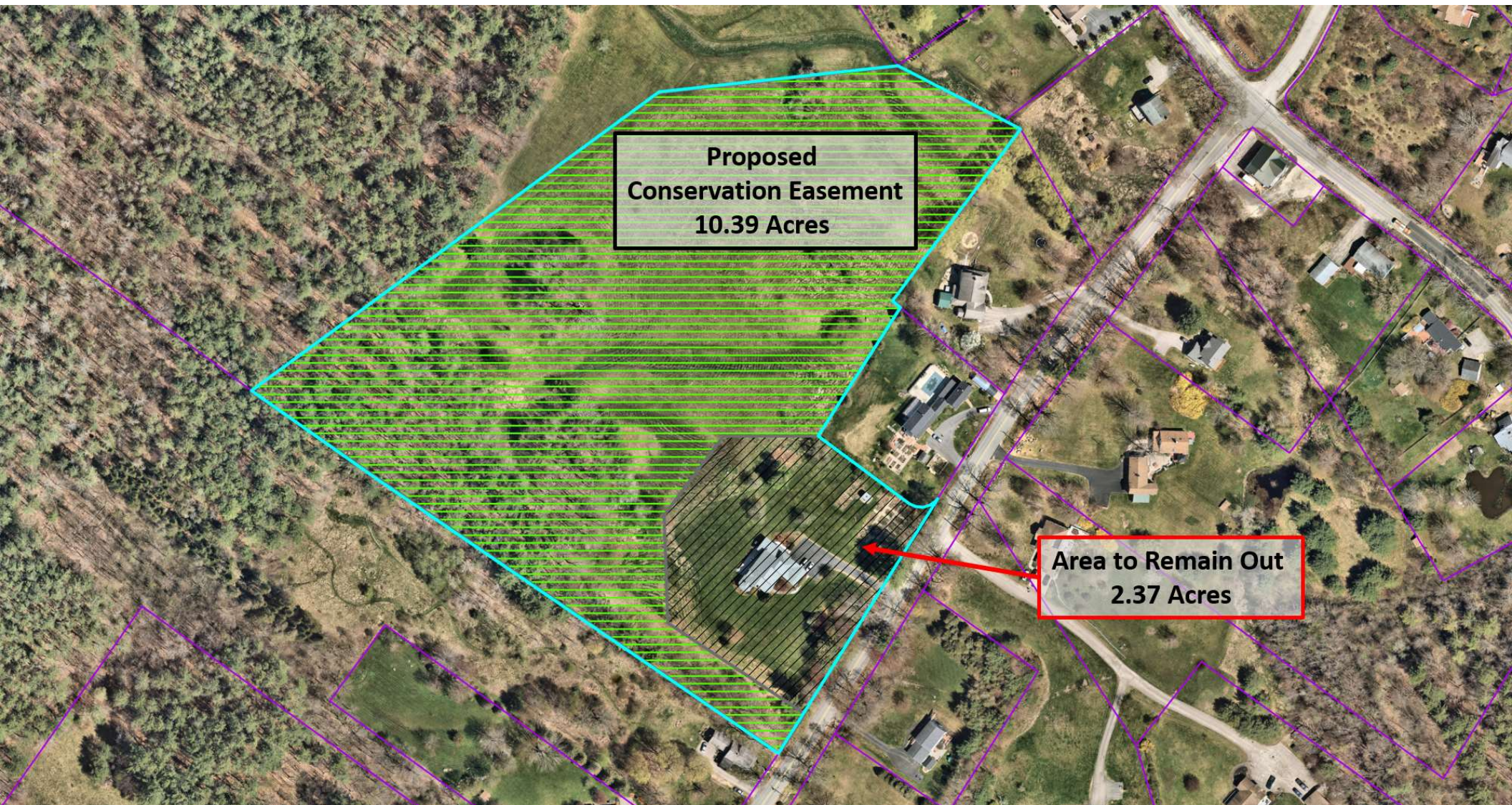
Name:

Nancy Ekola

Title:

Exhibit A – Map Indicating Approximate Area of Proposed Conservation Easement





**Proposed
Conservation Easement
10.39 Acres**

**Area to Remain Out
2.37 Acres**



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2023.07.12 – 110**

Resolution Re: Approval of Stockbower Conservation Easement

- WHEREAS: RSA 36-A:4, I authorize the Conservation Commission to acquire in the name of the City, by purchase, the fee simple or lesser interest in land within the boundaries of the municipality, subject to the approval of the City Council; and
- WHEREAS: David W. Stockbower and Raquel C. Stockbower (“seller”) own a 13.02-acre property identified on Dover Tax Maps as Map J, Lot 3A; and
- WHEREAS: Subject to the approval of the Dover City Council and the Dover Conservation Commission, the City of Dover has entered into a purchase and sale agreement dated June 6, 2023 for the purchase of a 9.52-acre conservation easement on the aforesaid 13.02-acre parcel; and
- WHEREAS: Pursuant to the purchase and sales agreement, the purchase price for the 9.52-acre conservation easement is \$556,000; and
- WHEREAS: At a meeting on June 12, 2023, the Dover Conservation Commission authorized expenditure of conservation funds.

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

- A. That the purchase and sales agreement between the City and Seller regarding the purchase of a 9.52-acre conservation easement on a 13.02-acre parcel identified on Dover Tax Maps as Map J, Lot 3A is approved; and
- B. That consistent with the purchase and sales agreement, the City Manager or designee shall negotiate, finalize, execute, and take necessary steps to record with the Strafford County Registry of Deeds a deed acceptable to all parties; and
- C. That the City Manager and the Conservation Commission are authorized to expend \$556,000 from the Conservation Fund to purchase the aforesaid 9.52-acre conservation easement, and the Purchasing Agent is hereby authorized to issue a Purchase Order consistent with the authorization herein, and
- D. The Conservation Commission is also authorized to expend additional funds from the Conservation Fund to pay for items such as recording fees, easement monitoring fees, surveys, title research, title policy and legal work to accomplish the acquisition of the conservation easement on the property. The total amount of these fees shall not exceed \$11,000.
- E. That the Dover City Manager is authorized to sign any and all closing documents pertaining to the above-described transfer, and
- F. The amount of the authorization contained herein shall be limited so as not to exceed available funding.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.8.

Resolution Number: **R – 2023.07.12 – 110**

Resolution Re: Approval of Stockbower Conservation Easement

Financing

Account	Description	Appropriation	Balance	Charge
3290.1.180.46100.4710.00000.00.000.000.700	Land	\$1,321,367.14	\$1,321,367.14	\$567,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

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

Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT 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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.8.

Resolution Number: **R – 2023.07.12 – 110**

Resolution Re: Approval of Stockbower Conservation Easement

RESOLUTION BACKGROUND MATERIAL:

See the following accompanying documents:

- Purchase and Sales Agreement dated June 6, 2023;
- Abutter letter and map;
- Proposed conservation easement map.

The City entered into a purchase and sale agreement on June 6, 2023 to purchase a 9.52-acre conservation easement located at 170 Garrison Road, identified as Tax Map J, Lot 3A. This conservation easement would protect 9.52-acres of the 13.02-acre parcel owned by Mr. David Stockbower and Mrs. Raquel Stockbower. The purchase price of the 9.52-acre conservation easement is \$556,000, which is supported by a prior appraisal. This appraisal was completed October 24, 2022 by J. Chet Rogers, MIA, in accordance with Uniform Standards of Professional Appraisal Practice. Chet Rogers determined the value of the conservation easement to be \$616,800.

The proposed conservation easement has significant conservation value, including:

- Proximity to the Bellamy River;
- Abutment of existing conservation land owned by the City of Dover and New Hampshire Fish and Game;
- Some of the highest ranked wildlife habitat in New Hampshire;
- Prime farmland soils as well as soils of statewide importance.

This expenditure would have no impact on taxpayers. The Conservation Fund is funded through Land Use Change Tax paid by landowner's that develop land previously in the Current Use Program as well as through the Transfer of Development Rights program.

The Dover Conservation Commission held a public hearing on June 12, 2023 (see abutter letter and map attached) in accordance with RSA 36-A:5 and voted to approve the expenditure of funds for the purchase of the 9.52-acre conservation easement, as well as the due diligence and other costs necessary for the acquisition.



**CITY OF DOVER, NEW HAMPSHIRE
CONSERVATION COMMISSION
288 Central Avenue
Dover, NH 03820**

Date: May 26, 2023
To: Property Owners Abutting 170 Garrison Road
From: Bill Hunt, Conservation Commission Chair
RE: Invitation to Attend June 12, 2023 Public Hearing

The Dover Conservation Commission will hold a **Public Hearing at 5:30 PM on Monday, June 12, 2023, in the City Council Conference Room in Dover City Hall at 288 Central Avenue**, for the purpose of receiving public input on a proposal to utilize the Dover Conservation Fund to purchase a 9.52-acre conservation easement. The parcel where the conservation easement is proposed is known as Map J, Lot 3A on the Dover tax maps and is located at 170 Garrison Road. As an abutter to this property, you are invited to attend the public hearing.

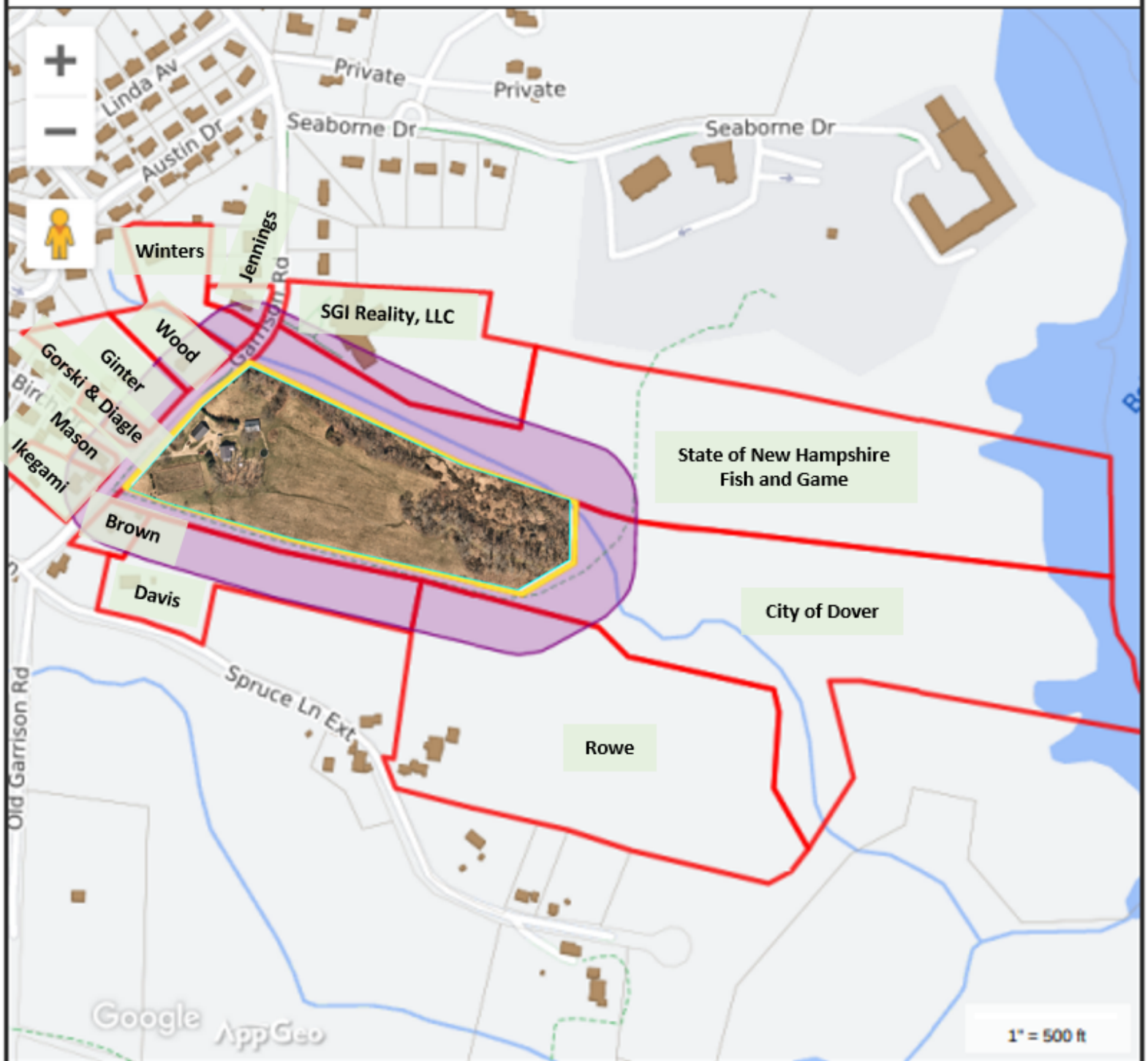
The City has a purchase and sales agreement to purchase the 9.52-acre conservation easement for the cost of \$556,000. If the Conservation Commission approves the expenditure, the funding request will be sent to the Dover City Council for approval.

The property is close to the Bellamy River and is surrounded by existing conservation land owned by New Hampshire Fish and Game and the City of Dover. The proposed conservation easement would encompass some of the highest ranked wildlife habitat in New Hampshire, helping to further expand the protected wildlife corridor along the Bellamy. In addition to wildlife, the proposed easement area would also contain prime farmland soils as well as soils of statewide importance.

For additional information, please contact Jackson Kaspari, Ph.D. – Resilience Manager at 603-516-6008 or via e-mail at j.kaspari@dover.nh.gov.

Attachment – Map of 170 Garrison Road and surrounding properties.

170 Garrison Rd. – Abutter Map



Property Information

Property ID: J0003-A00000
 Location: 170 GARRISON RD
 Owner: STOCKBOWER DAVID W &
 Land Use: 101
 Zoning Code: R-40



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 12/16/2022
 Data updated Daily

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

PURCHASE AND SALES AGREEMENT

Conservation Easement

THIS AGREEMENT is made this 6 day of June 2023, between the SELLERS, David W. Stockbower and Raquel C. Stockbower, husband and wife, of Dover, County of Strafford, State of New Hampshire (hereinafter collectively "SELLER"), and the BUYER, City of Dover, County of Strafford, State of New Hampshire, for itself and acting by and through its Conservation Commission pursuant to RSA 36-A:4 (hereinafter "BUYER").

WITNESSETH:

1. Conveyance Agreement and Description of Real Estate:

SELLER agrees to sell and convey and the BUYER agrees to buy a conservation easement on certain real estate located in Dover, New Hampshire, located on Garrison Road, known as or described as 9.52 acres more or less of Dover Tax Map J, Lot 3-A, a portion of the same property conveyed to SELLER by Warranty Deed recorded with the Strafford County Registry of Deeds Book 4634, Page 391, and generally shown in attached, Appendix A, as "REMAINING LAND 414,674 S.F. 9.52 Ac", which conservation easement will be described further by metes and bounds following completion of the survey and easement plan contemplated below (which conservation easement is hereinafter referred to at times as "the Property").

2. SELLING PRICE: Five Hundred Fifty-Six Thousand Dollars (\$556,000.00) to be paid by BUYER to SELLER at or prior to the date of Transfer of Title in United States currency.

3. DEED: The Property shall be conveyed with warranties, and, except as provided herein, free and clear of all encumbrances, by a Conservation Easement Deed containing certain perpetual, permanent, and assignable conservation restrictions running with the land, to be negotiated between the SELLER and the BUYER in good faith. This Agreement is contingent upon the parties successfully negotiating a mutually acceptable Conservation Easement Deed, which will be consistent with the provisions and intent of RSA 477:45-47 and will be negotiated between the SELLER and BUYER in good faith prior to closing.

4. TRANSFER OF TITLE: Transfer and payment shall occur as soon as reasonably possible after City Council and Conservation Commission approvals and availability of the necessary funds from the Conservation Fund, but before the Lapse Date set forth herein.

5. HOMESTEAD/MARITAL STATUS: SELLER represents and warrants that the Property constitutes part of their homestead. SELLER agrees to waive or release any

homestead rights in and to the Property in the Conservation Easement Deed to be signed at closing.

6. ENCROACHMENTS/ENCUMBRANCES: SELLER represents and warrants that at closing the Property is or will at closing be free of any encroachments or prior encumbrances other than (i) the current use notice recorded at Book 1066, Page 406, (ii) easements and matters described in the Warranty Deed recorded with the Strafford County Registry of Deeds Book 4634, Page 391, and (iii) the provisions of this Agreement. To the extent any mortgage is currently encumbering the Property, it shall be SELLER's obligation to obtain a mortgage release or subordination agreement satisfactory to BUYER, to be signed by the parties to this Agreement and the lender(s) and recorded with the Strafford County Registry of Deeds at or prior to the closing on the Property. In the event the Seller shall be unable to obtain a mortgage release or subordination agreement satisfactory to the Buyer, then this Agreement shall terminate without further obligation of either party to buy or sell the Property and, except as provided for in Paragraph 9, without recourse by any party against the other party.
7. REALTOR: The BUYER and SELLER each covenant and represent that no real estate agent brought about this sale and no commission is owed.

8. CONDITIONS AND CONTINGENCIES PRIOR TO BUYER'S PERFORMANCE:

The City's obligation to purchase is conditioned and fully contingent upon the following:

- a. CITY APPROVAL CONTINGENCY: This Agreement is fully contingent upon the BUYER obtaining the necessary municipal approval by the Dover Conservation Commission for the funding, and by the Dover City Council, to accept the granting of this conservation easement to the City. Should either the Conservation Commission or City Council vote against issuing aforesaid approvals for any reason, then this Agreement shall terminate without further obligation of any party to buy or to sell the Property and, except as provided for in Paragraph 9, without recourse by any party against the other party.
- b. TITLE EXAMINATION: The BUYER's obligation to perform is contingent upon satisfactory examination of title within 90 days following the execution of this Agreement by all parties. The BUYER's obligation to perform is also contingent upon insurability of the Property's title. "Examination of title" includes but is not necessarily limited to review of the source of title, any covenants of record, easements of record, or any other encumbrance or title defect that may exist. If BUYER desires and undertakes an examination of title, BUYER shall pay the cost thereof. If upon examination of title it is found that the title is not marketable pursuant to the title standards of the New Hampshire Bar Association and SELLER is unable

or unwilling to cure same within the timeframe discussed below, then this Agreement upon written notice to the SELLER may be rescinded and withdrawn at the option of the BUYER with no consequence or recourse. BUYER's objections to title shall be furnished to SELLER within 90 days from the date hereof, or the same which may be existing on the date of this Agreement shall be deemed waived. SELLER will have thirty (30) days after receiving any objections to title to use reasonable efforts to cure such defects, and, should this thirty-day period extend beyond the Lapse Date, the parties will cooperate in good faith to amend this agreement and extend the Lapse Date in order to accommodate the 30-day period to cure any title objections.

- c. **BOUNDARIES SURVEY:** The BUYER's obligation to perform is also contingent upon completion of a satisfactory survey of the Property by a licensed land surveyor and related tasks. Prior to the closing, the SELLER, at their sole expense, shall commission and engage a licensed land surveyor to complete a survey of the Property, prepare a recordable easement plan showing the conservation easement area, and prepare a metes and bounds description of the Property.
 - d. **ENVIRONMENTAL REVIEW/INVESTIGATION:** Seller represents and warrants that, during the period Seller has owned and will own the Property, there has been no unlawful use, storage, generation, or disposal of hazardous materials, contaminants, pollutants, old, or petroleum product (as defined by an applicable law or regulation) by the Seller on the Property. Seller also represents and warrants that, to the best of Seller's knowledge, the Property was never used for any such purposes prior to the time Seller acquired title thereto, and that the Seller has no evidence of any such hazardous waste, hazardous material, or petroleum product on or affecting the Property. Notwithstanding the foregoing, the BUYER's obligation to perform is contingent upon a satisfactory environmental site assessment, if BUYER chooses to undertake same. BUYER may, but is not required to, undertake an environmental site assessment, the cost of which shall be borne by the Buyer. In the event of any environmental or other concerns or problems discovered by the BUYER during the survey and/or any environmental site assessment, the BUYER may, at its option, rescind and withdraw from this Agreement with no consequence or recourse, except as provided for in Paragraph 9, against BUYER. SELLER hereby acknowledges that BUYER has the right of access to the Property for purposes of the survey and environmental site assessment, during the terms of this Agreement.
9. **RESTORATION:** After each access to the Property, the BUYER shall restore the Property to the condition prior to the BUYER'S activities. The BUYER agrees to indemnify, and hold the SELLER harmless from and against any and all loss, liability, damage or expense arising, or alleged arisen, from any negligence of the Buyer or its agents with respect to such tests or actions by the BUYER, including, without limitation,

injury (including death) to persons and damage to the Property. The provisions of this Paragraph 9 shall survive the termination of this Agreement and the closing.

10. **CLOSING COSTS:** The BUYER agrees to pay for reasonable costs associated with preparing a baseline documentation report, conducting a title examination, title insurance for BUYER, and any recording fees. The SELLER agrees to pay for all costs associated with preparing a recordable surveyed easement plan, metes/bounds description, and other surveying-related costs. The BUYER or its designee shall prepare the Conservation Easement Deed with warranty covenants from the SELLER to the BUYER.
11. **TRANSFER TAXES:** The parties agree that there would appear to be no Real Estate Transfer Taxes ("RETT") due as a result of the conservation easement for the Property due to the exemption set forth in RSA 78- B:2, I. In the event any RETT is due, then each party agrees to bear that party's share of the RETT, if any.
12. **LAPSE:** The parties will use best efforts to close by end of day on December 31, 2024. This Agreement shall expire and lapse by its terms at 11:59 p.m. on December 31, 2024 ("Lapse Date"), unless fully performed or extended via a written instrument signed by both parties or extended by mutual agreement in writing. Time is of the essence in the observance of all deadlines set forth within this Agreement.
13. **CURRENT USE:** The parties acknowledge the Property is in current use. Should at any time in the future a Land Use Change Tax, penalty, or any other such tax, be asserted or assessed with respect to the Property, the SELLER shall have the sole obligation to pay and satisfy such tax or penalty.
14. **SURVIVAL:** The representations/warranties above in Paragraph 5, Paragraph 6, Paragraph 8(d) and 9, together with the provisions of Paragraph 13, shall all survive the closing on the Property and endure in perpetuity.
15. **MISCELLANEOUS:** This Agreement is a fully integrated expression of the parties' contact and contains all promises exchanged between the parties. This Agreement supersedes any prior verbal or written representation, statement, or agreement not contained herein. This Agreement has been entered into in New Hampshire and shall be interpreted under New Hampshire law. Both parties affirm that they have had the opportunity to review this Agreement with legal counsel prior to signing. This Agreement may only be amended via a written instrument signed by both parties, This Agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

Execution Version 5/18/2023

IN WITNESS WHEREOF, the parties have signed

May 22, 2023
Date

David W. Stockbower
David W. Stockbower, Seller

May 22, 2023
Date

Raquel C. Stockbower
Raquel C. Stockbower, Seller

5/24/2023
Date

CITY OF DOVER, Buyer

DocuSigned by:
J. Michael Joyal, Jr.
5C8342386B5E429...
J. Michael Joyal, Jr.
City Manager

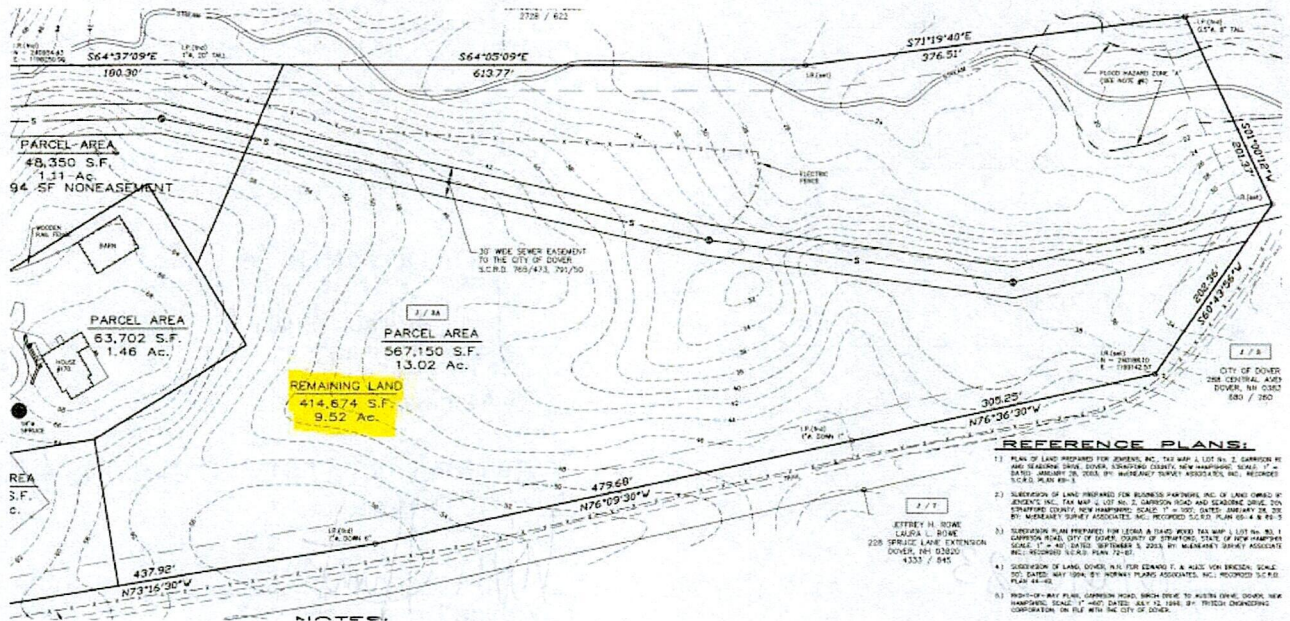
6/6/2023
Date

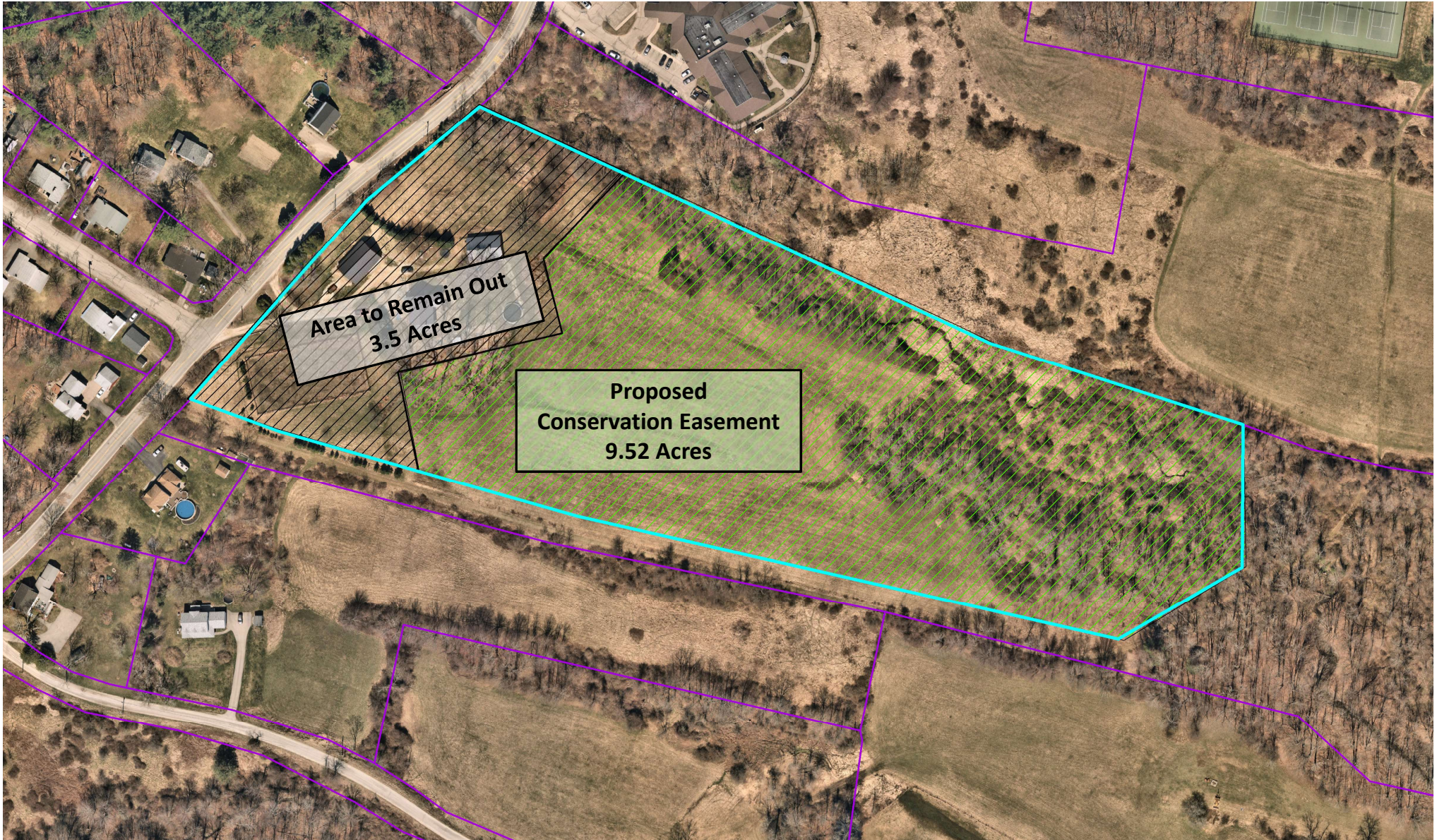
THE CONSERVATION COMMISSION OF
THE CITY OF DOVER

William Hunt
William Hunt
Conservation Commission Chairman

Execution Version 5/18/2023

APPENDIX A





**Area to Remain Out
3.5 Acres**

**Proposed
Conservation Easement
9.52 Acres**



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

Resolution Number: **R – 2023.07.12 – 111**

Resolution Re: Approval of a Limited Access Right of Way Use and
Occupancy Agreement for Emergency Water
Interconnection with City of Portsmouth

WHEREAS: The City of Dover has proposed to locate a 16” water main and water facilities on the General Sullivan Bridge as part of an emergency water interconnection with the City of Portsmouth; and

WHEREAS: The New Hampshire Department of Transportation has approved the proposal, but requires that the City of Dover sign a Limited Access Right of Way (“LAROW”) Use and Occupancy Agreement with DOT’s terms for the City’s use and occupation of a State highway.

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

The City Manager is authorized to negotiate, finalize and execute, on terms acceptable to both parties, the LAROW Use and Occupancy Agreement between the City of Dover and the State of New Hampshire, Department of Transportation, with regard to the Dover-Portsmouth emergency water interconnection main referenced above.

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.9.	
Resolution Number: R – 2023.07.12 – 111 Resolution Re: Approval of a Limited Access Right of Way Use and Occupancy Agreement for Emergency Water Interconnection with City of Portsmouth		

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Attached is a copy of the LAROW Use and Occupancy agreement for the proposed emergency interconnection water main.

NEWINGTON-DOVER
11238-S
X-A005(301)
(Spaulding Turnpike; General
Sullivan Bridge Replacement)
(Water Facilities Installation)

USE AND OCCUPANCY AGREEMENT

1. The following entities shall be parties to this Agreement made in duplicate this ____ day of _____, _____, and shall be bound by its provisions:
 - A. The CITY OF DOVER, hereinafter called the "City", acting by and through the Director, Dover Community Services Department, 271 Mast Road, Dover, NH, 03820.
 - B. The STATE OF NEW HAMPSHIRE, hereinafter called the "State", acting by and through the Commissioner, New Hampshire Department of Transportation (NHDOT), 7 Hazen Drive, PO Box 483, Concord, NH, 03302-0483.
2. The City, through its consultant, has submitted a set of plans to the State to be incorporated in the Newington – Dover 11238-S project for installation of facilities within the highway right-of-way; and the State has reviewed and approved these plans.
3. This Agreement covers the Use and Occupancy of the Limited Access Right-of-Way (LAROW) of the Spaulding Turnpike as shown on the attached plans. Such occupancy having been granted by execution of this document covers the installation of a 16" water main and water facilities at the location described as follows: Beginning in the LAROW at approximately Station 103+59 then southeasterly 741' the 16" insulated ductile iron water main is suspended from the General Sullivan Bridge to the Dover/Newington town line at approximately Station 111+00. The water main facility with the LAROW of the Spaulding Turnpike consists of 741' of 16" Ductile Iron water pipe in the City of Dover, County of Strafford, New Hampshire.

The approved plans titled NEWINGTON-DOVER 11238-S GENERAL SULLIVAN BRIDGE OVER LITTLE BAY MULTI-USE PATH, dated April 7, 2023 as prepared by VHB, Inc. for the State are hereby incorporated in this Agreement.
4. The City shall submit any proposed alterations to said plans in writing to the State for review and approval by the State.
5. The State has initiated the development of a Global Information System (GIS) to identify facilities, including drainage and utilities within the ROW. The City shall submit GPS coordinates based upon the New Hampshire State Plane coordinates system on the North American Datum of 1983 (1996 adjustment by NGS) of the as built water facilities. The coordinates shall be submitted to the Chief of Design Services, NHDOT, 7 Hazen Drive, PO Box 483, Concord, NH, 03302.

6. The City shall submit its written maintenance policies and procedures which are to be used for the inspection, repair, and maintenance of said facilities to the State for review and approval. Such procedures shall be approved by the State prior to initial operation of the constructed facilities.
7. The City shall give the State a minimum of two (2) business days' notice of scheduled or nonscheduled maintenance of the water facilities except emergency repairs, for which the City shall contact the State while such emergency repairs are being done. Regular maintenance, inspection, and updating by the City shall not be conducted without prior notification to the State.
8. The costs and expenses for the installation and maintenance of the water facilities shall be the responsibility of the City.
9. The City or their contractor is solely responsible for the presence of their equipment along the State's LAROW. The City agrees the installation shall be consistent with the State's right to access if necessary.
10. The City agrees that access to the water facilities for scheduled or nonscheduled maintenance or for any other purpose shall be made in accordance with the following procedure:
 - a) Prior to working on or crossing the LAROW of Spaulding Turnpike, NHDOT Bureau of Turnpikes shall be notified, and work will be scheduled with them.
 - b) At all times when working within the Spaulding Turnpike, traffic control devices shall be provided by the City as required by the State.
 - c) Any and all work done by the City at these locations shall conform to standards set by the State.
 - d) Additional requirements or modifications of the above may be further negotiated with and approved by the NHDOT Bureau of Turnpikes and incorporated by reference.
11. The Use and Occupancy of the LAROW by the City shall be at the sufferance of the State. The State may terminate this Agreement upon sixty (60) days' notice in writing to the City at the above address. Upon the termination of this Agreement pursuant to this paragraph, the City shall have one (1) year to remove said water facilities and all appurtenances from the LAROW.

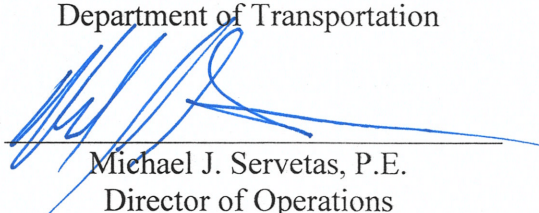
12. The City shall promptly and at its sole expense make such relocations and adjustments, including removal of facilities if required by the State, as may be necessary to accommodate highway or bridge construction, reconstruction, repair, or maintenance. Such relocation and adjustment shall be at the sole expense of the City. Notwithstanding any statute or regulation to the contrary which may now exist or hereafter be created, no cost of such relocation or adjustment shall be eligible for participation by the State or Federal Highway Administration (FHWA); and the City hereby waives any right it may now have or hereafter acquire to request such participation. EXCEPT THAT, the provisions of RSA 228:22 shall govern where applicable.
13. Where applicable, in accordance with RSA 72:23, I(b), this agreement is made between the parties subject to the condition that the City shall pay all duly assessed personal and real estate taxes. Failure of the City to pay the duly assessed personal and real estate taxes when due shall be cause to terminate this agreement by the State. In accordance with the requirements of RSA 72:23, I(b), the City shall be obligated to pay personal and real estate taxes on structures or improvements added.
14. The City agrees that the State, its agencies and their employees, agents, and representatives shall not incur any legal liability whatsoever to the City for any damage to the water facilities or to any other property or employee of the City or to any other person or entity hired by or affiliated with the City resulting from or arising out of any ownership and use of and operations within the LAROW, including but not limited to inspection, maintenance, cleaning, snow removal, construction, reconstruction, rehabilitation, and repair.
15. The City shall indemnify, defend, and hold harmless the State, NHDOT, United States Department of Transportation (USDOT), FHWA, and their employees, agents, and representatives against any and all claims, actions, causes of action, demands, liabilities, losses, penalties, damage of any kind, and failure to comply with any utility-type commission's permitting, regulations, and guidelines, including all actions for indemnity and/or contribution, and including reasonable attorneys' fees, resulting from or arising out of any City or State ownership, use of, and operations within the LAROW, including but not limited to inspection, maintenance, cleaning, snow removal, construction, reconstruction, rehabilitation, and repair of either the water or the highway facilities. The indemnification provided under this paragraph shall include, but not be limited to, any and all claims or demands for loss of revenue, income, business or economic opportunity, customers, profits, presence of and occupation of, and service resulting from or arising out of any inability or failure of the water facilities to provide service as intended by the City.
16. The City shall, at the request of the State and at the expense of the City, provide whatever protection is deemed necessary by the City or by the State in the event the State performs any work on the highway, including but not limited to inspection, maintenance, cleaning, snow removal, construction, reconstruction, rehabilitation, and repair of the highway facilities.
17. Any damage to the LAROW and the highway facilities contained therein which, as determined by the State, is caused by, results from, or arises out of the installation, maintenance, or presence of the water facilities shall be repaired by the State. The City shall fully compensate the State for all costs associated with the repair of any such damage.

18. Upon breach of any provision of this Agreement by the City, the State may either (a) enforce the breach provision by means of an injunction proceeding, or (b) seek damages, including all consequential damages which arise out of the breach, or both. In any such action to enforce the Agreement or collect damages for its breach, the City shall reimburse the State for all attorneys' fees reasonably incurred by the State in such action.
19. Notwithstanding any provision of this Agreement, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this Agreement.
20. This Agreement may be amended only by an instrument in writing signed by the parties hereto and only after approval of such amendment by the State of New Hampshire and the FHWA, if applicable.
21. This Agreement shall be construed in accordance with the law of the State of New Hampshire and is binding upon and inures to the benefit of the parties and their respective successors and assigns including all agencies, departments, bureaus, authorities, boards, commissions, and committees of the State.
22. The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit. The State also shall not be responsible for any negligent/intentional acts of third parties.
23. The City shall not assign or otherwise transfer any interest in this Agreement without the prior written consent of the State, except that no consent shall be required for a transfer or assignment to a wholly owned subsidiary or affiliate of the City or any parent company of the City.
24. This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire Agreement and understanding between the parties, and supersedes all prior Agreements and understandings relating hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE STATE OF NEW HAMPSHIRE
Department of Transportation

CITY OF DOVER
Dover Community Services

BY: 

Michael J. Servetas, P.E.
Director of Operations

BY: _____

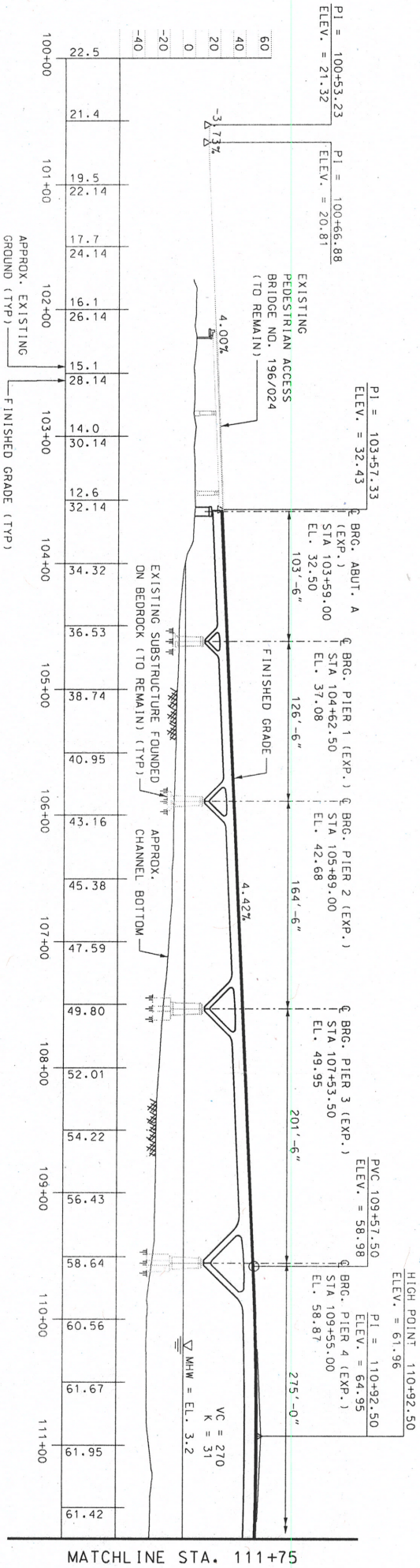
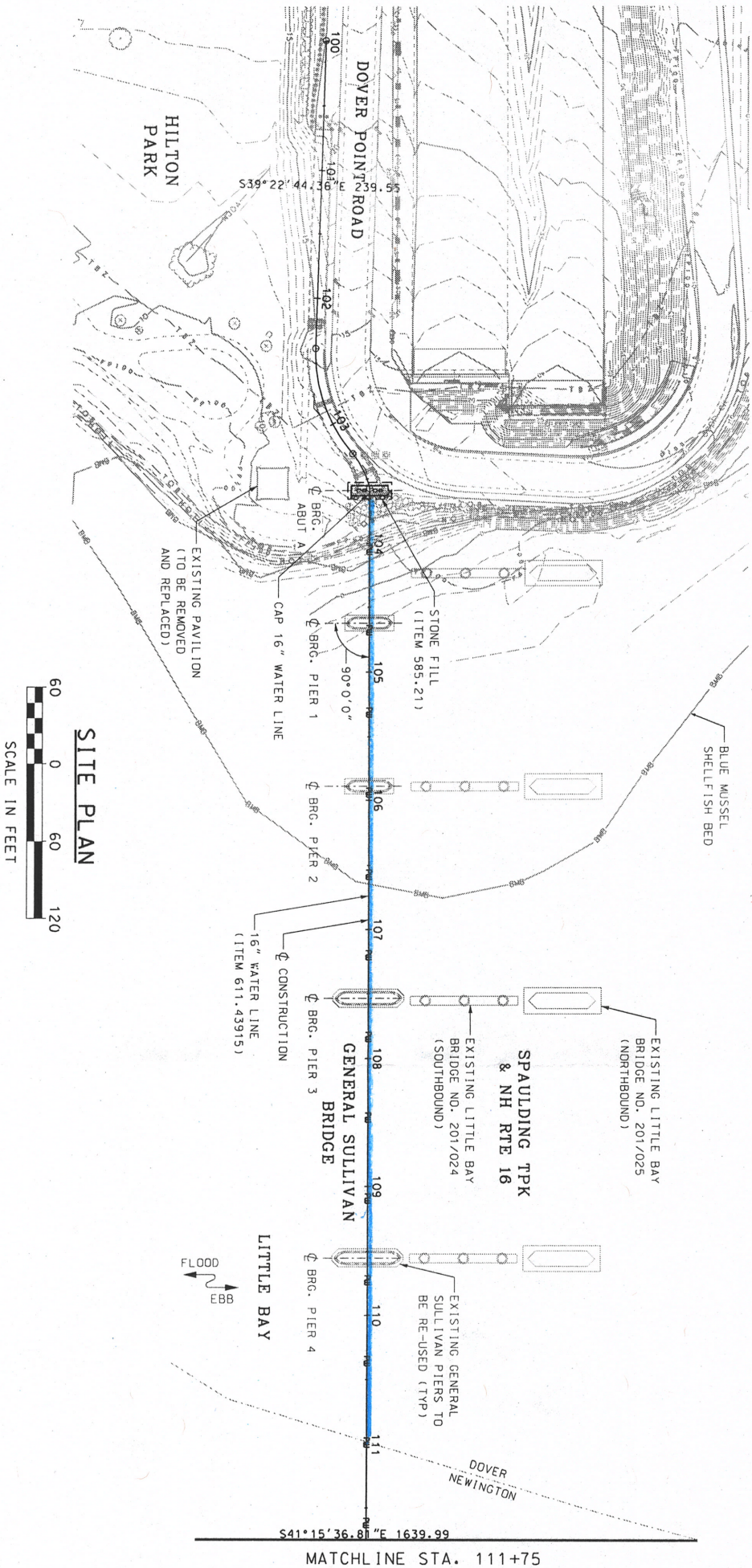
(Signature)

(Typed or Printed Name)

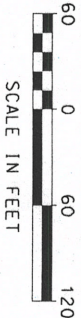
(Title)

MSM *for*
JAM

PS&E PLANS
SUBJECT TO CHANGE
DATE 3/28/2023



PROFILE AT C CONSTRUCTION



PLOT DATE	DRAWING NAME	SHEET SCALE
3/28/2023	11238S_site1.dgn	AS NOTED



STATE OF NEW HAMPSHIRE									
DEPARTMENT OF TRANSPORTATION * BUREAU OF BRIDGE DESIGN									
TOWN NEWINGTON-DOVER									
BRIDGE NO. 200/023									
STATE PROJECT 11238S									
LOCATION GENERAL SULLIVAN BRIDGE OVER LITTLE BAY									
SITE PLAN AND PROFILE (1 OF 2)									
REVISIONS AFTER PROPOSAL		BY	DATE	CHECKED	DATE	BY	DATE	BRIDGE SHEET	
DESIGNED		TSP	4/23	CHECKED	4/23	GSQ	4/23	5 OF 63	
DRAWN		BJM	4/23	CHECKED	4/23	JGM	4/23	FILE NUMBER	
QUANTITIES				CHECKED				143-2-1	
ISSUE DATE		FEDERAL PROJECT NO.				SHEET NO.		TOTAL SHEETS	
REV. DATE						13		88	

= 16" Water Line



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2023.07.12 – 112**

Resolution Re: B21001 Rock Salt & Solar Salt Cooperative Purchase

- WHEREAS: A Sealed Request for Proposal 18-20 was issued and received by the City of Concord for Untreated Salt and Solar Salt on July 17, 2020 for multi-year agreement; and
- WHEREAS: In an effort to obtain better pricing and quality of product and delivery service, the RFP was a cooperative endeavor with several other municipalities as outlined in the background section of this resolution. The Council awarded the first year of the contract to Morton, as well as subsequent years, via resolution R-2020.08.26-142, and;
- WHEREAS: Rates for the fourth year of the agreement beginning July 1, 2023 through June 30, 2024 were received by the vendor requesting a 3.91% increase to the current contract pricing at \$71.59 per ton for delivered rock/solar salt and \$70.00 per ton for picked up rock salt, and \$70.50 per ton for picked up solar salt at the Portsmouth Plant, and;

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Morton Salt, Inc. of Chicago, IL for rock/solar salt delivered or picked up at the given rates provided in conjunction with Bid #B21001 for Year 4. The City Manager, or designee, is hereby authorized to finalize contract language with the vendor, consistent with the Purchase Order authorized herein, for the City Manager's signature.

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

Financing

Account	Description	Appropriation	Balance
1000.1.300.43125.4612.00000	Snow removal - operating supplies	275,360	275,360

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.1.

Resolution Number: **R – 2023.07.12 – 112**

Resolution Re: B21001 Rock Salt & Solar Salt Cooperative Purchase

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkle, Ward 2		
Councilor Deborah Thibodeaux Ward 3		
Councilor Deborah Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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 – 2023.07.12 – 112**

Resolution Re: B21001 Rock Salt & Solar Salt Cooperative Purchase

RESOLUTION BACKGROUND MATERIAL:

A Sealed Request for Proposal 18-20 was issued and received by the City of Concord for Road Salt and Solar Salt and included the municipalities noted below.

City of Concord

City of Laconia

City of Somersworth

Town of Enfield

City of Dover

City of Lebanon

City of Claremont

Town of Farmington

City of Keene

City of Rochester

Town of BoW

At the time of this resolution creation, it was the consensus of most of the municipalities participating to award to Morton Salt, Inc. It is the recommendation of the City to Dover to award to Morton Salt, Inc.

Bid Information:

A Sealed Request for Proposal 18-20 was issued and received by the City of Concord for Road and Solar Salt on July 17, 2020.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution. City staff will work with the City of Concord and the vendor to finalize the terms of the contract following City Council approval.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	N/A	Number of Responses:	3
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	June 30, 2024	Estimated Delivery:	As needed
Recommended Award to:	Morton Salt, Inc.	Fund:	Operating – Snow Removal
Other Approvals Required:	No	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

[Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R - 2023.07.12 – 113**
Resolution Re: B23040 Award of Bid for River Street Pump Station
Upgrades

- WHEREAS: A sealed Request for Proposal #B23040 was issued and received for River Street Pump Station Upgrade on June 29, 2023 at 2:30 p.m. and;
- WHEREAS: Four bid responses were received and reviewed for necessary qualifications, experience, understanding of project scope, approach for completing the work, certification to design, deliver, support and manage proposed solution and the offer deemed most advantageous came from the low bidder Waterline Industries Corporation, Seabrook NH. It is the recommendation to award the project to Waterline Industries Corporation in the amount of \$8,397,677.00 Base Bid and \$8,482,177.00 Base Bid plus Alternates; and
- WHEREAS: This contract is funded in whole or in part by the State of New Hampshire Clean Water State Revolving Loan Fund (CWSRF) program; and
- WHEREAS: Based upon a recommendation by the design engineer, a construction contingency allowance of approximately 5%, or \$425,000.00 is recommended to be approved and held in contingency in conjunction with B #B23040.
- NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The Purchasing Agent is hereby authorized to issue a purchase order to Waterline Industries Corporation not to exceed \$8,907,177.00. 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
5320.1.300.43250.4757.04572.20	Sewer Pump Station Upgrade	708,420.47	590,563.24
5320.1.300.43250.4757.04572.22	Sewer Pump Station Upgrade	7,151,571.16	6,753,338.32
5320.1.300.43250.4741.04594.24	Sewer Pump Station Upgrade	4,500,000.00	4,500,000.00

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 - 2023.07.12 – 113**
Resolution Re: B23040 Award of Bid for River Street Pump Station
Upgrades

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.2.

Resolution Number: **R - 2023.07.12 – 113**
Resolution Re: B23040 Award of Bid for River Street Pump Station
Upgrades

RESOLUTION BACKGROUND MATERIAL:

The River Street Pump Station is 30 years old and a substantial amount of the existing building, controls, and electrical systems are original to the station. City staff recognized a need via its Asset Management Program that the pump station needed an upgrade to ensure its reliable operation. Back in late-May, the station experienced a catastrophic flooding event due to some old and corroded piping. The pump station is critical to the City's wastewater system as over 80% of the City's total flow passes through the station and force main. The installation of the pump station allowed for the old wastewater treatment to be abandoned along the waterfront.

With the Waterfront Redevelopment pending, the City had approved a \$1 million project for enhancing the odor-control components of the pump station. The pump station has a traveling bar rack that pulls debris, rags, and other material that either cannot be pumped or treated through the wastewater treatment plants biological process. The material is currently extracted and dumped into the back of an open-body dump truck. Odor control upgrades will include a bagging system to that will encapsulate and trap removed debris. Additionally, there will be an active ventilation system with carbon filtration.

Concurrent with the planned odor control work, the City qualified for a \$8.2 million Clean Water SRF funding package to complete a full renovation of the pump station. Proposed upgrades will include:

- Decommission existing underground fuel storage tank and install new exterior diesel generator with weatherproof and acoustically attenuated enclosure,
- Upgrades to the building structure to including the roof, masonry, doors, and louvers to the bring into compliance with applicable building codes,
- Upgrades to the ventilation system and improvements for balancing HVAC, installation of a natural gas boiler and new gas service to the building, fire suppression upgrades to meet applicable codes,
- Electrical upgrades to address recommendations presented in the Energy Evaluation completed for the City of Dover by Process Energy Services, LLC in December 2019.
- Upgrades to the PLC's and associated telemetry and control equipment. The existing SCADA infrastructure is largely obsolete and no longer supported by the manufacturer.
- Upgrades to the piping and valves, including all flow control gates in the wet well side of the pump station,
- Upgrades to chemical storage, feed systems, and facilities,
- Odor control enhancements,
- Grit system improvements,
- Upgrades to pressure surge suppression tanks and controls,
- Upgrades to air release and clean-out manholes along the force main between the pump station and the wastewater treatment plant.

Bid Information:

A sealed Request for Proposal on June 29, 2023 at 2:00 p.m.

Award Information:

A purchase order will be issued to the vendor selected to authorize future expenditures.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R - 2023.07.12 – 113**
Resolution Re: B23040 Award of Bid for River Street Pump Station
Upgrades

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	701	Number of Responses:	4
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until completed	Estimated Delivery:	asap
Recommended Award to:	Waterline Industries Corporation	Fund:	CIP
Other Approvals Required:	No	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

[B23040 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R - 2023.07.12 – 114**

Resolution Re: Authorization to Accept and Expend ARPA Chapel St
Ravine Stormwater Treatment System Property Assessment
Grant

WHEREAS: The City of Dover Community Services Department has applied for an (ARPA) American Rescue Plan Act Chapel Street Ravine Stormwater Treatment Property Assessment Grant in the amount of \$100,000.00; and

WHEREAS: The grant has been awarded to the City of Dover contingent upon Governor and Executive Council approval. The scope of work represents the next critical phase of securing the necessary land and/or easements to allow the project to move towards implementation. The goals of this proposed phase of this project is to have secured, or taken substantial steps towards securing, land acquisition and easements that will allow the city to confidently proceed with the subsequent phases of preliminary design and implementation (design and construction) of the new Chapel Street Ravine Stormwater Treatment System; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to expend the grant funds for eligible project costs is needed; and

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to expend the grant funds awarded to the City of Dover, and any funding received is hereby 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 as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the 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 vendors 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
TBD	ARPA Chapel St Ravine Stormwater Treatment System Property Assessment	100,000.00	100,000.00

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R - 2023.07.12 – 114**

Resolution Re: Authorization to Accept and Expend ARPA Chapel St
Ravine Stormwater Treatment System Property Assessment
Grant

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 Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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 - 2023.07.12 – 114**

Resolution Re: Authorization to Accept and Expend ARPA Chapel St
Ravine Stormwater Treatment System Property Assessment
Grant

RESOLUTION BACKGROUND MATERIAL:

In March 2022, the City of Dover and its consulting engineer (Kleinfelder) completed a study (the Chapel Street Ravine Stormwater Treatment System Study), which was financed by a \$75,000 Stormwater Planning Loan from the Clean Water State Revolving Fund (CWSRF) administered by the New Hampshire Department of Environmental Services (NHDES) CWSRF Loan Program. The study included the evaluation of possible options for utilizing the ravine as an area to treat the stormwater naturally before re-entering the closed drainage system at the southern end of the ravine near Chapel Street and discharging to the Cocheco River, thereby reducing pollutant loads to the Cocheco River and improving water quality. The Cocheco River is impaired for a variety of constituents including nitrogen, dissolved oxygen, etc. according to New Hampshire's 2018 303(d) List of Impaired Waters. A stormwater treatment system within the ravine could also provide the ability to attenuate peak flows in the existing closed drainage system.

The study concluded that the existing Chapel Street Ravine holds considerable potential as a location for a green infrastructure-based stormwater treatment system. The study also identified several feasible green infrastructure-based stormwater treatment options (i.e., BMPs), which led to the development of four specific concept plans. A specific concept plan comprised of a forebay followed by a multi-pond detention system was deemed most favorable in terms of balancing expected pollutant loading removal with capital and O&M costs.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2023.07.12 - 115**

Resolution Re: Authorization to Accept and Expend the InvestNH
Municipal Housing Opportunity Planning Grant from NH
Department of Business and Economic Affairs

WHEREAS: The City has received notice from the NH Department of Business and Economic Affairs (BEA) of an award of the InvestNH Municipal Housing Opportunity Planning Grant in the amount of \$65,000.00 for the purpose of assisting municipalities looking to increase housing opportunities through community engagement and regulatory change; and

WHEREAS: In adhering to the requirements established by the NHDES and per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to apply for, accept, and expend unanticipated funds for eligible project costs is needed; and

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to apply for, accept, and expend grant funds allocated to the City of Dover on behalf of the NH Department of Business and Economic Affairs from InvestNH Municipal Housing Opportunity Grant from and any funding received is hereby 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 as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the 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 amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
TBD	InvestNH Municipal Housing Opportunity Grant	65,000.00	65,000.00

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2023.07.12 - 115**
Resolution Re: Authorization to Accept and Expend the InvestNH
Municipal Housing Opportunity Planning Grant from NH
Department of Business and Economic Affairs

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

NH Business and Economic Affairs' InvestNH program has approved the City of Dover request of \$65,000 for the City to pursue the Housing Opportunity Planning Phase 2 Regulatory Audit and the Phase 3 Regulatory Development. Funds from this award will be used to solicit a contractor, who will work with Planning Department staff and the Committee to Address Community Housing Needs to assess current land use policies and definitions, identify potential barriers to attainable housing development, and assist in drafting amendment language for review and possible adoption.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2023.07.12 – 116**

Resolution Re: Authorization to Accept and Expend the New Hampshire Office of Highway Safety Grant

WHEREAS: The City of Dover Police Department has applied for a State of NH Office of Highway Safety Grant in the amount of \$33,137.50; and

WHEREAS: The grant will fund overtime for all traffic enforcement patrols funded by the NH Office of Safety. This includes speed enforcement, DWI patrols, pedestrian and bicycle safety, seat belt, and distracted driving enforcement, educational presentations covering operator and pedestrian safety, and the purchase of 5 new in vehicle radar units; and

WHEREAS: There is a soft match of 25% required for the enforcement patrols and the educational presentations and the match will consist of vehicle maintenance costs, staff time to administer the grant, staff time to process traffic cases, time for court testimony and hearings, as well as time spent by officers enforcing traffic laws while not being paid for by this grant; and

WHEREAS: There is a cash match of 25% required for the radar units which will be paid for using existing department funds; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to expend the grant funds for eligible project costs is needed; and

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to expend the grant funds awarded to the City of Dover, and any funding received is hereby 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 as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

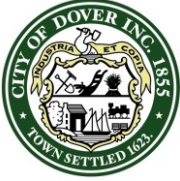
In expending funds for eligible costs identified in the grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The City Manager, or designee, is hereby authorized to contract with vendors 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
TBD	Highway Safety Grant	33,137.50	33,137.50

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2023.07.12 – 116**

Resolution Re: Authorization to Accept and Expend the New Hampshire
Office of Highway Safety Grant

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 Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Each year, the police department is allocated funding from the NH Office of Highway Safety in order to conduct various traffic enforcement patrols. This year, the grant is for traffic enforcement overtime patrols, educational presentations and radar units. The overtime patrols include speed enforcement, DWI patrols, pedestrian and bicycle safety, and distracted driving enforcement. The educational presentations cover operator and pedestrian safety. Lastly, there is funding to purchase 5 new in vehicle radar units. There is a soft match of 25% required for patrols and presentations which will consist of vehicle maintenance costs, staff time to administer the grant, staff time to process traffic cases, time for court testimony and hearings, as well as time spent by officers enforcing traffic laws while not being paid for by the grant. There is a 25% cash match for the speed enforcement equipment which will be paid out of the department's operating budget.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R – 2023.01.11 – 117**
Resolution Re: B15060 Construction Oversight Services for the Cochecho Waterfront Development Project - Horsley Witten Group, Inc.

- WHEREAS: A Sealed Request for Qualifications #B15060 was issued and received for a Design and Engineering Team for the Waterfront Development on May 12, 2015 at 11:00 am; and
- WHEREAS: Eight firms replied and were evaluated by the RFQ Review Sub-committee of the Cochecho Waterfront Development Advisory Committee (CWDAC) and City personnel. The Council approved award of the contract to the team of Union Studio, Horsley Witten, Ironwood Design, GZA, Waterstone Engineering, and Abramson & Associates; and
- WHEREAS: In June 2017, Union Studio proposed a change of the prime consultant to team member, Horsley Witten Group, Inc. which was approved by council and project phases have been ongoing with the latest being in early 2023 via Resolution [R-2023.01.11-001](#); and
- WHEREAS: The City is in the construction phase and is seeking approval to award to Horsley Whitten Group, Inc the agreement in the amount of \$523,335.60 for services outlined in the background section of this resolution; and

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Horsley Witten Group, Inc. of Sandwich, MA for the Dover Cochecho Waterfront Development project in the amount of \$523,335.60. 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
4018.1.350.45220.4715.05207.18	Cochecho River Park Building	1,412,500.00	46,000.00
4014.1.300.43121.4751.03121.14	Street / Utility Waterfront	3,118.56	3,118.56
4021.1.300.43121.4751.03121.21	Street / Utility Waterfront	1,883,062.00	65,399.13
4022.1.300.43121.4751.03121.22	Street / Utility Waterfront	1,098,701.00	926,149.00

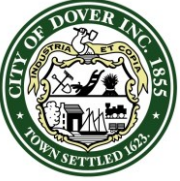
AUTHORIZATION

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.6. Resolution Number: R – 2023.01.11 – 117 Resolution Re: B15060 Construction Oversight Services for the Cochecho Waterfront Development Project - Horsley Witten Group, Inc.
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DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, 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.6. Resolution Number: R – 2023.01.11 – 117 Resolution Re: B15060 Construction Oversight Services for the Cochecho Waterfront Development Project - Horsley Witten Group, Inc.	

RESOLUTION BACKGROUND MATERIAL

The City is now in the waterfront construction phase and is seeking approval for construction administration services with The Horsley Whitten Group, Inc. The city received a scope of work in the amount not to exceed \$523,335.60 which includes, in addition to construction administration, environmental monitoring, PCB and lead remediation oversight, AUR and remedial action implementation reporting, park building design and subdivision plan services.

Of this \$523,335.60 cost and scope, \$100,344.01 has already been approved in prior resolutions, therefore the net increase is \$422,991.59.

Bid Information

B15060 Award approved by council via resolution [R-2017.03.22-020](#).

Award Information:

A purchase change order will be issued to Horsley Witten Group, Inc. to authorize expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	265 engineers and 180 architects	Number of Responses:	8 and 1 NB
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Complete	Estimated Delivery:	As Needed
Recommended Award to:	Horsley Witten Group, Inc.	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval.

[B15060 Bid Documents and Vendor List](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2023.07.12 – 118**
Resolution Re: B11001 Wright-Pierce Construction Oversight of Upgrades to River Street Pump Station

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. Wright-Pierce was awarded design of equipment upgrades and plant processes via resolution [R-2012.07.25-96](#). City Council has approved various change orders throughout the years as additional scope of services were submitted using available funds as outlined in the background section of this resolution; and

WHEREAS: At the end of 2021, the River Street Pump Station Upgrade Design was approved via resolution [R-2021.08.25-151](#) and completed by Wright-Pierce in the amount not to exceed \$677,000.00 as approved by the NH Department of Environmental Services; and

WHEREAS: The City is seeking approval for construction engineering, inspection, and administrative services provided by Wright-Pierce in the amount of \$950,500.00 as outlined in the background section of this resolution: and

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 the Construction Oversight of the River Street Pump Station Upgrade in the amount not to exceed \$950,500.00. 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
5320.1.300.43250.4757.04572.24	Sewer Pump Station	4,500,000.00	4,500,000.00

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.7.

Resolution Number: **R – 2023.07.12 – 118**
Resolution Re: B11001 Wright-Pierce Construction Oversight of Upgrades
to River Street Pump Station

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 Shanahan		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolutions does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2023.07.12 – 118**
Resolution Re: B11001 Wright-Pierce Construction Oversight of Upgrades to River Street Pump Station

RESOLUTION BACKGROUND MATERIAL:

The River Street Pump Station is approaching 30 years old and a substantial amount of the existing building, control, and electrical systems are original to the station. As part of the City's ongoing efforts to maintain and upgrade existing infrastructure to ensure the reliable operations for the City's users, the City is ready for construction phase for upgrades to the station. The River Street Pump Station and associated force main are critical components of the City's wastewater infrastructure as over 80% of the City's wastewater is conveyed through the station and force main.

Task 1	Project Representative	\$200,000
Task 2	Initial Start of and Operations	\$60,000
Task 3	Preparation of Manual	\$61,000
Task 4	Special Services	\$128,000
Task 5	Record Drawings	\$84,000
Task 6	Engineering Services	\$417,500
	Total	\$950,500

Award Information:

A purchase order will be issued to Wright-Pierce to authorize expenditures as outlined in this resolution. Approval of the Construction Oversight as required by the NH Department of Environmental Services.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	117	Number of Responses:	8
Warranty:	NA	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until completion	Estimated Delivery:	2023-2024
Recommended Award to:	Wright-Pierce	Fund:	CIP
Other Approvals Required:	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 – ORDINANCE Agenda Item: 13.C.1. Ordinance Number: O – 2023.07.12 - 008 Ordinance Title: Zoning Chapter: 170 Sections Table of Contents 6 “Word Usage and Definitions” 12 “Applicability of Tables of Use and Dimensional Regulations by District” 19 “Non-Environmental Conditional Use Permit Criteria” 20 “Central Business District Regulations” 21 “Alternative Energy System” 27.1 “Wetland Protection District” 27.2 “Transfer of Development Rights” 28 “Residential-Commercial Mixed Use (RCM) Overlay District” 32 “Sign Review and Regulations” 53 “Amendment Procedure: Public Notice and Hearing Requirements”
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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, by updating the Code to reflect changes in the community and in land use regulations, as well as align certain provisions of Chapter 170 with state statute.

2. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Chapter 170’s Table of Contents as follows:

“170-6. Word ~~Uses~~ Usage and Definitions.”

3. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Chapter 170’s Table of Contents as follows:

“170-15. ~~OPEN SPACE requirements~~ Recreation Space and Separation between Use Requirements.”

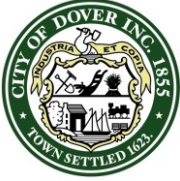
4. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions”, as follows:

“**DEVELOPMENT IDENTIFICATION SIGN** means a SIGN attached to a screening wall or landscape planter designed and intended to identify an approved multi-lot residential subdivision or multi-tenant site plan, located at the principal vehicular entry points. Also includes a construction sign as a TEMPORARY SIGN, for this purpose.”

5. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions”, as follows:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Ordinance Number: **O – 2023.07.12**

Ordinance Title: Zoning

Chapter: 170

Sections Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53

“**GROUND MOUNTED SOLAR** means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times. as well as panels attached to stand-alone carports.”

5A. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions”, as follows

“**ROOFTOP SOLAR** mean a photovoltaic system that generates electricity by capturing solar ~~thermal~~ energy and is mounted on the rooftop of a residential or commercial building or structure.”

6. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions”, as follows:

“**JUNKYARD, MOTOR VEHICLE** means ~~includes~~ any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in BULK to two (2) or more motor vehicles. "MOTOR VEHICLE JUNKYARD" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof.”

7. AMENDMENT

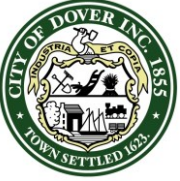
Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions”, as follows:

“**UNSUITABLE DEVELOPMENT AREA** ~~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.”

8. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-6, “Word Usage and Definitions”, as follows:

“**WINDOW SIGN** means a sign affixed to, or within one foot of a window, intended to be visible and readable from the RIGHT OF WAY or from adjacent property.”

 CITY OF DOVER	CITY OF DOVER – ORDINANCE <table> <tr> <td>Ordinance Number:</td><td>O – 2023.07.12</td></tr> <tr> <td>Ordinance Title:</td><td>Zoning</td></tr> <tr> <td>Chapter:</td><td>170</td></tr> <tr> <td>Sections</td><td>Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53</td></tr> </table>	Ordinance Number:	O – 2023.07.12	Ordinance Title:	Zoning	Chapter:	170	Sections	Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53
Ordinance Number:	O – 2023.07.12								
Ordinance Title:	Zoning								
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9. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, and the accompanying Dimensional Regulations Table in the Cochecho Waterfront District (CWD), to add footnote 8 into said table next to “Permitted Uses”, as follows:

“[8]:

- Shall follow Solar/Green Roof Standard:
 - All buildings must be solar ready.
 - Commercial and mixed-use buildings that are 25,000 sq ft or more must also incorporate solar panels and/or a green roof on at least 30 percent of the roof area.
 - Solar shall not affect the view of the river for nearby properties or rights-of-way.
- Architecture shall complement the Design Guidelines for the Cochecho Waterfront Development.
- Approved public art is encouraged.”

10. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, and the accompanying Dimensional Regulations Table in the Gateway District (G), to read as follows:

“Lot ~~coverage~~ COVERAGE:- 50% max”

11. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, and the accompanying Dimensional Regulations Table in the Gateway District (G), to add footnote 1 next to “Permitted Uses” as follows:

“[1] If a 4-story building is proposed, screening (year-round landscaping or solid fence) is required near property lines shared with adjacent properties where the building height is less than 4 stories, in order to create a visual buffer.”

12. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-20, “Central Business District Regulations”, to read as follows:

E. STREETSCAPE

- (1) Sites within the CBD shall be developed so that BUILDINGs are placed at or near the RIGHT OF WAY, along the outer edge of their sites and so as to ensure the unity of those RIGHT OF WAYs. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. The *Dover Streetscape Standards* will serve as a reference document for many of the elements below.

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Ordinance Number:	O – 2023.07.12								
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- (2) General Principles and Intent
 - (a) The STREETSCAPE
 - (i) The STREET and BUILDING façade receives more attention than the rest of the BUILDING.
 - (ii) STREETSCAPE elements, such as pavers, benches and waste-bins must be consistent within a project and adjacent properties where these elements are present.
 - (iii) PUBLIC ART is encouraged.
 - a. PUBLIC ART shall be reviewed and endorsed by the Dover Arts Commission
 - b. PUBLIC ART is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. PUBLIC ART should create a chronicle of our public experiences through a variety of genres and media.
 - (b) FRONTS AND REARS
 - (i) BUILDING facades are the public "face" of every BUILDING. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their BUILDINGS.
 - (ii) The private, REAR portions of the LOTs allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium BUILDINGS) OPEN SPACE.
 - (c) OFF STREET PARKING
 - (i) Parking provided for a project shall be screened from the STREET. The design of the screen shall be subject to PLANNING BOARD approval and shall use materials that are compatible with the surrounding character of the NEIGHBORHOOD and contribute to an attractive STREETSCAPE.
 - (ii) Parking shall be considered accessory and shall not be the principal use of a LOT.
- (3) Minimum Standards

In addition to any regulations set forth in the CBD sub-district tables and the *Dover Streetscape Standards*, development shall follow the regulations outlined below.

Subsections (a), (b), and (c) shall only apply to new construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

 - (a) STREET TREES/Landscaping
 - (i) Each STREET shall have canopy shade trees (STREET TREES). STREET TREES shall be planted at an average spacing not greater than twenty-five (25) to thirty (30) feet on center (measured per BLOCK FACE). The planting area's minimum dimension shall be not less than five (5) feet. At planting, trees shall be two and a half (2.5) to three (3) inches in diameter (four (4) feet above grade) and shall meet the *American Nursery Standards* for HEIGHT. The tree species used shall be selected from the City of Dover's approved list of STREET TREES.



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(ii) Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground or mulch-only areas permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure five foot (5') wide walkway.

(b) SIDEWALKS

(i) SIDEWALKS shall be made of brick or concrete and shall be a minimum of five (5) feet wide, but ideally eight (8) feet wide.

(ii) Existing surrounding sidewalk materials shall be reviewed in determining material used.

(c) STREET FURNITURE

(i) Benches - Benches will have backs and arm rests and accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction, and be designed to enhance the site, not detract from it.

a. Benches may be exchanged for street furniture (e.g. chess/checker tables) where space allows.

(ii) Waste Bins - At a minimum, one (1) waste bin will be provided at each BLOCK CORNER.

(iii) Bike Racks – At a minimum, one (1) bike rack shall be required per non-residential project or residential projects with five (5) or more units.

(iv) PUBLIC ART should be integrated into the design and placement of STREET FURNITURE

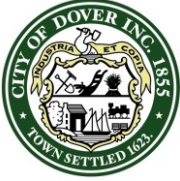
(d) Lighting

(i) Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

(ii) At the front of the BUILDING, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

(iii) Floodlights or directional lights may be used to illuminate parking garages and working (maintenance) areas but must be shielded or aimed in such a way that they do not shine into other LOTs, or the STREET. Floodlighting shall not be used to illuminate BUILDING walls (i.e. no up-lighting), except in the TOD sub-district.

(iv) Site lighting shall be of a design and HEIGHT so as to illuminate only the LOT. General site lighting shall conform with NH Dark Sky Policy, as applicable by RSA 9-E:3.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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(v) No flashing, traveling, animated, or intermittent lighting shall be visible from the STREET on the exterior of any BUILDING, whether such lighting is of temporary or long-term duration.

(e) Mechanical Equipment

(i) The following shall not be stored or located within any STREET, and be screened from view from the STREET: Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a FRONT YARD under this Code.

(ii) Roof mounted equipment shall be screened from view from the STREET.

13. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-20, “Central Business District Regulations”, to read as follows:

B. Conditional Use Permit

~~“(1) See Section 170-19 for Conditional Use Permit Criteria.~~

~~(1) Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:~~

~~(a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACES.~~

~~(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.~~

~~(c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.~~

~~(d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.~~

~~(e) That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.~~

~~(f) That CIVIC BUILDINGs and public gathering places shall be provided as locations that reinforce community identity and activity.~~

~~(g) That CIVIC BUILDINGs shall be distinctive and appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.~~

~~(h) That the preservation and renewal of historic BUILDINGs shall be facilitated.~~

~~(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.”~~

(2) Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding NEIGHBORHOOD.



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- (b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
- (c) The requested use will not result in objectionable noise or odor which would constitute a NUISANCE.
- (3) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds.

14. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by adding Section 170-19, to read as follows:

170-19 Non-Environmental Conditional Use Permit Criteria.

A. Purpose and Intent

- (1) Where a Conditional Use Permit is being requested for relief by use or standards as allowed by this ordinance, the following criteria in Section B shall be met.

B. Conditional use criteria

- (1) Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) That both public and private BUILDINGS and landscaping shall contribute to the physical definition of RIGHT'S OF WAY as CIVIC SPACES.

(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.

(c) That the design of STREETs and BUILDINGS shall reinforce safe environments, but not at the expense of accessibility.

(d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.

(e) That BUILDINGS shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods via a mixture of elements including windows, floorplan, public, and private space.

(f) That encourage CIVIC BUILDINGS and other public gathering places be provided as locations that reinforce community identity and activity.

(g) That CIVIC BUILDINGS shall be distinctive and appropriate to a role more important than the other BUILDINGS that constitute the fabric of the city.

(h) That the preservation and renewal of historic BUILDINGS shall be facilitated.

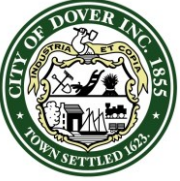
(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.

(j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.

- (2) Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding NEIGHBORHOOD.

(b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE <table border="0" style="width: 100%;"> <tr> <td style="width: 30%;">Ordinance Number:</td><td>O – 2023.07.12</td></tr> <tr> <td>Ordinance Title:</td><td>Zoning</td></tr> <tr> <td>Chapter:</td><td>170</td></tr> <tr> <td>Sections</td><td>Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53</td></tr> </table>	Ordinance Number:	O – 2023.07.12	Ordinance Title:	Zoning	Chapter:	170	Sections	Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53
Ordinance Number:	O – 2023.07.12								
Ordinance Title:	Zoning								
Chapter:	170								
Sections	Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53								

(c) The requested use will not result in objectionable noise or odor which would constitute a NUISANCE.

(3) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds

15. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-27.1, “Wetland Protection District”, to read as follows:

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 significant changes to, wetlands which provide critical functions and values including but not limited to: flood protection, habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/retention/transformation and sediment trapping), protect ecological integrity, 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) Protect unique and unusual natural areas and rare, threatened, and endangered species.
- (5) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.
- (6) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.
- (7) 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.
- (8) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.
- (9) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.
- (10) Avoid the high costs of constructing heavy STRUCTUREs and prevent damage to STRUCTUREs and abutting properties caused by inappropriate development in wetland areas.

16. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-27.1, “Wetland Protection District”, to read as follows:

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“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) *Practicable Alternative:* 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 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.
 - (f) To assess and summarize the wetlands’ functions and values as denoted in the NH Method and Section 170.27.1(B)(2).
- (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.
- (6) A narrative be provided indicating criteria of a-f above have been met.”

17. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-27.2, “Transfer of Development Rights”, to read as follows:

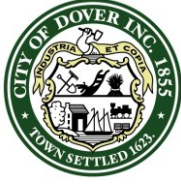
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E.

- (1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.
- (2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.
- (3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.
- (4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. Waivers shall be reviewed using the same criteria of as are used for Site Plan Waivers. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.
 - a. The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.
 - b. If the sketch plan requires an environmental Conditional Use Permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.
- (5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

18. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-27.2, “Transfer of Development Rights”, to read as follows:

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(8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met: ~~A narrative shall be submitted indicating how the following criteria are met:~~

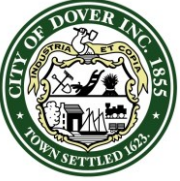
- (a) Is consistent with the Master Plan
- (b) Is compatible with the land uses on neighboring LOTs (e.g. a multifamily building fits in with in a single family neighborhood). The applicant shall provide in their narrative an explanation of their neighborhood analysis.
- (c) Is created on property served by public water and sanitary sewer.
- (d) Any relief sought should not be caused by the additional density.

19. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-32, “Sign Review and Regulations”, to read as follows:

C. General provisions. All SIGNS shall conform to the following regulations:

- (1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNS as regulated in Subsection O.
- (2) All SIGNS shall be constructed, erected and maintained so as not to present a hazard to persons and property.
- (3) All SIGNS shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.
- (4) All SIGNS shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.
- (5) The illumination of any SIGN shall be nonflashing; spot or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.
 - (a) FLASHING SIGNS are prohibited.
 - (b) Illuminance of the SIGN face shall not exceed the following standards:
 - (i) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the SIGN face.
 - (ii) INTERNAL ILLUMINATION: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN’s face.
 - (iii) DIRECT ILLUMINATION: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN’s face.
- (6) The top edge of a WALL SIGN shall be at least one (1) foot below the top of the wall or PARAPET wall. The top edge of a roof SIGN shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.
- (7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.
 - (a) Window decals (such as: adhesive; labels; placards) are not permissible when affixed on the outside of a window, but are, generally, allowed when affixed to the inside.”

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20. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-32, “Sign Review and Regulations”, to read as follows:

C. General provisions. All SIGNS shall conform to the following regulations:

- (1) SIGN Location. SIGNS shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNS as regulated in Subsection O.
- (2) All SIGNS shall be constructed, erected and maintained so as not to present a hazard to persons and property.
- (3) All SIGNS shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.
- (4) All SIGNS shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.
- (5) The illumination of any SIGN shall be nonflashing; spot or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.
 - (c) FLASHING SIGNS are prohibited.
 - (d) Illuminance of the SIGN face shall not exceed the following standards:
 - (iv) EXTERNAL ILLUMINATION: fifty (50) foot-candles as measured on the SIGN face.
 - (v) INTERNAL ILLUMINATION: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN’s face.
 - (vi) DIRECT ILLUMINATION: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN’s face.
- (6) The top edge of a WALL SIGN shall be at least one (1) foot below the top of the wall or PARAPET wall. The top edge of a roof SIGN shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.
- (7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.
- (8) Rotating SIGNS or beacons, waving pennants or whirling devices are prohibited.
- (9) TEMPORARY SIGNS are prohibited, except as otherwise provided in Subsection O.
- (10) All SIGNS are prohibited within the public right- of-way, except as otherwise provided in this Section.
- (11) The terms of this Section shall not apply to SIGNS being necessary for the public welfare and, as such, are required by the municipal, State, or Federal government.
- (12) The material and construction of any SIGN or supporting elements shall be in accordance with the Building and Electrical Codes (in use by the City at the time of installation) and all other applicable City regulations.
- (13) On a CORNER LOT, no FREESTANDING SIGN or support element shall be erected to materially impede vision between a HEIGHT of two and a half (2 ½) feet and eight (8) feet above curb grades in the same area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from point of their intersection except as otherwise provided in this Section.



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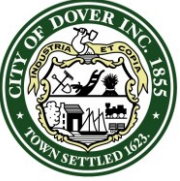
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- (14) Essential directional SIGNS not exceeding four (4) square feet in area are permitted indicating entrance and exit driveways. Said SIGNS shall not be subject to the permitting requirements of this Section.
- (15) SIGNS not exceeding two (2) square feet in area are permitted in parking LOTs indicating aisles or reserved areas or spaces. Said SIGNS shall not be subject to the permitting requirements of this Section.
- (16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:
- (a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. An additional one (1) SIGN not exceeding thirty-two (32) square feet is also permitted as a temporary DEVELOPMENT IDENTIFICATION SIGN at the principal vehicular entry point. Said SIGN shall not be subject to the permitting requirements of this Section.
 - (b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.”
- (17) WALL SIGNS shall conform to the following additional regulations:
- (a) No WALL SIGN shall be located in such a manner so as to extend above the next floor's window sill or descend below the top of the lower floor's lintel.
 - (b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public STREET or municipal parking LOT, one (1) WALL SIGN shall be permitted upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.
 - (c) In all nonresidential zoning districts, one (1) informational/directional WALL SIGN shall be permitted for each BUILDING entryway. Said SIGN shall not exceed four (4) square feet in area and shall not be illuminated. Said SIGN shall not be subject to the permitting requirements of this Section.
- (18) All FREESTANDING SIGNS shall conform to the following regulations:
- (a) No FREESTANDING SIGNS shall be located in an area designated for parking unless said SIGN is protected along all sides by curbing. A four (4) foot clear space is required along all approaches.
 - (b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.
- (19) All PROJECTING SIGNS shall conform to the following additional regulations:
- (a) PROJECTING SIGNS shall be attached to the main wall of the BUILDING.
 - (b) PROJECTING SIGNS shall be prohibited from projecting over a STREET, alley or other PUBLIC SPACE beyond four (4) feet, eight (8) inches from a BUILDING facade or two-thirds (2/3) of the width of the SIDEWALK, whichever is less.
 - (c) A clear space of not less than ten (10) feet shall be provided below all parts of a PROJECTING SIGN, except for residential nameplates.
 - (d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public STREET or municipal parking lot, one (1) PROJECTING SIGN shall be

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- permitted upon each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.
- (20) Awnings may be used in lieu of permitted WALL SIGNS provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

21. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-53, “Amendment Procedure: Public Notice and Hearing Requirements”, to read as follows:

- A. Power to Amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this Chapter.
- B. Initiation of Amendments. Amendments may be initiated by the City Council, the PLANNING BOARD, or by petition from one or more property owners in Dover or citizens of Dover.
- C. Procedure for Consideration of a Proposed Amendment.
 - (1) Amendments Initiated by the PLANNING BOARD. The PLANNING BOARD may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Section D below.
 - (2) Amendments Initiated by the City Council. The City Council may, upon its own initiative, from time to time, consider amendments to this Chapter or Zoning Map. All such City Council initiated amendments shall be referred to the PLANNING BOARD for its review and study. The referral shall be made in writing by the Mayor. The PLANNING BOARD shall, after following the public notice and hearing requirements contained in Section D below, submit written recommendations regarding the amendments to the City Council within sixty (60) days of their referral.
 - (3) Amendments Initiated by Dover Citizens or Property Owners. Dover citizens or owners of property in Dover submitting amendments to this Chapter or Zoning Map, shall forward their proposed amendments to the PLANNING BOARD for its consideration and recommendation. Such submission shall contain the information required by Section E below. The PLANNING BOARD shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Section D below, can be met. After the public hearing, the PLANNING BOARD shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.
- D. Public Notice and Hearing Requirements.
 - (1) Public Notice. Public notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. In accordance with the requirements of RSA 675:7, I(a) and RSA 675:I(b)(3), nNotice of the public hearing ~~shall be placed in a newspaper of general circulation in the city and~~ shall be posted in at least three (3) public places, including the City web-site. In accordance with RSA 675:7, I(b), the posting on the City website shall appear prominently on the City’s homepage (or a link directly to the notice appearing prominently



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on the City's homepage), shall be posted at least ten (10) days before the hearing, and shall remain posted on the website until the conclusion of the hearing.

- (2) Notice to Landowners and ABUTTERS. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the a rezoning boundary change, change in permitted minimum lot sizes, or change in permitted use to their zone. Otherwise, notices will be sent per RSA 675:7, proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be sent to the address used for mailing local property tax bills, shall be by first class mail, and shall be sent at least ten (10) days prior to the scheduled public hearing date. In accordance with RSA 675:7, I-a, good faith effort and substantial compliance shall satisfy the notice requirements set forth in this subparagraph. In accordance with RSA 675:7, I-b, in the event of petitioned zoning amendments, the petitioners shall be responsible for the full cost of notice by mail as set forth in this subparagraph. The requirements of RSA 675:7 shall apply if and to the extent RSA 675:7 (as may be amended from time to time) provides other or more stringent requirements than the notice and other requirements stated in this subparagraph.
- (3) Text of Notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, a general description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.”

22. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, and the Dimensional Regulations Table in the Commercial Manufacturing District (CM), to remove “Hotel/Motel” from permitted uses with a conditional use permit as it is already listed as a Permitted Use.

23. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-12, “Applicability of Tables of Use and Dimensional Regulations by District”, and the Dimensional Regulations Table in the Commercial Manufacturing District (CM), to remove “Educational Institution, Post Secondary” from permitted uses with a conditional use permit as no conditional use permit specific criteria are listed on the CM table.

24. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-28, “Residential-Commercial Mixed Use (RCM) Overlay District”, to read as follows:

A. Purpose and Intent

- (1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the PLANNING BOARD shall have granted a Conditional Use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a



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Development Plan basis which allows flexibility in internal road design, with reduced dwelling LOT sizes and modified dimensional requirements.

- (2) The mixed residential and commercial uses are intended to be complementary of one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote OPEN SPACE conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of, outside the traditional residential developments.

B. Conditional Use Permit

- (1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:
 - (a) The APPLICANT demonstrates that the development complies with the design guidelines that are outlined in Chapter 149 14.2, Site Review Regulations. These guidelines encourage a context sensitive development, which encourages components that act as one project and not as two adjacent projects
 - (b) The APPLICANT demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.
 - (c) The APPLICANT shall submit a Fiscal Impact Analysis as defined in Chapter 155.22.C
 - (1) (b) Subdivision of Land. The Analysis shall demonstrate that the project is at least a cost neutral project for the City at present and ten years from the occupation.
- (2) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds.

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 20 ~~25~~ acres, and served by public water and sanitary sewer.”

25. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-21, “Alternative Energy System”, to read as follows:

D. Solar Panel Standards

- a. Lot Coverage: solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.
- b. Placement of solar systems:
 - i. The height of a roof mounted solar ~~array panel~~ shall not be counted towards the maximum permitted height of the structure it is affixed to ~~of the underlying the~~ zoning district and if on a pitched roof, matches the same pitch as the roof and is no more than ten inches above the roof. If the proposed rooftop solar array consists of mounted tracking panels, a Conditional Use Permit is required.



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ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.

iii. ~~In no case shall a Ground mounted units shall not exceed 20 feet- or the height of the principle building whichever is shorter. However, with a Conditional Use Permit, Solar Trackers may be permitted up to the maximum building height allowed in the underlying zoning district plus five feet provided they are located to the rear of the principal building and not clearly visible from the public RIGHT-OF-WAY or 75' from any property line if lot is surrounded by RIGHTS-OF-WAY creating a hardship.~~

iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

v. The use of reflectors to enhance solar production is prohibited.”

26. AMENDMENT

Chapter 170 entitled “Zoning” is hereby amended by revising Section 170-21, “Alternative Energy System”, to read as follows:

F. Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONS are proposed to the SMALL WIND ENERGY SYSTEM.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

H. Conditional Use Permits

(1) A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitation only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and a written narrative is provided demonstrating that the HEIGHT would:

(a) Not be detrimental to the public safety, health or welfare or injurious to other property, and will promote public interest.

(b) Demonstrate a projected and quantified solar energy production benefit for allowing the extra height

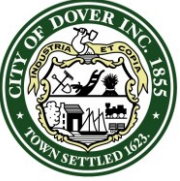
(c) Any impacts on abutters are mitigated

(d) Not be within 75' of the arterial or connector road

(e) Not be clearly visible from the public right-of-way

(f) Not cause glare on abutting structures or roadways

(g) Have all power and communication lines between the solar infrastructure and the point of interconnection be buried underground or otherwise screened from view.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE	
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27. TAKES EFFECT

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

REQUIRES PUBLIC HEARING

TO BE REFERRED TO PUBLIC HEARING ON AUGUST 9, 2023

AUTHORIZATION

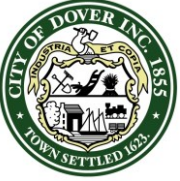
Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Fergus Cullen Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

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 Shanahan, Ward 5		
Councilor Michelle Muffet-Lipinski, Ward 1		
Councilor, Robert Hinkel, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

 CITY OF DOVER	CITY OF DOVER – ORDINANCE <table> <tr> <td>Ordinance Number:</td><td>O – 2023.07.12</td></tr> <tr> <td>Ordinance Title:</td><td>Zoning</td></tr> <tr> <td>Chapter:</td><td>170</td></tr> <tr> <td>Sections</td><td>Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53</td></tr> </table>	Ordinance Number:	O – 2023.07.12	Ordinance Title:	Zoning	Chapter:	170	Sections	Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53
Ordinance Number:	O – 2023.07.12								
Ordinance Title:	Zoning								
Chapter:	170								
Sections	Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53								

ORDINANCE BACKGROUND MATERIAL:

The amendments previously approved by the Planning Board and provided to the Council for review and ratification are derived from suggestions resulting from staff, the Planning Board, and/or during the public hearings held by the Planning Board. Changes include wordsmithing and formatting, expanding definitions of DEVELOPMENT IDENTIFICATION SIGN, GROUND MOUNTED SOLAR, editing definitions of ROOFTOP SOLAR, JUNKYARD, MOTOR VEHICLE, adding a definition of WINDOW SIGN, adding the solar/green roof standards to the CWD, clarifying lot COVERAGE is a maximum, adding screening requirements to the Gateway District, clarifying the dark sky compliance for all site lighting, moving the non-environmental CUP criteria from the Central Business District section to a new general section, expanding wetland protection district purposes and CUP criteria, clarifying waiver criteria for Transfer of Development Rights (“TDR”), changing the TDR criteria, clarifying window decals, clarifying development identification signs, updating the zoning amendment process, removing “Hotel/Motel” from CUP list in the CM table, removing “Educational Institution, Post Secondary” from the CM table, reducing minimum acreage for the RCM to 20 acres, and amending the “Alternative Energy System” ordinance including adding in CUP criteria.

The Planning Board posted these amendments on February 14th and March 28th, 2023 and continued to review them throughout the spring, including a public hearing in May. The Planning Board refined certain text and ultimately voted, unanimously, to recommend the amendments to the City Council, which are summarized for ease of reference in the table below.

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 accompanying documents:

- Memorandum from Donna Benton, AICP to the Dover City Council dated June 21, 2023, containing the required report of findings;
- A copy of the letter mailed to each property owner in Dover, mailed on April 27, 2023.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Ordinance Number: **O – 2023.07.12**

Ordinance Title: Zoning

Chapter: 170

Sections Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53

Amendment Paragraph # (in ordinance above)	Ch. 170 Section	Summary of Amendment	Reason
2	170-6	Revising the word “Uses” to “Usage”	Provide clearer language/grammar
3	170-15	Revising the section title to “Recreation Space and Separation between Use Requirements” from “OPEN SPACE Requirements”	Reduce confusion/ambiguity
4	170-6	“Development Identification Sign” definition to include a construction sign as a temporary sign	Presently not addressed in the Zoning Ordinance
5	170-6	“Ground Mounted Solar” definition to include panels attached to stand-alone carports	To provide continuity and consistency with §170-21.
5A	170-6	“Rooftop Solar” definition to remove the word “thermal”	To provide continuity and consistency with §170-21.
6	170-6	“Junkyard, Motor Vehicle” definition, to remove an erroneous word	Provide clearer language/grammar
7	170-6	Capitalize “UNSUITABLE DEVELOPMENT AREA” to show it is a definition	To follow standard formatting
8	170-6	Add the definition of “Window Sign”	Presently not addressed in the Zoning Ordinance
9	170-12	Add a footnote about Solar/Green Roof Standards to the CWD district	Provide consistency with the CBD zoning tables
10	170-12	Clarify that lot coverage in Gateway district is a maximum allotment	Reduce confusion/ambiguity
11	170-12	Add footnote to the Gateway district table regarding screening if a building is 4-stories	Resulting from the Gateway Subcommittee suggestions
12	170-20	Add verbiage regarding general site lighting to be Dark Sky compliant	Reduce confusion/ambiguity
13	170-20	Remove the criteria of a Non-Environmental Conditional Use Permit from CBD Section	Creating an independent section for this criteria as it applies to multiple districts
14	170-19	Add criteria of a Non-Environmental Conditional Use Permit as an independent section.	To create an independent section for this criteria
15	170-27.1	Add to the purpose statement of the Wetland Protection District	Based on feedback from sub-committee
16	170-27.1	Clarify criterion of a Conditional Use Permit for Wetlands and require a written narrative	Based on previous Planning Board feedback
17	170-27.2	Clarify the waiver process for Transfer of Development Rights	Provide consistency with waiver process
18	170-27.2	Amend the criteria of Transfer of Development Rights	Reduce confusion/ambiguity
19	170-32	Clarify window decals are permitted only on the interior of a building’s windows	Provide parity with departmental policy



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Ordinance Number: **O – 2023.07.12**

Ordinance Title: Zoning

Chapter: 170

Sections Table of Contents, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, 53

Amendment Paragraph # (in ordinance above)	Ch. 170 Section	Summary of Amendment	Reason
20	170-32	Allows for an additional temporary “Development Identification Sign”	Provide uniformity among temporary sign types
21	170-53	Align the public notice and hearing requirements of the amendment process with current RSA chapter 675	Provide parity with state statute
22	170-11	Remove “Hotel/Motel” from the “Uses Permitted by Conditional Use” in the Commercial Manufacturing (CM) District, as its also listed in “Permitted Uses”	Reduce confusion/ambiguity
23	170-11	Remove “Education Institution, Post Secondary” from the “Uses Permitted by Conditional Use” in the CM District	Supply criteria, as none had been expressly outlined
24	170-28.2	Note the RCM Overlay is allowed on lots in the CM, IT, or R-40 that are greater than 20 acres rather than 25	Encourage more mixed-use success like other projects
25	170-21	Amend “Alternative Energy System” to adjust the placement on roofs, the need of a Conditional Use Permit, height of ground mounted units, visibility of solar units, and use of reflectors	Provide flexibility and modernize existing standards based on technology
26	170-21	Amend “Alternative Energy System” by adding the need of a Conditional Use Permit and laying out the criteria for Planning Board to review	Provide flexibility and modernize existing standards based on technology

STRAFFORD

Regional Planning Commission

July 8, 2023

Mayor Robert Carrier
Dover City Councilors
City of Dover – 288 Central Street
Dover, NH 03820

Mayor Carrier and Dover City Councilors,

The Strafford Metropolitan Planning Organization (SMPO) is responsible for transportation planning for the region. The MPO is comprised of the Policy Committee and the Technical Advisory Committee (TAC). Each of the eighteen communities is a member of the MPO through their association with Strafford Regional Planning Commission (SRPC).

The TAC is typically comprised of municipal staff representatives. They provide leadership and make recommendations to the SMPO Policy Committee. The Policy Committee is comprised of all SRPC Commissioners and other transportation and transit providers and agencies in the State and region.

Members will be appointed for two years, in this case, Fiscal Years 2022 and 2023. The TAC meets at 9 a.m. on the first Friday of every month to give and receive input on regional transportation issues and is a critical component in the decision-making process for the MPO. Our records indicate that the terms of your current appointees expired on June 30, 2023:

CURRENT APPOINTEE:
Donna Benton: 6/30/2023

ALTERNATE(S):
Jill Semprini: 6/30/2023

Please use the attached appointment form and return once completed to Megan Taylor-Fetter (mtaylorfetter@strafford.org), Strafford Regional Planning Commission, 150 Wakefield Street, Suite 12, Rochester, NH 03867. If you have any questions, please do not hesitate to contact me.

Sincerely,



Jennifer Czysz AICP
Executive Director

cc: Mike Joyal, Colleen Bessette, Donna Benton, Jill Semprini,

STRAFFORD REGIONAL PLANNING COMMISSION

150 Wakefield Street, Suite 12, Rochester, NH 03867

Barrington | Brookfield | Dover | Durham | Farmington | Lee | Madbury | Middleton | Milton | New Durham
Newmarket | Northwood | Nottingham | Rochester | Rollinsford | Somersworth | Strafford | Wakefield



City of Dover

FY 20224 – FY 2025 APPOINTEE

Name: _____

Address: _____

Phone Number: _____

Email: _____

FY 2024– FY 2025 ALTERNATE 1

Name: _____

Address: _____

Phone Number: _____

Email: _____

FY 2023– FY 2025 ALTERNATE 2

Name: _____

Address: _____

Phone Number: _____

Email: _____

The signatures of the Appointing Official(s) listed below confirm that the above-named individual(s) shall be appointed as the City of Dover's representative(s) of the MPO Technical Advisory Committee (TAC) for the period of July 1, 2023 to June 30, 2025..

Appointing Official/Title

Date

Appointing Official/Title

Date

Appointing Official/Title

Date