



CITY OF DOVER

ORDINANCE COMMITTEE – MINUTES

Meeting Type: **Ordinance Committee Meeting**
Meeting Location: **City Hall, City Council Conference Room**
Meeting Date: **Monday, July 10, 2023**
Meeting Time: **5:00 p.m.**

1. CALL TO ORDER/ATTENDANCE

Deputy Mayor Shanahan called the meeting to order at 5:03 p.m.

2. ATTENDANCE

Present: Deputy Mayor Dennis Shanahan, Councilor Fergus Cullen, Councilor Lindsey Williams, City Attorney Joshua Wyatt, and Deputy City Attorney Jennifer Perez.

3. PUBLIC FORUM

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

4. APPROVAL OF PRIOR MEETING MINUTES –

- June 5, 2023

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

5. REVIEW OF PROPOSED OR PENDING ORDINANCES

Deputy Mayor Shanahan introduced the first pending Ordinance, Chapter 5 Administrative Code, which relates to Inspection Services transferring from Fire & Rescue to the Planning Department.

City Attorney Josh Wyatt explained this ordinance was going to City Council this week for a hearing. The primary purpose of this ordinance was to codify the relocation of Inspection Services functions to the Planning Department (from Fire and Rescue Department). This ordinance also includes a minor change to update the name of the Business Development Office (formerly Economic Development). Lastly, Deputy City Manager Chris Parker noticed that Planning & Community Development section listed planning functions but lacked community development sections, which Deputy Manager and Donna Benton had drafted as part of this ordinance. Attorney Wyatt also explained ultimately the most significant item of substance in this ordinance was language bookmarking the Fire Chief's ability to delegate certain functions but retain ultimate authority over those subject matter areas per state law, which will be somewhat unique as a cross-departmental workflow/duty.

Councilor Cullen observed #3C in the ordinance's new "Community Development" functions needed the word "and" inserted and certain superfluous words deleted. Josh remarked he would update the ordinance before it goes to council this week for hearing and possible approval.



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Deputy Mayor Shanahan discussed another ordinance, Chapter 81 Fire Prevention and Life Safety, which is part of the Chapter 5 ordinance previously discussed, and provides that the Inspections Services Division will be located in the Planning and Community Development Department.

6. STORMWATER UTILITY UPDATE

Deputy Mayor Shanahan noted the stormwater utility update would go into more detail at the 6 p.m. joint meeting with DUC and Gretchen Young's presentation along with Stantec's.

City Attorney Josh Wyatt wanted to mention that many meetings between Dover staff, other communities' staff, representatives of EPA, and representatives of Conservation Law Found ("CLF") had been taking place to discuss CLF's petition for residual designation of the Great Bay estuary. Attorney Wyatt stated the focus of those discussions has been the interplay between residual designation and local stormwater utility efforts. Dover has received a lot of positive feedback from the regulators. Deputy Mayor Shanahan asked if EPA had made any decision on CLF's residual designation petition. Attorney Wyatt said no, not to his knowledge.

7. GENERAL DISCUSSION

Councilor Cullen had some follow up information on the "raucous chicken" complaint discussed in the preceding ordinance committee meeting. Councilor Cullen had received decibel readings from the homeowner taken on the homeowner's cell phone, which came to 75 db outdoors and 65 db indoors. Councilor Cullen posed the question of what options are available to possibly create new local legislation, though Councilor Cullen noted ongoing reservations on blanket policy for a singular incident.

Attorney Wyatt observed that the zoning ordinance (Chapter 170) has a provision in it for small wind energy systems, which imposes a 60 db limit measured at a specified location. So, this exemplifies one potential model of legislation—a decibel limit combined with a prescribed measuring location. Attorney Wyatt explained another option would be to add a duration component, as a means of raising the regulatory bar and avoiding unintended consequences (e.g., passing traffic or other transient loud noises).

Councilor Williams observed this may be an opportunity to address ongoing "jake brake" issues.

Councilor Cullen asked how would playing music outside at a pool excessively loud for long periods of time be addressed. Attorney Wyatt answered that he expected the police would respond, assess the situation, conduct an investigation, and determine if the activity violated our current ordinance proscribing "unreasonable" noise, probably erring on the side of



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taking no action unless and until the noise was intrusive due to circumstances like volume, time of day, duration. Attorney Wyatt stated he was not sure if the Dover Police Department had any decibel thresholds they use as part of investigating these complaints.

Deputy Mayor Shanahan observed it would be helpful to know ambient noise levels.

Attorney Wyatt said he could look into seeing what other New Hampshire communities are doing regarding similar issues and report back. Councilor Cullen asked to limit his scope of research time to a reasonable level.

Deputy Mayor Shanahan next remarked about the Chapter 170 revisions going to council in future meetings and asked about the status of recodifying Chapter 170. Josh explained that it has been difficult to undertake recodification of Chapter 170 for two reasons, one being the current Chapter 170 amendment process requiring a City-wide mailing among other things, and the second being that each year sees various substantive revisions to Chapter 170 that make it difficult to recodify at the same time. Attorney Wyatt stated that the current, proposed Chapter 170 provisions include an amendment to the amendment process itself, brining that process into line with state statutes, and hopefully enabling recodification of Chapter 170 if, and after, the current amendments are adopted by City Council.

8. BUILD AGENDA FOR NEXT MEETING

Changes to Chapter 170
Draft of Stormwater Utility ordinance

Deputy Mayor confirmed next Ordinance Committee meeting would be August 7, 2023 at 8:30 a.m.

9. ADJOURN

Councilor Williams moved to adjourn - seconded by Councilor Cullen. Vote unanimous in favor.

Meeting adjourned at 5:37 p.m.