



CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 09, 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 170, SECTIONS: TABLE OF CONTENTS, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, AND 53**
SPONSORED BY COUNCILOR CULLEN AS PLANNING BOARD REPRESENTATIVE
 - B. **CHAPTER 145 – WASTE MANAGEMENT, SECTION 2**
SPONSORED BY MAYOR CARRIER BY REQUEST
 - C. **FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR CWSRF LOAN FOR HENRY LAW PARK STORMWATER BEST MANAGEMENT PRACTICES (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (CITY COUNCIL VOTE TO OCCUR ON AUGUST 23, 2023.)**
SPONSORED BY MAYOR CARRIER BY REQUEST
 - D. **FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR BONDING OF PORTSMOUTH DOVER WATER SYSTEMS INTERCONNECT (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.) (CITY COUNCIL VOTE TO OCCUR ON AUGUST 23, 2023.)**
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. **July 26, 2023 – Regular Meeting**
 - B. **August 2, 2023 - Workshop**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING**
 1. **CHAPTER 170, SECTIONS: TABLE OF CONTENTS, 6, 12, 19, 20, 21, 27.1, 27.2, 28, 32, AND 53**
SPONSORED BY COUNCILOR CULLEN AS PLANNING BOARD REPRESENTATIVE



CITY OF DOVER

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Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, August 09, 2023**
Meeting Time: **7:00 pm**

2. CHAPTER 145 – WASTE MANAGEMENT, SECTION 2 **SPONSORED BY MAYOR CARRIER BY REQUEST**

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. ENVIRONMENTAL PROJECTS CONSULTING SERVICES – PESCHEL CONSULTING LLC**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 2. RESIDENTIAL PAY-AS-YOU-THROW TRASH BAGS**
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. Solid Waste Advisory Commission (Muffett-Lipinski) |
| 7. Collaborative City Council and School Board (M-Lipinski) | 22. Transportation Advisory Commission (Williams) |
| 8. Conservation Commission (Williams) | 23. Waterfront TIF Advisory Board (Shanahan) |
| 9. Downtown TIF Advisory Board (Hinkel) | 24. Joint Building Committee – DHS (Carrier) |
| 10. Energy Commission (Thibodeaux) | 25. COAST (Shanahan) |
| 11. Graffiti Management Ad Hoc Committee (Nemeth) | 26. Cochecho Waterfront Development Advisory Committee (Carrier) |
| 12. Heritage Commission (Nemeth) | 27. Dover Main Street (Carrier) |
| 13. Legislative Liaison (Shanahan) | 28. Strafford Regional Planning Commission (Williams) |
| 14. Library Board of Trustees (Thibodeaux) | 29. Government Affairs (Carrier) |
| 15. McConnell Center Advisory Committee (Thibodeaux) | |

B. RESOLUTIONS

- 1. COLLECTIVE BARGAINING AGREEMENT—DOVER PARAEDUCATORS' ASSOCIATION (DPA)**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 2. ESTABLISHMENT OF FISCAL YEAR 2024 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER**
SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Resolution Number: R – 2023.07.26 – 122 Resolution Re: FY2024 CIP Appropriation and Authorization for CWSRF Loan for Henry Law Park Stormwater Best Management Practices	Agenda Item#: 7.C. Public Hearing Only

- WHEREAS:
The City Council desires to make public improvements and to finance these improvements through the NH Clean Water State Revolving Fund (CWSRF); and
- WHEREAS:
The City identified a priority need to address stormwater best management practices (BMP) in Henry Law Park and submitted a pre-application to NH Department of Environmental Services (NHDES) for the Henry Law Park Stormwater BMP Project and the project was determined to meet CWSRF eligibility; and
- WHEREAS:
In early 2022 the City participated in the CWSRF for the Henry Law Park Stormwater BMP project which provided \$14,000 in loan principal forgiveness and an ARPA grant in the amount of \$106,000 for a total of \$120,000 in financial assistance via resolution [R-2022.01.12-01-018](#); and
- WHEREAS:
In late 2022 the city submitted a pre-application for a CWSRF loan to construct a Stormwater Infrastructure Project. This work is a step toward addressing stormwater conveyance and treatment needs, and solution that promote energy efficiency, water quality and/or flooding resilience; and
- WHEREAS:
The City has received notification of the NHDES acceptance of the preapplication and is submitting a loan application for approval of \$3,500,000; and

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

The amount of \$3,500,000 is hereby appropriated for the Henry Law Park Stormwater BMP capital project with an estimated useful life in excess of the life indicated:

		Proposed			
Item #	Description	Appropriation	Life/Yrs	Department	Fund
1	Henry Law Park Stormwater BMP Project	\$3,500,000	20	TIF - Waterfront	TIF
	Total	\$3,500,000			

AND, FURTHER BE IT RESOLVED;

Pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the City of Dover is hereby authorized to participate in the NH Clean Water State Revolving Fund (CWSRF) Program for financing this project. The City Manager, Finance Director, and Treasurer are authorized, on behalf of the City of Dover, to file for participation in the NH CWSRF Program to obtain the loan for eligible identified project costs up to \$3,500,000.00.

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#: 7.C.
Public Hearing Only**

Resolution Number: **R – 2023.07.26 – 122**
Resolution Re: FY2024 CIP Appropriation and Authorization for CWSRF
Loan for Henry Law Park Stormwater Best Management
Practices

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	
	Resolution Number: R – 2023.07.26 – 122 Resolution Re: FY2024 CIP Appropriation and Authorization for CWSRF Loan for Henry Law Park Stormwater Best Management Practices	Agenda Item#: 7.C. Public Hearing Only

RESOLUTION BACKGROUND MATERIAL:

This resolution makes an appropriation for a FY2024 Capital Improvements Program project in the amount of \$3,500,000 for the Henry Law Park Stormwater Best Management Practices planning project. This project is to be financed through participating in the Clean Water State Revolving Fund. The resolution authorizes the City to participate in the State loan program up to \$3,500,000.00 to finance the project.

The goal of the project is to construct stormwater treatment system features and structures that exist within the area known as Henry Law Park. This project would construct a stormwater BMP within Henry Law park. The BMP will provide pollutant removal and flow mitigation for the highly urbanized downtown area and could include up to 120 acres of contributing municipal, residential, and commercial properties with associated roadway networks, while also preparing for sea-level rise impacts and extreme high tide events. The construction of the BMP below grade will also preserve open space in the heavily used park. The City of Dover plans to install educational materials regarding the BMP to strategically engage park patrons.

Debt Authorization versus Debt Retirement

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

	Waterfront TIF
Description	Fund
Pending Authorization	3,500,000
Prior FY2024 CIP Authorization	10,000,000
FY2024 Principal Retirement	227,542
Net Change	13,272,458

Legal Debt Limits

The following table summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2023. Tax increment finance districts are exempt from statutory debt limits.

	Waterfront TIF
Description	Fund
Debt Outstanding	4,260,704
Authorized - Unissued	19,812,500
Total Issued & Unissued	24,073,204
This Authorization	3,500,000
Grand Total	27,573,204

Document Created by: Finance Department Document Posted on: August 4, 2023	R-2023.07.26 FY2024 CIP Appropriation and CWSRF Authorization Henry Law Park Stormwater BMP Funding Page 3 of 4
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 CITY OF DOVER	CITY OF DOVER - RESOLUTION		
	Resolution Number: Resolution Re:	R – 2023.07.26 – 122 FY2024 CIP Appropriation and Authorization for CWSRF Loan for Henry Law Park Stormwater Best Management Practices	Agenda Item#: 7.C. Public Hearing Only

Waterfront Development Authorized-Unissued Debt and Available Appropriations

The following table summarizes the existing debt authorizations for the Waterfront Development project that are unissued at this time.

Description	Appropriations	Authorized Unissued Debt	CIP Authorization
Cochecho Riverbank Stabilization	\$ 600,000	\$ -	FY2017 CIP Appropriation
Cochecho Riverfront Park Development	1,412,500	1,412,500	FY2018 CIP Appropriation
Waterfront Development Site Improvements	8,400,000	8,400,000	FY2023 CIP Appropriation
Site Improvements - Waterfront	4,000,000	4,000,000	FY2024 CIP Appropriation
Site Improvements - Waterfront	6,000,000	6,000,000	FY2024 CIP Appropriation
	\$ 20,412,500	\$ 19,812,500	

The repayment of the Waterfront TIF Fund debt obligations are to be funded through the Tax Increment retained in the TIF Fund. The Tax Increment to be retained in the TIF Fund will be generated from the growth in the retained captured assessed value resulting from the guaranteed assessed value established in the Waterfront Land Development agreement.

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 7.D. Public Hearing Only Resolution Number: R – 2023.07.26 - 123 Resolution Re: FY2024 CIP Appropriation and Authorization for Bonding Portsmouth Dover Water System Interconnect
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- WHEREAS: The City Council desires to make public improvements and to pursue state and federal grants to help finance these improvements while minimizing fiscal impact to city residents, taxpayers, and rate payers; and
- WHEREAS: A water interconnection between Dover and Portsmouth would help ensure reliability and continuity of services, but would also help ten other communities in the seacoast area including Rochester, Somersworth, Rye, Hampton, North Hampton, and Seabrook. The Department of Environmental Services and Long-Term Seacoast Commission on Drinking Water identified an interconnection with Portsmouth as the last critical, physical link to provide emergency water supply to the seacoast region.
- WHEREAS: The City previously obtained \$111,500 in grant funds from the Drinking Water & Ground Water Trust Fund for design of a new water main on the replacement General Sullivan Pedestrian Bridge (GSPB) and was approved via City Council resolution [R-2022.02.23-051](#). Portsmouth received a similar grant award for design services, and Underwood Engineers provided the final design in the amount of \$223,000, which Dover’s 50% share (\$111,500) was approved via City Council resolution [R-2022.06.22-123](#); and
- WHEREAS: The City received notice in April 2023 from Congressman Chris Pappas’ office that it successfully secured a Congressionally Directed Spending award of \$3,452,972 for the proposed interconnection; and
- WHEREAS: NHDOT is prepared to solicit bids for the new GSPB, and has proposed a Utility Agreement requiring an upfront amount of \$2,376,627 to cover the water main installation costs, which is expected to be split 50/50 with Portsmouth via an accompanying intermunicipal agreement; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of 2,376,627.00 is hereby appropriated for the Portsmouth-Dover Water System Interconnect capital project with an estimated useful life in excess of the life indicated.

		Proposed			
Item #	Description	Appropriation	Life/Yrs	Department	Fund
1	Portsmouth Dover Water System Interconnection	\$2,376,627	20	CS - Water	Water
	Total	\$2,376,627			

AND FURTHER BE IT RESOLVED 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:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2023.07.26 - 123**

Resolution Re: **FY2024 CIP Appropriation and Authorization for Bonding
Portsmouth Dover Water System Interconnect**

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

AND FURTHER BE IT RESOLVED THAT:

Pursuant to the City Charter and the New Hampshire Municipal Finance Act and any other enabling authority, the City of Dover is hereby authorized to participate in the NH Drinking Water State Revolving Fund (DWSRF) Program for financing the Water Fund projects provided DWSRF funding is available. The City Manager, Finance Director and Treasurer are authorized, on behalf of the City of Dover, to file for participation in the NH DWSRF Program and obtain loans through the program for eligible identified costs up to \$2,376,627.00.

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 Joshua M. Wyatt
Form and Compliance: City Attorney

Recorded by: Susan M. Mistretta
City Clerk

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 7.D. Public Hearing Only Resolution Number: R – 2023.07.26 - 123 Resolution Re: FY2024 CIP Appropriation and Authorization for Bonding Portsmouth Dover Water System Interconnect	

DOCUMENT HISTORY:

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

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor 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#: 7.D. Public Hearing Only Resolution Number: R – 2023.07.26 - 123 Resolution Re: FY2024 CIP Appropriation and Authorization for Bonding Portsmouth Dover Water System Interconnect
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RESOLUTION BACKGROUND MATERIAL:

The City of Dover qualified for a Congressionally Directed Spending grant in the amount of \$3,452,972 for the installation of an emergency water main interconnection with the City of Portsmouth via the proposed replacement pedestrian bridge for the old General Sullivan Pedestrian Bridge (GSPB). The NHDOT is ready to seek bids for the replacement of the GSPB and requires a total preconstruction deposit of \$2,376,627 to cover the anticipated cost of the water main installation.

The purpose of the proposed water interconnection is to enhance water system resiliency by providing a connection between existing regional water systems in the New Hampshire communities of Rochester, Somersworth, Rollinsford, and Dover to the north of the proposed connection and the New Hampshire communities of Newington, Portsmouth, New Castle, Greenland, Rye, North Hampton, Hampton, and Seabrook to the south. The total population served by this project is 66,688 in the northern communities and 80,760 in the south for a total of 147,448.

The pipe will be installed on the underside of the bridge and connected to the Dover and Portsmouth municipal drinking water systems making water available to respond to emergencies to the north or south of the connection. Installing the pipe as part of the bridge construction project and in coordination with the DOT timeline is the most cost-effective method to create an interconnection.

This resolution makes an appropriation for a FY2024 Capital Improvements Program project in the amount of \$2,376,627.00 for the Portsmouth Dover Water Systems Interconnect project. This project is expected to primarily be funded via a Congressionally Directed Spending (CDS) grant award, with a yet to be identified local match provision. The resolution authorizes the City to participate in the CDS grant program in an amount up to \$2,376,627.00 to finance the project. The cost of \$2,376,627 is NHDOT’s estimate, which is expected to be split equally with Portsmouth. The City of Dover’s participation with funding will be contingent on successfully executing an intermunicipal agreement with the City of Portsmouth on an equal cost sharing arrangement.

Debt Authorization versus Debt Retirement

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

	Water
Description	Fund
Pending Authorization	2,376,627
Prior FY2024 CIP Authorization	2,058,000
FY2024 Principal Retirement	1,501,339
Net Change	2,933,288

Legal Debt Limits

The following tables summarizes the amount of debt outstanding & authorized-unissued, as of June 30, 2023 and this authorization, against the legal debt limits.

Document Created by: Finance Department Document Posted on: August 4, 2023	R-2023.07.26 FY2024 CIP Appropriation and CWSRF Authorization Portsmouth Dover Water System Interconnect Page 4 of 6
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CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2023.07.26 - 123**

Resolution Re: **FY2024 CIP Appropriation and Authorization for Bonding
Portsmouth Dover Water System Interconnect**

Description	Authorized	
	Unissued Debt	CIP Authorization
Water Systems Facilities Upgrade	3,448,287	FY2017 CIP Appropriation
Water Main Replacement - Piscataqua/Drew Roads	602,000	FY2017 CIP Appropriation
Water Systems Facilities Upgrade	8,000,000	FY2018 CIP Appropriation
Water Main Replacement - Oak/Broadway Area	1,250,000	FY2018 CIP Appropriation
Water Main Replacement - Central Avenue - Lower	1,100,000	FY2021 CIP Appropriation
Water Main Replacement - Central Avenue - Upper	825,000	FY2021 CIP Appropriation
Water Main Replacement - Littleworth Road	1,100,000	FY2021 CIP Appropriation
Water Main Replacement - Washington/Main Street	1,400,000	FY2021 CIP Appropriation
Water Main Replacement - Court Street Area	825,000	FY2022 CIP Appropriation
Water Main Replacement - Fifth/Grove Streets	1,000,000	FY2022 CIP Appropriation
Water Main Replacement - Oak/Ham/Elia	500,000	FY2022 CIP Appropriation
Water Main Replacement - Urban Core	1,900,000	FY2022 CIP Appropriation
New Water Storage Tank	6,100,000	FY2023 CIP Appropriation
Water Main Replacement - Court Street Area	1,808,000	FY2024 CIP Appropriation
Water Main Replacement - Fifth/Grove Streets	250,000	FY2024 CIP Appropriation
	30,108,287	

Description	Water
	Fund
Debt Outstanding	16,900,998
Authorized - Unissued	30,108,287
Total Issued & Unissued	47,009,285
This Authorization	2,376,627
Grand Total	49,385,912
Legal Debt Limit	578,971,705
Under (Over) Legal Limit	529,585,793
Percent Under (Over)	91.60%

Notes: Legal debt limit for Water Fund is based on 10% of equalized assessed value.

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 7.D. Public Hearing Only Resolution Number: R – 2023.07.26 - 123 Resolution Re: FY2024 CIP Appropriation and Authorization for Bonding Portsmouth Dover Water System Interconnect
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Financial Policy Considerations

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

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

Water Fund debt will exceed the 5% policy limit in FY2024 and continue through FY2029 as a result of the funding appropriated in this resolution and the funding for Water System Facilities Upgrade in the FY2017 CIP and FY2018 CIP. The Water Fund debt service as a percentage of budget is projected to exceed the 40% policy level in FY2024 and continue through FY2029. This is the result of the funding appropriated for Water System Facilities Upgrade in FY2017 and FY2018 CIPs, as well as the \$2,058,000 authorized as part of the FY2024 CIP adoption and the \$2,376,627 proposed for debt financing in this resolution.

Budgetary and Rate Impacts

The repayment of the Water Fund debt obligations are funded through the revenue collected from rate payers. The \$2,376,627 debt obligation is expected to be paid back over a 20-year period. Principal repayments would be \$118,831 per year. The annual impact to the City’s Water Fund budget is based upon annual principal and interest repayment. The interest that would accrue on outstanding principal balances over the 20-year period, based on an interest rate of 4.75%, is estimated to be a total of \$1,298,236 impact and approximately \$112,890 annual impact for the first three years. The combined impact of principal and interest repayment for the debt financing is estimated at \$0.23 impact on the water rate. For a single-family home with an average annual water usage of 75 HCF the annual impact would be \$17.55.

CITY MANAGER'S REPORT

August 9, 2023

Reporting On:
June & July 2023

By: J. Michael Joyal, Jr.
City Manager

Legal Department

Joshua Wyatt, City Attorney

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

Legal support levels are tracked to the extent feasible. The tracking of legal support efforts revolves around legal services called “Matters” (legal questions and issues raised by staff and all other sources warranting ongoing attention), individual legal questions answered, litigation, legal documents (contracts, deeds etc.), resolutions, and responses to Right to Know requests. It is important to note, however, that not all activity each month results in a new “matter” being created, as a considerable number of tasks performed each month relate to preexisting matters that are in progress, or for discrete research issues or legal questions that may not result in the creation of a “matter” but are counted in the figures below as “Questions.”

June 2023	For Month	FY23	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	89	1,061	790	703	466	342
Review Existing Legal Contracts & Draft Memo	12	153	161	-	-	-
Legal Contracts/Memo Created	19	201	214	350	256	269
Right to Know Requests Processed	11	100	78	51	49	41
Resolutions	7	70	74	73	75	53
Ordinances	1	17	24	19	10	18
Leases	0	4	13	-	-	-
Primex Auto Claims Handled	6	80	46	-	-	-
Primex Liability Claims Handled	0	67	70	-	-	-
Primex Property Claims Handled	2	54	68	-	-	-

July 2023	For Month	FY24 FYTD	FY23	FY22	FY21	FY20	FY19
Legal Matters/Questions Handled	83	83	1,061	790	703	466	342
Review Existing Legal Contracts & Draft Memo	14	14	153	161	-	-	-
Legal Contracts/Memo Created	11	11	201	214	350	256	269
Right to Know Requests Processed	5	5	100	78	51	49	41
Resolutions	7	7	70	74	73	75	53
Ordinances	2	2	17	24	19	10	18
Leases	0	0	4	13	-	-	-
Primex Auto Claims Handled	3	3	80	46	-	-	-
Primex Liability Claims Handled	6	6	67	70	-	-	-
Primex Property Claims Handled	2	2	54	68	-	-	-

Right to Know Requests

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

- ★ Dev Khalsa – Request for Human Resource records
- ★ Patricia McConnell – Request for Dover School District records of her father Joseph Christopher McConnell, Jr. (1927-1938)
- ★ Boomerang Data – Request for all uncashed checks and all other unclaimed property that are older than six months
- ★ University of Iowa School of Journalism – Request for rules of public meetings
- ★ Stonefield Engineering – Request for previously approved site plans, survey mapping, resolutions and as-built documentation regarding 1-3 Webb Place
- ★ Stonefield Engineering – Request for documentation relating to all property owners and utility providers within a 200-foot radius of Map 38, Lots 15A & 15B (1-3 Webb Place)
- ★ Innocence Project – Request for Dover Police Department for documentation relating to any DNA result requests
- ★ Seacoast Media Group – Request for documentation relating to Rollinsford fatal accident

- ★ Building Ventures – Request for any fire code, building code and health code violations for 4-8 Grove Street
- ★ State of NH Department of Safety – Request for documentation of December 12, 2022 fatal accident on Spaulding Turnpike
- ★ Mackinac Center—Request for collective bargaining agreement information
- ★ Ohm Analytics – Request for solar panel permits from 7/1/22 thru 6/30/2023.
- ★ Portland Press Herald – Request for documents relating to 2022 fatal vehicle accident in Rollinsford, NH.
- ★ Korde & Association – Request for tax information and water & sewer lien information on 10 Wellington Avenue.
- ★ Julie P. – Request for consultant fees regarding stormwater utility.
- ★ Sally Staude – Request for information concerning removed and acquired books from January 2018 through July 23, 2023.

Goals & General Activities

In June:

The Office assisted with monitoring newly passed legislation;

The Office reviewed published decisions of the New Hampshire Supreme Court, the United States District Court for the District of New Hampshire, the United States Supreme Court, and other potentially relevant cases.

The Office continues conducting an internal review of its processes and possibilities to standardize same and continue quality assurance.

The Office currently has no written, comprehensive strategic plan. The Office has therefore begun drafting a strategic plan.

In addition to the regular duties of the Office, the City Attorney serves as the chair of the City's Records Committee (as the City Manager appointee), the Office of the City Attorney assists the Ordinance Committee as staff liaison, and the Office of the City Attorney also serves as staff liaison for the Ethics Committee.

Other activities of potential interest in June 2023: o Executive Department: Assist business development with pending purchase/sale agreement.

Community Services: Review of funds received in relation to Monsanto class action settlement concerning PCBs; assist with Dover code enforcement for public rights of way; assistance and drafting with respect to Cocheco outfall replacement project; assistance with research of historical real property rights of the City; assist with proposed tower lease; assist with state inspection of recycling center; research and assistance with roadside mowing; assist with confidential industrial pretreatment data requests; created new checklist and documented workflow for common research tasks.

Finance Department: Assist with City reimbursement on Cornerstone public sewer extension project (2022); assist with implementing revised purchasing code; assistance with certain water/sewer collection efforts;

assistance with review of several bankruptcy notices; assistance with tax deeding; review of foreclosure notices; assistance with certain bids; assist with dog warrant/forfeitures.

Fire and Rescue Department: Assist with relocation of Inspection Services, delegation of authority related to same, and lines of accountability related to same.

Planning: Research and review of various legal issues related to zoning ordinance enforcement; assist with review of certain land use applications; assist with resident's request for City to join in lot line adjustments in Dover and Somersworth; research compliance issues; assisted with review of public art policies; assist with CDBG loans.

Public Welfare: Assistance with certain payment vouchers.

Recreation: Assistance and drafting for efforts to help Great Bay Rowing temporarily relocate during Waterfront project; propose possible request for City's acquisition of Hilton Park in connection with roads and maintenance obligations that NHDOT intends to transfer to the City.

Dover School District: Review of certain procedural policies of the Board; assisted with employment compliance request; research FERPA compliance questions.

In July:

Executive Department: Assisted IT with AUP addendum related to employee use of cloud data services. Assisted Business Development with extension of a pending purchase and sale agreement.

Community Services: Assisted with use of money escrowed by developer. Assisted with driveway research and resolution of issues. Assisted with review of retaining wall on Cocheco River dam. Assisted with researching status of various public (or possible "public") roads. Assisted with code enforcement related to tree obstructions or safety hazards. Assistance with easement conveyancing. Assisted with monitoring dual pole settlement agreement.

Finance Department: Assisted with continuity of City Clerk functions during period of filling same. Assisted with tax collection planning efforts in view of vacancy in that office. Assistance with collection of "sewer only" accounts. Assistance with bidding and bid protest. Assisted with tax exemption legal research. Assisted with implementation of newly revised purchasing code. Assisted with perambulation research. Assisted with legal research into water/sewer investment fee. Assisted with sewer abatement appeal.

Fire and Rescue Department: Assisted with transition of Inspection Services to Planning Department. Assisted with enforcement and certificate of occupancy issue growing from fire suppression system.

Planning: Assisted with review of lot line restoration request. Assist with vision chapter of master plan adoption. Assisted with zoning ordinance enforcement. Assisted with historical deed research concerning Dover road owned by NHDOT.

Public Welfare: Assistance with certain payment vouchers.

Recreation: Continued assistance with temporary relocation of Great Bay Rowing.

Dover School District: Research and review pay rate issue. Assisted with review of services contracts.

Due to the nature of the services being rendered, some information cannot be provided or may only generally be described or discussed.

Pending Civil Litigation Update:

The use of outside counsel to handle specialty matters continues and consists of environmental matters and labor negotiations. There are a small number of attorneys hired on a variety of smaller matters. For clarification, the list below does not include bankruptcy filings or cases filed under seal.

Maloney v. City of Dover –

Case is pending with Rockingham Superior Court; City accepted service. Case is undergoing discovery. Trial is scheduled for May 2023, but is expected to be the subject of a motion to continue filed by the plaintiff. Summary judgment motion filed by the City in January 2023. In July 2023, the trial court granted the City summary judgment. Case will either terminate, or will undergo reconsideration filing with the trial court and/or appeal to the New Hampshire Supreme Court.

Opioid Epidemic Litigation –

Retained services of Robbins Geller of Boca Raton, Florida for fraudulent marketing practices of pharmaceutical manufacturers. Suit filed in USDC in Concord. Case has been transferred to federal court in Ohio as part of a multi-district litigation consolidation. In 2021, the City received its first payment from the State of New Hampshire pursuant to RSA 126-A:83, II, by virtue of an opioid-related settlement entered into by the State of New Hampshire. A national settlement as to certain defendants was accepted in January 2022. Settlements or other payments in satisfaction of City claims may be forthcoming from other defendants, but would be required to be tendered to the State's Opioid Abatement Trust Fund per RSA 126-A:83, I. Certain of the City's opioid claims have become part of bankruptcy proceedings. Following is a list of remaining defendants with a brief note about status of each case:

- Purdue companies: Claims in bankruptcy awaiting decision of the Second Circuit, reviewing whether to reverse the district court's denial of the bankruptcy plan;
- Endo companies: Claims in bankruptcy, though understand a potential settlement resolution may be underway.
- Mallinckrodt: Claims in bankruptcy, but money appears to have been distributed to the State of New Hampshire in January 2023.
- Sacklers (Individuals): See Purdue update above.
- Rite-Aid: Possible bankruptcy filing.

Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath -

Partial summary judgment rulings received in February 2021. Following trial in 2021, a final trial order was issued by the Court on April 1, 2022, finding in favor of the City on the width of Spruce Lane, the location of Old Garrison Road, several disputed issues of law concerning allowable uses on public roads, and issuing an injunction requiring remedial action. The Hebbards filed a motion for reconsideration, which the Court denied. The case was then appealed by Mr. and Mrs. Hebbard. A new briefing schedule has issued. The Hebbards filed an appeal brief in June 2023. The City is in the process of drafting an opposing brief and substantially completed a draft of same during July 2023.

City of Dover v. Mary and Rick Hebbard -

Complaint filed in October 2019 concerning drainage in the Tanglewood Subdivision. Partial summary judgment rulings were received in February 2021. Case was tried by City Attorney, Deputy City Attorney, and outside counsel on April 7, 8 and 9 of April 2021. The post-trial briefing was divided into two areas: (1) injunctive relief concerning removal of a berm, and (2) remaining issues, including enforcement of a stipulated Court-Order for an underground drainage system. In May 2021, the Court issued an order granting an injunction and requiring removal of the berm and restoration of surface drainage. In September 2021, the Court issued a final Order on the remaining trial issues, finding the defendants to be in contempt of a prior stipulation and requiring that the defendant's complete construction of the drainage project within 90 days

of receiving additional materials from the City. The drainage system is now believed to be constructed and completed. The Court held an evidentiary hearing on September 9, 2022 relating to damages alleged by the defendants. No decision has issued yet on that damages hearing. The Hebbards have filed other post-hearing items since, to which the City has responded to the extent necessary. The parties are in the process of fulfilling the other obligations of the earlier stipulation they entered into, which includes conveyance of an easement and a mutual release.

Estate of Stephen Towne -

This is a probate matter concerning administration of estate that includes a bequest to the Dover School District. The City Attorney has filed an appearance and is monitoring the progression of the docket.

Barufaldi v. City of Dover -

In September 2022, a former employee filed a Charge of Discrimination with the New Hampshire Commission for Human Rights alleging age-based disparate treatment. In October 2022, the respondents filed an answer.

City of Dover v. Secretary of State (House Redistricting) -

On July 26, 2022, a complaint was filed with the Strafford County Superior Court. In October 2022, the defendants filed a Joint Motion to Dismiss. In November 2022, the plaintiffs filed an objection, to which the defendants filed a reply. Plaintiffs filed a brief surreply memorandum. Case has not yet been scheduled for discovery. A hearing on the motion to dismiss occurred on Friday, May 5, 2023, but as of this update no decision has issued from the Court. The parties are exploring a possible stipulation of facts.

Richard Strahan v. William McNamara -

This is a declaratory judgment and injunction action filed in U.S. District Court by a citizen against the University of New Hampshire, the Town of Durham, and the City of Dover. In the Complaint, the plaintiff alleges various claims arising out of a no-trespass order related to UNH Wildcats Transit. Outside counsel is defending this matter and has moved to dismiss the claims asserted by the plaintiff against Chief Breault. The Court has denied the plaintiff's requests for a preliminary injunction, following the most recent of which the plaintiff filed an interlocutory appeal to the U.S. First Circuit Court of Appeals. The First Circuit has now dismissed the interlocutory appeal. Plaintiff moved to amend to assert claim against presiding judge. The United States District Court for New Hampshire has referred the case to another district court (Rhode Island) due to unavailability of New Hampshire federal judge without a basis for disqualification. Ruling on the defendants' pending motions to dismiss is still anticipated.

Garry Lane et al v. City of Dover et al. -

In October 2022, abutters filed an appeal of a decision of the Zoning Board of Adjustment granting an equitable waiver of dimensional requirements. The City and other respondent have filed an answer. The City filed a certified record. The final hearing was held on March 22, 2023 and the appellants and the City each filed a memorandum with the Court. The intervenor filed a post-hearing memorandum and the appellants filed a reply to same. Case is awaiting decision by the Court.

Pamela Leighton et. al. v. City of Dover et al -

In November 2022, representatives of the estates of two decedents filed a tort action in Strafford Superior Court, naming as defendants a former Dover police officer and the City of Dover. In December 2022, the City and co-defendant filed answers to the Complaint. Case is now in general discovery.

Tibbett v. City of Dover -

The City was notified in January 2023 of an appeal to Superior Court of a subdivision approval in November. In February 2023, the City filed a certified record and answer to the complaint. The City filed a memorandum of law and a hearing on the merits was held on May 1, 2023. By Order dated June 27, 2023, the Superior Court (Howard, J.) affirmed the decision by the Dover Planning Board. A motion for reconsideration was thereafter filed by the party/petitioner who filed the Court appeal, which is still pending.

Professional Development:

The Office of the City Attorney places significant importance on professional development in areas germane to the City's needs. The Deputy City Attorney attends monthly meetings for the Law Related Education Committee. The City Attorney continues to serve as a member of the New Hampshire Bar Board of Governors and subcommittee specifically studying the issue of generative artificial intelligence and its impact on the practice of law. The legal assistant spent time cross-training with the departing City Clerk/Tax Collector as part of temporarily assuming certain duties during upcoming recruitment period.

**Concluding Remarks:**

The City Attorney continues to work on implementing the City's Code adopted in February 2020. Code supplements are continuing on a quarterly update schedule. The recodification of the City's zoning ordinance continues, but may be brought forward in the near future (later in 2023).

Business Development

by Christopher Parker, Deputy City Manager

Month	Businesses Reached Out for Assistance	Business Visitations Performed	Businesses Connected to Business Assistance Resources
June 2022	19	31	00
July 2022	38	20	29
August 2022	27	18	23
September 2022	23	19	12
October 2022	27	31	16
November 2022	32	33	11
December 2022	16	31	14
January 2023	24	28	11
February 2023	19	23	10
March 2023	51	23	42
April 2023	47	36	41
May 2023	56	72	48
June 2023	42	36	38
July 2023	33	28	37

New Business / Commercial Development / Downtown Updates

June:

- ★ The downtown economy is seeing a mixed landscape, with challenges for retail businesses due to rainy weather and concerns about the broader economy, but there are also positive indicators. Restaurants have reported better sales on rainy days, food service space remains in high demand, and there is a growing interest in the downtown area among potential new businesses.
- ★ Several businesses have reported a tightening in commercial lending, which has posed challenges for those seeking financial support or financing new projects.
- ★ A number of vacancies have emerged downtown and the OBD has been actively collaborating with various commercial property owners to assist in addressing these vacancies.
- ★ Numerous reports of scammers attempting to contact small business owners have come to our attention. To combat this issue, we are working with businesses to emphasize the importance of remaining vigilant and refraining from sharing any sensitive information with individuals posing as vendors or third party delivery services.

July:

- ★ Despite international travel outpacing domestic travel, local area hotels in Dover are experiencing robust

occupancy rates. This trend indicates a strong preference for the region among travelers, supporting the local tourism industry.

- ★ The recently held Dover 400 Block Party resulted in impressive sales for local businesses. Both business owners and community members welcomed the event, leading to interest from downtown businesses in making it an annual affair. This positive response signals potential for continued economic growth through community oriented events.
- ★ Local restaurants in Dover are enjoying a thriving summer season, with outdoor dining gaining popularity as a key driver for attracting patrons. The rise in outdoor dining reflects a growing consumer preference for open air experiences during the warmer months.
- ★ The downtown area of Dover has garnered significant attention from businesses, resulting in numerous inquiries for available commercial spaces. The Office of Business Development has played a crucial role in facilitating the locating and relocating of several businesses over the past month, indicating a favorable business environment in Dover.

Economic Activity

June:

- ✚ The NH Department of Business and Economic Affairs has released a new State of New Hampshire Workforce Assessment. The entire document can be found online here:
<https://www.nheconomy.com/getmedia/90db063852a54e4bba51fd06719d30df/FinalWorkforceAssessmentStateofNewHampshirev2.pdf>
- ✚ The report analyzed New Hampshire's top 80 occupations and projected that statewide for all occupations nearly 191,000 jobs by 2032 could not be filled by the projected workforce. 34 of the occupations studied were projected to have significant gaps between the number of potential jobs by 2032 and the number of projected workers available to fill them.
- ✚ General managers/operations managers were identified as the occupation with the largest potential shortage (11,905 jobs). Software developers/analysts/testers, heavy truck drivers, sales representatives, and registered nurses were also in the top 5 occupation gaps.
- ✚ OBD has been working with other participants in the Seacoast Economic Development Stakeholders and a Portsmouth based marketing firm to develop and promote an employer toolkit containing a variety of strategies to help businesses attract and retain talent. The resources are available online here: [https://www.sohocreativestudio.com/employer toolkit](https://www.sohocreativestudio.com/employer-toolkit)

July:

- ✚ Strafford Regional Planning Commission adopted the 2023 update to their Comprehensive Economic Development Strategy, which provides economic analysis for the 18 communities in their region:
https://www.strafford.org/uploads/documents/plans/edd/ceds_2023.pdf
- ✚ The plan is accompanied by community profiles containing a variety of economic indicators:
https://strafford.org/uploads/documents/plans/rpc/datasnapshot_2023_communityprofile_economicvitality.pdf
- ✚ The plan and the community profiles report mixed economic performance. While Covid-19 is no longer seen as a major factor impacting the region's economy, high costs of inputs and consumer goods

continue to pose a challenge for both companies and consumers. Access to labor continues to be a major obstacle to economic growth, and this labor shortage is exacerbated by a lack of attainable housing, access to affordable childcare, and wages in some industries that cannot keep up with rising costs.

- The Federal Reserve Beige Book reports modest increases in business activity and stabilizing prices this month. Low housing inventory is negatively impacting the real estate market, as is a decline in leasing by the life sciences industry, which they attribute to declining access to capital.

Some non-local items were excerpted from the Federal Reserve Beige Book-Boston.

Housing metrics obtained from NHAR-Strafford County.

Parking Division

May	May-23	May-22	May-21	Fiscal YTD 2023	Fiscal Year 2022	Fiscal Year 2021
Meter Activity - Total						
Meter Transactions	45,904	41,386	37,550	472,942	485,571	385,006
Income at Meters	\$90,694	\$76,466	\$67,749	\$929,225	\$911,476	\$676,715
Active Meter Days	26	25	25	275	301	302
Average Daily Meter Transactions	1,766	1,655	1,502	1,720	1,613	1,275
Meter Activity - Parking Garage						
Meter Transactions	2,501	2,228	2,403	30,221	31,151	11,463
Income from Meters	\$7,076	\$5,908	\$6,910	\$85,826	\$89,464	\$62,637
Active Meter Days	26	25	25	275	301	302
Average Daily Meter Transactions	96	89	96	110	103	74
Parking Permit Activity						
Total Parking Permits Issued	770	748	742	8,649	9,232	8,756
Residential Permits Issued	12	33	40	240	420	473
Business Permits Issued	758	715	702	8,409	8,812	8,283
Permit Income	\$19,434	\$27,030	\$16,067	\$348,609	\$344,367	\$265,168
Parking Ticket Activity						
Total Parking Tickets Issued	713	682	621	7,864	8,460	6,588
Accessible Space Tickets Issued	9	6	2	60	41	21
Winter Restriction Tickets Issued	0	0	0	525	495	486
Parking Ticket Income	\$17,694	\$21,518	\$11,754	\$191,727	\$197,012	\$160,519
Electric Vehicle Charging Stations						
Number of times Stations Used	57	53	15	632	316	100
Charging Station Income	\$432	\$450	\$96	\$5,035	\$2,660	\$571

June	Jun-23	Jun-22	Jun-21	Fiscal YTD 2023	Fiscal Year 2022	Fiscal Year 2021
Meter Activity - Total						
Meter Transactions	49,437	45,623	39,715	522,502	485,571	385,006
Income at Meters	\$98,849	\$84,463	\$75,451	\$1,028,074	\$911,476	\$676,715
Active Meter Days	26	26	26	301	301	302
Average Daily Meter Transactions	1,906	1,715	1,528	1,736	1,613	1,275
Meter Activity - Parking Garage						
Meter Transactions	2,581	2,552	2,402	32,802	31,151	11,463
Income from Meters	\$7,070	\$7,068	\$6,835	\$92,896	\$89,464	\$62,637
Active Meter Days	26	26	26	301	301	302
Average Daily Meter Transactions	99	98	92	109	103	74
Parking Permit Activity						
Total Parking Permits Issued	771	753	774	9,420	9,232	8,756
Residential Permits Issued	13	32	40	253	420	473
Business Permits Issued	758	721	734	9,167	8,812	8,283
Permit Income	\$13,612	\$16,095	\$20,325	\$362,741	\$344,367	\$265,168
Parking Ticket Activity						
Total Parking Tickets Issued	581	575	572	8,445	8,460	6,588
Accessible Space Tickets Issued	9	5	3	69	41	21
Winter Restriction Tickets Issued	0	0	0	525	495	486
Parking Ticket Income	\$14,969	\$18,310	\$16,390	\$207,626	\$197,012	\$160,519
Electric Vehicle Charging Stations						
Number of times Stations Used	61	38	16	693	316	100
Charging Station Income	\$407	\$338	\$82	\$5,042	\$2,660	\$571

Ridership Activity

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

Month	Route 1 Dover/Somersworth/ Berwick	Route 13 Dover/Somersworth	Route 33 Downtown Dover/County Complex/Portland Ave	Route 34 Downtown Dover/Knox Marsh Rd
May 2022	3,251	3,497	1,156	162
June 2022	2,336	3,587	834	153
July 2022	2,631	3,877	823	108
August 2022	2,784	3,904	995	192
September 2022	2,775	3,582	1,106	175
October 2022	2,807	3,323	1,204	190
November 2022	3,350	2,829	1,190	192
December 2022	3,111	2,532	1,271	183
January 2023	2,864	2,445	1,227	163
February 2023	3,152	2,480	1,344	149
March 2023	3,474	3,222	1,484	168
April 2023	3,495	3,051	1,403	194
May 2023	3,983	3,368	1,351	224
June 2023	4,547	3,765	1,490	296

J. MICHAEL JOYAL, JR.
CITY MANAGER



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, July 26, 2023**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cullen led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Shanahan, Councilor Cullen, Councilor Muffett-Lipinski, Councilor Thibodeaux, and Councilor Williams.

Absent: Councilor Hackett, Councilor Hickel, and Councilor Nemeth.

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

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Deputy Mayor Shanahan moved to approve the Agenda; seconded by Councilor Thibodeaux.
Vote: 6.0.

7. PUBLIC HEARINGS

**A. AUTHORIZATION TO ACCEPT AND EXPEND ARPA CHAPEL STREET RAVINE
STORMWATER TREATMENT SYSTEM PROPERTY ASSESSMENT 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. 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.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

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

**C. AUTHORIZATION TO ACCEPT AND EXPEND THE NEW HAMPSHIRE OFFICE OF
HIGHWAY SAFETY 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.

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.

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



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, July 26, 2023**
Meeting Time: **7:00 pm**

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing, and gave a few highlights to the Council.

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

Vote: 6/0.

10. APPROVAL OF MINUTES

A. July 12, 2023 – Regular Meeting

Deputy Mayor Shanahan moved to approve the Minutes; seconded by Councilor Muffett-Lipinski.

Vote: 6/0.

11. MAYOR'S REPORT

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

Deputy Mayor Shanahan moved to accept the Mayor's Report; seconded by Councilor Muffett-Lipinski.

Vote: 6/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. AUTHORIZATION TO ACCEPT AND EXPEND ARPA CHAPEL STREET RAVINE STORMWATER TREATMENT SYSTEM PROPERTY ASSESSMENT 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: 6/0.

2. 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.)

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan moved for its adoption; seconded by Councilor Muffett-Lipinski.

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

Roll call vote: 6/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
 Meeting Location: **City Hall, Council Chambers**
 Meeting Date: **Wednesday, July 26, 2023**
 Meeting Time: **7:00 pm**

3. AUTHORIZATION TO ACCEPT AND EXPEND THE NEW HAMPSHIRE OFFICE OF HIGHWAY SAFETY 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 Muffett-Lipinski.
 City Manager Joyal gave an overview of the Resolution to the Council.
 Roll call vote: 6/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. OPERATION AND MAINTENANCE OF THE CLOSED CITY OF DOVER LANDFILL SUPERFUND SITE LIFT STATION
 SPONSORED BY MAYOR CARRIER BY REQUEST**
- 2. B23087 TREE REMOVAL AND OTHER RELATED TREE WORK SERVICES
 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. Solid Waste Advisory Commission (Muffett-Lipinski) |
| 7. Collaborative City Council and School Board (M-Lipinski) | 22. Transportation Advisory Commission (Williams) |
| 8. Conservation Commission (Williams) | 23. Waterfront TIF Advisory Board (Shanahan) |
| 9. Downtown TIF Advisory Board (Hinkel) | 24. Joint Building Committee – DHS (Carrier) |
| 10. Energy Commission (Thibodeaux) | 25. COAST (Shanahan) |
| 11. Graffiti Management Ad Hoc Committee (Nemeth) | 26. Cochecho Waterfront Development Advisory Committee (Carrier) |
| 12. Heritage Commission (Nemeth) | 27. Dover Main Street (Carrier) |
| 13. Legislative Liaison (Shanahan) | 28. Strafford Regional Planning Commission (Williams) |
| 14. Library Board of Trustees (Thibodeaux) | 29. Government Affairs (Carrier) |
| 15. McConnell Center Advisory Committee (Thibodeaux) | |

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

Roll call vote: 6/0.

Councilor Muffett-Lipinski gave an overview of the School Board Report to the Council.

Councilor Cullen gave an overview of the Planning Board Report to the Council.

Councilor Williams gave an overview of the Appointments Committee Report to the Council, and recommended the following appointments.

New Appointments:

Whitney Carrier- Racial Equity and Inclusion Committee

Branden Ladebush – Trustees of the Trust Fund

Nathania Sitiwatjana - DBIDA

Jessica Nyby – Pool Advisory Committee as a regular member

Kate Nelson – Pool Advisory Committee as an alternate member



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, July 26, 2023**
Meeting Time: **7:00 pm**

Change in Status:

Jonathan Elliard – Planning Board alternate to regular member.

John Turner – Energy Commission alternate to regular member.

Deputy Mayor Shanahan moved to approve the Appointments Committee Report and the recommended appointments; seconded by Councilor Muffett-Lipinski.

Vote: 6/0.

Councilor Thibodeaux gave an overview of the Energy Commission Report to the Council.

B. RESOLUTIONS

- 1. RESOLUTION FOR SPECIAL ASSESSMENT ON 4 JACKSON BROOK TERRACE
(TO BE REFERRED TO A PUBLIC HEARING ON A DATE TO BE DETERMINED.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on a date to be determined; seconded by Councilor Thibodeaux.

Vote: 6/0.

- 2. FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR CWSRF
LOAN FOR HENRY LAW PARK STORMWATER BEST MANAGEMENT PRACTICES
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 9, 2023, WITH A CITY
COUNCIL VOTE TO OCCUR ON AUGUST 23, 2023.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on August 9, 2023; seconded by Councilor Muffett-Lipinski.

Vote: 6/0.

- 3. FISCAL YEAR 2024 CIP APPROPRIATION AND AUTHORIZATION FOR BONDING
OF PORTSMOUTH DOVER WATER SYSTEMS INTERCONNECT
(REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL.)
(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 9, 2023, WITH A CITY
COUNCIL VOTE TO OCCUR ON AUGUST 23, 2023.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on August 9, 2023; seconded by Councilor Muffett-Lipinski.

Vote: 6/0.

C. ORDINANCES IN 1ST READING

- 1. CHAPTER 145 – WASTE MANAGEMENT, SECTION 2
(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 9, 2023.)
SPONSORED BY MAYOR CARRIER BY REQUEST**

Deputy Mayor Shanahan moved to refer to a public hearing on August 9, 2023; seconded by Councilor Thibodeaux.

Vote: 6/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, July 26, 2023**
Meeting Time: **7:00 pm**

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Mayor Carrier spoke about the Hazardous Waste Collection Day on August 26, 2023. He asked about the Skate Board Park.

City Manager Joyal gave an overview on the status of the Skate Board Park.

16. ADJOURN

Councilor Muffett-Lipinski moved to adjourn; seconded by Councilor Thibodeaux.
Vote: 6/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Conference Room
Meeting Date: **Wednesday, August 2, 2023**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Thibodeaux led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

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

Absent: Councilor Hinkel, Councilor Hackett, Councilor Muffett-Lipinski, and Councilor Nemeth.

Also Present: City Manager Joyal, Deputy City Attorney Perez, 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. MASTER PLAN – VISION CHAPTER PRESENTATION

Outreach Coordinator, Erin Bassegio, gave a Powerpoint presentation regarding the Master Plan – Vision Chapter to the Council.

B. HOUSING NAVIGATOR UPDATE

Community Housing Navigator, Ryan Pope, gave an oral update to the Council.

C. CITY COUNCIL – CITY MANAGER GOAL SETTING DISCUSSION

City Manager Joyal gave an overview of the handouts to the Council. He said he will bring this forward as a resolution for the August 23, 2023 meeting.

7. ADJOURNMENT

Councilor Thibodeaux moved to adjourn; seconded by Councilor Williams.

Vote: 5/0.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE
	Ordinance Number: O – 2023.07.12 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”

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:

O-2023.07.12 Ch 170 Zoning v.2.docx, Sections 6, 12, 19,
20, 21, 27.1, 27.2, 28, 32, 53

 CITY OF DOVER	CITY OF DOVER – ORDINANCE	
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“**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:

 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								
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“**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.”

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

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encourages and facilitates pedestrian activity. The *Dover Streetscape Standards* will serve as a reference document for many of the elements below.

- (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



CITY OF DOVER

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HEIGHT. The tree species used shall be selected from the City of Dover's approved list of STREET TREES.

- (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.

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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:

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- (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.
 - (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 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 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:

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- (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.
- (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.

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16. AMENDMENT

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

“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.

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(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:

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 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.

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18. AMENDMENT

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

(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 within 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.

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- (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.”

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.



CITY OF DOVER

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- (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.
- (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.

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- (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 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.

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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), n~~Notice 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 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.

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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 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.”

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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.
 - 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 G~~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

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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.

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		

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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:		
Resolution does does not pass.		

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.

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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

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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

To: Dover City Council
From: Donna Benton, AICP
CC: J. Michael Joyal, City Manager
Christopher Parker, AICP
Dover Planning Board
Date: June 27, 2023
Re: Zoning Amendments

ISSUE:

On May 23, 2023, the Planning Board unanimously approved 26 amendments to the City's Zoning Ordinance, Chapter 170.

INTENT:

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

GOALS:

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

PROCESS:

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

The Planning Board posted the amendments after consideration on February 14, 2023 and March 28th, 2023. It held public hearings on March 28th and May 23rd, 2023. The Board unanimously approved amended amendments at the May 23, 2023 hearing and forwarded them to the City Council for ratification.

ATTACHMENTS:

- Property Owner Letter
- Combined Approved by Planning Board

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

The consistency of the proposed amendments with the Master Plan;

Most of the amendments are housekeeping in nature or are to clarify ambiguity. Those that are of more substance such as the solar ordinance is supported through multiple Chapters but most notably in the 2017 Stewardship of Resources Chapter. Reducing the RCM minimum lot from 25 acres to 20 acres is supported in the 2015 Land Use Analysis Chapter with the importance of mixed-use projects. Certainly all the amendments fit into the 2013 Vision Chapter and drafted 2023 Vision Chapter when considering the importance of balancing development with environmental elements.

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

The proposed amendments do not conflict with any other plans, studies or technical reports. Several are supported by the City's strategic plan and Resilience plan.

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

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

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

Amendments 9, 15, 16, 17, 18, 25 and 26 are designed to enhance the natural and environmental aspects of the City. Amendment 11 is designed to maintain established neighborhoods from less restrict zoning districts nearby.

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

This year's amendments would not cause for many, if any, nonconformities as several are providing more flexibility or are more housekeeping in nature or providing more clarity rather than major changes.

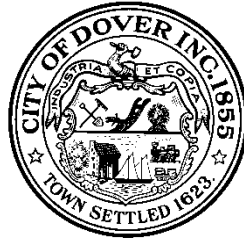
The effect of the proposed amendment on the City's economy and fiscal resources; and

No real effect anticipated. Amendment 9 helps to clarify the flexibility in that there is the option of solar or green roof for developments over a certain threshold and to expand that requirement to another neighboring district. Amendment 21 will save the city fiscal resources by lessening the need for city-wide mailing for minor amendments to the zoning ordinance.

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

The Planning Board unanimously approved the amendments (with a couple minor amendments to the amendments since posting based off of Board feedback) and hereby submits them to the City Council for ratification.

Donna P. Benton, AICP
Director
Planning & Community Development
d.benton@dover.nh.gov



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

City of Dover, New Hampshire

Department of Planning & Community Development

April 27, 2023

Dear Dover Property Owner:

The Dover Planning Board has scheduled an opportunity for the public to learn about and provide feedback on the 26 proposed amendments to the Dover Zoning Ordinance, Chapter 170. A public hearing will be held at the Planning Board meeting on: **Tuesday May 23, 2023**. You are invited to attend the meeting, which will be held in **City Hall's City Council Chambers, 288 Central Avenue at 7:00 PM**. You may also email Dover-Planning@dover.nh.gov or call **(603) 516-6338 with comments**. The amendments were developed with input from Planning Board members and Planning Department staff, and they are summarized below. Full text of the amendments is available on the City website.

1. Purpose Statement
2. Amend 170-6 revising the word "Uses" to "Usage"
3. Amend 170-15 revising the title to "Recreation Space and Separation between Use Requirements"
4. Amend the definition of "Development Identification Sign" to include a construction sign as a temporary sign.
5. Amend the definition of "Ground Mounted Solar" to include panels attached to stand-alone carports.
- 5A Amend the definition of "Rooftop Solar" to remove the word "thermal".
6. Amend the definition of "Junkyard, Motor Vehicle" definition, to remove an erroneous word.
7. Capitalize "UNSUITABLE DEVELOPMENT AREA" to show it is a definition.
8. Amend 170-6B to add the definition of "Window Sign".
9. Amend 170-12.A to add a footnote about Solar/Green Roof Standards to the CWD district.
10. Amend 170-12.B to clarify that lot coverage in Gateway district is a maximum allotment.
11. Amend 170-12 to add footnote to the Gateway district table regarding screening if a building is 4-stories
12. Amend 170-20.E(3) regarding general site lighting to be Dark Sky compliant.
13. Amend 170-B.(1) to remove the criteria of a Non-Environmental Conditional Use Permit.
14. Amend 170-19 to add criteria of a Non-Environmental Conditional Use Permit as an independent section.
15. Amend 170-27.1.B(2) add to the purpose statement of the Wetland Protection District.
16. Amend 170-27.1.F clarifying criterion of a Conditional Use Permit for Wetlands and require a written narrative.
17. Amend 170-27.2.F (4) clarifying the waiver process for Transfer of Developments Rights.
18. Amend 170-27.2.G (8) amending criteria of Transfer of Development Rights.
19. Amend 170-32.C.(7) clarifying window decals are permitted only on the interior of a building's windows.
20. Amend 170-32-C (16) to allow an additional temporary "Development Identification Sign".
21. Amend 170-53.D aligning the public notice and hearing requirements of the amendment process with RSA 675.
22. Amend 170-11 to remove "Hotel/Motel" from the "Uses Permitted by Conditional Use" in the Commercial Manufacturing (CM) District as it's also listed in "Permitted Uses".
23. Amend 170-11 to remove "Educational Institution, Post Secondary" from the "Uses Permitted by Conditional Use" in the CM District.
24. Amend 170-28.2 to note the RCM Overlay is allowed on lots in the CM, IT or R-40 that are greater than 20 acres rather than 25.
25. Takes Effect Statement

Additionally, separate amendments have also been posted:

1. Purpose Statement
2. Amend 170-21.D (2), "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.
3. Amend 170-21, "Alternative Energy System" by adding the need of a Conditional Use Permit and laying out the criteria for Planning Board to review.
4. Takes Effect Statement

ZONING AMENDMENT PUBLIC HEARING
City Council Chambers, City Hall

Tuesday, May 23, 2023 – 7:00 PM



City of Dover
288 Central Avenue
Dover NH 03820-4169

Return Service Requested

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

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

Please email Dover-Planning@doover.nh.gov or call (603) 516-6008 with comments.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 12.A.2. Ordinance Number: O – 2023.07.26 – 009 Ordinance Title: Waste Management Chapter: 145 Section: 2 Collection schedule; restrictions; recycling list
---	--

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to update certain provisions of the City’s Waste Management code to address ongoing problems related to trash and waste placed within the public rights of way.

2. AMENDMENT

Chapter 145 entitled “Waste Management” is hereby amended by revising Section 145-2, “Collection schedule; restrictions; recycling list” as follows:

a. THE FOLLOWING IS AMENDED:

§ 145-2 Collection schedule; restrictions; recycling list.

- A. Trash, recycling materials, and bulky waste generated by Dover residents shall be collected by the City contractor on a weekly basis. Collection shall occur Monday through Friday. Each residence shall only receive pickup once per week. In the event of inclement weather or other emergency, the Director of Community Services may suspend or temporarily reschedule collection by the City contractor.
- B. All trash placed for collection by the City contractor shall be contained in Dover bags, securely tied. Dover bags placed for collection by the City contractor shall not exceed 35 pounds. Dover bags may be placed in residential containers. All recycling material shall be placed for collection in a recycling bin. Bulky waste shall have a Dover tag attached.
- C. Residents shall not place trash, bulky waste, or recycling materials for collection by the City contractor along the curb or edge of the street earlier than 4:00 p.m. on the evening before the scheduled collection day by the City’s contractor. Residents who choose to have private contractors collect trash, bulky waste, or recycling materials shall not place trash, bulky waste, or recycling materials within a public right-of-way for collection. Private contractors shall not require or request that residents place privately collected trash, bulky waste, or recycling materials within the public right-of-way. This provision shall apply to materials placed for collection by the City contractor and private contractors. Residents and private contractors may be held responsible for compliance, or lack thereof, with the provisions stated in this subsection.
- D. Only materials contained in a Dover bag or recycling bin or bulky waste with an approved Dover tag and placed along the curbside no later than 7:00 a.m. on the scheduled collection day will be collected by the City contractor.
- E. The City contractor shall only collect Dover bags securely tied in such a manner as to fully and completely enclose the trash contained. Cardboard boxes are not acceptable containers for collection by the City contractor. Cardboard boxes shall be broken down to lie flat and



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: **O – 2023.07.26 – 009**
Ordinance Title: Waste Management
Chapter: 145
Section: 2 Collection schedule; restrictions; recycling list

secured as a bundle no more than four feet by four feet in size and no more than 50 pounds in weight

- F. The price of Dover bags and Dover tags shall be reviewed annually or as needed by the City Council.
- G. The Solid Waste Coordinator shall publish a list of recycling materials acceptable for the curbside recycling collection program, place the list on the City website and make the list available to the public.
- H. The Community Services Department shall announce the amended collection schedule for holiday weeks in advance.
- I. Items placed by residents along the public way marked "Free," or similar marking, shall only be placed in public view for 24 hours.

3. TAKES EFFECT

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

REQUIRES 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 - ORDINANCE		Agenda Item#: 12.A.2.
	Ordinance Number:	O – 2023.07.26 – 009	
	Ordinance Title:	Waste Management	
	Chapter:	145	
	Section:	2 Collection schedule; restrictions; recycling list	

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:

The City is experiencing ongoing problems whereby residents opting to use private trash collection are placing trash and other materials curbside throughout the week and out of compliance with the City’s code. Increasingly, City staff have encountered difficulty regulating curbside trash placed for private contractors, including instances where collection by private contractors interferes with snow removal and other activities. The City’s Solid Waste Advisory Committee supports this ordinance amendment.

For reference, RSA 47:17, VII enables the City to regulate “all streets and public ways, . . . and the deposit of any waste or other thing whatsoever.”



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2023.08.09 – 124**
Resolution Re: Environmental Projects Consulting Services Peschel Consulting LLC

- WHEREAS: The City of Dover is owner of the Tolend Road Landfill Superfund site, and has a 42.68% cost share obligation as a Potentially Responsible Party (PRP) as part of collaborative effort of other PRP's identified as the Executive Committee of Work Settling Defendants, otherwise known as "Dover Group"; and
- WHEREAS: The City of Dover's former employee, Dean Peschel, had been recognized by the US Environmental Protection Agency (EPA) and the Dover Group as the Project Manager for superfund remediation efforts, and Mr. Peschel is now retired from the City but providing technical consulting services through Peschel Consulting LLC (Dean Peschel); and
- WHEREAS: The City has its own Environmental Projects Manager to represent City interests, the retention of Mr. Peschel professional services will help provide continuity to the larger Dover Group, with Mr. Peschel offering consulting services via Peschel Consulting LLC at an hourly rate of \$250.00 on an as needed basis for the FY2024 fiscal year; and
- WHEREAS: Existing City engineering staff may have inquiries or require assistance of Mr. Peschel related to historical environmental-related projects, staff may engage Mr. Peschel per an on-call, as needed basis; and
- WHEREAS: Per 5-28.B, Competitive Bidding Purchase; Waiver: Competitive bidding may be waived by a 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 a Purchase Order to Peschel Consulting LLC of Eliot, ME in the amount not to exceed \$40,000.00 for environmental consulting services at rates outlined in this resolution. 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
5320.1.300.43250.4341.00000.00	CS - Sewer - Technical Services	213,734	213,734
5300.1.300.43320.4339.00000.00	CS - Water - Consulting Services	10,000	10,000



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2023.08.09 – 124**
Resolution Re: Environmental Projects Consulting Services Peschel Consulting LLC

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.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2023.08.09 – 124**
Resolution Re: Environmental Projects Consulting Services Peschel
Consulting LLC

RESOLUTION BACKGROUND MATERIAL:

Environmental matters involving the City of Dover create complex challenges and liabilities for the city. Institutional knowledge, experience and expertise in state and federal regulations and scientific knowledge are required to protect the interest of the city.

Both parties to the agreement are satisfied that the terms of the Agreement have been successfully met with the desired level of results and is requesting the City Council to renew the Agreement for one year. Tasks include, but are not limited to the following:

1. Act as Project Manager for the Dover Landfill Group
2. Provide insight and background on historic projects as needed.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2023.08.09 – 125**

Resolution Re: Residential Pay-As-You-Throw Trash Bags for FY24

WHEREAS: A sealed Request for Bid #B23083 was requested and received for Pay as You Throw Trash (PAYT) Bags on July 6, 2023 at 2:00 p.m.; and

WHEREAS: On February 9, 2022, City Council approved via resolution [R-2022.02.09-032](#), an emergency agreement, with Boxes and Bags Unlimited due to delays and shortages from vendor at that time, for the purchase of residential pay-as-you-throw trash bags through June 30, 2022. On June 22, 2022, City Council approved via resolution [R-2022.06.22-140](#) agreement to continue to utilize Boxes & Bags Unlimited for FY23; and

WHEREAS: Boxes and Bags Unlimited provided a quote to produce the same bags at \$77.88 per case for the 30 gallon and \$57.60 per case for the 15-gallon bags beginning July 1, 2023 through June 30, 2024 in the amount not to exceed \$165,000.00; 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 Boxes and Bags Unlimited of Lewiston, ME for residential pay-as-you-throw drawstring trash bags in the amount not to exceed \$165,000.00. 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	FY23 Appropriation	Balance
3320.1.300.43230.4612.000000.00	Operating Supplies	170,328.00	165,000.00

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.A.2.

Resolution Number: **R – 2023.08.09 – 125**
Resolution Re: Residential Pay-As-You-Throw Trash Bags for FY24

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:

The Solid Waste Advisory Committee (SWAC) reviewed the PAYT bid results at their meeting of July 20. Based on information provided, SWAC voted the recommended continuation of service with Boxes & Bags Unlimited. City staff have been very pleased with the quality and service provided by Boxes & Bags Unlimited, and requested a continuation of service and an agreement with this vendor for the purchase of residential pay-as-you-throw trash bags for fiscal year 2024. The bags supplied by Boxes & Bags Unlimited had shown much better consistency in the strength, color and pigmentation of the bags. Staff have been very happy with the new supply.

Two other bidders did provide costs less than Boxes & Bags. WasteZero, out of South Carolina, submitted rates of \$65.00 per case for the 30 gallon bags and \$45.50 per case for the 15 gallon bags. We had previously awarded WasteZero in FY22 and they were in breach of contract as they disregarded our repeated attempts to secure a performance bond, per the bid requirement. In addition, the supply availability from WasteZero was so erratic, and unreliable, that we were forced to secure the bags elsewhere. Chany Weissman submitted rates of \$68.34 each for the 30 gallon bags and \$52.32 each of the 15 gallon bags. The bags submitted by Chany Weissman did not meet our quality standards. In addition, researching their company on the internet provided little to no information.

Based on these finding, both SWAC and City staff have determined that neither WasteZero nor Chany Weissman bid submittals would be the most advantageous to the City.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2023.08.09 – 125**

Resolution Re: Residential Pay-As-You-Throw Trash Bags for FY24

In researching the performance of Boxes & Bags Unlimited (B&BU) they came very highly recommended from other municipal entities. B&BU has apparently stepped in on an interim basis to supply PAYT bags for a couple of Massachusetts communities. B&BU can provide 1.5 mil thick, with an integral tie strap heat-molded into the top. Municipalities have expressed they are very comfortable with the quality of the bags, and the timeliness of deliveries and orders with B&BU. City Council approved via resolution [R-2022.02.09-032](#) an agreement with Boxes and Bags Unlimited for the purchase of residential pay-as-you-throw trash bags through June 30, 2022. In addition, on June 22, 2022, City Council approved via resolution [R-2022.06.22-140](#) an agreement to continue to utilize Boxes & Bags Unlimited for FY23.

Award Information:

A purchase order will be issued to Boxes and Bags Unlimited to authorize expenditure outlined in this resolution.

Purchasing Information:

Type:	Purchase order	Advertised:	Yes
Invitations Mailed:	142	Number of Responses:	4
Warranty:	N/A	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	6/30/2024	Estimated Delivery:	As Needed
Recommended Award to:	Boxes and Bags Unlimited	Fund:	Waste Mgmt/Fund 3320
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

[B23083 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2023.08.09 – 126**

Resolution Re: Collective Bargaining Agreement—Dover Paraeducators' Association (DPA)

WHEREAS: Representatives of the Dover School Board and Dover Paraeducators' Association have been involved in negotiations for a Collective Bargaining Agreement to supersede the agreement expiring August 31, 2023; and

WHEREAS: Representatives of the Dover School Board and Dover Paraeducators' Association reached a tentative agreement as to the terms and conditions of a revised, three-year bargaining agreement, the cost items for which are outlined in the background of this resolution; and

WHEREAS: On July 24, 2023, the Dover School Board approved the three-year tentative agreement with the Dover Paraeducators' Association; and

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

The City Council ratifies the cost items within the three-year tentative agreement between the Dover School Board and the Dover Paraeducators' Association, approved by the Dover School Board on July 24, 2023. The Dover School Board is hereby authorized to execute a three-year Collective Bargaining Agreement with the Dover Paraeducators' Association commencing September 1, 2023 and extending through August 31, 2026.

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.1. Resolution Number: R - 2023.08.09 – 126 Resolution Re: Collective Bargaining Agreement—Dover Paraeducators’ Association (DPA)
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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.		

RESOLUTION BACKGROUND MATERIAL:

The Dover School Board participated in negotiations with the Dover Paraeducators’ Association, culminating in the tentative agreement approved by the Dover School Board on July 24, 2023.

Attached to this resolution is the Dover School District Summary of Changes— DPA (Dover Paraeducators Association) Tentative Agreement Cost Summary, incorporated herein by reference. The numbers in the costing summary are approximate and could vary due to retirements, resignations, and new hires. The City’s FY 2024 budget has been adopted by the City Council, however, adoption of this resolution does not increase any appropriations for FY 2024 for year one costs of the agreement.

Dover School District
Summary of Changes - DPA(Dover Paraeducators Association) Tentative Agreement Cost Summary

DEOP	Wage Amount	Dental	Medical	N/A Retirement	Other Fringe	Total Fringe	Wage & Fringe	FY23		FY24+	
								FICA	NHRS	FICA	NHRS
								7.65%	0.00%	7.65%	0.00%
FY2023											
Contracted	4,119,559	7,723	200,446	0	315,146	523,315	4,642,874				
FY2024								Change from FY23		SQ Change from FY23 Actual	
Estimate	4,350,676	7,839	365,961	15,200	332,827	721,827	5,072,503	429,629	9.25%	97,442	2.10%
SQ	4,183,342	7,839	229,110	0	320,026	556,974	4,740,316				
FY2025								Change from FY24 Estimate		SQ Change from FY24 SQ	
Estimate	4,584,352	7,917	391,579	15,200	350,703	765,399	5,349,751	277,248	5.47%	75,484	1.59%
SQ	4,238,491	7,917	245,147	0	324,245	577,309	4,815,800				
FY2026								Change from FY25 Estimate		SQ Change from FY25 SQ	
Estimate	4,810,262	7,997	418,989	15,200	367,985	810,171	5,620,433	270,682	5.06%	57,947	1.20%
SQ	4,276,306	7,997	262,308	0	327,137	597,442	4,873,747				
TOT PROP	13,745,290	23,753	1,176,530	45,600	1,051,515	2,297,397	16,042,687				
TOT SQ	12,698,139	23,753	736,564	0	971,408	1,731,725	14,429,864				
\$ Diff:	1,047,151	0	439,965	45,600	80,107	565,672	1,612,823				

Notes:

FY24: Wage amount includes an estimate of base wages (step + 4% COLA), longevity pay, new CBA position wages (PD Rep, Orientation Pay, Restraint Comm.) Dental, and Health amounts are based on actual rates. An added benefit calls for up to \$100 paid to each member into a 403(b). Other fringe includes estimated costs for Social Security and Medicare (FICA).

FY25: Wage amount includes an estimate of base wages (step + 4% COLA) and longevity pay. Estimated increase of 1% for Dental and 7% for Health. Other fringe includes estimated costs for Social Security and Medicare (FICA).

FY26: Wage amount includes an estimate of base wages (step + 4% COLA) and longevity pay. Estimated increase of 1% for Dental and 7% for Health. Other fringe includes estimated costs for Social Security and Medicare (FICA).

SQ: The status quo wage calculation includes step increases but no cost of living increases (COLAs) per the District's past practice. Medical and Dental are based on the base year cost sharing model.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R - 2023.08.09 – 127**

Resolution Re: Establishment of FY 2024 Expectations by Mayor And
City Council for City Manager

WHEREAS: Well thought out and clearly defined expectations by the Mayor and City Council for the City Manager will aid in the establishment of an effective Council-Manager relationship; and

WHEREAS: An effective Council-Manager relationship will support the further prosperity and growth of the Dover community; and

WHEREAS: The Dover City Council and City Manager are committed to efficiently and effectively meeting the increasingly complex and diverse needs of the Dover citizens; and

WHEREAS: The Dover City Council and City Manager have proactively discussed ongoing expectations and priorities for the coming year.

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

The Mayor and City Council establish the attached list of ongoing expectations for the City Manager during the ensuing fiscal year.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier

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 - 2023.08.09 – 127 Resolution Re: Establishment of FY 2024 Expectations by Mayor And City Council for City Manager
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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.		

RESOLUTION BACKGROUND MATERIAL:

Attached are the suggested FY 2024 outcomes.

SUGGESTED FY2024 CITY MANAGER OUTCOMES

The Mayor and City Council establish expected outcomes to be evaluated during the City Manager's annual performance evaluation. These outcomes are suggested to be utilized in completing the City Manager's FY2024 evaluation:

1. Customer-Focused Outcomes: Ensure overall municipal service delivery remains responsive to needs of community and that response time to citizen concerns is reasonable.

Customer focused performance results demonstrate how successful our municipal organization has been in satisfying various stakeholders. Relevant data and information include customer satisfaction and dissatisfaction; program participation levels; customer complaints, complaint management, and effective complaint resolution; customer-perceived value based on quality and cost; customer assessment of access and ease of use (including courtesy extended in service interactions); customer advocacy for services; and awards, ratings, and recognition from customers and independent rating organizations. Additional customer-focused results that go beyond satisfaction measurements include customer engagement and ongoing relationship development which contribute to future service success and organizational sustainability.

2. Product & Process Outcomes: Ensure overall municipal services meet and/or exceed the highest industry standards given the resources available.

Product and process results demonstrate product and service quality and value that lead to general customer satisfaction and engagement. Work system and work process effectiveness and efficiency measurements include internal quality measurements, field performance, defect levels, service errors, response times, and data collected from customers by other organizations on ease of use or other attributes, as well as customer surveys on product and service performance.

More specific effectiveness and efficiency indicators include work system performance measures that demonstrate improved cost savings or higher productivity by using internal and/or external resources; reduced emission levels or energy consumption, waste stream reductions, by-product use, and recycling; internal service responsiveness, cycle times, production flexibility, lead times, and set-up times; and improved performance of administrative and other support functions.

3. Leadership & Governance Outcomes: Effectively continue to communicate with the community at large through various means and support citizen engagement in local governance and community forums, and provide leadership in the implementation of the City's Master Plan.

Senior leadership and governance outcomes support a fiscally sound, ethical organization that fulfills its societal responsibilities supporting the needs of the community. Results are related to environmental, legal, and regulatory compliance; results of oversight audits by government or funding agencies; and noteworthy achievements in supporting citizen involvement in local government.

- 4. Financial & Benchmark Outcomes: Maintain and strengthen financial stability of municipality to include reporting on any financial concerns and addressing them as they may arise during the course of the fiscal year.**

Key financial and benchmark results demonstrate financial sustainability and achievements in comparison to other similarly situated organizations. Results are tracked on an ongoing basis to assess financial performance and viability. Financial performance indicators include revenues, budgets, net income, cash position, fund balances, net assets, debt levels, financial operations efficiency (collections, billing, receivables), and grants received.

- 5. Workforce-Focused Outcomes: Continue to recruit, retain and support training of employees and volunteers necessary to fulfill service delivery needs of community.**

Workforce-focused results demonstrate how well our municipal organization has been in creating and maintaining a productive, caring, engaging, and learning environment for all members of the workforce. Results include employee safety, absenteeism, turnover, satisfaction, and complaints (grievances). Other factors include the extent of training, retraining, or cross-training to meet capability and capacity needs; the extent of succession planning and ability to successfully promote existing employees when key vacancies arise; the extent and success of self-direction; the extent of union-management partnering; the extent of volunteer involvement in process and program activities; staffing levels across work units; and certifications completed to meet skill needs.

- 6. Sustainability-Focused Outcomes: Develop strategies and implement programs that encourage the efficient use and preservation of natural resources by municipal services and throughout the community.**

Sustainability focused outcomes support the appropriate use and protection of our environment. Results include ensuring water quality related to current and future public drinking water needs and stormwater and wastewater treatment plant effluent along with the ability to access and increase the use of renewable energy sources and address and reduce our municipal solid waste stream.