



CITY OF DOVER

ORDINANCE COMMITTEE – MINUTES

Meeting Type: **Ordinance Committee Meeting**
Meeting Location: **City Hall, City Council Conference Room**
Meeting Date: **Monday, August 7, 2023**
Meeting Time: **8:30 a.m.**

1. CALL TO ORDER/ATTENDANCE

Deputy Mayor Shanahan called the meeting to order at 8:31 a.m.

2. ATTENDANCE

Present: Deputy Mayor Dennis Shanahan, Councilor Fergus Cullen, Councilor Lindsey Williams, City Attorney Joshua Wyatt, Community Services Director John Storer, Assistant City Planner Natasha Kypfer, and Patty Moniello, Legal Assistant.

3. PUBLIC FORUM

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

4. APPROVAL OF PRIOR MEETING MINUTES –

- July 10, 2023

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

5. REVIEW OF PROPOSED OR PENDING ORDINANCES

A. Chapter 170

Deputy Mayor Shanahan introduced the first pending Ordinance, Chapter 170 Zoning and Assistant City Planning Kypfer informed the committee that most of the changes are based on housekeeping issues, i.e. grammar or definition changes or to clarify and provide conformity with other sections. Mrs. Kypfer went on to explain the proposed amendments as follows:

- Item 2 clarify the change of the word “uses” to “usage”
- Item 3 revising the title
- Item 4 amends word usage and definitions on signage as well as adds a new sentence relating to ground mounted solar
- Item 5 deletion of word in definition
- Item 6 deletion of word in definition
- Item 7 capitalization of word heading
- Item 8 added definition of “window sign”
- Item 9 added “footnote 8 into Table of Uses and Dimensional Regulations by District”
 - Councilor Cullen had a question on Item 9 regarding “approved public art is encouraged”, and specifically if ordinance should call out who is reviewing/approving? Mrs. Kypfer explained there is an established review



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process for public art, which may come before the council for review in the near future.

Item 10 capitalization of the word “Coverage” and addition of the word “max”

Item 11 addition to add footnote 1 next to “permitted uses”

- Councilor Cullen asked how high screening/fencing should be? Mrs. Kypfer went over existing zoning regulations on height requirements.

Item 12 suggested new verbiage to conform with NH’s Dark Sky Policy in RSA 91-E;3.

Item 13 revising the formatting the criteria currently housed under 170-20 but moving it to Section 170-19

Item 14 adding in new criteria for 170-19 Non-Environmental Conditional Use Permit

- Councilor Cullen expressed concerns on Item 14, specifically C, D, E, & F.

Item 15 adding in new verbiage to section 2 regarding wetland protection

- Councilor Cullen inquired as to whether “sewerage” should be “sewage”.

Item 16 adding two new items into 170-27.1 “wetland protection district”

Item 17 adding in sentence regarding “waivers”.

- Deputy Mayor Shanahan suggested deleting the word “of” in that new sentence being added
- Councilor Cullen suggests clarifying if necessary the conjunctive wording in Section B(2) and (3)

Item 18 adding new language under Transfer of Development Rights.

- Deputy Mayor Shanahan suggested removing the space between “with in” in (8)(b)

Item 19 Section 7 adding in verbiage regarding window decals on buildings

- Councilor Cullen stated concerns over the distinction between indoor and outdoor in this language, and possibly over-regulating signs on private property.

Item 20 adding language 16 regarding the size of a development identification sign with a building that is under construction.

Item 21 suggesting changes to the public notice and hearing requirements header to reflect requirements of RSA 675:7 I(a) and I(b)(3).

- Deputy Mayor Shanahan asked if this was in part to the RSA item requiring getting away from posting in local newspapers? Attorney Wyatt confirmed there was a recent amendment to get away from newspapers and instead allow posting on the website. Councilor Cullen said there should be three (3) places for a posting. Attorney Wyatt said the website, posting on a bulletin board in the Clerk’s Office and the bulletin board outside of Planning Department. Councilor Cullen emphasized need to be consistent about posting. Attorney Wyatt acknowledged same and indicated that he believed the postings are always consistently placed, except in rare situations where one area of City Hall may be shut down or closed off for construction or other reasons.

Item 22 removing the words “hotel/motel” from permitted uses

Item 23 removing “Educational Institution, Post Secondary” from permitted uses with a conditional use permit

Item 24 making a change on 24 C from 25 acres to 20 acres



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Item 25 providing for modern and more up to date for Solar Array Systems
o Deputy Mayor Shanahan asked for clarification on the height provisions.
Item 26 adding in new language “H. Conditional Use Permits”.

Deputy Mayor Shanahan asked, and Councilor Cullen confirmed, that the Planning Board had reviewed and approved these amendments.

After discussion, Deputy Mayor Shanahan suggested having the scheduled public hearing before City Council this week and the vote, and see where it goes and if more study, review, or amendment is needed. Hearing no disagreement, Deputy Mayor then proceeded and emphasized ongoing need/goal to accomplish recodification of Chapter 170.

B. Chapter 145

Deputy Mayor invited comment by John Storer on pending Chapter 145 ordinance scheduled to go City Council for a hearing and possible vote this week.

John Storer explained that the City Manager asked him to craft ordinance language about private trash haulers vs. city haulers and trash collection to address ongoing problems. John explained that Community Services has been receiving complaints from residents regarding trash pickups for private haulers and trash being left in the public right of way.

Councilor Williams asked how much discussion has there been about private haulers and Mr. Storer added that he and Attorney Wyatt had multiple discussion regarding the revisions, and that the Dover Utilities Commission had reviewed the proposed change, but that nobody has directly engaged with private trash haulers about this proposed ordinance change.

Mr. Storer continued, observing the ordinance is adding in new language to reflect inclement weather collection schedules, trash collection bags, timeframe on when trash can be put out for the City contractor collection and that residents that use private collection cannot put their trash in the public right of way.

Councilor Cullen commented about need to work alongside the private haulers and communicating better with them, timing of trash at the curb, and a question regarding cardboard boxes. He also asked about “screening” of trash, which means screening trash from public view, not actually screening what is in the trash.

Discussion on Chapter 145 ordinance concluded, with item to be taken up by City Council at scheduled regular meeting this week.

C. Stormwater Utility Update

Deputy Mayor recognized Attorney Wyatt to give a brief stormwater utility ordinance update.



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Attorney Wyatt explained that a draft ordinance has been completed and is being reviewed by the City's outside consultants, after which an updated draft would be sent to the members of the Dover Utilities Commission and the Ordinance Committee by end of this week (in advance of the upcoming joint meeting).

6. GENERAL DISCUSSION

Attorney Wyatt provided follow-up on the noise regulation issue discussed in recent meetings. Attorney Wyatt explained that other communities either take a “laundry list” approach to noisy activities, combined sometimes with a time of day requirement, and that the City could also throw in decibel level limitations (per activity, time of day, or generally). However, Attorney Wyatt also explained HB 252, signed in June 2023 and which is intended to withdraw local “quiet hours” regulations where directed at “agricultural” activities as defined in RSA 21:34-a, which includes livestock. Attorney Wyatt explained that the ordinance may not actually be a “quiet hours” ordinance if it avoids placing time of day restrictions.

Deputy Mayor requested that Attorney Wyatt reduce thoughts on potential regulatory approaches in forthcoming memorandum.

7. BUILD AGENDA FOR NEXT MEETING

Joint Meeting with Utilities Commission on August 21, 2023.

Deputy Mayor Shanahan confirmed a placeholder for next Ordinance Committee meeting would be September 11, 2023 at 8:30 a.m., if needed.

8. ADJOURN

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

Meeting adjourned at 9:35 a.m.