



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, September 2, 2009**
Meeting Time: **7:00 pm**

Present: Mayor Myers, Deputy Mayor Trefethen, Councilors Callaghan, Carrier, Cheney, DeDe, and Weston.

Also Present: City Manager Joyal, City Attorney Krans and City Clerk Lavertu.

Absent: Councilors McCusker and Scott.

Councilor Carrier led the Pledge of Allegiance.

1. REVIEW ZONING AMENDMENTS AND RELATED CODE CHANGES

Mayor Myers said they will be dealing with the Zoning Amendments, specifically with Chapter 170 of the Code. He said there will be a presentation, but he asked Deputy Mayor Trefethen to give some opening comments, because he serves as the Council Representative on the Planning Board.

Deputy Mayor Trefethen said the packet of amendments is a result of two years of work by the Planning Board. He said the Planning Board created several subcommittees that were topic-specific, which gave the opportunity for public input at all their meetings. He said all their work was put together and two public hearings were held in July and August. He said there were many changes made to the document as a result of these public hearings. He said the purpose for all the changes was a response to concerns from this Council, the prior Council, and people speaking during Citizen's Forum, about the type of growth the City is experiencing, the density in some areas, and the quality of the development. He felt that runaway growth will not be a problem during these economic times. He said the purpose of these changes is basically to do two things: to lessen the density in some areas and to make new developments more versatile. He said there are housekeeping changes, rezoning areas, and zoning change regulations in some areas.

Mayor Myers introduced several Planning Board members who were present: Frank Torr, Perry Plummer, Marcia Gasses. He said Tom Clark, Code Enforcement Officer, was also present. He said Planning Director Christopher Parker will be making a presentation to the Council.

Mr. Parker gave his presentation on the Zoning Amendments to the Council.

Mr. Parker introduced Mr. Jeff Taylor to continue the presentation on the form based code. He said Mr. Taylor was brought in to help the City with the form-based code project, which is relates to the Central Business District.

Mr. Taylor continued the presentation on form-based code to the Council.

Mr. Parker continued the presentation on the Zoning Amendments to the Council.

Mayor Myers asked if the Planning Board's decision was binding forever, or if time changes and the makeup of the Planning Board changes, if the same proposal can come back and a different decision be made.

Mr. Parker said that was a major concern many people have with the form based code. He said it originally included mandatory architectural. He said they introduced regulations about the build-to line and minimum two-story height, which instilled character, but doesn't direct someone what to build. He said if someone comes forward and meets the criteria, then the Planning Board should not deny it. He said the Planning Board would be subject to litigation if they did deny it.



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Councilor Cheney asked what Section E of the form-based code meant by “sense of geography.”

Mr. Taylor said it was to encourage new construction to be similar to other buildings in New Hampshire and Dover, so it looks like it belongs.

Councilor Cheney asked about the bike rack requirement.

Mr. Parker said the City requires parking spaces for vehicles. He said the City is trying to increase and encourage multimodal usage in the City.

Councilor Cheney asked about the frontage amendments that have been reduced in some zones.

Mr. Parker said the frontage for the RM-20 zone has been recommended to be reduced to 100 feet from 150 feet. He said they felt 150 feet was excessive.

Deputy Mayor Trefethen asked Mr. Parker to repeat his comments made to the Planning Board on the issues of rezoning and property taxes.

Mr. Parker said the State has a statute that says if your property is residential in nature, owner-occupied, and you are rezoned from a residential district to a commercial district, then you would fill out an application to the City to remain taxed at a residential rate. He said the City doesn't require any paperwork.

Deputy Mayor Trefethen asked if properties were being grandfathered.

Mr. Parker said that was correct.

Councilor Callaghan referred to the build-to line, and said it seemed appropriate in the form-based code, but felt it was odd in the R-20.

Mr. Parker said the logic behind it was to protect rear abutters and private rear yards.

Councilor Callaghan asked about ledge or shape of the property.

Mr. Parker said that would be a prime candidate for a variance.

Councilor Callaghan referred to Page 33/69, Paragraph 2, and requests for extensions. He asked how many were allowed.

Mr. Parker said there are usually two extensions allowed, but it was flexible. He said the City is protected by the surety bond.

Councilor Callaghan said there should be a provision for in-laws living with their children, as it is provided for in the State laws. He said right now they have to go before the Zoning Board of Adjustment (ZBA) and prove they need it.

Mr. Parker said the City tries to protect the neighbors' rights by making them go before the Zoning Board of Adjustment. He said it would be an in-law just for the time period that it is needed.

Councilor Callaghan said he agreed with protecting the neighbors' rights, but felt the ZBA was for relief when they felt there was an injustice, not to police the work of the Zoning Ordinance. He felt it was a complete embarrassment for these people to come to a public forum and explain their disabilities and why they need the in-law. He felt they were put through the ringer for what was due to them in the law.

Mr. Parker said the neighbors needed to know what was happening in their neighborhood.

Councilor Callaghan referred to enforcement provisions for certain violations. He asked if there was a way for enforce a violation for people who built something and then came after the fact for a permit.

Mr. Parker said they are not looking for more work. He said when they are turned in they are charged double the permit fee.



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City Manager Joyal said there are also other regulatory bodies that get involved.

Mr. Parker said that was correct. He said the State is happy to pursue those avenues.

Councilor Callaghan referred to a meeting in January with the ZBA, and asked if this was the proper timing to put these changes through, if there may be more in January.

Mr. Parker explained what he envisioned: a public hearing, hopefully three times a year, to get people's input of ideas. He hopes to send a letter each year in October or November to boards and commissions that deal with land use, and say to them that they should be deciding if there were any regulations that the Planning Board should be looking at. He hoped to have that by December 31st, and at the first Planning Board workshop, as set goals for the next year on changes to be looked at. He said he wanted this looked at every year to an ongoing process. He said in February of each year he wanted to get all the land use boards together to discuss changes to State land use regulations.

Councilor Cheney referred to street furniture and that all elements must be consistent, one bench for every 100 feet, one waste bin at each corner, and one bike rack for each non-residential project. She asked if the City maintained these or if the owner bought them from the City to keep them consistent.

Mr. Parker said the City just wanted them to be consistent and not one yellow, blue, or red waste bin, but all the same color.

Councilor Cheney asked about the trees.

Mr. Parker said the City does have a street tree list for them to pick from.

Councilor Cheney asked about the definition of slope.

Mr. Parker read the definition for slope: "the ratio of vertical distance to horizontal distance, rise divided by run, usually expressed in percent or degrees. Slope is measured for a horizontal distance of 20 feet or more, utilizing elevations at two foot contours." He said in the past the City said you couldn't develop on more than a 20% slope, and people would ask 20% of what? He said the definition now clarifies how large the distance has to be to designate the 20%.

Councilor Weston asked if there were considerations for designs of roads, curbing, and traffic calming in this document.

Mr. Parker said there wasn't, because it wasn't the appropriate place for it.

Mayor Myers thanked everyone for their work on these amendments.

Mayor Myers invited Fire Chief Perry Plummer to talk about the Fire Department code changes.

Fire Chief Plummer gave a presentation on the Code changes to the Council.

Mayor Myers asked the City Manager when the Council will take action on these amendments.

City Manager Joyal said the Zoning Amendments will be on the agenda for September 9, 2009, which will be referred to a public hearing. He said the amendments that Mr. Plummer was talking about will be put into an Ordinance that will be on the agenda for September 23, 2009, which will be referred to a public hearing. He said they were going to ask the Council to waive the mailing requirements that is in the current Zoning Ordinance, because they had already done a mailing as part of the Planning Board process.



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2. CITIZEN'S FORUM

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

Mayor Myers, seeing no one wishing to speak, closed the Citizen's Forum.

3. ADJOURN

Councilor DeDe made a motion to adjourn; seconded by Councilor Weston.
Vote: 7/0.