



CITY OF DOVER

CITY COUNCIL - AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 27, 2010**
Meeting Time: **7:00pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS – None**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - A. **DISCONTINUANCE OF A PORTION OF OLD ROLLINSFORD ROAD**
SPONSORED BY MAYOR MYERS BY REQUEST
 - B. **B11022 DREDGE DISPOSAL FACILITY OPERATIONS**
(REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR MYERS BY REQUEST
8. **CITIZEN'S FORUM**

Citizens 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. **October 6, 2010 – Workshop Session**
 - B. **October 13, 2010 – Regular Session**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
 - A. **ORDINANCES IN THE 2nd READING – None**
 - B. **ORDINANCES IN THE 3rd READING – None**
 - C. **RESOLUTIONS**
 1. **ACCEPTANCE OF RELOCATED “OLD ROLLINSFORD ROAD”**
SPONSORED BY MAYOR MYERS BY REQUEST



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3. B11022 DREDGE DISPOSAL FACILITY OPERATIONS
(REQUIRES A 2/3 MAJORITY VOTE)
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13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. TAG – Newmarket High School Interact Club**
- 2. B08100 CHANGE ORDER I – ENERGY EFFICIENCY PERFORMANCE CONTRACT WITH JOHNSON CONTROLS**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 7. Solid Waste Advisory Commission |
| 2. Planning Board | 8. Transportation Advisory Commission |
| 3. Appointments Committee | 9. Joint Building Committee – Horne Street |
| 4. Recreation Advisory Committee | 10. Joint Building Committee – Media Access |
| 5. McConnell Center Advisory Committee | 11. Legislative Liaison |
| 6. Arts Commission | 12. Pool Advisory Committee |

B. RESOLUTIONS

C. ORDINANCES IN 1ST READING – None

- 1. CHAPTER 170 – UPDATING THE DOVER ZONING ORDINANCE**
(TO BE REFERRED TO A PUBLIC HEARING ON NOVEMBER 10, 2010)
SPONSORED BY DEPUTY MAYOR TREFETHEN

14. COUNCIL CORRESPONDENCE – None

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT



CITY MANAGER'S REPORT



OCTOBER 27, 2010

SUBMITTED BY:

J. MICHAEL JOYAL, JR.
CITY MANAGER

**CITY OF
DOVER, NH**

AVAILABLE ONLINE:

WWW.DOVER.NH.GOV

Dover Business & Industrial Development Authority

Economic Development Overview

Dan Barufaldi

1. Sector Review:

Retail: Some stabilization in retail sales at reduced levels in the last month while the consumer confidence index rose slightly. Consumers sensed that the economic outlook may have improved slightly but are still electing to save rather than spend until a clear improvement trend is seen. Private sector fear of unemployment sustained as unemployment in flat lined at 5.2% and national unemployment worsened by 0.1% to 9.7%

Restaurants: Fast food sales flattened even with price cut "specials". Other breakfast and lunch sales continue flat. Dinner sales at higher end restaurants declined slightly.

Hotels/Motels: Sales activity is highly location sensitive, but off significantly. Weekend sales remain below former rates, but show some improvement with back to school event travel. Our downtown hotel continues to record high occupancy levels, but at slim margins. The Microtel at Weeks Crossing is back in operation under new ownership and was advertising weekend specials recently and their occupancy rates are now flat. Weekday occupancy rates at the other Week's Crossing hotels are off as business travel is reduced by the slow economy and the advent of electronic meetings. Local hotel competition is aggressive.

Services: Financial services are improving significantly as investors indulge in market timing investments in volatile markets. Services connected to project work are off markedly. Travel (seasonal), cleaners, and cleaning services sales remain soft and fragile. Software sales are rising steeply. Educational services continue to grow. Healthcare services continue to grow. Services utilization of temporary help continues to grow. Services related to construction (architects, engineers) continue soft. But show some small glimmers of improvement as the cost of labor and money remain at record lows.

Construction: Some residential construction improvement with a few new projects before the Planning Board recently. A second wave of foreclosures has begun due to the backlog of delinquent mortgages not yet foreclosed upon and the pressure on banks to clear their delinquent mortgages. There will be only a moderate local effect as long as our low local unemployment rate sustains. Commercial activity exists, particularly in building rehab, and condo development, but continues to decline overall. Lower rehab costs for existing and available commercial/ industrial buildings and lack of financing availability make new construction difficult. Inquiries on Enterprise Park land have fallen off as more companies are waiting to see which way healthcare and tax policy is going to affect them. Companies waiting on the sidelines that wanted to get started while low property values and low mortgage rates are still available are fearful about how their profitability is going to be impacted by government decisions yet to be made.

Manufacturing: Routine, high labor content manufacturing has gone offshore and is not coming back. Knowledge based, high tech, high quality and precision niche manufacturing is somewhat stressed but stable with certain sectors in growth mode. Electronic assembly is experiencing an uptick with rush delivery requests common. Volatility of demand remains a problem. Food manufacturing, organic foods production and electronic recycling are showing growth signs locally. New car inventories are still above normal. Car sales, recovering smartly

in the first quarter, have fallen off despite discounting. Used car prices and car parts prices are rising as people are holding onto cars longer, adversely affecting MV tax revenues. Some moderate bright spots exist at specific brand outlets like Toyota, Ford and VW. GM sales are now beginning to rise while Chrysler experienced a slight percentage increase following a severe loss of market share.

Healthcare: Still in a growth mode, but uninsured unemployed patients are avoiding services unless conditions are painful or life threatening. Medicare/ Medicaid payment uncertainty and the political/economic quandary of healthcare reform/ insurance programs will mitigate some expansion. Doctor and hospital visits are off slightly and emergency room activity is increasing enormously as health insurance is often lost due to unemployment. Passage of the healthcare reform bill has had little effect on day-to-day healthcare so far. The uncertainty of increased healthcare costs on small businesses is stifling any hiring of new employees until it is resolved/ clarified.

Commercial Real Estate Space: A large office space inventory continues to drive prices downward. Lower cost mill space is doing better than higher cost mill office space currently. The WDH Exit 9 Medical Practice Building is now occupied, releasing selected office leased space near the WDH main campus. WDH has removed one floor from their main campus expansion plans. One of our major mills is only 43% occupied and has lost three large tenants to another Dover location with door side parking. Lack of proximate parking remains a serious deterrent. A new company employing 275 may be looking to purchase the Cocheco Falls Mill. Another 40,000 sq. ft. tenant is exploring the whole second floor of the Moore Building or space at Goss. A micro brewery is interested in substantial square footage in the Moore building. A sports company (20 employees) from Massachusetts is about to lease 40,000-60,000 sq. ft. on Industrial Park Drive. A conversion of the two top floors of One Washington Center Mill to condominiums is being considered pending acquisition of sufficient proximate parking spaces.

2. Local Business Retention Contacts:

Real Estate Agents: Commercial agents contacted all have high inventories, few new build sales, and expect that commercial real estate is still early in its decline cycle, following residential real estate by about 18 months on average. Portsmouth Brokerage houses are expressing increased interest in Dover, have requested presentations on Dover activities, and are moving assets to Dover in anticipation of increased activity here as the economy recovers. Unsold/ unleased discounted commercial property inventories continue to be of interest over new build space.

Developers/Builders: A lot of rehab of leasable office space, manufacturing, and warehouse space is underway, including the Goss Building, Moore Building, Collins & Aikman and Prime Leather. More new office/warehouse leases are being sold at this time, but space is being leased at reduced prices short term to gain longer term commitments.

Mills: AT&T call center space is still not leased to a new tenant. Loss of three significant leased office space tenants to another Dover location has occurred. Lack of on-site parking is a continuing problem. Other mill space has some prospects as a children's toy store on the ground floor opposite the Children's Museum is in place, moved from smaller quarters on Central Ave.

Another Mill now has less than 12,000 sq. ft. unoccupied and has deferred prospects for a baked goods manufacturing operation and a deli/bakery restaurant coffee shop, but is losing a discount retailer.

Downtown: Two spaces are open currently, but several small businesses selling both discretionary and necessary products and services are at risk due to the economic decline, unemployment, unavailability of credit and a lack of curbside parking. DBIDA is working with BFA, SEDC and DRED to explore the possibilities to help these businesses, and is also reviewing business models to uncover opportunities for increased revenues and/or reduced expenses. Credit card companies and banks have cut or eliminated the credit lines traditionally used by small business people to bridge seasonal and/or receivable/payable time lags. Other SBA loan programs are being accessed, and are now easier to access. A new Fed stimulus program aimed at providing credit to small businesses through the SBA has been announced, Local banks do not have enough details on the program to start lending at this time. Another Federal stimulus program dedicating \$135 million to NH small businesses and administrated through the NH BFA has been announced for businesses in ERZ Districts. This program would make tax exempt bonds available through local banks. Unfortunately, the extremely tight window for application effectively limited the program to projects already to go and excluded refinancing as eligible. Dialogue with the Dover Economic Loan Program Administrator has been initiated for small local businesses needing a startup loan or secondary next step financing. Three applications are in place. One such loan for \$150,000 closed last month and another smaller loan application is in the process of completion.

Start up financing through banks is virtually non-existent. A few downtown businesses with limited resources, heavy debt loads, old business models and slow adaptability have now closed. A meeting with Congresswoman Shea-Porter and a local bank has been held to discuss the SBA program changes needed for local banks to get SBA loans to Dover small businesses. SBA loan amounts have now been increased and some criteria lowered for SBA acceptance. Local banks are receiving double messages from the Feds. Public statements from DC exhort local banks to provide more access to credit for small businesses while the Fed regulators raise cash reserve requirements and add application documentation requiring banks to change their loan processing software every two weeks which is a significant expense and training burden. This combination tends to limit the size of the loans of interest to small banks, both at the upper and lower ends of the range.

3. Unemployment (Non-Seasonalized) NH Employment Security and Labor Market Information Bureau:

Dover: Currently at 5.2%, the same as last month.

Portsmouth: 4.8%

Rochester: 6.3%

Somersworth: 6.5%

Manchester: 6.6%

Concord: 5.3%

New Hampshire: 5.8%

Maine: 7.9%

Massachusetts: 9.1%

Rhode Island: 12.0%

Vermont: 5.7%

New England: 8.8%

U.S.: Currently at 9.7%. U.S., unseasonalized unemployment is expected to continue to hover around 10% through year end.

4. Incentive Activity:

ERZ Districts (3) Progress: Four new businesses so far have moved into ERZ locations in Dover. ERZ District availability has positively influenced four move-in companies to date representing 146-200 jobs. These include 120 at URT Corporation (adding 60 more by mid 2010), 49 at VXI Corporation, and 7 at RKG Consultants. Agility manufacturing and URT Corporation have formally applied for the ERZ tax exemption with DBIDA assistance. Agility has now received 3 years of tax exemption. HEI is currently being assisted to make ERZ applications. Two new ERZ Zones have been applied for, one in the area of Enterprise Park/Sixth St., and one in the gravel pit section of Mast Rd. across from the Hannaford Plaza to facilitate commercial development in those areas.

5. Outreach/Attraction:

Enterprise Park: Preliminary interest in Enterprise Park land for a New England distribution hub has faded with a change in the company's wish to build new, and to instead rehab and expand an existing building. Recent contacts indicate the firm has, for the time being, decided to do nothing. Dover ERZ benefits and owner indemnification offers are still on the table and being considered.

ITACONIX has decided to slow their phased build out in their own building until their hardwood biomass feedstock is tested at scale. They have taken 12,000 square feet of leased space at Pease for a year or so and then will consider building at Enterprise Park. They still prefer a Dover location. We are beginning discussions re another local location with enhanced water supply and cost numbers and they have expressed interest in pursuing that possibility. Their original timetable has extended.

We are working with the agent for the Fosters building and property at Enterprise Park that is up for sale or lease and subdivision of the property for development has been accomplished. Fosters will outsource their printing and distribution functions and move their office staff to their downtown offices in Dover.

A developer looking at an Enterprise Park lot for an 11,000 sq. ft. four unit spec building for office warehouse applications has delayed his build plans for one year and may now consider one of the Fosters property subdivided lots for his building.

The Fosters property at Enterprise Park is for sale and Fosters has applied for and obtained approval of subdivision of the 30.85 acre property that could accommodate three more building pads.

Preliminaries are underway to form an Enterprise Park Tenants Association to handle future public area maintenance and other Park issues and governance. Legal Dept. has now completed a set of draft by-laws and association agreement to facilitate this. Review and approval by the DBIDA Executive Committee is now complete. An Enterprise Park tenant being considered for DBIDA Board membership to help facilitate this process was not appointed and has withdrawn from future consideration for the time being. A dialogue will ensue with the Park tenants to finalize the Association Agreement and by-laws. This process will prove more difficult without an Enterprise Park owner on the DBIDA Board.

Industrial Park Drive: The URT Corporation has leased 80,000 sq. ft. and has added 20,000 more for a total of 100,000 sq. ft. They are about to lease an additional 20,000 sq. ft. in another Industrial Park Drive Building to house their asset management activities.

They currently have hired 120 employees and expect to expand to two full shifts and employ 200 by early next year. They are an electronic components recycler with headquarters in Janesville, WI, a large facility in Las Vegas, NV, another in Alabama, and two more about to be located in the SE and SW of the country shortly. The Governor came to Dover to officially open the facility. ERZ status helped their decision to locate in Dover. A local "opening" was held with the Mayor, City Council, City Manager, and DBIDA Board members for a ceremony and plant tour on March 24th.

The Moore Building: VXi, head set designer and distributor, (manufacturing is in China) has moved in and will bring 49 jobs. Since they are coming from Rollinsford, they will have a mix of Dover and other local employees. HE Innovations, LLC is now in the Moore Building with 4 employees and Southside Fitness, LLC is moving into 5,600 sq. ft. in the Moore Building shortly with 2 employees, growing to 4 as classes are set up.

Rt. 1 and Mast Rd.: Mixed use development incorporating a senior facility, 56 unit housing development, a Hannaford market, and possible restaurant. So far zoning and density compliance looks good. A public announcement with on-line plans is now available. "Design by You" a household design and furnishings company has moved into the former gallery space on Central Ave.

Economic Development Resource Guide: This important outreach tool is now available and distribution to selected venues for use has commenced. Feedback on the quality and usefulness of the piece has been very positive. It will be well used in the Ambassador Program for economic development outreach to relocation candidate companies.

A sports accessories firm in Wilmington, MA is close to a decision on moving their US HQ and distribution center to the rehabbed 16 Industrial Park Dr. building pending approval of an environmental mitigation plan by NHDES. We are working with NHDRED and NHDES to get this cleared.

Dover "Teaser" cards: 900 Dover Teaser cards have been designed and printed for use by Dover Ambassadors in attraction/ relocation candidate outreach activities to promote Dover business benefits to a wider audience at a reduced expense. More can be inexpensively printed as needed.

Ambassador Program: A complete list of all Dover Businesses, addresses and phone numbers has now been made. Fifteen new Dover Ambassadors have now been recruited and an orientation breakfast meeting is being held on November 5th to kick off the program. Place to be announced shortly.

6. Public Activities:

Twenty-five Parking Garage related meetings with developers, finance entities, engineering firms, parking facilities firms re information gathering for eventual RFP issuance conforming to the requirements of the City Manager, the Parking Commission, DBIDA and the City Council.

Kent Creative meetings (3)

DRED Meetings (4):

Tourism Leadership Partner meetings (2)

DBIDA Board meeting

NHCIBOR Quarterly meeting, Bedford, NH

NHCIBOR Marketing meeting, Concord, NH

CIBOR Seacoast Meeting

Monthly Networking Leads Group 2nd Tuesdays

City Council meetings
Office Interiors contact/VXI Loan Program for furniture
UNH/ SMU/MU/ DoverTech Meetings
Development Issues Meeting/Planning
Rotary Presentation
Tourism Partners Meeting
CIBOR Seacoast Marketing Meeting: Pease
Ambassador Program meetings (3)
TRC meetings (3)
SEDC meeting
TIF Meeting
Woodman Institute Museum meeting
Agility Mfg. meetings (2)
HEI Meetings (2)
Cocheco Falls Mill meeting with client
Land, Sea, Space Museum Update Meeting
Prospects meetings (3)
Prospects Financial Review Mtgs. (2)
DoverTech Stakeholders meetings with UNH, MEU, SMEU, NH Center for Technology,
Bernstein Shur, Portland
Tuttle Farm preservation meetings (4)



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: Council Chambers, City Hall
Meeting Date: **Wednesday, October 6, 2010**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Garrison led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, Councilor Nedelka, and Councilor Weston.

Absent: Deputy Mayor Trefethen.

Also present: City Manager Joyal and City Clerk Lavertu.

5. DISCUSSION: STREET/SIDEWALK PAVING POLICY

City Manager Joyal referred to one of the Council's goal setting policy to review street paving priorities and practices of the City. He said they will be presenting the City's policies as well as giving recommendations that will be incorporated into a resolution for the Council's adoption. He asked Community Services Director Doug Steele to give a presentation to the Council. Mr. Steele gave a PowerPoint presentation to the Council regarding Street/Sidewalk Replacement Policy.

Mayor Myers started a discussion on the costs for paving.

Mr. Steele discussed the prices over the past few years.

Mayor Myers asked about outside utility work on the roads.

Mr. Steele said they do contact the utilities companies to tell them they are going to be repaving a street so they don't go in afterwards to upgrade the utilities.

City Manager Joyal said the pavement management plan is a multi-year plan and needs a reasonable and predictable level of funding in the City's budget.

Mr. Steele continued his presentation on sidewalk paving policy.

Mayor Myers started a discussion on sidewalks being put in new subdivisions where they are not necessarily needed and then the City taking over the maintenance expense.

Mayor Myers asked the City Manager to have the 2011-2012 sidewalk replacement list posted on the homepage of the City's website.

6. DISCUSSION: SIDEWALK SNOWPLOWING

Mr. Steele referred to the Sidewalk snowplowing map to the Council. He said the decision on which sidewalks are plowed is based upon the School Department's transportation policy. He said the City plows 29 of its 62 miles of sidewalk. He said with the 2 new sidewalk plows he is anticipating less breakdowns and more efficient plowing.

Mr. Carrier pleaded with the citizens to shovel their own sidewalks.

Mr. Steele asked citizens to keep trash and recycling out of the sidewalks.



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City Manager Joyal said the City doesn't have the budget to have all the sidewalks cleared. He said he felt it was reasonable that for 9 months out of the year the sidewalks are usable.

7. CITIZEN'S FORUM

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

John Scruton, 99 Sixth Street: He said he is a pedestrian that walks a few miles every day. He discussed his issues with sidewalks covered in snow and walking in traffic. He suggested that the City just have shoulders for walking and biking that can be plowed with the street plow. He said this would allow for better drainage. He also said in the '70s the high school students shoveled downtown for some extra spending money, and asked the City to try doing that again.

Jerry Lynch, 26B Lincoln Street: He said Fifth Street residents told him they haven't had sidewalks in 50 years. He said the City put sidewalks on Lincoln Street when they fixed the street, and most of the people don't use it.

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

8. ADJOURNMENT

Councilor Cruikshank moved to adjourn; seconded by Councilor Weston.
Vote: 8/0.

Mr. Steele's PowerPoint presentations will be archived with the Minutes.



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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cruikshank led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Myers, Deputy Mayor Trefethen, Councilor Carrier, Councilor Cheney, Councilor Cruikshank, Councilor Garrison, Councilor Hooper, and Councilor Weston. Councilor Nedelka arrived at 7:03.

Also present: City Manager Joyal and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS – None

6. APPROVAL OF AGENDA

Deputy Mayor Trefethen moved to remove Item 13.B.1., Acceptance of Relocated “Old Rollinsford Road” and put on the October 27, 2010 Agenda; seconded by Councilor Weston.

Vote: 9/0.

Councilor Weston moved to accept the Agenda with the one amendment; seconded by Councilor Garrison.

Vote: 9/0.

7. PUBLIC HEARINGS

A. RESOLUTION: AMENDMENT OF FY2011 FEE SCHEDULE FOR PARKING LOT RATES (REQUIRES A 2/3 MAJORITY VOTE) SPONSORED BY MAYOR MYERS BY REQUEST

Edward J. Bleiler, 28 Isaac Lucas Circle: He spoke about his research on parking availability in the City, and asked the Councilors to visit the parking lots themselves. He asked the Council not to raise the fees in the parking lots. He said the City needs the money just to pay its bills.

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



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B. ORDINANCE: CHAPTER 166, VEHICLES AND TRAFFIC – PARKING METERS SPONSORED BY MAYOR MYERS BY REQUEST

Otis Perry, 91 Court Street, Member of the Parking Commission: He said the intent of the Ordinance is to extend the time of day for parking management until 8:00pm. He said 6:00pm to 8:00pm is a busy time, and they are trying to encourage people who park on the street for the night to park somewhere else. He urged the Council to vote in favor of this Ordinance.

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

8. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Dana Lariviere, 16 Fieldstone Drive: He spoke about the unfunded pension liability that the State, County and City are facing. He said downshifting is unconscionable. He asked that the Council stop digging the hole deeper. He asked the Council to advocate an immediate reform of the pension system.

Cherie Bartlett, 14 Apache Street, Willand Pond Ad-Hoc Committee Member: She spoke on the condition of Willand Pond. She said they had a very successful booth at the Apple Harvest Festival. She asked for the Council's continued support.

Robert Fisher, 23 Hillcrest Drive: He said 2011 is another municipal election year and asked the citizens to take note of what the Mayor, Council and City Manager have done. He said the interests of the taxpayers are ignored. He was not satisfied with the unnecessary spending.

Timothy Dargan, 5 Hawthorn Road, Dover Business and Industrial Development Authority Member: He said DBIDA supports the TIF Enabling Resolution on the Agenda. He urged the Council to support the Resolution. He said it was an important economic development tool.

Kirt Schuman, 30 Cushing Street, Greater Dover Chamber of Commerce Executive Director: He urged the Council to support the TIF Resolution. He said it is enabling legislation and the parameters will be set by the Council as proposals come forth.

Michael Bolduc, 5 Reynors Brook Drive, Greater Dover Chamber of Commerce Chairperson: He urged the Council to support the TIF Resolution. He said it made sense.

Edward J. Bleiler, 28 Isaac Lucas Circle: He read his comments to the Council.

Harvey J. Lynch, 26B Lincoln Street: He said there are not enough federal funds, and this is taxpayers paying for private business.

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



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9. CITY MANAGER'S REPORT

City Manager Joyal said he had a few items to bring to the attention of the Council: 1. He discussed the ongoing work on the drainage collapse under Henry Law Park. 2. He asked people who quote him to get his words correct and not take it out of context. He said his State of the City address is available online on the City Manager's page. He informed the Council of budgetary concerns. He said there were two key revenue sources that were lagging behind: motor vehicle registrations and investment income. He said they will adjust any discretionary spending for the rest of the year. He said the New Hampshire Retirement System recently certified the rates that will go into effect next year. He explained the program and the City's requirement to contribute to the system to the citizens. He said the City will be responsible for an additional \$300,000 in next year's budget. He referred to the Citizen's Forum comment regarding unexpended bond proceeds and explained how the City has to use them on like projects to avoid penalties.

Councilor Hooper asked about the additional fencing in Henry Law Park.

City Manager Joyal said the fencing was a safety improvement that helps to control crowds.

Councilor Weston referred to Page 2/26, and asked how much was outstanding in parking fines.

Parking Manager William Simons said it was approximately \$224,000.

City Manager Joyal said Mr. Simons was working with other communities in coming up with a plan to coordinate efforts to collect parking fines. He said the State recognizes that this is a State-wide problem and created a law where communities can withhold motor vehicle registrations until all outstanding parking fines have been paid. He said Mr. Simons has worked with the City Clerk's office and sent notices to people with outstanding fines.

Councilor Weston asked for an update on the Fourth Street Bridge.

City Manager Joyal said he expected it to be open in the next two weeks, but he didn't have a definite date.

Councilor Garrison referred to Page 7/27 and 2-way communications. He asked if this would be helpful with a county dispatch.

City Manager Joyal said it would be helpful with any emergency situations. He said it was helpful to have multiple organizations have a consistent means for communicating.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. September 22, 2010

Deputy Mayor Trefethen moved for the approval of the Minutes; seconded by Councilor Weston.

Vote: 9/0.



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11. MAYOR'S REPORT

Mayor Myers started his report with an update on the Fiscal Policy Committee. He attended the Greater Dover Chamber of Commerce's Visitor Center opening and naming event. He stopped by the Park Street Playground when the Rotary and volunteers were installing playground equipment. He did some new business ribbon cuttings for the Chamber of Commerce. He attended a luncheon at the Cochecho Country Club for the Children's Hospital at Dartmouth Golf Tournament. He said the Apple Harvest Day was wonderful, and thanked Governor Lynch for opening the event. He attended the Dover High School Alumni event. He met with representatives from Centrix Bank who sponsor programs in the City. He attended a concert at Dover High School sponsored by Measured Progress. He took part in the National Walk to School Day. He attended DBIDA meetings and they continue to work on the economic development in the City. He recognized St. Thomas of Aquinas 50th anniversary in Dover. He attended the Board of Directors meeting for the Local Government Center.

Deputy Mayor Trefethen moved to accept the Mayor's Report; seconded by Councilor Nedelka.
Vote: 9/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 166, VEHICLES AND TRAFFIC – PARKING METERS SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Garrison.
Councilor Weston started a discussion about the negative impact the extra fees will have.
Roll Call Vote: 0/9; Failed.

B. ORDINANCES IN THE 3rd READING – None

C. RESOLUTIONS

1. ADOPTION OF TAX INCREMENT FINANCING PROVISIONS SPONSORED BY MAYOR MYERS AND DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.
Councilor Hooper discussed her reasons for supporting this Resolution. She said property taxes were a major problem in the City and they needed to encourage businesses to come. She said it was a tool, and the Council can decide not to use it.
Councilor Cheney discussed her reasons for not supporting this Resolution. She said it only benefits the developer, and what new businesses really want is the City putting money into schools, infrastructure, and safety.
Mayor Myers said TIF money goes to public improvements, and not to the developer. He asked the City Manager if any TIF projects have been identified, and more specifically if anyone from Dickinson Development and the Waterfront project approached the City.



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Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 13, 2010**
Meeting Time: **7:00pm**

City Manager Joyal said the City has not identified any TIF districts and he wasn't aware of any efforts from Dickinson Development to propose the Waterfront as a TIF district.
Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

**2. AMENDMENT OF FY2011 FEE SCHEDULE FOR PARKING LOT RATES
(REQUIRES A 2/3 MAJORITY VOTE)
SPONSORED BY MAYOR MYERS BY REQUEST**

Deputy Mayor Trefethen moved for its approval; seconded by Councilor Weston.
Roll Call Vote: 9/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **PARADE – Brian Doucette Scholarship Fund**
2. **PARADE – Kiwanis Club of Dover**
3. **RAFFLE – First Parish Church Congregational, United Church of Christ**
4. **RAFFLE – Greater Dover Chamber of Commerce**
5. **RAFFLE – Our House for Girls**
6. **RAFFLE – Portsmouth Christian Academy**
7. **RAFFLE – Portsmouth Christian Academy**

8. **RESOLUTION: SETTING THE VOTING HOURS FOR THE STATE GENERAL ELECTION**
SPONSORED BY MAYOR MYERS BY REQUEST

9. **RESOLUTION: B10004 CHANGE ORDER IV HYDROGEOLOGICAL SERVICES FOR THE WILLAND POND WELL**
SPONSORED BY MAYOR MYERS BY REQUEST

10. **RESOLUTION: AWARD OF BID B11013 FOR SNOW PLOWING/HAULING SERVICES FOR CITY STREETS AND PARKING LOTS**
SPONSORED BY MAYOR MYERS BY REQUEST

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 7. Solid Waste Advisory Commission |
| 2. Planning Board | 8. Transportation Advisory Commission |
| 3. Appointments Committee | 9. Joint Building Committee – Horne Street |
| 4. Recreation Advisory Committee | 10. Joint Building Committee – Media Access |
| 5. McConnell Center Advisory Committee | 11. Legislative Liaison |
| 6. Arts Commission | 12. Pool Advisory Committee |



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 13, 2010**
Meeting Time: **7:00pm**

Deputy Mayor Trefethen moved for the adoption of the Consent Calendar; seconded by Councilor Weston.

Mayor Myers asked the Council if they had any items they would like pulled for further discussion. Councilor Nedelka asked to pull Item #13.A.9.

Councilor Hooper asked to pull the School Board Report.

Councilor Garrison asked to pull the Pool Advisory Committee Report.

Mayor Myers pulled #13.A.10.

Mayor Myers asked for a vote on the remaining items on the Consent Calendar.

Vote: 9/0.

Deputy Mayor Trefethen moved to adopt Item 13.A.9.; seconded by Councilor Cruikshank. City Manager Joyal asked Environmental Project Manager Dean Peschel to come up to the podium and introduce the representative of Emery & Garrett Groundwater, Inc.

Mr. Peschel referred to the funds appropriated in April, 2010 for a 90-day pump test at Willand Pond. He introduced Mr. James Emery who will discuss what the results of the test, which is almost complete. He started the discussion saying that the pump test has been extremely successful and positive.

Mr. Emery said the committees and volunteers have been remarkable with helping with this study by collecting data and observations. He presented a slideshow to the Council.

Councilor Nedelka started a discussion regarding bacteria growth, and testing the water if it is put online as a water source.

Councilor Carrier asked if there has been relief with residents' basement flooding.

Mr. Emery said they have seen relief. He said they will be creating a map showing which houses have benefitted from the pump test, and which houses saw relief because of the natural water decline this season.

Councilor Carrier asked if Emery & Garrett were working with the Somersworth.

Mr. Emery said they were not working with Somersworth.

Roll Call Vote: 9/0.

Deputy Mayor Trefethen moved to adopt Item 13.A.10.; seconded by Councilor Cruikshank.

Mayor Myers said they had plenty of bids for plowing parking lots, but not enough for plowing streets, and asked about late bids being accepted at the agreed upon rates.

City Manager Joyal said last year they had two vendors who offered their services after the bidding process. The language in the Resolution would allow the City to add vendors to the list at a comparable rate without coming before the Council.

Roll Call Vote: 9/0.

Councilor Hooper discussed the School Board Report.

Councilor Weston moved to accept the School Board Report; seconded by Councilor Garrison.

Vote: 9/0.

Councilor Garrison discussed the Pool Advisory Committee Report.

Councilor Hooper moved to accept the Pool Advisory Committee Report; seconded by Councilor Garrison.

Vote: 9.0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 13, 2010**
Meeting Time: **7:00pm**

B. RESOLUTIONS

1. ACCEPTANCE OF RELOCATED "OLD ROLLINSFORD ROAD"
SPONSORED BY MAYOR MYERS BY REQUEST

Council voted to remove from Agenda and put on the October 27, 2010 Agenda.

**2. ENDORSEMENT OF PLANNING BOARD APPROVAL FOR PROPOSED
ROUNDBOUT**
SPONSORED BY DEPUTY MAYOR TREFETHEN

Deputy Mayor Trefethen moved for its adoption; seconded by Councilor Weston. Deputy Mayor Trefethen discussed the proposal with the Council. He said the Department of Transportation has more work to do. He said there were no provisions for pedestrians or bike travel. He said the Planning Board felt it needed more work. Roll Call Vote: 5/4; Passed. Deputy Mayor Trefethen, Councilors Cheney, Hooper, and Weston were opposed.

**3. DISCONTINUANCE OF A PORTION OF OLD ROLLINSFORD ROAD
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2010)**
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a Public Hearing on October 27, 2010; seconded by Councilor Garrison.
Vote: 9/0.

**4. B11022 DREDGE DISPOSAL FACILITY OPERATIONS
(REQUIRES A 2/3 MAJORITY VOTE)
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 27, 2010)**
SPONSORED BY MAYOR MYERS BY REQUEST

Deputy Mayor Trefethen moved to refer to a Public Hearing on October 27, 2010; seconded by Councilor Cruikshank. City Manager Joyal said the dredging project is getting underway. He said given the time constraints he has authorized Charter construction could start the operations in the dredge cell. He said the delay would incur a considerable amount of costs. He said he felt he had to make this executive decision in anticipation of the Council's vote on October 27th.
Vote: 9/0.

C. ORDINANCES IN 1ST READING – None

14. COUNCIL CORRESPONDENCE – None



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, October 13, 2010**
Meeting Time: **7:00pm**

15. COUNCIL MATTERS OF INTEREST

Councilor Carrier gave an update on the Park Street Park project.
Councilor Nedelka said going paperless and using his iPad during the Council meeting is working well.

16. ADJOURNMENT

Councilor Weston moved to adjourn; seconded by Councilor Hooper.
Vote: 9/0.

Emery & Garrett Groundwater, Inc.'s presentation will be archived with the Minutes.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2010.10.13 – 133**

Resolution Re: Acceptance of Relocated “Old Rollinsford Road”

WHEREAS: Wentworth Douglas Hospital and the City of Dover entered into a Development Agreement regarding the acceptance of a new portion to Old Rollinsford Road, and the discontinuance of a portion of Old Rollinsford Road, both of which are involved in the expansion of the physical plant of the hospital; and

WHEREAS: Construction of a new portion of Old Rollinsford Road at the expense of the hospital is complete; and

WHEREAS: Wentworth Douglass Hospital has complied with the provisions of the agreement and the discontinuance of a portion of the old road. Acceptance of a new portion of the road is appropriate at this time according to the provisions of the agreement.

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

A portion of roadway described on the attached deed is accepted as a city street and shall continue to be named “Old Rollinsford Road”. The City reserves utility easements as described in deeds to be recorded. Additional easements are also accepted from abutting owners.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By Request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2010.10.13 – 133**

Resolution Re: Acceptance of Relocated “Old Rollinsford Road”

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2010.10.13 – 133**

Resolution Re: Acceptance of Relocated “Old Rollinsford Road”

RESOLUTION BACKGROUND MATERIAL:

The City of Dover and Wentworth Douglass Hospital, with the approval of the City Council, entered into a Development Agreement detailing the proper procedures for discontinuance of a portion of Old Rollinsford Road, and the acceptance of a new portion of Old Rollinsford Road. The agreement was entered in conjunction with the expansion of the physical plant of the hospital with the construction of a new bed tower for patients.

Wentworth Douglass Hospital constructed a new access road and seeks acceptance of the road by the City of Dover as a public way. The new road was constructed at the expense of the hospital. The City Engineer has reviewed the specifications of the new road and approves of the acceptance of the road. This resolution is a companion resolution to the resolution on the agenda seeking discontinuance of the old portion of Old Rollinsford Road.

The hospital has complied with the procedures stated in the Development Agreement. The City of Dover is reserving necessary utility easements to be recorded. Easements from abutting owners have been acquired at no cost to the City to complete the package of easements necessary to protect the interests of the City of Dover regarding utilities and utilities structures.



CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2010.10.13 – 135**

Resolution Re: Discontinuance of a portion of Old Rollinsford Road

WHEREAS: Wentworth Douglas Hospital and the City of Dover entered into a Development Agreement regarding the acceptance of a new portion to Old Rollinsford Road, and the discontinuance of a portion of Old Rollinsford Road, both of which are involved in the expansion of the physical plant of the hospital; and

WHEREAS: Construction of a new portion of Old Rollinsford Road at the expense of the hospital is complete; and

WHEREAS: Wentworth Douglass Hospital has complied with the provisions of the agreement and the discontinuance of a portion of the old road. Acceptance of a new portion of the road is appropriate at this time according to the provisions of the agreement;

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

A portion of Old Rollinsford Road described in the attached deed no longer needed for public travel is completely discontinued. The City Manager is authorized to sign a deed as attached to convey the land to the hospital pursuant to standard practice.

A PUBLIC HEARING IS REQUIRED WITH NOTICE TO ABUTTERS AND THE TOWN OF ROLLINSFORD

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved as to Legal Form: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

Document Created by:

Department

Document Posted on: October
22, 2010

2010_10_13_discontinuance_of_portion_of_old_rollinsford_road__2_glc_9_30_10

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CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2010.10.13 – 135**

Resolution Re: Discontinuance of a portion of Old Rollinsford Road

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2010.10.13 – 135**

Resolution Re: Discontinuance of a portion of Old Rollinsford Road

RESOLUTION BACKGROUND MATERIAL:

The City of Dover and Wentworth Douglass Hospital, with the approval of the City Council, entered into a Development Agreement detailing the proper procedures for discontinuance of a portion of Old Rollinsford Road, and the acceptance of a new portion of Old Rollinsford Road. The agreement was entered in conjunction with the expansion of the physical plant of the hospital with the construction of a new bed tower for patients.

Wentworth Douglass Hospital constructed a new access road to the hospital at its own expense and seeks discontinuance of a portion of the old road at this time.

This resolution is a companion resolution to the resolution on the agenda seeking acceptance of a new portion of Old Rollinsford Road and the conveyance of the land to the City of Dover.

A public hearing is scheduled for this discontinuance resolution. Notices have been sent to abutting parties as required by statute.

Document Created by:

Department

Document Posted on: October

22, 2010

2010_10_13_discontinuance_of_portion_of_old_rollinsford_road__2_glc_9_30_10

Page 3 of 3

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CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2010.10.13 – 136**
Resolution Re: B11022 Dredge Disposal Facility Operations

WHEREAS: The City of Dover previously identified through B03071a vendor to construct, operate and close the Cocheco River dredging spoils cell (H. E. Sargent); and

WHEREAS: The US Army Corps of Engineers is performing an authorized federal navigational maintenance dredging project and is currently using Charter Environmental. In an effort to minimize cost and conserve resources, the city requested a price quote via sealed bid B11022 from both HE Sergeant Corp and Charter Environmental. The scope of services consists of dredging of an estimated 4000 CY of sediment and transport to dredge facility. The operations should begin Oct 25, 2010 and end December 2010; and

WHEREAS: The reply with the most favorable rates was submitted by Charter Environmental at the estimated time of seventy (70) days with Mobilization and de-mobilization totaling the amount of \$142,950.00

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 Charter Environmental give the estimated bid amount of \$142,950 and corresponding rates provided 9/28/2010. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Revised Approp.	Available
4325.1.300.43230.4754.03190	Cocheco Dredge Cell-Waterway	4,153,851.00	4,319,851.00	212,831.17

AND, FURTHER BE IT RESOLVED

The City Council appropriates funds as follows:

Estimated Revenue

ACCOUNT	DESCRIPTION	APPROPRIATION	AMEND	REVISED
4325.1.30043230.3410.03190	Cocheco River Dredge Spoils Cell	\$3,853,851.00	\$166,000.00	\$4,019,851.00

Appropriations

ACCOUNT	DESCRIPTION	APPROPRIATION	AMEND	REVISED
4325.1.300.43230.4700.03190	Cocheco River Dredge Spoils Cell	\$4,153,851.00	\$166,000.00	\$4,319,851.00

In accordance with NH Municipal Finance Act, RSA33 and City Charter Provisions C6-6 and C6-14 a **PUBLIC HEARING IS REQUIRED** for this resolution and must be approved by a 2/3 majority vote of the city council.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2010.10.13 – 136**
Resolution Re: B11022 Dredge Disposal Facility Operations

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2010.10.13 – 136**
Resolution Re: B11022 Dredge Disposal Facility Operations

RESOLUTION BACKGROUND MATERIAL:

The Cochecho River Dredge project has been modified in scope to complete the project with the available funding. The dredge depth has been reduced from providing 6 feet of water at low tide to 5.5 feet of water to navigate in the channel at low tide. The dredging is scheduled to begin on October 25th with minor ledge removal being done the week of October 18th.

In an effort to conserve resources a request for proposals was provided to HE Sargent the company that constructed and operated the dredge cell and Charter Environmental the dredge contractor. It was believed that if the dredge contractor operated the dredge cell there might be potential savings. The cost proposals confirmed that the dredge contractor could indeed operate the dredge cell at a significant cost reduction.

Bid Information:

B11022 Sealed bid request

Award Information:

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

Purchasing Information:

Type:	Purchase Order	Advertised:	No
Invitations Mailed:	2	Number of Responses:	2
Warranty:	NA	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Complete	Estimated Delivery:	As needed
Recommended Award to:	Charter Environmental	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.3.

Resolution Number: **R - 2010.10.13 – 136**
Resolution Re: B11022 Dredge Disposal Facility Operations

Results

B11022	Charter Environmental	HE Sargent Corp
Mobilization	7,000.00	2,520.00
12 hr day / weekday rate	1,925.00	4,272.00
12 hr day/ Weekend rate	1,925.00	5,160.00
12 hr day/ Holiday rate	1,925.00	6,048.00
De-Mobilization	1,200.00	2,520.00

Estimated costs for 2010	Charter	HE Sargent
Mobilization	7,000.00	2,520.00
Estimated 70 days @12 hrs	134,750.00	299,040.00
De-mobilization	1,200.00	2,520.00
Estimated total	142,950.00	304,080.00

Vendor Solicitation List:

Charter Environmental
72 Jonspin Rd
Wilmington MA 01887

HE Sargent Corp
PO Box 435
Stillwater ME 04489



APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

2010 OCT 7 10 50 AM
RECEIVED
CITY CLERK
DOVER NH

RAFFLE*.....TAG*.....X.....PARADE**..... BLOCK PARTY**..... ROAD TOILET**.....

Fill In Completely and Return To City Clerk NO LATER THAN 30 DAYS PRIOR TO EVENT

Organization Name: newmarket High School Interact Club
Federal Tax ID number for Organization: 02-6000642
Nature of Organization: Religious, Educational, Charitable, Civic, Sports, Veterans, Fraternal or Political

Contact Person: Kathleen Al-Darraj Day Time Telephone: 603-659-3271

Address: 213 South Main St. Newmarket Email Address: al-darrajik@newmarket.k-12.nh.us

Purpose of Permit: TO raise funds to go to new orleans to work with Habitat for Humanity
Date of Event: Oct. 30th or Nov 13 Specific Time: 10:00am 5:00 pm

Location of Event: Local Stores

(Raffle Permit only)
Prize (s) To Be Awarded:

Amount of Donation: Date of Drawing: Specific Time:

Place of Drawing:

* NOTICE TO RAFFLE AND TAG PERMIT APPLICANTS: Please be advised the City will verify that your organization is in compliance with the regulations of N.H. Charitable Trusts Unit of the Attorney General's Office prior to the acceptance of your application. The police department may contact you to obtain additional information. Please provide a way for us to contact you during the day so the request can expedited Information on these requirements may be found at http://doj.nh.gov/publications/charitable_forms.html.

** NOTE: ALL REQUESTS FOR PARADE PERMITS AND BLOCK PARTIES MUST HAVE PARADE ROUTE APPROVED BY THE POLICE DEPT. BEFORE GOING ON THE COUNCIL AGENDA

***NOTE: SOLICITING DONATIONS IS PROHIBITED FROM THE ROADWAY WITHOUT SPECIAL PERMISSION FROM THE POLICE DEPARTMENT

I CERTIFY THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT.
I UNDERSTAND THAT THIS PERMIT IS ISSUED BY THE CITY COUNCIL PER the provisions of RSA 287-A, RSA 31:91 and/or RSA 286 and I agree to abide by same.

Signature: Kathleen Al-Darraj Date: 10/1/10

Licensing Board approval: [Signature] Date: 10/13/10
Revised 03/17/08



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.10.27 – 137**
Resolution Re: B08100 Change Order I – Energy Efficiency Performance
Contract with Johnson Controls

WHEREAS: Sealed requests for proposal #B08100 was requested and received for professional services for an extensive and comprehensive investment grade energy audit of city facilities. Johnson Controls identified and recommended a series of energy saving installations, upgrades and measures to reduce costs in the short and long terms for the city. Authorization for the city manager to enter into a contract with Johnson Controls was approved by council on 5/27/2009; and,

WHEREAS: The work at the arena has been progressing and due to the units age and upgrades, the BAC water tower serving the ice rink chiller system has failed. The tower is rusting through and needs a new motor. The recommendation of the vendor is to replace the unit at a cost of \$60,048.30. Arena staff checked pricing with unit manufacture and the cost is in line with offer from Johnson Controls. Johnson Control pricing includes new unit, piping and wiring, commissioning and start up as well as removal and disposal of old. See attached proposal.

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

Per Purchasing Procedure 3-24 B The competitive bid procedure may be waived by a majority of City Council

The Purchasing Agent is hereby authorized to issue change order I to Johnson Controls PO # 20100343 given the amount of \$60,048.30. The amount of this authorization shall be limited so as not to exceed available funding.

Account	Description	Appropriation	Balance
1000.1.300.45149.4741.00000.00	Arena Machinery & equipment	60,048.30	60,048.30

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Scott Myers
By request

Approved for Legal Compliance: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.10.27 – 137**
Resolution Re: B08100 Change Order I – Energy Efficiency Performance
Contract with Johnson Controls

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor, Dean Trefethen, At Large		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison III, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.10.27 – 137**
Resolution Re: B08100 Change Order I – Energy Efficiency Performance
Contract with Johnson Controls

RESOLUTION BACKGROUND MATERIAL:

The cooling tower at the Dover Arena, which cools the water from the compressor operations, was installed in 2000 when the Arena was expanded and renovated. This compressor has an optimal life of 15 years in perfect conditions.

The design of these systems and the longevity predictions depends on a variety of factors. Typically cooling towers have a shutdown cycle so they are able to extend the life of the unit. In the case of the tower at the Arena no shutdown cycles were able to be programmed into its operation because the automation was not in place to run it and the refrigeration system very rarely if ever shut down.

With that scenario this machine ran 24/7 365 for seven years before its first major break in operation. Since then it has run for 11 months per year for the last two years with planned shutdowns and ice removals so we could do maintenance. Due to this magnified workload the longevity of this piece of equipment has been shortened as it is showing evidence of wear and tear and has begun to have a series of breakdown risking our ice surfaces if it can't be quickly fixed.

The recent improvements to the Ice Arena compressor system, that has included the installation of a much more efficient electric chiller, has allowed us to shut down the cooling tower for cycles as the system is able to keep up with the ice temperatures with less run hours. With this shut down cycle occurring, another issue arose as the volume of water in the cooling system exceeds the storage tank capacity in the compressor room after the cooling tower is drained out. This was not a problem previously as the tower was very rarely drained.

Temporarily, the daily cycles of the compressor and tower shutdowns with the excess water to store has been taken care of by an extra tank squeezed in the compressor room which is in the way of access to other components.

Johnson Controls reviewed the situation and came up with two options. First, we could add a permanent extra tank and pump system in a corner of the Arena next to the compressor room for \$20,674 which would work with our current tower. Second, we could replace the cooling tower for \$60,048 with a newer more efficient model that would only use the volume of water we currently can store so it would alleviate the need for the extra storage and give us the replacement tower that would be necessary in the next two years.

Fortunately, due to the switch from natural gas to electricity for our cooling plant operation we estimate to save close to \$100,000 in gas costs this year. The electricity budget will go up from last year but with the first quarter (summer) expense of \$47,000 behind us we are on target to stay within the electric budget. We are confident that the transfer of the \$60,048 from the natural



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2010.10.27 – 137**
Resolution Re: B08100 Change Order I – Energy Efficiency Performance
Contract with Johnson Controls

gas budget to cover this vital expense is money well allocated and will allow us to efficiently operate the chiller system to get the greatest savings possible.

Bid Information:

B08100 – Energy Efficiency Performance Contract

Award Information:

A change order will be issued to Johnson Controls to authorize this expenditure.

Purchasing Information:

Type:	Change Order I	Advertised:	No
Invitations Mailed:		Number of Responses:	
Warranty:	na	Terms:	Net 30, FOB Dover
Work Bonded:		Contract:	Yes
Prices will hold for:	Until Completion	Estimated Delivery:	As needed
Recommended Award to:	JCI	Fund:	Arena
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



INGENUITY WELCOME . COM

Existing Condition

Latest historical information on the existing in service BAC water tower serving the ice rink chiller system. Some time @ 2 am this unit failed, with tower fan bearings requiring replacement. The fan, shaft and bearings were removed from the unit, replacement parts put in place and tower assembled. Kudos to the composite "crew" of rink personnel and our DMS fellows who made the replacement of damaged components possible. With a total estimated down time of approximately 11 hours from chiller shutdown in the early morning to startup @ 2:00 pm EST we are fortunate that in this extreme hot weather (90f) that the ice floor in the Holt rink was not "lost". The new Aluma Zorb ceiling played an important role by reducing heat load to the floor. Skaters were able to use the floor the entire day.

Proposed Measure

It is time to discuss replacement of the old water tower and remote sump. The tower is rusting through, needs a new fan motor and has reached a point where a replacement deserves serious consideration. Further, the remote sump tank for this water tower (stores tower water in the "off cycle" and provides freeze protection) is not properly sized for the old tower; the old tower and system needs 750 gallons capacity in the remote sump; the existing sump allows for approximately 500 gallons, hence the overflow condition when the tower condenser pumps are off and water flows back to the sump. Stopping the condenser water pump results in the sump overflowing. We have piped in an auxiliary tank equalized to the remote sump to provide enough reserve storage and allow on / off operation for maximum efficiency. This tank installation was a stop gap measure until a new tower and sump are installed.

Problem #1: the chiller mechanical room where the existing remote sump is mounted lacks available floor space for a new larger sump

Problem #2 Closed loop towers we have discussed still require the additional water capacity the existing system and area lack

Installing a new BAC tower with capacity matched to the chiller system and low reserve water requirements. This tower will require 300 gallons of storage, allowing the use of the old but solid remote sump. A replacement sump will not be needed, only a new tower.

The following recommendations are offered:

- Remove and dispose of the old tower
- Replace with a new BAC unit (see specification)
- Pipe new to chiller systems
- VFD for fan control
- Power wiring
- Control wiring
- Programming VFD by JCI to Siemens control panel
- Keep the old remote water sump in place
- Commissioning and startup

This replacement offered for the total investment of.....\$60,048.30

Alternate

The existing water tower, if kept in place, requires 200+ additional water capacity to maintain proper condenser water volume plus prevent recurring sump overflow during chiller "off" cycle. A new BAC remote sump has been proposed by the manufacturer, having a capacity of 702 gallons. The existing mechanical room is dimensionally challenged to allow installation of this sump tank. Measuring approximately 9' long x 4' wide and 3.5' deep, the recommended remote sump will not fit the room. Instead alternate space needs to be made available. The sump tank could be mounted outdoors to the Portland Ave side of the building assuming a "shed" or other protected and heated structure were built to house the sump. The interior of the rink has space to the left of the Tecochill mechanical room door but this location allows additional moisture from the tank to increase the dehumidification load and will also require cover and protection from the public. If mounted in either location noted above, the cost for this installation excluding any structural covers or housing would be..... \$ 20,674.16



CITY OF DOVER

**CITY OF DOVER – ORDINANCE APPROVED BY
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Agenda Item#: 13.C.1.

Ordinance Number: **O – 2010.10.27- 13**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

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.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-3 “Purpose”, by revising as follows:

“This chapter is an element of the Dover Comprehensive Development Plan and is designed to promote the health, safety, ~~morals~~ and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to add new definitions and revise existing definitions to read as follows:

“**ABUTTER** means:

1. Any person whose property is located in New Hampshire and adjoins or is directly across the STREET or stream from the land under consideration.
2. For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person **or entity** who is able to demonstrate that his land will be directly affected by the proposal under consideration.
3. In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter” means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. ~~It~~ **Additionally, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.**
4. For purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the Board.
5. **For purposes of notification, abutter ownership information for LOTS located in Dover, shall be obtained through the City’s Tax Assessment Office”**

AND

“**CIVIC BUILDING** means a BUILDING operated by not-for-profit organizations dedicated to arts, culture, ~~religion~~, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.”



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“CONSERVATION LOT means a LOT created solely for the purpose of land conservation. The CONSERVATION LOT must contain no less than fifty percent (50%) developable uplands, but will have no DEVELOPMENT RIGHTS. The CONSERVATION LOT may be owned by a private, nonprofit organization, which has as its purpose the preservation of OPEN SPACE, or dedicated to a public entity. CONSERVATION LOTS must meet the required minimum LOT size and SETBACKS. CONSERVATION LOTS do not need to meet the minimum FRONTAGE requirements. CONSERVATION LOTS must be created following the regulations outlined in Chapter 155, Subdivision of Land.”

AND

“CUSTOMARY HOME OCCUPATION - An occupation carried on a secondary use in a DWELLING UNIT or accessory BUILDING by the occupant of such unit. For the use of a dwelling or accessory BUILDING in any Residential District for a "home occupation," the following conditions shall apply:

1. "Home occupation" shall include not more than one (1) of the following uses, provided that such uses are clearly incidental and secondary residential purposes; dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight (8) pupils simultaneously occupy the BUILDING, musician, antique dealer, ~~ha~~**hairdresser**, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.
2. No more than one (1) nonresident shall be employed therein.
3. The use is carried on strictly by the occupant of the PRINCIPAL BUILDING. **[Amended 08-01-90 by Ord. No. 8-90]**
4. No more than twenty-five percent (25%) of the existing net FLOOR AREA of the principal and any accessory BUILDINGS not to exceed six hundred (600) square feet is devoted to such use.
5. There shall be no display of goods or wares visible from the STREET.
6. No advertising on the premises other than a small ~~non-electric~~ **non-illuminated** SIGN not to exceed two (2) square feet in area and carrying only the occupant's name and his occupation.
7. The BUILDINGS or premises occupied shall not be rendered objectionable or detrimental to the residential character of the NEIGHBORHOOD because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, **light emissions**, or in any other way. In a MULTI-FAMILY DWELLING, the use shall in no way become objectionable or detrimental to any residential use within the multifamily STRUCTURE.
8. Any such BUILDING shall include no feature of design not customary in BUILDINGS for residential use. ~~Such uses as clinics, bakeries, gift shops, tearooms, tourist homes, massage, animal hospitals, KENNELS~~ **The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, Clinic,**



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Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations-

- 9. A minimum of two (2) off-STREET PARKING SPACES shall be provided. All driveways to be used in connection with such occupations shall conform to the city's Driveway Ordinance*.
- 10. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.
- 11. A certificate of use for the proposed use is issued by the Zoning Administrator verifying conformance with the preceding standards. **Said certificate shall be renewed annually. [Amended 12-09-09 by Ord. No. 2009-09.09-15]**

AND

“FARM ANIMALS FOR FAMILY USE means animals commonly raised or kept by a family for non-commercial purposes on a LOT containing a one or two family dwelling. Includes chickens, sheep or goats totaling six (6) or fewer, but does not include roosters.”

AND

“LIVESTOCK, POULTRY AND SWINE means animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.”

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7, Establishment of districts to read as follows:

“A. Districts:

The City of Dover is hereby divided into the following districts:

Residential

- R-40 Rural Residential District
- R-20 Low-Density Residential District
- R-12 Medium-Density Residential District
- RM-SU Suburban Density Multi-residential District
- RM-U Urban Density Multi-residential District

Nonresidential

* **Editor's Note: See Ch. 92, Driveways.**



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- B-1 NEIGHBORHOOD Business District
- B-3 Thoroughfare Business District
- B-4 HOTEL/Retail District
- B-5 ~~Commercial/Retail~~ Gateway District
- I-1 Restricted Industrial District
- I-2 Rural Restricted Industrial District
- I-4 Assembly and Office
- ETP Executive and Technology Park

Mixed -Use

- O Office District
- CBD Central Business District
- CWD Cochecho Waterfront District

Overriding

- CD Conservation District
- URD Urban Renewal District
- RRD Riverfront Residential Overlay District
- GWP Groundwater Protection District
- HWD Hazardous Waste Landfill District
- RCM Residential-Commercial Mixed Use
- SRD Scenic Road Overlay District
- TDR TRANSFER OF DEVELOPMENT RIGHTS
- TEL Telecommunications Facilities
- WPD Wetland Protection District

B. District Purpose Statements:

1) RESIDENTIAL DISTRICTS

The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create city NEIGHBORHOODS that are safe and promote harmonious development.

a) Rural Residential District (R-40)

The purpose of this residential district is to provide for conventional single-family NEIGHBORHOODS in the more rural areas of the city. These areas have larger LOT sizes (1+ acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as OPEN SPACE developments with reduced LOT sizes allowed in return for the permanent preservation of OPEN SPACE. Agriculture and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and CHILD CARE FACILITIES.

b) Low-Density Residential District (R-20)



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The purpose of this residential district is to provide for conventional single-family **NEIGHBORHOODS** on **LOTS** not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as **OPEN SPACE** subdivisions. Agriculture and farming are promoted in this district. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and **CHILD CARE FACILITIES**.

c) Medium-Density Residential District (R-12)

The purpose of this residential district is to provide for conventional single-family **NEIGHBORHOODS** on **LOTS** not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the **NEIGHBORHOODS** surrounding the elementary schools are in this district and have a **SIDEWALK** system that is conducive to children walking to school. The development of parcels with at least five acres can be done as **OPEN SPACE** subdivisions. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and **CHILD CARE FACILITIES**.

d) Suburban Density Multi-residential District (RM-SU)

The purpose of this residential district is to provide an environment suitable for a variety of moderate density housing types, including **SINGLE-FAMILY**, two family, 3-4 family and **MULTI-FAMILY DWELLINGS**. These districts are suburban **NEIGHBORHOODS** located along major roadways outside of the center of the city. The homes in this district are almost all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and **CHILD CARE FACILITIES**.

e) Urban Density Multi-residential District (RM-U)

The purpose of this residential district is to provide an environment suitable for a variety of moderate/high density housing types, including **SINGLE-FAMILY**, two family, and 3-4 family dwellings. These districts are urban **NEIGHBORHOODS** located close to the downtown area and contain many historic homes that are built close to the **SIDEWALKS** and **STREETS**. The homes in this district are all served by municipal sewer and water. Some non-residential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and **CHILD CARE FACILITIES**.

2) NONRESIDENTIAL DISTRICTS

The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

a) NEIGHBORHOOD Business District (B-1)



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The purpose of this business district is to provide small sites for commercial use in or near dense residential **NEIGHBORHOODS** without having significant impact upon residential uses. The district encourages traditional small scale retail and service uses that are convenient for the nearby residents. Development is intended to be pedestrian-oriented and compatible with the scale of the residential uses.

b) Thoroughfare Business District (B-3)

The purpose of this business district is to provide an environment that encourages efficient and attractive automobile oriented commercial development along major highways outside of the downtown. The 20,000 square foot minimum **LOT** size encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, **HOTELS**, offices, banks, and theaters. Other commercial uses and **MULTI-FAMILY DWELLINGS** are allowed by special exception.

c) HOTEL/Retail District (B-4)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development on a larger scale along major highways outside of the downtown. The minimum **LOT** size of five acres encourages larger commercial development. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, **HOTELS**, offices, banks, and theaters.

d) Gateway District (B-5)

The purpose of this business district is to provide an environment that encourages efficient and attractive commercial development along major highways that are gateways to the city. The minimum **LOT** size of 20,000 square feet encourages a mix of various sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, **GAS STATIONS**, automobile sales, **HOTELS**, offices, banks, and theaters.

e) Restricted Industrial District (I-1)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the city and provide employment opportunities. These areas tend to be smaller sites closer to the downtown area containing older buildings that have historically been used for industrial and business uses. The smaller minimum **LOT** size of 40,000 square feet also encourages business uses such as **PUBLISHING**, **HOTELS**, **GAS STATIONS**, car sales, offices, and personal services. The close proximity of these areas to older residential **NEIGHBORHOODS** requires careful consideration of impacts on adjacent uses in other districts.

In 2009 the zoning for this district was amended to allow for the redevelopment of this industrial property in a more flexible and context sensitive method. The district



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encourages mixed residential and commercial uses that complement one another and create a sense of community between the mixed uses.

f) Rural Restricted Industrial District (I-2)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, **WAREHOUSING, WHOLESALING** and shipping activities that expand the economic base of the city and provide employment opportunities. This area is the location of one of the first industrial parks in the city, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum LOT size of 20,000 square feet also encourages business uses such as **PUBLISHING, HOTELS, GAS STATIONS**, restaurants, car sales, offices, and personal services.

g) Assembly and Office (I-4)

The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, **WAREHOUSING, WHOLESALING, PUBLISHING** and shipping activities that expand the economic base of the city and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newest industrial park developed by the city is located in this district. The minimum LOT size in this district is five acres, which encourages larger industrial users.

h) Executive and Technology Park (ETP)

The purpose of this executive and technology district is to provide appropriate locations for large-scale high technology, research, professional office, and clean manufacturing uses that need large sites and high aesthetic standards. The general character of the district is intended to be a campus or park-like setting that encourages creative design and innovation is site planning and development, while protecting the natural resources. In this district the minimum LOT size is three acres and there is no **FRONTAGE** requirement, which encourages larger users in campus settings. Some of the city's largest employers are located in this district. This district includes special design standards for **BUILDINGS, parking LOTS** and landscaping.

3) MIXED –USE DISTRICTS

The mixed use districts are intended to provide suitable areas for a mixture of urban **NEIGHBORHOODS** containing residential, commercial, service, retail, and office uses. The mixed use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

a) Office District (O)

The purpose of this office district is to provide appropriate locations for a mixture of residential and offices uses along higher volume **STREETS**. The remaining large historic homes are no longer suitable for single family residential due to the high traffic. This



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district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, **NURSING HOMES and CONGREGATE CARE FACILITIES**. The density for residential uses is about eight units per acre and in new buildings residential is only allowed on the second floor or higher.

b) Central Business District (CBD)

The purpose of this district is to provide the appropriate locations for context sensitive zoning. The form based code in this district is intended to foster a vital main street both for itself and for its adjacent **NEIGHBORHOODS** through a lively mix of uses—with shop fronts, **SIDEWALK** cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

c) Cochecho Waterfront District (CWD)

The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum **LOT** size, **FRONTAGE** or **SETBACK** requirements and a density of 43 dwelling units per acre. Several water related land uses are permitted in the district, including **MARINAS, WATERBORNE PASSENGER TRANSPORTATION FACILITIES** and **WATER RELATED EDUCATION AND RESOURCE CENTERS**. The architecture of the waterfront areas should encourage the development of marine, history or tourism related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

4) OVERRIDING DISTRICTS

The purpose of the overriding districts is to provide an additional layer of land use regulation or protection is certain sensitive areas of the city. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements review the text of each overriding district.”

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Use Tables for the R-40, R-20, and R-12 Districts by adding the following new use:

“CONSERVATION LOT”



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6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Use Tables for the I-4 District by adding the following new use:

“EXCAVATION”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Use Table for the R-40 District by replacing the term “Gravel Pit (12)” with “EXCAVATION (12)”.

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Article Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Permitted Use Table for the R-40 District by deleting “Drive-In Theater” as a permitted use and by revising the Permitted Use Table for the B-4 District by adding “Drive-In Theater” as a permitted use.

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Applicability of Tables of Use and Dimensional Regulations by District, by revising the Permitted Uses Tables for the Rural Residential (R-40), Low Density Residential (R-20), Medium Density Residential (R-12), Suburban Density Multi-Residential (RM-SU), Urban Density Multi-Residential (RM-U), Neighborhood Business (B-1), and Office (O) Districts, by adding the following new permitted use:

“FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on LOTS containing a one or two family dwelling (#)

(15) Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one animal per 10,000 square feet of LOT area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.”

[# use next footnote number in sequence for each district]



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9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Applicability of Tables of Use and Dimensional Regulations by District, as follows:

Revise the Permitted Uses Tables for the Urban Density Multi-Residential (RM-U) and Office (O) Districts, by adding the following new Special Exception:

“RETAIL STORE (See Over)

Retail Store

A Retail Store shall be subject to the following regulations:

- A. The store shall contribute to a NEIGHBORHOOD feel and be pedestrian friendly.**
- B. The store shall be no larger than 2,000 square feet.**
- C. No more than half of the required parking necessary shall be on-site parking, which shall be screened from abutting residential LOTS.**
- D. Any loading or unloading of products shall not disrupt neighbors or traffic flow.**
- E. The proposed use shall be compatible with the surrounding NEIGHBORHOOD.**
- F. Hours of operation shall be limited to 6 am to 9 pm Sunday – Thursday, and 6 am to 10 pm Friday and Saturday.”**

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12, Applicability of Tables of Use and Dimensional Regulations by District, as follows:

Revise the Permitted Uses Tables for the Central Business District (CBD) by renaming the “Commercial” subdistrict to “General” and removing the Freestanding sign as an allowed sign in all subdistricts.

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “Sign Review and Regulations” subsection D) 5) to read as follows:

- “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: 50 foot-candles as measured on the sign face.**
 - ii. Internal illumination: 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign’s face.**
 - iii. Direct illumination: 5,000 nits during daylight hours, and 500 nits between dusk and dawn, as measured at the sign’s face.”**



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32, Sign Review and Regulations, Subsection L to read as follows:

“Elections SIGNS. Elections SIGNS are permitted as follows:

- 1) The provisions of this section are in addition to the political SIGN controls established under Chapter 70 of the New Hampshire Revised Statutes Annotated, as amended.
- 2) Elections SIGNS are permitted no sooner than thirty (30) days prior to a primary or regular election and must be removed within ten (10) days of the closing of the polls.
- 3) Elections SIGNS shall not be affixed in any manner to public property (City-owned) ~~nor within STREET RIGHTS OF WAY~~, nor to utility poles and fixtures, nor painted, pasted or affixed in any manner that prohibits quick and complete removal.
 - (a) *As per RSA 664:17, election SIGNS are permitted within the public RIGHT OF WAY but not within the edge of pavement, with the consent of the owner of the land over which the RIGHT OF WAY passes. Signage shall not obstruct the safe flow of traffic, vehicular or otherwise.*
- 4) The person whose name appears on each political SIGN as required by Chapter 70 of the New Hampshire Revised Statutes Annotated, as amended, is responsible for the placement, distribution and removal of political SIGNS in conformance with the requirements of this Zoning Ordinance.
- 5) No SIGN in any district, ~~other than the Central Business District~~, shall be larger than ~~four (4) feet by four (4) feet or a total SQUARE footage of sixteen (16) square feet.~~
- 6) Any candidate failing to comply with the above requirements shall be subject to a fine not to exceed fifty dollars (\$50.00) per SIGN violation.”

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33, FENCE review and regulations, Subsection A to read as follows:

“A. FENCE HEIGHTS. No person, ~~firm, corporation or other organization~~ **entity** shall erect or cause to be erected a FENCE exceeding ~~six (6)~~ **three (3) feet in HEIGHT between the RIGHT OF WAY and a parallel line with the front of the house closest to the RIGHT OF WAY. FENCES may be up to eight (8) feet in HEIGHT from said parallel line with the front of the house, around both sides and around the REAR YARD. HEIGHT is measured** from ground level.”



CITY OF DOVER

**CITY OF DOVER – ORDINANCE APPROVED BY
PLANNING BOARD ON JUNE 22, 2010**

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2010.10.27- 13**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

13. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Dean Trefethen, Deputy Mayor
Planning Board Representative

Approved as to Legal Form: Allan B. Krans, Sr.
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YEAH	NAY
Mayor Scott Myers		
Deputy Mayor Dean Trefethen		
Councilor Robert Carrier, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Jan Nedelka, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Gina Cruikshank, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

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ORDINANCE BACKGROUND MATERIAL:

These zoning amendments were drafted after the Planning staff and Planning Board reached out to other land use boards as well as the public looking for areas of the zoning ordinance that should be reviewed. During its January 2010 goal setting workshop, the Planning Board selected from the requested areas of review, those which it would focus on.

Over the winter and spring of 2010, the Board and staff reviewed and drafted amendments for the zoning code. Additionally, the Planning Board held workshops on the amendments on:

January 12, 2010
February 9, 2010
February 23, 2010
March 9, 2010
April 6, 2010
May 25, 2010

The amendments were discussed at regular meetings on:

April 27, 2010
May 11, 2010

At the May 25, 2010 meeting the Board posted the amendments, after which the Planning Board sent a 1st class mailing to all property owners in Dover explaining the amendments, and held a public hearing on June 22, 2010. The Board voted on June 22 to adopt the 11 zoning amendments that are on the proposed Ordinance before the Council.

A workshop was held with the City Council on September 1, 2010, and a question posed to the Board regarding antiques dealers was sent back to the Planning Board. The Board discussed and agreed, informally, to remove that item from the list of amendments at its September 14th workshop. The Board will formally vote to remove it on September 28th.