



CITY OF DOVER

CITY COUNCIL – AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, September 13, 2017**
Meeting Time: **7:00 pm**

- 1. CALL TO ORDER**
- 2. MOMENT OF SILENCE**
- 3. PLEDGE OF ALLEGIANCE**
- 4. ROLL CALL ATTENDANCE**
- 5. PROCLAMATIONS/AWARDS**
- 6. APPROVAL OF AGENDA**
- 7. PUBLIC HEARINGS**
 - A. 79-E APPLICATION REVIEW 104 WASH STREET, LLC**
SPONSORED BY MAYOR WESTON BY REQUEST
 - B. REPROGRAMING UNEXPENDED BONDING AUTHORIZATION AND CAPITAL RESERVE AUTHORIZATION FOR UNION STREET PROJECT TO HANSON STREET PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL; VOTE TAKES PLACE SEPTEMBER 27, 2017.**
SPONSORED BY MAYOR WESTON BY REQUEST
 - C. REPROGRAMING UNEXPENDED BONDING AUTHORIZATION FOR PISCATAQUA ROAD PROJECT TO SPUR ROAD PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL; VOTE TAKES PLACE SEPTEMBER 27, 2017.**
SPONSORED BY MAYOR WESTON 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. August 16, 2017 – Workshop**
 - B. August 23, 2017 – Regular Meeting**
- 11. MAYOR'S REPORT**



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

- 1. 79-E APPLICATION REVIEW 104 WASH STREET, LLC**
SPONSORED BY MAYOR WESTON BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE – Dover Shockwave Robotics**
- 2. RAFFLE – First Parish Church Congregational, United Church of Christ**
- 3. RAFFLE – Woodman Museum –Antique Car Show**
- 4. RAFFLE – Woodman Museum – Voices from the Cemetery**
- 5. RAFFLE – Woodman Museum – Veterans Day at the Woodman**
- 6. RAFFLE – Woodman Museum – Victorian Celebration**
- 7. ROAD RACE – Dover High School Unified**
- 8. TAG – Dover Little Green Cheerleading**
- 9. SETTING VOTING HOURS FOR OCTOBER 24, 2017 SPECIAL ELECTION FOR DISTRICT 13 AND THE NOVEMBER 7, 2017 MUNICIPAL ELECTION**
SPONSORED BY MAYOR WESTON BY REQUEST
- 10. OPERATING RULES FOR HERITAGE COMMISSION**
SPONSORED BY COUNCILOR SHANAHAN

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 12. Pool Advisory Committee |
| 2. Planning Board | 13. Recreation Advisory Board |
| 3. Appointments Committee | 14. Solid Waste Advisory Commission |
| 4. Arena Commission | 15. Transportation Advisory Commission |
| 5. Arts Commission | 16. Joint Building Committee – Dover High School and Regional Career Technical Center |
| 6. Energy Commission | 17. Joint Building Committee – Garrison Elementary School |
| 7. Legislative Liaison | 18. Dover Main Street |
| 8. Library Board of Trustees | 19. Dover's 400 th Anniversary Committee |
| 9. McConnell Center Advisory Committee | |
| 10. Ordinance Committee | |
| 11. Parking Commission | |



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B. RESOLUTIONS

- 1. RESTORATION OF MERGED LOTS (57 FOREST STREET)**
SPONSORED BY MAYOR WESTON BY REQUEST
- 2. FISCAL YEAR 2018 BUDGET AMENDMENT – RESCIND TRANSFER TO TIP CAPITAL RESERVE AND REDUCTION OF HIGHWAY BLOCK GRANT AID REVENUE (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 27, 2017, FOLLOWED BY COUNCIL VOTE, ALSO TO TAKE PLACE ON SEPTEMBER 27, 2017)**
SPONSORED BY MAYOR WESTON BY REQUEST
- 3. ACCEPTANCE OF ADDITIONAL STATE HIGHWAY BLOCK GRANT FUNDS (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 27, 2017, FOLLOWED BY COUNCIL VOTE, ALSO TO TAKE PLACE ON SEPTEMBER 27, 2017)**
SPONSORED BY MAYOR WESTON BY REQUEST

C. ORDINANCES IN 1ST READING

- 1. CHAPTER 152 STREETS AND SIDEWALKS**
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 27, 2017, FOLLOWED BY COUNCIL VOTE, ALSO TO TAKE PLACE ON SEPTEMBER 27, 2017)
SPONSORED BY COUNCILOR CIOTTI

14. COUNCIL CORRESPONDENCE

- A. Letter from Comcast, dated 8/30/2017.**

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2017.08.23 – 112**
Resolution Re: **Reprogramming Unexpended Bonding Authorization
and Capital Reserve Authorization for Union Street
project to Hanson Street project**

WHEREAS: On December 12, 2012 the City Council adopted the Debt Financing authorization for FY2014 CIP projects, which included \$255,000 for Union Street reconstruction; and

WHEREAS: On November 12, 2014 the City Council adopted the Capital Reserve financing authorization for FY2016 CIP projects, which included \$150,000 for Union Street water main replacement; and

WHEREAS: The City has determined that Hanson Street reconstruction and water main replacement is currently a higher priority than the Union Street project, and there is unexpended appropriations for the Union Street project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of \$255,000 of unexpended bonding authorization is hereby reprogrammed from Union Street to Hanson Street project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
4014.1.300.43121.4751.03149.14	Union Street Reconstruction	255,000.00	(255,000.00)	0.00
4014.1.300.43121.4751.03151.14	Hanson Street Reconstruction	0.00	255,000.00	255,000.00
	Total Available Funding	255,000.00	0.00	255,000.00

AND, FURTHER BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of \$150,000 of unexpended Water Capital Reserve authorization is hereby reprogrammed from Union Street to Hanson Street project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
5300.1.300.43320.4754.03555.16	Union St Water Main Replacement	150,000.00	(150,000.00)	0.00
5300.1.300.43320.4754.03561.16	Hanson St Water Main Replacement	0.00	150,000.00	150,000.00
	Total Available Funding	150,000.00	0.00	150,000.00

NOTE: This resolution reprograms unexpended bond proceeds and therefore requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2017.08.23 – 112**
Resolution Re: **Reprogramming Unexpended Bonding Authorization
and Capital Reserve Authorization for Union Street
project to Hanson Street project**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By request

Approved as to Legal: Anthony Blenkinsop
Form and Compliance: General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

First Reading Date: 08/23/2017
Approved Date:

Public Hearing Date: 09/13/2017
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2017.08.23 – 112**
Resolution Re: **Reprogramming Unexpended Bonding Authorization
and Capital Reserve Authorization for Union Street
project to Hanson Street project**

RESOLUTION BACKGROUND MATERIAL:

On December 12, 2012 the Dover City Council approved the FY14-FY19 six-year Capital Improvements Program (CIP), which included an appropriation in FY14 for Union Street reconstruction. On November 12, 2014 the Dover City Council approved the FY16-FY21 six-year Capital Improvements Program (CIP), which included an appropriation in FY16 for Union Street water main replacement.

This request is being made as a result of Community Services Department evaluating projects for the compilation of the upcoming FY2019 – FY2024 CIP. The Hanson Street project has been determined a high priority and the Community Services department is planning to get design work underway immediately so that construction work can be bid out for the construction season of 2018. The Union Street project would be incorporated back into the CIP for future authorization by the City Council.

This resolution does not authorize any additional appropriation. The City Council previously authorized the appropriation for the Union Street reconstruction in the FY14 CIP and water main replacement portion in the FY16 CIP. This resolution does not authorize an increase in the indebtedness of the City. The City Council previously authorized debt financing the Union Street reconstruction project. This resolution reprograms funding from the Union Street reconstruction project to Hanson Street reconstruction project, and from Union Street water main replacement to Hanson Street water main replacement. Street reconstruction and Water main replacements are an approved CIP project, and annually the City CIP contains such projects.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2017.08.23 – 113**
Resolution Re: **Reprogramming Unexpended Bonding Authorization for
Piscataqua Road project to Spur Road project**

WHEREAS: On December 9, 2015 the City Council adopted the Debt Financing authorization for FY2017 CIP projects, which included \$1,700,000 for Piscataqua Road reconstruction and \$2,200,000 for Piscataqua Road water main replacement; and

WHEREAS: The New Hampshire Department of Transportation is performing reconstruction work on the Spaulding Turnpike, including the area abutting Spur Road; and

WHEREAS: The City has determined that Spur Road reconstruction and water main replacement is currently a higher priority than the Piscataqua Road project, particularly since construction on the Spaulding Turnpike is occurring in the area of Spur Road and there is unexpended appropriations for the Piscataqua Road project; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The amount of \$3,671,950.79 of unexpended bonding authorization is hereby reprogrammed from Piscataqua Road project to Spur Road project as follows:

Project Number	Project Description	Available Balance	Reprogram Adjustment	Adjusted Balance
5300.1.300.43320.4757.03589.17	Piscataqua Rd Water Main Replace	1,971,950.79	(1,971,950.79)	0.00
5300.1.300.43320.4757.03562.17	Spur Road Water Main Replacement		1,971,950.79	1,971,950.79
4017.1.300.43121.4751.03167.17	Piscataqua Road Reconstruction	1,700,000.00	(1,700,000.00)	0.00
4014.1.300.43121.4751.03151.14	Hanson Street Reconstruction	0.00	1,700,000.00	1,700,000.00
	Total Available Funding	3,671,950.79	0.00	3,671,950.79

NOTE: This resolution reprograms unexpended bond proceeds and therefore requires a duly advertised public hearing and a 2/3 favorable vote of all members for passage with the vote deferred until at least three (3) days after the public hearing.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By request

Approved as to Legal
Form and Compliance: Anthony Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2017.08.23 – 113**
Resolution Re: **Reprogramming Unexpended Bonding Authorization for
Piscataqua Road project to Spur Road project**

DOCUMENT HISTORY:

First Reading Date: 08/23/2017	Public Hearing Date: 09/13/2017
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

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

Resolution Number: **R – 2017.08.23 – 113**
Resolution Re: **Reprogramming Unexpended Bonding Authorization for
Piscataqua Road project to Spur Road project**

RESOLUTION BACKGROUND MATERIAL:

On December 9, 2015 the Dover City Council approved the FY17-FY22 six-year Capital Improvements Program (CIP), which included an appropriation in FY17 for Piscataqua Road reconstruction and water main replacement.

This request is being made as a result of Community Services Department evaluating projects for the compilation of the upcoming FY2019 – FY2024 CIP. The Spur Road project has been determined a high priority, particularly since work is occurring on the Spaulding Turnpike in the area of Spur Road and the Community Services department is planning to get design work underway immediately so that construction work can be bid out for the construction season of 2018. The Piscataqua Road project would be incorporated back into the CIP for future authorization by the City Council.

This resolution does not authorize any additional appropriation. The City Council previously authorized the appropriation for the Piscataqua Road reconstruction and water main replacement in the FY17 CIP. This resolution does not authorize an increase in the indebtedness of the City. The City Council previously authorized debt financing the Piscataqua Road reconstruction project. This resolution reprograms funding from the Piscataqua Road reconstruction project to Spur Road reconstruction project, and from Piscataqua Road water main replacement to Spur Road water main replacement. Street reconstruction and Water main replacements are an approved CIP project, and annually the City CIP contains such projects.

CITY MANAGER'S REPORT

SEPTEMBER 13, 2017

REPORTING ON AUGUST 2017



Legal Department

by Anthony Blenkinsop

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

Customer Focused Outcomes: Right to Know Requests

- ROCHESTER, NH – AGENDA MATERIALS AFTER 08/02/2017 BUT BEFORE 09/07/2017, 5 REQUESTS
- DOVER, NH – 3 SEABORNE DRIVE DOCUMENTATION OF INSPECTION ACTIVITY
- AMHERST, NH – BOND SCHEDULES FOR DOVER HIGH SCHOOL
- GOVERNMENT JOBS.COM – CONTRACTS FOR SOFTWARE SYSTEMS
- DOVER, NH – CORRESPONDENCE BETWEEN CITY AND WYNDBROOK AT DOVER HOA

Financial Outcomes: Litigation

City v. Joel Bernier: Defendants have paid one-half of amount owed for August; Letter sent; Received notice of rescheduled Foreclosure Sale to be held September 21.

Ventas Realty Limited Partnership v. City: (2014 tax year) Bench Trial rescheduled for week of September 19, 2017, but likely to be continued to later this year or early 2018.

Ventas Realty Limited Partnership v. City: (2015 tax year) City filed Answer to Petition for Abatement with Certified Record; City filed Case Structuring and ADR Order. Case stayed pending resolution of 2014 case.

City v. Eric Carlson – Period Payments fulfilled. Case concluded.

Albert E. Souther v. City – Complaint served April 25, 2017 regarding Tolend Road Easement; Parties filed proposed Structuring Orders by July 5th. Court Structuring Order issued. Trial to be scheduled for 2018.

Brenna Weber v. City – 2014 incident where the minor fell at the Jenny Thompson Pool; Complaint filed in Superior Court. Primex handling.

	For month	FY18	FY17	FY16
Legal Matters/Questions Handled	39	68	354	244
Document Creation & Review Including Contracts	33	57	271	267
Right to Know Requests Processed	9	16	73	66
Resolutions	7	11	42	53
Ordinances	2	3	13	29

Product & Process Outcomes:
Assistance to City Offices

City Council	Drafting/review of resolutions
City Manager	Review of documents for signature, 91-A requests; Resolutions; Cochecho Falls Dam; Small Cell Agreements; ROW Ordinance
Community Services	Cochecho Dam retaining wall; Arch Street flooding; Great Bay meeting; 4 th Street Property Damage Claims; Central Ave Tree Damage Claim; Right of Way obstruction; Oak Street; Community Trail Easement Deed
DBIDA	Operating Rules; Lease to Buy Agreement
Executive	Ethics Administrative Regulation review; SC-New Jumpstart Services Agmt.
Fire & Rescue	Mutual Aid Agreement with NH Air National Guard
Finance	Discharges and Liens; Tax Exemptions and PILOT; Water Meter reading issue
Planning	Discharges; OKAD License; RTK request; Waterfront deed research; Merged lot; Conservation Easement; Washington Street Development Agreement
Police	Granite Youth Alliance MOU; Potential claims; Henry Law Park authority
School	Proposed high school baseball field contract review; Review of MOUs; Barn and Class Pet Foster Agreement
Recreation	Donor Website – Veterans Memorial; Indoor Pool Quote; Stonewall Field

The use of outside counsel to handle specialty matters continues and consists of environmental matters and labor negotiations. There are a small number of attorneys hired on a variety of smaller matters.

Dover Business & Industrial Development Authority

by Daniel Barufaldi

Leadership & Governance Outcomes:

Summary:

Business activity in the region expanded at a modest pace on average with variations across industry segments. Manufacturing and retail businesses are reporting revenues with year over year gains from slight to significant. Software and IT companies are reporting gains from flat to double digit. Commercial real estate activity was flat regionally but in modest growth locally, limited by the high cost new builds. Residential real estate is experiencing robust demand limited by lack of inventory. Hiring for specific skill sets is brisk but limited by available potential employees. Planned wage increases remain moderate with prices increasing slightly to moderately. Contacts expect further growth consistent with recent results going forward. Those retailers and restaurants affected by the Central Avenue bridge renovation and surrounding central downtown road disruptions have begun to see some relief with the bridge opening ahead of schedule. Retailers reported they were helped by the First Fridays Art Walk event schedule and the "Bridge Reopening" event and front page photo of it in Fosters organized by DBIDA, Dover Main Street and twenty-five of the Dover downtown merchants.

Selected Business Services:

Demand for consulting and advertising is up moderately over last year at this time. Software and IT services providers are experiencing vastly improved results versus the previous year sales. Services to the healthcare sector have recently increased as walk-in convenient care centers are being added. Some consolidation is now being experienced in the institutional healthcare sector. Wentworth Douglas Hospital's merger with Mass General is part of an overall consolidation trend in institutional healthcare. This is expanding the range of medical specialties availability to the Dover market. WDH has opened a new medical practice facility at the Pease Development Authority. Wages, while up significantly in critical skill areas, remain just above inflation on average, as do prices. To attract highly skilled workers in growing industries these firms are expanding their social media and technological attraction efforts. Increased health insurance costs remain a concern with the uncertainty of the future reform of the Affordable Care Act and the challenge of being able to increase pricing to cover the increased cost. Experienced wait staff is at a premium. Overall the sector is optimistic and expecting high single digit growth over the next two quarters and beyond.

Uncertainty regarding the recent US administration change continues to produce a prevailing air of caution in this and several other sectors with real local economic effect. Local walk-in healthcare centers are hiring strongly as these in demand skill sets become available.

Predictions for 2017 revenue growth are in the 5%-10% range. Liberty Mutual recently announced an employee layoff of 190 in New Hampshire as they are ramping up a more highly automated computerized data processing system.

Commercial Real Estate:

Commercial real estate sales activity continued with moderate sustained growth locally, and with flat activity in the Boston and Portland markets. Demand locally has remained positive with several local commercial developments, mixed use infill, multifamily and assisted living investment projects coming to fruition. Office leasing continued to be just above flat this month. Land sales continue to have momentum locally. Investment demand for commercial real estate remains strong, especially for industrial space. Leasing fundamentals maintained a moderate pace of improvement in recent weeks, consistent with slow employment growth. A small amount of speculative office construction as part of mixed use building is now being done. Some recent mixed use developments are experiencing difficulty in filling the commercial component while booking the residential component immediately. The lending environment remains highly favorable to borrowers, with historically low, but increasing interest rates and somewhat tighter lending standards. Abundant investment capital continues to flow into commercial lease properties across the Seacoast, sourced from private equity firms, pension funds, foreign investors, REITS and high net worth individuals. "Quantitative Easing" ended in December, with one additional basis point hike in March. Two more 25 basis point hikes are anticipated over 2017. Leverage ratios are on the rise among some investors, but remain low in absolute terms. Local multifamily and mixed use construction remains at a very healthy pace with local inventory in this category rising rapidly. The outlook remains cautiously optimistic across the region. Forecasts call for more slow improvement in fundamentals moving forward, pending steady employment growth. Fiscal policy and uncertainty around the business and employment effects of the Healthcare Bill and Medicaid status are producing uncertainty at both the state and federal levels and this is mentioned by some as a down side risk to employment growth that produces improvement in leasing and construction activity. Some major capital spending projects are underway and some about to be announced. The two formerly vacant buildings in Enterprise Park are now occupied. A firm is currently looking at a potential lease-to-buy arrangement at Enterprise Park for a 30,000SF building. The Fosters building at 333 central Ave. was recently sold to a local service provider company for \$1.5 million and is now once again sold to a new buyer (Horizon Trust LLC). The Robbins building downtown has sold to Cathartes and will be demolished to make room for a mixed use development on the site.

*See Local Major Development Projects Section below.

Residential Real Estate:

Residential real estate markets continue to exhibit strong performance in the Seacoast. Home buyer confidence is up. Completed sales of single family homes increased year-over-year in Q1 and Q2. Low inventory levels locally are still thought to be limiting sales, but appear to be easing somewhat as rising prices are convincing sellers to put homes on the market before interest rates go up any more (now averaging 4.8% on residential mortgages). Median selling prices continue to rise locally and are up 7-9% year-over-year 2015-2016. Condo sales though somewhat mixed regionally, are up locally as well, as are condo pricing and pending sales. Closed unit sales of both single family homes and condominiums improved very slightly over the past month. Sales and prices are up in the sector. Median sale prices in NH and in Dover increased again in the period. Pending sales suggest the markets for single family houses and condos have finished well in 2016 and will continue to do well throughout 2017.

Manufacturing & Related Services:

Most local manufacturers supplying domestic markets are now reporting moderate strength in sales and improved year over year profits. One point-of-purchase systems supplier is experiencing sales increases significant enough to require some out sourcing of production. Exporters to both Europe and China are concerned with the UK exit from the EU as well as with the macro-economics they're seeing in both markets. Negative results seen so far have been less than anticipated but may become more pronounced over the balance of the year. The Chinese economy has slowed markedly (China's GDP is still growing at a 6-7% rate) and their investment in infrastructure, often purchased here, is also down significantly. Some concern exists that the new administration's "America First" policies will negatively affect exports. Currently, local manufacturers are experiencing growing sales. The recent EU economic problems and refugee influx from Iraq, Libya, Yemen and Syria, coupled with the economic problems in China, the North Korean tension buildup and the effects they will cause in world-wide markets and economies are a growing uncertainty and concern. Other uncertainties surrounding the recent federal administration change are evident in local manufacturers, including import taxes and a relaxation of the regulatory constraints on businesses that will reduce costs. Local manufacturers are still uncertain about the tax reform package anticipated from the incoming administration but are encouraged by the most recent tax reform plan put forward. Pickup truck and auto sales are in a sustained decline this month with large holdover inventories triggering sell-off sale prices. Ford has experienced a large Q4, 2016 loss and has replaced its CEO. Focus model manufacturing is being transferred to China. Other expensive car brands sales appear to be falling off here as well. Locally we are seeing some confidence in future auto sales expressed in two large dealership expansion and upgrade investments on Dover Point Road. Manufacturing firms reporting on inventory levels are split with half citing flat inventory levels and half citing higher levels. Most contacts in the manufacturing sector indicate that both staffing levels and wage growth are now headed up slightly. Capital investment is up locally. Foreign investment in the US is growing rapidly due to the uncertainties rampant in the Chinese, Brazilian, and European economies and the pro-business messages from the incoming administration. Aerospace parts manufacturers previously reporting a pause in formerly increasing sales, are now anticipating a return to the up side with the proposed increase in defense spending. Locally, Safran and Albany International are experiencing a decline in their aerospace composites businesses due to their inability to meet performance specs consistently. Some major capital spending projects are underway and some about to be announced. A number of other commercial projects are currently underway or about to be underway during the next building season. We currently anticipate one new building going up over the next year to 18 months in Enterprise Park. Outlook for the balance of the year remains very positive. Very few manufacturing buildings in the 20,000-30,000SF range are available locally. New builds recently include the Rand-Whitney Building (119,000 SF) and the first phase Stonewall Kitchens Building (89,000 SF). Buildings at 44 Venture drive and 111 Venture Drive in Enterprise Park have finished fit out for new owners that have already moved in. The Silver Square development (roundabout complete) are now well underway with Phase II progress on this \$50 million dollar development. The Residence at Silver Square assisted living building has been erected and is undergoing fit out. The new on-site Garrison 66 room boutique hotel is now open.

Price pressures remain moderate. Regional manufacturers remain optimistic.

Labor demand has been strong in IT and software. Nursing, electronics, engineering, quality assurance tech and legal skills demand remain strong. Most firms in the field have begun to hire with wages beginning to move upward. Qualified workers in many tech skills areas are not available locally and a lack of a comprehensive worker training program locally is beginning to be detrimental to acquiring relocation candidate companies, especially when the local cost of electricity and water is folded into the mix. New initiatives with the Greater

Dover Chamber of Commerce Education Committee, Dover High School CTC, Great Bay Community College and UNH for BIZED Connect intern programs will get underway as school season resumes. Recent reductions in the NH BPT and EPT are helpful but more is needed in both corporate tax reduction and regulatory relief to reclaim the "NH Advantage".

Retail & Tourism:

Retailers contacted for this period report mixed results (depending on their proximity to downtown road disruptions) for year-over-year store sales ranging from flat to up 5%. Firms are hiring to replace departing employees and most are reporting difficulty in acquiring replacements locally. The recent stock market increases are spilling confidence into Main Street businesses at present. Some uncertainty has crept in with the failure to pass a new healthcare bill. Restaurants report expected sales increases of 2% - 6% heading into Q4, a reversal of previous Q4 trends due to the high employment rate in Dover. Local restaurants are having difficulty hiring wait staff to support desired expansions. The recent gasoline price volatility (now on a slightly higher price cycle), has had no discernible effect on retail, hotel and restaurant sales so far. OPEC's recent decision to extend their oil production cuts are expected to just sustain current pricing at the gas pump during the rest of the Summer driving season but there is some evidence that Venezuela and some African states are not limiting production as agreed. A federal hiring freeze will apparently not affect defense spending, now slated to increase by \$54 billion. This could have a very positive effect on the number of shipyard and Air Force workers electing to get better value for their Fed per diem allowance by staying in Dover hotels and having dinner in Dover. On-line shopping has reinforced a "just-in-time" shopping mentality that has exacerbated erratic monthly sales results. Sears / K-Mart, Macys, Walmart and Target are experiencing declining sales and are doing some store closings and layoffs. Looking at longer term retail results tends to dispel the shopping center apocalypse reports. As overall brick and mortar retail sales are up 4.1 % over the same period last year. Walmart has initiated a multi-million dollar made-in-America program designed to provide several thousand jobs over the next two years. Many retailers are making infrastructure investments to participate more fully in on-line sales which are up by 12.4% year-over-year. Bus tours to Dover are fully booked for 2017 and early 2018. Pricing that has remained steady up to now, is beginning to be affected by wage rates for experienced retail clerks and wait staff and is beginning to force prices to rise.

Employment and Wages:

Local labor markets continued to tighten in August, exacerbated by college students leaving summer jobs early to return to school. Dover's current unemployment rate is 2.2%. Salary increases for highly skilled employees are increasingly frequent as retention and attraction efforts multiply to sustain growing sales. Lack of STEM skills and drug test failures by prospective employees are real limits to the potential hiring pool.

Wages for wait staff and experienced retail workers have begun to move upward modestly. Restaurants are expressing concern about labor shortages for the fall season.

In the higher skill set categories, engineers, paramedics, physician's assistants and nurses are in short supply and are commanding top salaries and temporary living subsidies for those traveling to the region to work.

* NOTE: Non-local content contains excerpts from the Federal Reserve Beige Book-Boston.

Local Major Development Projects:

- First Street Development
- Third Street Development
- McIntosh properties Development: Phase 1 completion
- Yacht Club Development
- Stonewall Kitchens Development
- Rand-Whitney Development:
- Dover Parking Garage: performing as projected.
- Dover Police Station
- 49,000 SF at 27 Production Drive leased for manufacturing with a buy option
- Robbins Building sold to a developer.
- Broadway mixed use development
- Purchase of 44 Venture drive: refit underway.
- Well over \$100,000,000 in Dover development underway.
- Enterprise Park Developments
- Fosters Building sold for \$1.5 million and is once again on the market.
- The Old courthouse Building on First and 2nd is being transformed into a mixed use facility. Closing by the new owner is anticipated on 9/18/2017.
- One new- build is being considered at Enterprise Park.
6 Grove St. Project in TRC

J. MICHAEL JOYAL, JR.
CITY MANAGER



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Workshop Session**
Meeting Location: **McConnell Center, Room 305**
Meeting Date: **Wednesday, August 16, 2017**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Greenshields led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Ciotti, Councilor Greenshields, Councilor O'Connor, Councilor Shanahan, and Councilor Thibodeaux. Councilor Gasses arrived at 7:35 pm.

Absent: Councilor Gagnon.

Also Present: City Manager Joyal, General Legal Counsel Blenkinsop, and City Clerk Lavertu.

5. CITIZEN'S FORUM

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

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

6. DISCUSSIONS

A. WASHINGTON STREET DEVELOPMENT AGREEMENT

Assistant City Manager Parker gave an overview of the revised Term Sheet and 79-E Application with the Council.

Jeff Johnston, Principal for Cathartes, gave an overview of the proposed Washington Street development project to the Council. He answered questions from the Council.

Assistant City Manager Parker answered questions about parking, parking permits, the Washington Street and Chestnut Street intersection, and the timeline.

B. RIGHT OF WAY MANAGEMENT

City Manager Joyal gave an overview of Public Rights of Ways in Dover.

General Legal Counsel Blenkinsop gave an overview of the proposed rewrite of Dover Code Chapter 152, Sidewalks and Highways.

City Manager Joyal, General Legal Counsel Blenkinsop, and Community Services Director Storer answered questions regarding legal issues, the proposed ordinance, and impact to the City for road repairs and costs to utility companies.

Mayor Weston asked if this was going to be addressed by the Ordinance Committee.

City Manager Joyal recommended that they wait until after the first reading.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Workshop Session**
Meeting Location: **McConnell Center, Room 305**
Meeting Date: **Wednesday, August 16, 2017**
Meeting Time: **7:00 pm**

7. ADJOURNMENT

Councilor Greenshields moved to adjourn; seconded by Councilor Thibodeaux.
Vote: 7/0.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, August 23, 2017**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor O'Connor led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Weston, Deputy Mayor Carrier, Councilor Ciotti, Councilor Gagnon, Councilor Gasses, Councilor O'Connor, Councilor Shanahan, and Councilor Thibodeaux.

Absent: Councilor Greenshields

Also Present: City Manager Joyal, General Legal Counsel Blenkinsop, and City Clerk Lavertu.

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

Deputy Mayor Carrier moved to add Item 13.B.8. and the Appointments Committee Report.
Deputy Mayor Carrier moved to approve the Agenda as amended; seconded by Councilor Shanahan.

Vote: 8/0.

7. PUBLIC HEARINGS

A. ACCEPTANCE OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DOVER AND 104 WASHINGTON STREET, LLC SPONSORED BY MAYOR WESTON BY REQUEST

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

B. OPERATION OF KENO GAMES IN DOVER SPONSORED BY MAYOR WESTON AND DEPUTY MAYOR CARRIER

Mayor Weston, seeing no one 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.*

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



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, August 23, 2017**
Meeting Time: **7:00 pm**

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He highlighted the following items to the Council: Employees' time served, summer recreation programs winding down, purchasing bricks for the Veterans' Memorial, and the grant the City received for street and sidewalk projects.

City Clerk Lavertu talked about the Governor's Council agreement to hold a Special Election for the District 13 New Hampshire Representative, and gave an overview of the process to the Council.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

A. August 9, 2016 – Regular Meeting

B. August 9, 2016 – Workshop

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor O'Connor.

Vote: 8/0.

11. MAYOR'S REPORT

Mayor Weston said she attended the Cochecho Arts event for corporate sponsors. She went for a tour of the Dover High School, and added that it far exceeded her expectations.

Deputy Mayor Carrier moved to accept the Mayor's Report; seconded by Councilor Ciotti.

Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. ACCEPTANCE OF DEVELOPMENT AGREEMENT BETWEEN THE CITY OF DOVER AND 104 WASHINGTON STREET, LLC
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux. Assistant City Manager Parker gave an overview of the project, the TIF impact, and the public value to allow this development project to go forward.

Roll Call Vote: 8/0.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, August 23, 2017**
Meeting Time: **7:00 pm**

2. OPERATION OF KENO GAMES IN DOVER

SPONSORED BY MAYOR WESTON AND DEPUTY MAYOR CARRIER

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Ciotti.

Kelley-Jaye Cleland of the NH Lottery Commission gave an overview of the process to the Council.

Vote: 8/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. BLOCK PARTY Lexington Street**
- 2. RAFFLE – Dover High School Football Boosters Club**
- 3. RAFFLE – Dover Shockwave Robotics Corp.**
- 4. RAFFLE – Saint Mary Academy**
- 5. ROAD RACE – Saint Mary Academy**

6. EMPLOYEE TIME ENTRY APPLICATION

SPONSORED BY MAYOR WESTON BY REQUEST

7. B17025 VETERANS MEMORIAL CHANGE ORDER ONE FOR FINAL DESIGN SERVICES

SPONSORED BY MAYOR WESTON AND COUNCILOR O'CONNOR

COMMITTEE REPORTS

- | | |
|--|---|
| 1. School Board | 12. Pool Advisory Committee |
| 2. Planning Board | 13. Recreation Advisory Board |
| 3. Appointments Committee | 14. Solid Waste Advisory Commission |
| 4. Arena Commission | 15. Transportation Advisory Commission |
| 5. Arts Commission | 16. Joint Building Committee – Dover High School and Regional Career Technical Center |
| 6. Energy Commission | 17. Joint Building Committee – Garrison Elementary School |
| 7. Legislative Liaison | 18. Dover Main Street |
| 8. Library Board of Trustees | 19. Dover's 400 th Anniversary Committee |
| 9. McConnell Center Advisory Committee | |
| 10. Ordinance Committee | |
| 11. Parking Commission | |

Deputy Mayor Carrier moved for the adoption of the Consent Calendar; seconded by Councilor O'Connor.

Mayor Weston asked the Council if they had items they would like pulled for further discussion.

Deputy Mayor Carrier pulled the Appointments Committee Report.

Mayor Weston asked for a roll call vote on the remaining items on the Consent Calendar.

Roll Call Vote: 8/0.

 CITY OF DOVER	CITY COUNCIL – MINUTES Meeting Type: Regular Meeting Meeting Location: McConnell Center, Room 306 Meeting Date: Wednesday, August 23, 2017 Meeting Time: 7:00 pm
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Deputy Mayor Carrier gave an overview of the Appointments Committee Report to the Council and made the following recommendations for new appointments:

New Appointments

Robert Eckert – Conservation Commission
Michael Castaldo – Open Lands Committee
Nancy O'Connor – Open Lands Committee
Nicholas Shonka - Open Lands Committee

Deputy Mayor Carrier moved to accept the appointments; seconded by Councilor Ciotti.
Vote: 8/0.

Deputy Mayor Carrier made the following recommendations for an appointment to another term:
Reappointments

Tyler Parkhurst – Arena Commission
Kim Schuman – Arts Commission
Kirt Schuman – Planning Board
Robert Marggraf – Cemetery Board
Ann Schultz – Library Board of Trustees
David Dinzeo – Solid Waste Advisory Board
Peter Schmidt – Transportation Advisory Commission
Dennis Munson – Utilities Commission
Robert Hall – Zoning Board of Adjustment

Deputy Mayor Carrier moved to accept the appointments for another term; seconded by Councilor O'Connor.
Vote: 8/0.

Deputy Mayor Carrier listed the current openings on Boards and Commissions.
Deputy Mayor Carrier moved to accept the Appointments Committee Report; seconded by Councilor Gagnon.
Vote: 8/0.

B. RESOLUTIONS

1. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DPAAII
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.
Roll Call Vote: 8/0.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, August 23, 2017**
Meeting Time: **7:00 pm**

2. ESTABLISHMENT OF FY 2018 EXPECTATIONS BY MAYOR AND CITY COUNCIL FOR CITY MANAGER
SPONSORED BY MAYOR WESTON

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux.
Vote: 8/0.

3. ESTABLISHMENT OF DOVER CAREER TECHNICAL CENTER EXPENDABLE TRUST FUND
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Ciotti.
Roll Call Vote: 8/0.

4. ESTABLISHMENT OF EXPENDABLE DOVER HIGH SCHOOL ATHLETIC TRUST FUND
SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Shanahan.
Roll Call Vote: 8/0.

**5. 79-E APPLICATION REVIEW 104 WASH STREET, LLC
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2017)
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a Public Hearing on September 13, 2017;
seconded by Councilor Ciotti.
Vote: 8/0.

**6. REPROGRAMING UNEXPENDED BONDING AUTHORIZATION AND CAPITAL RESERVE AUTHORIZATION FOR UNION STREET PROJECT TO HANSON STREET PROJECT
(REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2017,
FOLLOWED BY COUNCIL VOTE ON SEPTEMBER 27, 2017)
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a Public Hearing on September 13, 2017;
seconded by Councilor Shanahan.
Vote: 8/0.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, August 23, 2017**
Meeting Time: **7:00 pm**

- 7. REPROGRAMING UNEXPENDED BONDING AUTHORIZATION FOR PISCATAQUA ROAD PROJECT TO SPUR ROAD PROJECT
(REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
(TO BE REFERRED TO A PUBLIC HEARING ON SEPTEMBER 13, 2017,
FOLLOWED BY COUNCIL VOTE ON SEPTEMBER 27, 2017)
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved to refer to a Public Hearing on September 13, 2017;
seconded by Councilor O'Connor.
Vote: 8/0.

- 8. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND IAFF
LOCAL #1312
SPONSORED BY MAYOR WESTON BY REQUEST**

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Shanahan.
Roll Call Vote: 8/0.

C. ORDINANCES IN 1ST READING

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Councilor O'Connor spoke about the Keno resolution and talked about the Council's willingness to put it on the Municipal ballot even though they are against Keno.

Mayor Weston spoke about the upcoming Coffee with the Mayor and School Superintendent.

16. ADJOURNMENT

Councilor Gagnon moved to adjourn; seconded by Councilor Gasses.
Vote: 8/0.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2017.08.23 – 111**

Resolution Re: **79-E Application Review 104 Wash Street, LLC**

- WHEREAS: The Community Revitalization Tax Relief Incentive program adopted pursuant to RSA 79-E encourages reinvestment in downtown areas by providing short-term property assessment tax relief and a related covenant to protect the public benefit that is being created.
- WHEREAS: The purpose of the program is to encourage reinvestment in downtown areas and/or existing buildings/structures within the downtown area; and
- WHEREAS: The value of the rehabilitation or reconstruction must be equal to at least 220 percent of a building's pre-rehabilitation assessed value; and
- WHEREAS: The proposed substantial rehabilitation or reconstruction must provide a public benefit; and
- WHEREAS: The 79-E Application provided by 104 Wash Street, LLC is for the development of property located at 26-32 Chestnut Street, 102-124 Washington Street, 9 and 33 Locust Street, and 17 St. Thomas Street. The goal of the project is to redevelop the entire 1.22 acre property into mixed-use development using the 32,000 sq. ft. with a combination of retail/restaurant on the ground floor and 130 residential units above; and
- WHEREAS: The Applicant seeks to use the Tax Relief program for the project; and
- WHEREAS: Construction is anticipated to begin February of 2018 and to be completed by May of 2019.
- NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

In accordance with City of Dover Resolution Number R-2015.06.10, the City Council determines the proposed project has a public benefit in accordance with RSA 79-E:7, I, III, and IV as described in the Resolution Background Material attached hereto;

The City Council herein approves the 79-E Application of 104 Wash Street, LLC for a period of five (5) years per RSA 79-E:5, I, commencing upon the completion of the substantial rehabilitation as evidenced by the issuance of a Certificate of Occupancy.

Granting of this Community Tax Relief Incentive is subject to the following:

104 Wash Street, LLC granting a covenant, acceptable to the City Attorney, in accordance with RSA 79-E:8 to the City, ensuring that the property shall be maintained and used in a manner that furthers the public benefits for which the tax relief is granted;

104 Wash Street, LLC obtaining and maintaining sufficient casualty insurance on the property for twice the term of the tax relief, proof of which shall be provided to the City on an annual basis, and when requested; and



CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2017.08.23 – 111**

Resolution Re: **79-E Application Review 104 Wash Street, LLC**

104 Wash Street, LLC granting the City a recordable lien against the property, acceptable to the City Attorney, for the purpose of ensuring proper restoration or demolition of damaged structures and property.

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston

Approved as to Legal
Form and Compliance:

Anthony Blenkinsop
General Legal Counsel

Recorded by:

Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2017.08.23 – 111**
Resolution Re: **79-E Application Review 104 Wash Street, LLC**

DOCUMENT HISTORY:

First Reading Date: 08/23/2017
Approved Date:

Public Hearing Date: 09/13/2017
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached 79-E Application and supporting material, the Council's 2015 Resolution adopting the provisions of RSA 79-E, the Finance Department analysis memo and the Downtown TIF Proforma. In addition to the public benefits detailed in the attached analysis, there is estimated to be a net positive change in tax revenue between the updated July TIF Proforma without the project versus the July Proforma with the 79-E project.

Adoption of this resolution to approve the 79-E Application of 104 Wash Street, LLC preserves the financial benefits provided for in the Land Development Agreement to be adopted by the City Council. The 79-E Application and related Land Development Agreement provide for significant financial benefits to accrue to the Downtown Dover TIF. These financial benefits will accelerate fulfilling the current debt service obligations of the Downtown Dover TIF. This is accomplished through the 79-E Application preserving a combined minimum value of \$2.1 million for the parcels identified in the application during the construction of the development project. The resulting development project will provide a guaranteed taxable value of \$11.0 million in FY2024 as compared to a \$2.4 million taxable value estimated in the June 2017 updated TIF projections. The guaranteed taxable value of \$11.0 million is projected to accrue an estimated \$227,316 more per year in tax increment for FY2024 through FY2028 as compared to the updated TIF projections.

Consistent with RSA 79-E:4, I-a and the Dover Code, the Dover Heritage Commission is reviewing the proposal, which review shall be completed prior to a final vote of the Council.



City of Dover, New Hampshire
COMMUNITY REVITALIZATION TAX RELIEF PROGRAM
APPLICATION

[Revision Date: June 3, 2015]

<i>Office Use Only</i>	Application #: _____	Date Received: _____
	Amount Paid: _____	Council Action: _____

APPLICANT AND OWNER INFORMATION

Name of Applicant: 104 Wash Street, LLC Telephone # 617.742.6000

Address of Applicant: 11 Beacon Street, Suite 1120 Boston, MA 02108

E-Mail Address: Robs@cathartes.com

Name of Property Owner (*if different from applicant*): _____ Telephone # _____

Address of Property Owner: _____

PROPERTY INFORMATION

Address of Property: 26-32 Walnut Street, 102-124 Washington street, 9 & 33 Locust street, 17 St. Thomas

Assessor's Map # 2 Lot(s) # 2,3,4,5,6,6A,7,8,8A,9

Size of Parcel: 52,933 sq. ft. 1.22 ac. Property Deed: Book 4451 Page: 0291

Year Built: 1900-1950 Existing Use of Property: Vacant, formerly Robbins Auto Parts

Assessed Value of Property: 2,281,500 FY 2015

Is the building eligible for listing or listed individually on the State or National Register of Historic Places or located within a locally designated, State, or National Register Historic district? _____ Yes X No
(If yes, provide a copy of the approved designation by the State or National Register of the building or the district)

PROJECT INFORMATION

Describe Proposed Use: Mixed-use development with retail/rest. on the ground floor and 130-Residential Units
above

Area of Parcel to be developed: 32,000 sq. ft.

Will the project include any affordable housing units? No; If so, how many? _____

If any state or federal grants or funds or low income subsidies or tax credits are used in this project, what is the amount of the aid? \$_____ Describe and detail any terms of repayment (if applicable): _____

Expected construction dates. Start: February 2018; Finish: May 2019

What are the public benefits associated with this project (in accordance with RSA 79-E:7)? _____

See Attached

Describe the work to be done and estimated cost. Please attach additional sheets, if necessary, as well as any written construction cost estimates.

Structural:	\$ 2,740,000
Exterior Alterations (storefront, walls, windows, doors, etc.):	\$ 2,020,000
Interior Alterations (walls, ceilings, moldings, doors, etc.):	\$ 3,825,000
Electrical:	\$ 1,955,000
Plumbing/Heating:	\$ 1,870,000
Mechanical:	\$ 1,360,000
Fire Prevention:	\$ 340,000
Other:	\$ 765,000
Total: <i>To be considered for this tax relief incentive, the costs of the project must be at least 220% of the pre-rehabilitation/replacement assessed value</i>	\$ 14,875,000

Please attach any construction contracts, plot plans, building plans, sketches, renderings or photographs that would help explain this application.

Historical Requirement for Replacement of Qualifying Structures

In the case of replacement of a qualifying structure, the applicant shall submit a New Hampshire Division of Historical Resources Individual Inventory Form prepared by a qualified architectural historian that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. *This application shall not be considered complete until such time as the letter has been submitted.*

SIGNATURES

I/We have read and understand the Community Revitalization Tax Relief Incentive RSA Ordinance (see attached) and am aware that this will be a public process including a public hearing to be held to discuss the merits of this application and the subsequent need to grant a covenant in the deed to the property to the City and pay any reasonable expenses associated with the drafting of the covenant. I understand the application will not be determined as complete and recommended to the City Council until all of the necessary information is provided.

PER RSA 79-E: 13(II), THE BASE OR "ORIGINAL" ASSESSED VALUE FOR ANY TAX RELIEF PERIOD IS ONLY SET AFTER THE FOLLOWING TWO CONDITIONS ARE MET:

- 1. APPROVAL BY THE CITY COUNCIL AND;**
- 2. THE APPLICANT'S ENTERING INTO A COVENANT WITH THE CITY OF DOVER TO PROTECT THE PUBLIC BENEFIT.**

THEREFORE, THE APPLICANT AND/OR PROPERTY OWNER SHALL NOT COMMENCE ANY OF THE IMPROVEMENTS INCLUDED IN THIS APPLICATION UNTIL SUCH TIME AS HE/SHE HAS SECURED THE ABOVE. THIS PROHIBITION SHALL INCLUDE ANY DEMOLITION TO THE EXISTING STRUCTURE.

Signature of Property Owner: _____ Date: 7/27/17

Signature of Applicant (if different from owner): _____ Date: _____

TITLE V
TAXATION
CHAPTER 79-E
COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

Section 79-E:1

79-E:1 Declaration of Public Benefit. —

I. It is declared to be a public benefit to enhance downtowns and town centers with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.

II. It is further declared to be a public benefit to encourage the rehabilitation of the many underutilized structures in urban and town centers as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.

II-a. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the governing body makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in RSA 79-E:7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.

II-b. It is further declared to be a public benefit to encourage the rehabilitation of historic structures in a municipality by increasing energy efficiency in the preservation and reuse of existing building stock.

III. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this chapter are considered to provide a demonstrated public benefit if they encourage substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of a qualifying structure, as defined in this chapter.

Source. 2006, 167:1. 2009, 200:3, 4, eff. July 15, 2009. 2013, 78:1, eff. April 1, 2013.

Section 79-E:2

79-E:2 Definitions. — In this chapter:

I. "Historic structure" means a building that is listed on or determined eligible for listing on the National Register of Historic Places or the state register of historic places.

II. "Qualifying structure" means a building located in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center, or, where no such designation has been made, in a geographic area which, as a result of its compact development patterns and uses, is identified by the governing body as the downtown, town center, or village center for purposes of this chapter. Qualifying structure shall also mean historic structures in a municipality whose preservation and reuse would conserve the embodied energy in existing building stock. Cities or towns may further limit "qualifying structure" according to the procedure in RSA 79-E:3 as meaning only a structure located within such districts that meet certain age, occupancy, condition, size, or other similar criteria consistent with local economic conditions, community character, and local planning and development goals. Cities or towns may further modify "qualifying structure" to include buildings that have been destroyed by fire or act of nature, including where such destruction occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town.

III. "Replacement" means the demolition or removal of a qualifying structure and the construction of a new structure on the same lot.

IV. "Substantial rehabilitation" means rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less. In addition, in the case of historic structures, substantial rehabilitation means devoting a portion of the total cost, in the amount of at least 10 percent of the pre-rehabilitation assessed valuation or at least \$5,000, whichever is less, to energy efficiency in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation. Cities or towns may further limit "substantial rehabilitation" according to the procedure in RSA 79-E:3 as meaning rehabilitation which costs a percentage greater than 15 percent of pre-rehabilitation assessed valuation or an amount greater than \$75,000 based on local economic conditions, community character, and local planning and development goals.

V. "Tax increment finance district" means any district established in accordance with the provisions of RSA 162-K.

VI. "Tax relief" means:

(a) For a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

(b) For the replacement of a qualifying structure, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on a replacement structure shall not exceed the property tax on the replaced qualifying structure as a result of the replacement thereof.

(c) For a qualifying structure which is a building destroyed by fire or act of nature, that for a period of time determined by a local governing body in accordance with this chapter, the property tax on such qualifying structure shall not exceed the tax on the assessed value of the structure that would have existed had the structure not been destroyed.

VII. "Tax relief period" means the finite period of time during which the tax relief will be effective, as determined by a local governing body pursuant to RSA 79-E:5.

Source. 2006, 167:1. 2009, 200:5-7. 2010, 329:1, 2. 2011, 237:1, 2, eff. July 5, 2011. 2013, 78:2, eff. April 1, 2013.

Section 79-E:3

79-E:3 Adoption of Community Revitalization Tax Relief Incentive Program –

I. Any city or town may adopt or modify the provisions of this chapter by voting whether to accept for consideration or modify requirements for requests for community revitalization tax relief incentives. Any city or town may do so by following the procedures in this section.

II. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the question shall be placed on the warrant of a special or annual town meeting, by the governing body or by petition under RSA 39:3.

III. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the legislative body may consider and act upon the question in accordance with its normal procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body of such municipality may vote to place the question on the official ballot for any regular municipal election.

IV. If a majority of those voting on the question vote "yes," applications for community revitalization tax relief incentives may be accepted and considered by the local governing body at any time thereafter, subject to the provisions of paragraph VI of this section.

V. If the question is not approved, the question may later be voted on according to the provisions of paragraph II or III of this section, whichever applies.

VI. The local governing body of any town or city that has adopted this program may consider rescinding its action in the manner described in paragraph II or III of this section, whichever applies. A vote terminating the acceptance and consideration of such applications shall have no effect on incentives previously granted by the city or town, nor shall it terminate consideration of applications submitted prior to the date of such vote.

Source. 2006, 167:1. 2010, 329:3, eff. July 20, 2010.

Section 79-E:4

79-E:4 Community Revitalization Tax Relief Incentive. –

I. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the governing body of the municipality in which the property is located for tax relief. The applicant shall include the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and an application fee.

I-a. In order to assist the governing body with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the governing body as part of the application, a New Hampshire division of historical resources individual resource inventory form, prepared by a qualified architectural historian and a letter issued by the local heritage commission and if the qualifying structure is located within a designated historic district established in accordance with RSA 674:46, a letter from the historic district commission or, if such local commissions are not established, a letter issued by the New Hampshire division of historical resources that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which those structures are located. The application for tax relief shall not be deemed to be complete and the governing body shall not schedule the public hearing on the application for replacement of a qualifying structure as required under RSA 79-E:4, II until the inventory form and the letter, as well as all other required information, have been submitted.

II. Upon receipt of an application, the governing body shall hold a duly noticed public hearing to take place no later than 60 days from receipt of the application, to determine whether the structure at issue is a qualifying structure; whether any proposed rehabilitation qualifies as substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.

III. No later than 45 days after the public hearing, the governing body shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.

IV. (a) The governing body may grant the tax relief, provided:

(1) The governing body finds a public benefit under RSA 79-E:7; and

(2) The specific public benefit is preserved through a covenant under RSA 79-E:8; and

(3) The governing body finds that the proposed use is consistent with the municipality's master plan or development regulations; and

(4) In the case of a replacement, the governing body specifically finds that the local heritage commission or historic district commission or, if such local commissions are not established, the New Hampshire division of historical resources has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the

replacement of the qualifying structure will achieve one or more of the public benefits identified in RSA 79-E:7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement. In connection with these findings, the governing body may request that the division of historical resources conduct a technical evaluation in order to satisfy the governing body that historical resources will not be adversely affected.

(b) If the governing body grants the tax relief, the governing body shall identify the specific public benefit achieved under RSA 79-E:7, and shall determine the precise terms and duration of the covenant to preserve the public benefit under RSA 79-E:8.

V. If the governing body, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The governing body's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.

VI. Municipalities shall have no obligation to grant an application for tax relief for properties located within tax increment finance districts when the governing body determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:

(a) The development program or financing plans for such tax increment finance districts; or

(b) The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment financing district; or

(c) The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

Source. 2006, 167:1. 2009, 200:8-11, eff. July 15, 2009.

Section 79-E:5

79-E:5 Duration of Tax Relief Period. –

I. The governing body may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

I-a. For the approval of a replacement of a qualifying structure, the governing body may grant such tax assessment relief for a period of up to 5 years, beginning only upon the completion of construction of the replacement structure. The governing body may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the governing body of tax relief for the replacement structure and the time the owner completes construction of the replacement structure and grants to the municipality the covenant to protect the public benefit as required by this chapter. The governing body may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under RSA 75:1-a.

II. The governing body may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new residential units and up to 4 years for a project that includes affordable housing.

III. The governing body may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

IV. The governing body may adopt local guidelines to assist it in determining the appropriate duration of the tax assessment relief period.

Source. 2006, 167:1. 2009, 200:12. 2010, 329:4, eff. July 20, 2010.

Section 79-E:6

79-E:6 Resumption of Full Tax Liability. – Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:7

79-E:7 Public Benefit. – In order to qualify for tax relief under this chapter, the proposed substantial rehabilitation must provide at least one of the public benefits, and the proposed replacement must provide one or more of the public benefits to a greater degree than would a substantial rehabilitation of the same qualifying structure, as follows:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district, town center, or village center in which the building is located;
- II-a. It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.
- III. It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B; or
- IV. It increases residential housing in urban or town centers.

Source. 2006, 167:1. 2009, 200:13, eff. July 15, 2009. 2013, 78:3, eff. April 1, 2013.

Section 79-E:7-a

79-E:7-a Public Benefit Determinations. — Cities or towns may adopt according to the procedure in RSA 79-E:3 provisions that further define the public benefits enumerated in RSA 79-E:7 to assist the governing body in evaluating applications made under this chapter based on local economic conditions, community character, and local planning and development goals.

Source. 2010, 329:5, eff. July 20, 2010.

Section 79-E:8

79-E:8 Covenant to Protect Public Benefit. —

I. Tax relief for the substantial rehabilitation or replacement of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and as otherwise provided in this chapter.

II. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the governing body, be effective for a period of time up to twice the duration of the tax relief period.

III. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the governing body's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in RSA 79-E:9, I.

IV. The local governing body shall provide for the recording of the covenant to protect public benefit with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.

V. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

Source. 2006, 167:1. 2009, 200:14, eff. July 15, 2009.

Section 79-E:9

79-E:9 Termination of Covenant; Reduction of Tax Relief; Penalty. —

I. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in RSA 79-E:8, III, the governing body shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation or replacement has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the governing body shall assess all taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph II.

II. Any tax payment required under paragraph I shall be payable according to the following procedure:

(a) The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.

(b) The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.

(c) Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.

(d) Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

Source. 2006, 167:1. 2009, 200:15, eff. July 15, 2009.

Section 79-E:10

79-E:10 Lien for Unpaid Taxes. — The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:11

79-E:11 Enforcement. — All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80.

Source. 2006, 167:1. 2007, 42:3, eff. July 20, 2007.

Section 79-E:12

79-E:12 Rulemaking. — The commissioner of the department of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

Source. 2006, 167:1, eff. April 1, 2006.

Section 79-E:13

79-E:13 Extent of Tax Relief. —

I. (a) Tax relief granted under this chapter shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the governing body and not to those increases attributable to other factors including but not limited to market forces; or

(b) Tax relief granted under this chapter shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this chapter, provided that for a qualifying structure which is a building destroyed by fire or act of nature, original assessed value shall mean the value as of the date of approval of the application for tax relief of the qualifying structure that would have existed had the structure not been destroyed.

II. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the governing body approves the application for tax relief and the owner grants to the municipality the covenant to protect the public benefit as required in this chapter, provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the city or town, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

Source. 2006, 167:1. 2010, 329:6. 2011, 237:3, eff. July 5, 2011.

Section 79-E:14

79-E:14 Other Programs. — The provisions of this chapter shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Source. 2006, 167:1, eff. April 1, 2006.

City of Dover
Application for RSA 79E
Community Revitalization Tax Relief Program



Washington, Chestnut, and Locust Street
Redevelopment Project

7/27/17

Background



Cathartes is a Boston based private real estate development company founded in 1992. We have been investing in the NH Seacoast since 2002. The company has developed over \$750 Million in commercial and real estate investments across the Northeast. The Cathartes team has developed many property types but our focus over the years has been in “New Urbanism” and we have been working to create pedestrian-oriented, mixed-use projects in numerous urban neighborhoods.

On January 24, 2017, a Cathartes entity, 104 Wash Street LLC, purchased the following properties from 105 Washington Street, Inc. and the Sidney Robbins Family Trust: 26 Walnut Street, 28 Walnut Street, 32 Walnut Street, 108 Washington Street, 114 Washington Street, 124 Washington Street, 9 Locust Street, and 102 Washington Street.

The initial interest in the property came from the desire to take part in the continued growth of downtown Dover. With numerous public and private projects taking place, Dover is truly an exciting place to be. Another significant reason for the purchase of the site was the existence of the RSA 79E program. Without this programs existence, the development of this property would likely not be possible.

Existing Conditions

The current site contains several dilapidated and deteriorating structures. In addition, the existing buildings encroach on the pedestrian right-of-way. The Washington Street sidewalk has only a couple feet for pedestrians and the corners of both Locust and Chestnut create unsafe pinch-points. These conditions also affect vehicular traffic as Chestnut Street does not align properly with its continuation on the other side of Washington Street. These site conditions create unsafe situations for both pedestrians and vehicles.



Proposed Redevelopment Project



Due to the unsafe and run-down conditions of the existing site, the proposed plan is to replace the existing buildings with a 5-story, mixed-use building. The mixed-use building will consist of 6,000 SF of ground level restaurant and retail space, as well as 130-new residential units above. We were able to create 98-parking spaces on site and make-up the rest of our needs through parking permits in the city garage.

In addition to the mixed-use building, we are working with the city to do numerous off-site improvements. We are pulling the property line back about 10-15' on Washington Street and Chestnut Street to allow for improvements to the public right-of-way. The improvements will consist of a wider brick sidewalk along Washington Street as well as wider concrete sidewalks on Locust and Chestnut. The wider sidewalks will allow more space for pedestrians as well as more opportunities for landscaping. The property line adjustment will also allow for the realignment of Chestnut Street in order to provide a safer condition for both pedestrians and vehicles. The off-site improvements along with the mixed-use building will create a pedestrian friendly streetscape and help activate an otherwise quiet block. We intend to begin construction this winter and get our Certificate of Occupancy by spring of 2019. Lastly, the redevelopment cost is well over 220 percent of the sites current assessed value.

RSA 79E – Public Benefits

Per the RSA 79E application, we are seeking tax relief for our proposed development. This 79E approval is critical to this project's success as it creates a period for the project to lease up which helps mitigate the early risks and allows for banks to feel more comfortable providing a construction loan.

We feel this project is a perfect candidate for the RSA 79E program as it accommodates the following Public Benefits as listed in section 79-E:7 of the program:

- ❖ **It enhances the economic and social vitality of Downtown.** By allowing for a full building replacement, the project will be able to add over 130-new residents to the downtown community as well as provide 6,000 sf of retail and restaurant space for new businesses to enter the market.
- ❖ **It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9B.** The project does this by adding activity to an otherwise dark and deteriorating city block. The activity from ground floor retail and residents above not only provides for more safety in the area but also helps add to the sense of community in the downtown. The Replacement building is also done in a responsible and locally conscious way. The façade design pays homage to the previous Orpheum theatre as well as the existing downtown architecture. Lastly, the larger sidewalks and street realignment provides for a safer pedestrian and vehicular experience. Wider landscaped sidewalks also create a much more inviting pedestrian experience, which will be sure to spur the community activity in this area even more.
- ❖ **It increases residential housing in urban or town centers.** As noted above, the project development creates 130-new 1 and 2 bedroom apartments in the heart of downtown Dover where otherwise none exist.

Conclusion

In closing, Cathartes feels that the proposed redevelopment truly hits on the spirit and intent of the 79E Program. The public benefits listed above are numerous. An underutilized and dilapidated site can now become a vibrant center of economic activity and community.

As this 79E Program is critical to the success of the proposed project, we hope that you will rule in favor of our Application. Thank you for your time and consideration.



To: City Council
From: Christopher Parker, AICP
Cc: J. Michael Joyal
Date: September 7, 2017
Re: 104 Wash Street LLC 79-E
Application

ISSUE:

On June 24, 2015, the City Council passed a resolution implementing the provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program

INTENT:

This memo will guide you through the application received for consideration under the program

FACTS:

Current tax assessment: \$2,174,300
Current tax bill: \$57,162
Current Tax rate: \$26.29(used in all projections)
Application is complete: Yes
Development Agreement signed: Yes

ATTACHED:

TIF Financial Proforma
Proposed Covenants
Enabling resolution
TIF Board Letter
Heritage Commission Letter

Background

The Community Revitalization Tax Relief Incentive program provides short-term property assessment tax relief and a related covenant to protect the public benefit that is being created.

The purpose of the program is to encourage reinvestment in existing buildings/structures within the downtown area. This would include both the demolition and subsequent rebuilding of a structure, or the rehabilitation of the existing structure. To qualify, the building must be a "qualifying structure," which means it is a building located in a district officially designated by the municipality master plan, or by zoning ordinance, as a downtown, town center, central business district or village center.

In addition, the value of the rehabilitation must be equal to at least 220 percent of a building's pre-rehab assessed value, and that value must be agreed to by the developer in the form of a guaranteed tax assessment. Finally, the proposed substantial rehabilitation must provide a public benefit. In order to be considered a public benefit the substantial rehabilitation must provide at least one of the following, and the proposed replacement must provide one or more of the public benefits:

- It enhances the economic vitality of the downtown.
- It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of the downtown.
- It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.
- It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9B.
- It increases residential housing in urban or town centers

Application Review

The application provided by 104 Wash Street, LLC is for the property located between 104 and 124 Washington Street. The goal of the project is to redevelop the entire 1.15Ac property into a mixed use buildings, a combination of 8,000 sq ft of commercial space, 130 studio, one and two bedroom apartments, and onsite parking. Frontage along Washington St will be commercial space on the 1st floor, and apartments above. Frontage along Locust and Chestnut St will have under structure parking on the 1st floor, and apartments above.

The applicant seeks to use the Tax Relief program to assist in developing the site all at once, and not in phases. It is anticipated that design and permitting will be completed in 2017. Construction is expected to begin in early 2018 and is slated to be completed by July, 2019.

Per resolution, R-2015.06.10, in order to approve the application, the City Council shall find that the following criteria have been met:

- The project is a consistent with the Master Plan
- Is the rehabilitation cost over 220 percent of the building's pre-rehabilitation assessed value?
- The Heritage Commission has determined that the property has no significant historic, cultural or architectural value.
- The project has met one or more of the following Public Benefits.
 - Enhance the economic vitality of the downtown.
 - Enhance and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of the downtown.
 - Promote the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.
 - Promote development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9B.
 - Increases residential housing in urban or town centers.
- The Downtown TIF Board has reviewed and endorsed the application.

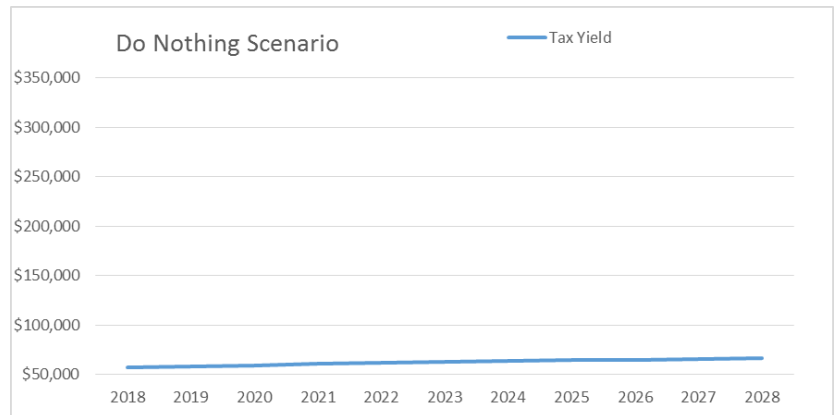
If all of those elements are provided, the City Council may approve the application with a relief period of up to 5 years. Furthermore, to be effective, the applicant shall sign a protective covenant, approved by the City Attorney, which shall be recorded at the registry of deeds. The covenant ensures the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted, including prohibiting conversion to a tax exempt property. Furthermore, it shall require the property owner to obtain casualty insurance, and flood insurance if appropriate, for twice the term of the tax relief.

Finally, the covenants shall provide that the City shall have granted to it a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property. If the covenant is terminated for any reason, the City shall assess all current and arrears taxes to the owner as though no tax relief was granted, with interest in accordance with RSA 75.

Financial Review

Below is a hypothetical case study using the existing building under three scenarios to illustrate how the tax relief incentive could work; the first is, in essence, a "do nothing" option; the second envisions a 5 year exemption (as represented by the application), and the third envisions removal of the building resulting in vacant property prior to redevelopment.

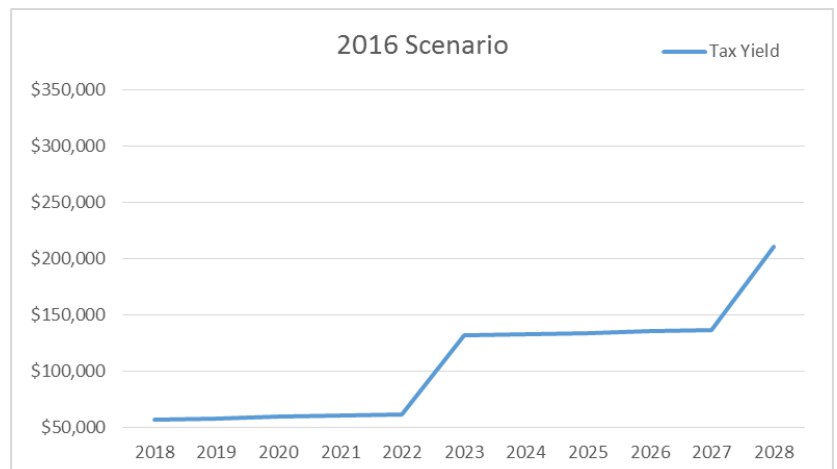
SCENARIO #1: DO NOTHING



The property may or may not improve. If improvement is implemented, the owner may opt for a lesser investment in quality or quantity of rehabilitation. Under this scenario, if no improvements are made, the taxable value would remain relatively stagnant with only slight annual appreciation two percent (2%) growth in annual assessments due to market forces for the initial years. After year 5 the percentage of growth is estimated at a value of one percent (1%).

In Scenario 1, the owner opts for a lesser investment in quality or quantity of rehabilitation; the taxable value remains relatively stagnant with only slight annual appreciation. In the base year the owner would pay \$57,379 in taxes. This would be adjusted annually by the rate of increase predicted in the TIF proforma (2% for years 1 -5 1% thereafter) generating a cumulative increase, deposited in the TIF fund of \$9,169 over ten years.

SCENARIO #2: REDEVELOPMENT PURSUANT TO 79-E 2016

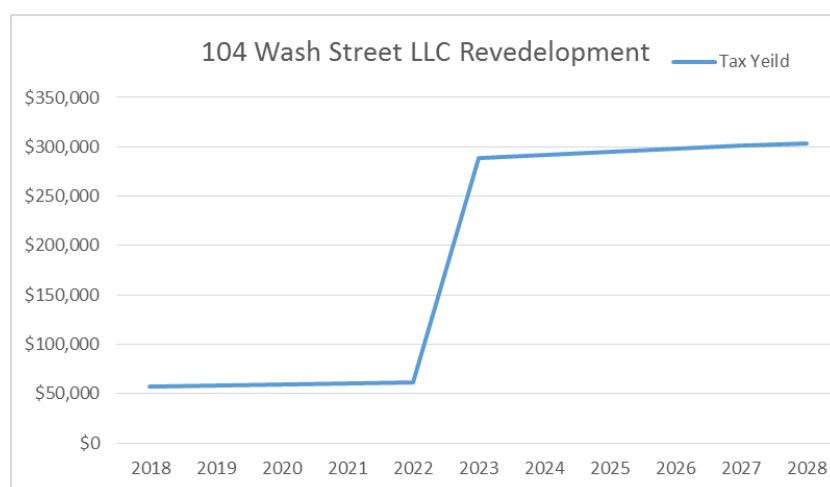


The building is demolished and in its place approximately 6,500 sq ft of commercial space, and 20-25 one and two bedroom apartments are created. In five years, the value of the structure, per an LDA, is AT LEAST \$5,000,000. In year 10 the value increases to AT LEAST \$8,000,000. As with scenario 1 only slight annual appreciation two percent (2%) growth in

annual assessments due to market forces for the initial years. After year 5 the percentage of growth is estimated at a value of one percent (1%).

In Scenario 2, the owner develops the project as per the expired LDA approved by the City Council in 2016 creating a building of AT LEAST \$5,000,000, but is assessed at the \$2,174,300 baseline. The owner pays \$57,162 annually adjusted annually by the rate of increase predicted in the TIF proforma (2% for years 1 to 5). In year 6 when the full assessment, or \$5,000,000 value is reached, a tax yield of \$131,450 is generated. The annual tax yield will have gone from \$61,874 in year 5 to \$131,450 for a positive gain of \$69,576. The new value continues to increase at the rate predicted by the TIF proforma of 1% for years 6 – 10, when the second LDA valuation of \$8,000,000 kicks in. The increment applied to the TIF fund in this year is \$210,320, which is a \$73,533 increase over the prior year. After 10 years, the TIF fund has seen an increase of \$153,158.

SCENARIO #3: REDEVELOPMENT PURSUANT TO 79-E 2017



The building is demolished and in its place approximately 8,000 sq ft of commercial space, and 130 studio, one and two bedroom apartments are created. In five years, the value of the structure, per an LDA, is AT LEAST \$11,000,000. As with scenario 1 only slight annual appreciation two percent (2%) growth in annual assessments due to market forces for the initial years. After year 5 the percentage of growth is estimated at a value of one percent (1%).

In Scenario 3, the owner develops the project as per the LDA approved by the City Council creating a building of AT LEAST \$11,000,000, but is assessed at the \$2,174,300 baseline. The owner pays \$57,162 annually adjusted annually by the rate of increase predicted in the TIF proforma (2% for years 1 to 5). In year 6 when the full assessment, or \$11,000,000 value is reached, a tax yield of \$289,190 is generated. The annual tax yield will have gone from \$61,874 in year 5 to \$289,190 for a positive gain of \$227,316. The new value continues to increase at the rate predicted by the TIF proforma of 1% for years 6 – 10. After 10 years, the TIF fund has seen an increase of \$246,779.

10 year Total	Scenario 1	Scenario 2	Scenario 3
Tax Revenue	\$685,331	\$1,178,322	\$2,076,576
Increment	\$9,169	\$153,158	\$246,779

Conclusions

Under scenario #3, the tax relief incentive combined with the increased revenue potential of the renovated building likely supports the debt service for the acquisition and rehabilitation cost of making the project economically feasible for the developer. The City benefits include the high tax valuation (a 500% increase in value) and the use of the Land Development Agreement. In this scenario the TIF is protected and enhanced, as is the community through the public benefits required of the developer. This is on top of the required intersection improvements and increased on street parking.

The 2014 TIF proforma did not anticipate this property being developed at a higher and better use. If the application is approved for inclusion in the Community Revitalization Tax Credit program, there is no negative impact on the TIF proforma.

Finally, the project continues and enhances the City's infill development program, and is consistent with the guidelines and goals of said program.

Staff recommends the Council approve the application, finding that the following conditions, as per RSA 79-E, have been met:

- The project is consistent with Dover's Master Plan, which encourages downtown redevelopment and continued vibrancy.
- The project is a qualifying structure, consistent with RSA 79-E
- The rehabilitation cost is over 220% of the building's pre-rehabilitation assessed value, per the Developer's Agreement.
- On September 6, 2017, the Heritage Commission determined that no significant historic, cultural or architectural value exists (see letter).
- Public Benefits
 - The project:
 - Enhances the economic vitality of downtown, by expanding/modernizing commercial opportunity.
 - Promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9B, by creating an improved intersection at Washington and Chestnut Streets and tying together the existing civic core, the new parking garage, and downtown commercial district.
 - Increases residential housing in urban centers by adding 130 units of residential, where 0 currently exists.
- On September 5, 2017 the Downtown TIF Board reviewed and endorsed the application (see letter).
- The applicant will sign a protective covenant, as approved by the City Attorney, upon approval of the application (see attachment).

- The financial review supports the request for the full five years of tax relief requested.

Revised June 2017

Revised June 2017		Fiscal Year									
Desciption	Projected Total	14	Actual 15	Actual 16	Preliminary 17	Estimated 18	19	20	21	22	Fiscal Year Estimated 23
Anticipated Increment By Year			3,825,300	11,459,200	13,998,500	18,811,498	20,942,080	31,651,975	33,144,095	34,371,798	38,116,213
@ Applicable Tax Rate			26.01	26.61	26.29	26.29	26.29	26.29	26.29	26.29	26.29
Tax Revenue on Incremental Valuation			99,496	304,929	368,021	494,554	550,567	832,130	871,358	903,635	1,002,075
Transfer From Capital Reserve			340,000	237,000	64,000	109,000	-	-	-	-	-
Parking Activity Fund Net Operating Income			-	100,000	98,400	80,000	80,000	80,000	80,000	80,000	80,000
Parking Meter Rate Changes Net Income			-	-	100,000	100,000	100,000	100,000	100,000	160,000	200,000
Proceeds Sale of First Street Lot			202,000								
Proceeds Sale of Third Street Lot					10,000	90,000					
Proceeds Sale of Orchard Parcel 1 & Parcel 2							100,000				
Proceeds Sale of School Street Lot									225,000		
Net Sources of Funds	37,103,865	-	641,496	641,929	640,421	873,554	830,567	1,012,130	1,276,358	1,143,635	1,282,075
Less Auditing Service Fee				(1,663)	(1,696)						
Less Net Debt Service	(16,205,242)	-	(640,860)	(641,463)	(638,663)	(640,713)	(654,713)	(867,713)	(866,713)	(864,463)	(867,363)
Projected Resources Exceed (Short)											
Debt Service Coverage	20,898,623	-	636	(1,197)	62	232,841	175,854	144,417	409,645	279,172	414,712
Cumulative Fund Balance		1,485	2,121	924	986	233,827	409,681	554,099	963,744	1,242,916	1,657,628
Debt Service Balance (Principal & Interest)			15,564,375	14,922,913	14,284,250	13,643,538	12,988,825	12,121,113	11,254,400	10,389,938	9,522,575
All revenue projections reflect unadjusted 2015 dollars											

Revised June 2017

Revised June 2017		Fiscal Year										
Description		Projected Total	24	25	26	27	28	29	30	31	32	33
Anticipated Increment By Year			40,214,551	41,493,872	42,785,987	44,091,023	48,154,059	49,512,776	50,885,079	52,271,106	53,670,993	55,084,879
@ Applicable Tax Rate			26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29	26.29
Tax Revenue on Incremental Valuation			1,057,241	1,090,874	1,124,844	1,159,153	1,265,970	1,301,691	1,337,769	1,374,207	1,411,010	1,448,181
Transfer From Capital Reserve			-	-	-	-	-	-	-	-	-	-
Parking Activity Fund Net Operating Income			100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
Parking Meter Rate Changes Net Income			200,000	200,000	200,000	200,000	300,000	300,000	300,000	300,000	300,000	400,000
Proceeds Sale of First Street Lot												
Proceeds Sale of Third Street Lot												
Proceeds Sale of Orchard Parcel 1 & Parcel 2												
Proceeds Sale of School Street Lot												
Net Sources of Funds		37,103,865	1,357,241	1,390,874	1,424,844	1,459,153	1,665,970	1,701,691	1,737,769	1,774,207	1,811,010	1,948,181
Less Auditing Service Fee												
Less Net Debt Service		(16,205,242)	(864,663)	(865,463)	(866,563)	(867,063)	(866,963)	(865,400)	(867,325)	(863,438)	(863,900)	(867,575)
Projected Resources Exceed (Short)												
Debt Service Coverage		20,898,623	492,578	525,411	558,281	592,090	799,007	836,291	870,444	910,769	947,110	1,080,606
Cumulative Fund Balance			2,150,206	2,675,616	3,233,897	3,825,987	4,624,994	5,461,285	6,331,729	7,242,498	8,189,609	9,270,215
Debt Service Balance (Principal & Interest)			8,657,913	7,792,450	6,925,888	6,058,825	5,191,863	4,326,463	3,459,138	2,595,700	1,731,800	864,225
All revenue projections reflect unadjusted 2015 dollars												

City of Dover, NH

Downtown Dover TIF District

Revenue Analysis and Debt Service Coverage Assum

Revised June 2017

Description	Projected Total	Fiscal Year					
		34	35	36	37	38	39
Anticipated Increment By Year		56,512,904	57,955,209	59,411,937	60,883,232	62,369,241	63,870,109
@ Applicable Tax Rate		26.29	26.29	26.29	26.29	26.29	26.29
Tax Revenue on Incremental Valuation		1,485,724	1,523,642	1,561,940	1,600,620	1,639,687	1,679,145
Transfer From Capital Reserve		-					
Parking Activity Fund Net Operating Income		100,000	100,000	100,000	100,000	100,000	100,000
Parking Meter Rate Changes Net Income		400,000	400,000	400,000	400,000	400,000	400,000
Proceeds Sale of First Street Lot							
Proceeds Sale of Third Street Lot							
Proceeds Sale of Orchard Parcel 1 & Parcel 2							
Proceeds Sale of School Street Lot							
Net Sources of Funds	37,103,865	1,985,724	2,023,642	2,061,940	2,100,620	2,139,687	2,179,145
Less Auditing Service Fee							
Less Net Debt Service	(16,205,242)	(864,225)	-	-	-	-	-
Projected Resources Exceed (Short)							
Debt Service Coverage	20,898,623	1,121,499	2,023,642	2,061,940	2,100,620	2,139,687	2,179,145
Cumulative Fund Balance		10,391,714	12,415,357	14,477,297	16,577,917	18,717,604	20,896,749
Debt Service Balance (Principal & Interest)		-					
All revenue projections reflect unadjusted 2015 dollars							

CITY OF DOVER, NH
COVENANT TO PROTECT PUBLIC BENEFIT

Per RSA 79-E:8 (Community Revitalization Tax Relief Incentive)

104 Wash Street, LLC., by and through Jeff Johnston, Managing Partner, (hereinafter referred to as “GRANTOR”) owner of property situated at 104 – 124 Washington Street, Dover, NH (hereinafter referred to as the “PROPERTY”), and for its successors and assigns, for consideration of tax relief granted to GRANTOR by the City of Dover pursuant to the provisions of RSA 79-E, agree to and assert the following Covenants imposed by, and in favor of, the City of Dover, (hereinafter referred to as “GRANTEE”), 288 Central Avenue, Dover, County of Strafford, State of New Hampshire.

These covenants are made in exchange for property tax relief granted with respect to the PROPERTY as a result of the replacement of the building on the PROPERTY to be accomplished by the GRANTOR in accordance with GRANTOR’S proposal (specific approved scope of work is attached as “CHAPTER 79-E COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE ADDENDUM”) approved by GRANTEE on September ___, 2017.

This Covenant is to protect the public benefit in accordance with the provisions of RSA 79-E for a term of ten years, beginning on April first of the first tax year commencing immediately after the completion of the replacement work. Notwithstanding the foregoing, the contemplated tax relief shall be null and void if the proposed rehabilitation work is not completed by August 31, 2019, at the sole discretion of the GRANTEE.

The PROPERTY is designated GRANTEE’S Tax Map 2 Lot 4 in the City of Dover. For further reference to GRANTOR’S title see deed recorded at Book [reference], Page [reference], Strafford County Registry of Deeds.

The GRANTEE agrees that the PROPERTY, if substantially rehabilitated in accordance with GRANTOR’S proposal approved by GRANTEE on September ___, 2017, provides a demonstrated public benefit in accordance with the provisions of RSA 79-E:7 inasmuch as the replacement of the building on said property:

- I. Enhances the economic vitality of downtown;
- II. Promotes development of municipal centers, providing for efficiency, safety and a greater sense of community consistent with RSA 9-B.
- III. It increases residential housing in urban or town centers.

In addition, the GRANTOR agrees that at no point during the term of the Covenant shall the property become tax exempt.

The term of the Covenant which is hereby granted by the GRANTOR to the GRANTEE with respect to the above described PROPERTY shall be ten years: the first five co-extensive with the tax relief period, and five additional years thereafter.

In addition to the above, the GRANTOR covenants as follows:

GRANTOR’S COVENANTS:

REPLACEMENT OF BUILDING. The Grantor agrees to replace the building located on the PROPERTY during the term of this Agreement in accordance with GRANTOR’S proposal approved by GRANTEE on September ___, 2017. The replacement of the building contemplated by GRANTOR’S proposal approved by GRANTEE on September ___, 2017 shall be completed by the GRANTOR on or before August 31, 2019. The replacement of the building shall be deemed complete when the Certificate of Occupancy has been issued. The tax relief period will commence April 1, 2020, if the replacement of the building is completed prior to August 31, 2019. Once commenced, under no circumstance shall the tax relief period extend beyond March 31, 2025. If the replacement of the building is not complete prior to August 31, 2019, then the parties’ tax relief agreement shall be void and the PROPERTY shall be fully assessed for the value of that work during the tax year commencing April 1, 2019.

MAINTENANCE OF THE PROPERTY. The GRANTOR agrees and is required to maintain, use and keep the structure in a condition that furthers the public benefits for which the tax relief was granted and accepted during the term of the covenant.

REQUIRED INSURANCE, USE OF INSURANCE PROCEEDS, AND TIMEFRAME TO REPLACE OR REMOVE DAMAGED PROPERTY. The GRANTOR agrees and is required to obtain and maintain casualty insurance on the structure and Property, as well as flood insurance if appropriate. The GRANTEE shall be entitled to a lien against proceeds for any insurance claims to ensure proper restoration or demolition of any

damaged structures and property. The GRANTEE further requires that the restoration or demolition commence within one year following any insurance claim incident; otherwise the GRANTOR shall be subject to the termination provisions set forth in RSA 79-E:9, I.

RECORDING. The GRANTEE agrees to and shall provide for the recording of this covenant with the Strafford County Registry of Deeds. It shall be a burden upon the PROPERTY and bind all transferees and assignees of such PROPERTY. The GRANTOR may only assign its rights with written consent of the GRANTEE, which shall not be unreasonably withheld. The GRANTOR shall be solely responsible for prompt payment of the recording fee(s).

ASSESSMENT OF THE PROPERTY. The GRANTEE agrees that the PROPERTY shall be assessed, during the term of the Tax Relief Granted based on the pre-rehabilitation value, as of April 1, 2017, or such other value utilized by the Assessor to address improvements not covered by RSA 79-E. If the terms of these covenants are not met, the Property Tax Relief will be discontinued, and the GRANTEE will assess all taxes to the owner as though no tax relief was granted, with interest in accordance with RSA 79-E:9, II.

RELEASE, EXPIRATION, CONSIDERATION.

I. RELEASE. The GRANTOR may apply to the local governing body of the City of Dover for a release from the foregoing discretionary tax relief and associated covenant within the duration of the tax relief period of RSA 79-E upon a demonstration of extreme personal hardship. Upon release from such covenants, the GRANTOR shall thereafter pay the full value assessment of such structure(s) and land to the Tax Collector of the City of Dover.

II. EXPIRATION. Upon final expiration of the terms of the tax relief and associated covenants the tax assessment will convert to the then full fair market value. These covenants will be concluded five years after the return to full market value. In no circumstance shall the tax relief period extend beyond March 31, 2025.

III. CONSIDERATION. The Tax Collector shall issue a summary receipt to the owner of such PROPERTY and a copy of the governing body of the City of Dover for the sums of tax relief accorded during the term of this Covenant. The local governing body shall, upon receiving a copy of the above-mentioned consideration, execute a release of the Covenant to the GRANTOR who shall record such a release with the Strafford County Registry of Deeds. A copy of such release or renewal shall also be sent to the local assessing official.

IV. MAINTENANCE OF STRUCTURE. If, during the term of the Covenant, the GRANTOR shall fail to maintain the structure in conformity with the foregoing Covenant, or shall cause the structure(s) to significantly deteriorate or be demolished or removed, the covenants shall be terminated and a penalty shall be assessed in accordance with Paragraph I above.

ENFORCEMENT. If a breach of this Covenant is brought to the attention of the GRANTEE, the GRANTEE shall notify the GRANTOR, in writing of such breach, which notification shall be delivered in hand and/or by certified mail to the GRANTOR.

The GRANTOR shall have 30 days from the date of such notice to undertake those actions, including restorations, which are reasonably calculated to cure the said breach and to notify the GRANTEE thereof.

If the GRANTOR fails to take such curative action, the GRANTEE may undertake any actions that are reasonably necessary to cure such breach, and the cost thereof, including GRANTEE’S expenses, court costs and legal fees, shall be paid by the GRANTOR.

The GRANTOR, by executing this Covenant to the GRANTEE represents that it has the authority to enter into this Covenant, agrees to be bound by and to observe and enforce the provisions hereof, and assumes the rights and responsibilities herein provided for and incumbent upon the GRANTOR, all in furtherance of the purposes for which this Tax Relief and associated Covenant is delivered.

DATED this ____ day of _____, 2017.

GRANTOR
104 Wash Street, LLC.

By: _____
Jeffrey Johnston
Managing Partner

Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

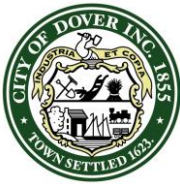
The foregoing instrument was acknowledged before me this _____ day of _____, 2017,
by GRANTOR, the duly authorized TITLE for the GRANTOR.

Notary Public/Justice of the Peace
My Commission Expires: _____

ACCEPTED this _____ day of _____, 2017.

CITY OF DOVER/GRANTEE

By: _____
J. Michael Joyal, Jr.
City Manager
Duly Authorized



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2015.06.10 – 077**
Resolution Re: **Implementing the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

- WHEREAS: The Planning Board of the City of Dover adopted the Master Plan Visioning Chapter on August 28, 2012 and a Land Use Analysis Chapter on February 24, 2015, which specifically identify the need for infill redevelopment and continued development in the downtown area; and
- WHEREAS: Adopting the provisions of RSA 79-E, which have been successfully used in other New Hampshire communities, would be a beneficial economic development tool for the community for use where deemed appropriate by the City Council; and
- WHEREAS: RSA 79-E "Community Revitalization Tax Relief Incentive" declares it a public benefit to encourage the rehabilitation of underutilized structures in urban and town centers as a means of encouraging growth of economic, residential and municipal uses in a more compact pattern, in accordance with RSA 9-B.

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

Dover hereby implements the provisions of New Hampshire Revised Statutes Annotated (RSA) 79-E "Community Revitalization Tax Relief Incentive" enabling municipalities to provide for short-term property assessment tax relief.

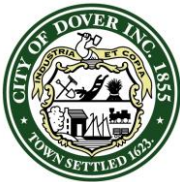
"Substantial rehabilitation" shall mean rehabilitation of a qualifying structure which costs at least 220 percent of the pre-rehabilitation assessed valuation.

The City shall require the signing of a Developer's Agreement documenting a commitment of a guaranteed tax assessment equal to or exceeding 220 percent of the pre-rehabilitation assessed valuation.

"Tax relief period" shall mean that for a period of time up to five years, as determined by the City Council, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

The City shall require the property owner to grant to the City a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted, including prohibiting conversion to a tax exempt property and shall require the property owner to obtain casualty insurance, and flood insurance if appropriate, for twice the term of the tax relief.

The City shall require the property owner to grant to the City a lien against the property for the purpose of ensuring proper restoration or demolition of damaged structures and property.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2015.06.10 – 077**
Resolution Re: **Implementing the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

If the covenant is terminated for any reason, the City shall assess all current and arrears taxes to the owner as though no tax relief was granted, with interest in accordance with RSA 75.

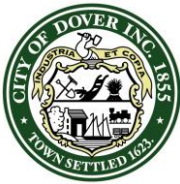
The City Manager, or designee, shall develop an application for those property owners interested in participating in the program.

That the map titled "RSA 79-E Community Revitalization Tax Relief Incentive" is hereby adopted as the district where properties are eligible for consideration of this program.

TO BE REFERRED TO A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Karen Weston By request
Approved as to Legal Form and Compliance:	Anthony I. Blenkinsop General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2015.06.10 – 077**
Resolution Re: **Implementing the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

DOCUMENT HISTORY:

First Reading Date:	06/10/2015	Public Hearing Date:	06/24/2015
Approved Date:	06/24/2015	Effective Date:	06/24/2015

DOCUMENT ACTIONS:

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Garrison.
Assistant City Manager Parker gave an overview of the resolution to the Council.
Roll Call Vote: 8/1; Passed. Councilor Cheney was opposed.

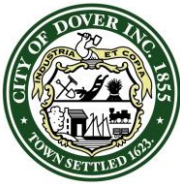
VOTING RECORD		
Date of Vote: 06/24/2015	YES	NO
Mayor, Karen Weston	X	
Deputy Mayor, Robert Carrier, At Large	X	
Councilor John O'Connor, Ward 1	X	
Councilor William Garrison, III, Ward 2	X	
Councilor Deborah Thibodeaux, Ward 3	X	
Councilor Dorothea Hooper, Ward 4	X	
Councilor Catherine Cheney, Ward 5		X
Councilor Jason Gagnon, Ward 6	X	
Councilor, Anthony McManus, At Large	X	
Total Votes:	8	1
Resolution does pass.		

RESOLUTION BACKGROUND MATERIAL:

At the City Council workshop meeting on June 3, 2015, the Council received a presentation from staff relative to RSA 79-E "The Community Revitalization Tax Relief Incentive" program. This is a program that provides short-term property assessment tax relief and a related covenant to protect the public benefit that is being created.

The purpose of the program is to encourage reinvestment in existing buildings/structures within the downtown area. This would include either the demolition or subsequent rebuilding of a structure, or the rehabilitation of the existing structure. To qualify, the building must be a "qualifying structure," which means it is a building located in a district officially designated by the municipality master plan, or by zoning ordinance, as a downtown, town center, central business district or village center.

For Dover's purposes, the area identified would be a portion of the Central Business District between Central Avenue, Washington, Chestnut and St Thomas Streets, as outlined on the enclosed map titled: "RSA 79-E Community Revitalization Tax Relief Incentive." These parcels include Assessor's Map 2, Lots 2, 3, 4, 5, 6, 6A, 7, 8, 8A, 9, 11, 12, 13, 15, 16 and 17. This 2.25 acre area was identified because the properties are ones which are underutilized, and have potential for a higher and better use upon them via redevelopment. Typically one to three story buildings exists with older infrastructure, within the area. They are parcels which,



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

Resolution Number: **R – 2015.06.10 – 077**
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with added commercial and residential opportunities, will positively contribute to Dover's economic vitality and contribute to overall growth in Dover's downtown.

In addition, the value of the rehabilitation must be equal to at least 220 percent of a building's pre-rehab assessed value, and that value must be agreed to by the developer in the form of a guaranteed tax assessment. Finally, the proposed substantial rehabilitation must provide a public benefit. In order to be considered a public benefit the substantial rehabilitation must provide at least one of the following, and the proposed replacement must provide one or more of the public benefits:

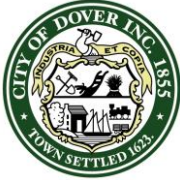
- It enhances the economic vitality of the downtown.
- It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of the downtown.
- It promotes the preservation and reuse of existing building stock throughout a municipality by the rehabilitation of historic structures, thereby conserving the embodied energy in accordance with energy efficiency guidelines established by the U.S. Secretary of the Interior's Standards for Rehabilitation.
- It promotes development of municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9B.
- It increases residential housing in urban or town centers.

The tax relief would be for a finite period of time during which time the property tax on the structure would not increase. When the finite tax relief has expired, the structure would be taxed at its full market value. The City Council may grant such tax assessment relief for a period of up to five years, beginning with the completion of the substantial rehabilitation.

The basic elements of the program, if adopted as presented, are:

- City Council needs to declare each project a public benefit to enhance downtown.
- Qualifying structures must be in the officially designated district.
- Substantial rehabilitation must equal or exceed 220 percent of original assessed value.
- Tax relief shall be only on the value of the new improvements.
- Tax relief period may be up to five years.
- Covenants shall assure the property is maintained and used for the intended purpose.
- Failure to maintain or utilize property as intended shall require full payment of all taxes.
- Liens shall be held for unpaid exempted taxes.
- Property owners must apply to the City Council, who shall hold a public hearing and determine if it is a qualifying structure, if it is substantial rehabilitation, there is a public benefit and for what duration the tax relief shall be granted.

The above bulleted conditions give the City Council the controls necessary to assure tax exemptions are granted to projects that meet the objectives of the program and comply with the standards established. All redevelopment projects must be approved by the Planning Board as per normal Site Plan review procedures.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.2.

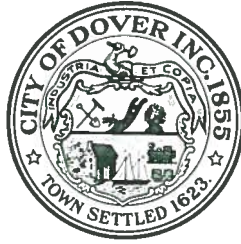
Resolution Number: **R – 2015.06.10 – 077**

Resolution Re: **Implementing the Provisions of RSA 79-E Relative to the Community Revitalization Tax Relief Incentive Program**

The City Council's granting of relief is discretionary and can be denied for any reason. The Council's decision to deny can only be set aside by the Superior Court or the Board of Tax and Land Appeals for bad faith or discrimination. In addition, the City Council may rescind the adoption of RSA 79-E at any time following the procedures provided in Section 79-E:4, which are the same procedures for adopting the RSA.

BACKGROUND MATERIALS

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6008
Fax: (603) 516-6049
www.dover.nh.gov

City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

September 5, 2017

Honorable Mayor and City Councilors
288 Central Avenue
Dover NH 03820

Dear Madam Mayor and City Councilors:

The Downtown Dover Tax Increment Finance Advisory Board, at its meeting of September 5, 2017, following a properly noticed public meeting, voted to endorse 104 Wash Street, LLCs application to participate in the Community Revitalization Tax Relief Program.

In accordance with the requirements of Chapter 5, the Board finds that the application will have a positive impact on the administration and operation of the Downtown Dover TIF District in that it provides \$246,000 worth of incremental revenue into the TIF fund.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Jeff Roemer
Chair

EC): J. Michael Joyal, City Manager

CHRISTOPHER G. PARKER, AICP
Assistant City Manager
Planning & Strategic Initiatives
c.parker@dover.nh.gov



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City of Dover, New Hampshire

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

September 7, 2017

Honorable Mayor and City Councilors
288 Central Avenue
Dover NH 03820

Dear Madam Mayor and City Councilors:

The Heritage Commission, at its meeting of September 6, 2017, following a properly noticed public meeting, voted to endorse 104 Wash Street, LLCs application to participate in the Community Revitalization Tax Relief Program.

In accordance with the requirements of RSA 79-E:4, The Commission finds that:

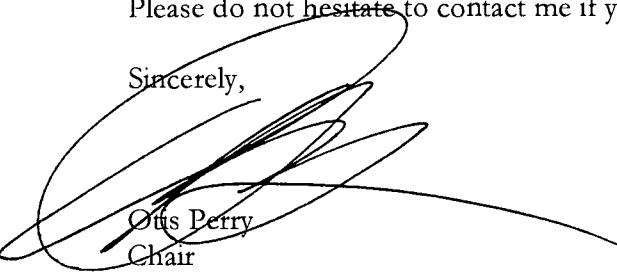
The property has no significant historic, cultural or architectural value;

The project enhances the economic vitality of the downtown, promotes development of the municipal center, providing for efficiency, safety, and a greater sense of community and consistent with RSA 9B, and that it increases residential housing in the urban center; and

The historical, cultural or architectural resources in the community will not be adversely affected by the replacement.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Otis Perry
Chair

EC): J. Michael Joyal, City Manager



**PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE**

Check(☒) the type of application:

RAFFLE* ☒, TAG* _____, BLOCK PARTY** _____

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

Organization Name: Dover Shockwave Robotics

Federal Tax ID number for Organization: 47-1389117

Check (☒) Nature of Organization:

Religious _____, Educational ☒, Charitable _____, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other (Describe) _____

Contact Person: James Cole Day Time Telephone: 617-279-7842

Address: 6 Cranbrook Ln Email: Frc4546@gmail.com

Purpose of Permit: Raffle @ Apple Harvest

Date of Event: Oct 7 2017 Specific Time: 4:30 pm

Location of Event: Downtown Dover

*******RAFFLE / TAG PERMITS*******

Prize (s) To Be Awarded: one robot Rumba

Cost of Ticket: \$5.00 Date of Drawing: Oct 7 2017

Place of Drawing: Downtown Dover

*** 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://www.doj.nh.gov/charitable-trusts/faq.htm>

*******BLOCK PARTY PERMITS*******

****NOTICE TO BLOCK PARTY APPLICANTS:** STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same.

SIGNATURE OF APPLICANT: [Signature] DATE: Sept 4 2017

(duly authorized)

PRINTED NAME: James Cole

Licensing Board Approval [Signature]

Date: 9/7/17



PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE



Check(☒) the type of application:

RAFFLE* ☒, TAG* _____, BLOCK PARTY** _____,

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

Organization Name: First Parish Church, Congregational, United Church of Christ
Federal Tax ID number for Organization: 02-0246160

Check(☒) Nature of Organization:

Religious ☒, Educational _____, Charitable _____, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other _____
(Describe) Church Holiday fair

Contact Person: Diane Fiske Day Time Telephone: 603-749-0933

Address: 8 Arrowbrook Rd Dover Email nonnagolfer@comcast.net

Purpose of Permit: Raffle of Quilt and merchandise donated at Holiday fair

Date of Event: Nov. 18, 2017 Specific Time: 9 - 3:00

Location of Event: 218 Central Ave, Dover

*****RAFFLE / TAG PERMITS*****

Prize (s) To Be Awarded: Quilt and merchandise donated by vendors and merchants

Cost of Ticket: \$1.00 Date of Drawing: Nov. 18, 2017

Place of Drawing: First Parish Church - 218 Central Ave.

* 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://www.doj.nh.gov/charitable-trusts/faq.htm>

*****BLOCK PARTY PERMITS*****

**NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same.

SIGNATURE OF APPLICANT: Diane J. Fiske DATE: 8/14/17
(duly authorized)

PRINTED NAME: Diane J. Fiske

Licensing Board Approval (Signature) Date: 8/18/17



PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(☒) the type of application:

RAFFLE* ☒, TAG* _____, BLOCK PARTY** _____,

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

Organization Name: Woodman Museum

Federal Tax ID number for Organization: 02-022-3356

Check (☒) Nature of Organization:

Religious _____, Educational ☒, Charitable _____, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other _____

(Describe) Antique Car Show

Contact Person: Elizabeth Fischer Day Time Telephone: 603 742 1038

Address: 182 Central Ave Dover Email: director@woodmanmuseum.org

Purpose of Permit: fundraise for museum

Date of Event: Sept 24 or Oct 1 Specific Time: 10 AM - 5 PM

Location of Event: 182 Central Avenue

*****RAFFLE / TAG PERMITS*****

Prize (s) To Be Awarded: gift baskets 50/50, memberships

Cost of Ticket: \$5 for 6 Date of Drawing: Sept 24 or Oct 1 (main date)

Place of Drawing: Woodman Museum

* 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://www.doj.nh.gov/charitable-trusts/faq.htm>

*****BLOCK PARTY PERMITS*****

**NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same.

SIGNATURE OF APPLICANT: [Signature] DATE: 8/25/17

(duly authorized)

PRINTED NAME: Elizabeth Fischer

Licensing Board Approval [Signature] Date: 8/29/17

mailly gordon
PB 1916
Dover NH
03821-



PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(✓) the type of application:

RAFFLE* X, TAG* _____, BLOCK PARTY** _____

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

Organization Name: Woodman Museum

Federal Tax ID number for Organization: 02-022-3356

Check (✓) Nature of Organization:

Religious _____, Educational X, Charitable _____, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other _____

(Describe) Voices from the Cemetery - History walk

Contact Person: Elizabeth Fisher Day Time Telephone: 603 742 1038

Address: 182 Central Avenue Dover Email: director@woodmanmuseum.org

Purpose of Permit: fundraiser for museum

Date of Event: Oct 14-15 Specific Time: 10 AM - 5 PM

Location of Event: Fine Hill Cemetery

*****RAFFLE / TAG PERMITS*****

Prize (s) To Be Awarded: Gift baskets, 50/50 memberships

Cost of Ticket: _____ Date of Drawing: Oct 15 5 PM

Place of Drawing: 182 Central Ave Dover

* 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://www.doj.nh.gov/charitable-trusts/faq.htm>

*****BLOCK PARTY PERMITS*****

**NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same

SIGNATURE OF APPLICANT: Elizabeth Fisher DATE: 8/23/17

(duy authorized)

PRINTED NAME: Elizabeth Fisher

Licensing Board Approval ATC Date: 8/29/17



cc File
Business admin

PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(☒) the type of application:

RAFFLE* ☒, TAG* _____, BLOCK PARTY** _____,

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

Organization Name: Woodman Museum

Federal Tax ID number for Organization: 02-022-3356

Check (☒) Nature of Organization:

Religious _____, Educational ☒, Charitable _____, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other _____

(Describe) Veterans Day at the Woodman

Contact Person: Elizabeth Fisher Day Time Telephone: 603 742 1038

Address: 182 Central Ave Dover Email: director@woodmanmuseum.org

Purpose of Permit: fundraiser for museum

Date of Event: Nov 12 Specific Time: 10 AM - 5 PM

Location of Event: 182 Central Ave Dover

*****RAFFLE / TAG PERMITS*****

Prize (s) To Be Awarded: gift baskets, 50/50, memberships

Cost of Ticket: _____ Date of Drawing: Nov 12 @ 5 PM

Place of Drawing: 182 Central Ave Dover

* 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://www.doj.nh.gov/charitable-trusts/faq.htm>

*****BLOCK PARTY PERMITS*****

**NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same.

SIGNATURE OF APPLICANT: [Signature] DATE: 8/23/17

(duly authorized)

PRINTED NAME: Elizabeth Fischer

Licensing Board Approval [Signature] Date: 8/29/17

mail
address
POB 1916
Dover NH
03821



**PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE**

Check(☒) the type of application:

RAFFLE* ☒, TAG* _____, BLOCK PARTY** _____,

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

Organization Name: Woodman Museum

Federal Tax ID number for Organization: 02-022-3356

Check (☒) Nature of Organization:

Religious _____, Educational ☒, Charitable _____, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other _____

(Describe) Dover Chamber Business Open House - Victorian Celebration

Contact Person: Elizabeth Fisher Day Time Telephone: 603 742 1038

Address: 182 Central Avenue Email: director@woodmanmuseum.org

Purpose of Permit: fundraise for museum

Date of Event: Dec 19 Specific Time: 6-8 PM

Location of Event: 182 Central Ave Dover

*****RAFFLE / TAG PERMITS*****

Prize (s) To Be Awarded: Gift Baskets, 50/50 memberships

Cost of Ticket: 6 for 5 Date of Drawing: Dec 19 2017 8 PM

Place of Drawing: 182 Central Avenue Dover

* 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://www.doi.nh.gov/charitable-trusts/faq.htm>

*****BLOCK PARTY PERMITS*****

****NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT**

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same.

SIGNATURE OF APPLICANT: [Signature] DATE: 8/23/17

PRINTED NAME: Elizabeth Fisher (duly authorized)

Licensing Board Approval [Signature] Date: 8/29/17

*mail address
POB 1916
Dover NH
03821*



PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check(☒) the type of application:

PARADE** ☒ , ROAD TOLL*** ☐ ,

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

Organization Name: Dover High School Unified
Federal Tax ID number for Organization: 02-6-000230

Check(☒) Nature of Organization:

Religious ☐ , Educational ☒ , Charitable ☒ , Civic ☐ , Sports ☐ , Veterans ☐ , Fraternal or Political ☐ , Other ☐

Name/Description of Event (if applicable): YES I CAN 5K

Contact Person: MJ Hippert Day Time Telephone: 603 767 7833

Address: 64 Victoria Drive Somersworth Email: m.hippert@dover.k12.nh.us

Date of Event: 11/5/2017 Specific Time: 11:00am

Location of Event (if parade, attach course description or map): Dover High School - copy enclosed

*****PARADE PERMITS*****

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

Police Department Parade Route Approval Signature: _____

Printed Name: Sgt. Mark Speidel DPD Check Here If Parade Route Is Attached: ☒

*****ROAD TOLL PERMITS*****

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

Road Toll Location: _____

Police Department Road Toll Approval Signature: _____

Printed Name: _____

Unless expressly waived in writing by the Licensing Board, the Organization agrees to defend, indemnify, and hold harmless the City of Dover from any claims, losses, and/or damages arising out of the event, and to name the City of Dover as an additional insured on its general liability insurance policy in amounts of not less than One Million Dollars (\$1,000,000) per occurrence and Two Million Dollars (\$2,000,000) in the aggregate. The Organization/Applicant shall provide the City a certificate of insurance evidencing such additional insured status no less than fifteen (15) days prior to the event.

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 the same.

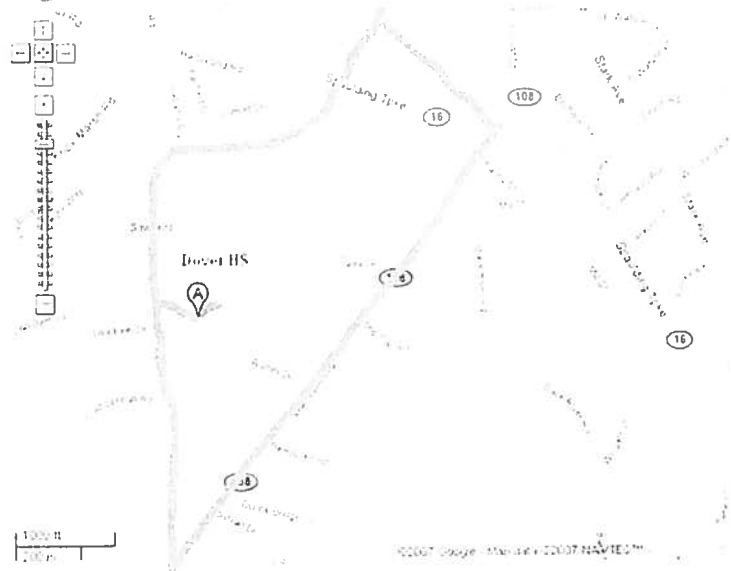
SIGNATURE OF APPLICANT: Mary Jean Hippert DATE: 8/21/17
(duly authorized)

PRINTED NAME: Mary Jean Hippert

Licensing Board Approval [Signature] Date: 9/5/17

Begin our USATF certified course
(# NH 07013RF) at Dover High
School on Alumni Drive and
continue:

- Right onto Bellamy Road
- Right onto Cataract Ave
- Right onto Rutland St
- Right onto Rte. 108
- Right onto Bellamy Road





PERMIT APPLICATION
CITY OF DOVER, NEW HAMPSHIRE

Check (✓) the type of application:

RAFFLE* _____, TAG* ☒, BLOCK PARTY** _____

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

Organization Name: Dover Little Green Cheerleading

Federal Tax ID number for Organization: 26-2543466

Check (✓) Nature of Organization:

Religious _____, Educational _____, Charitable _____, Civic _____, Sports ☒, Veterans _____, Fraternal or Political _____, Other _____
(Describe) Sports

Contact Person: Diana Drouin Day Time Telephone: 603-969-3815

Address: 43 Long Hill Rd Dover NH Email: dianadrouin@gmail.com

Purpose of Permit:

Date of Event: 9/29, 9/30, + 10/1/17 Specific Time: 9/29 - 4-6pm, 9/30 8a-8p, 10/1 8a-6p

Location of Event: Various locations around the city

*****RAFFLE / TAG PERMITS*****

Prize (s) To Be Awarded: _____

Cost of Ticket: _____ Date of Drawing: _____

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://www.doi.nh.gov/charitable-trusts/faq.htm>

*****BLOCK PARTY PERMITS*****

**NOTICE TO BLOCK PARTY APPLICANTS: STREET CLOSURES, TRAFFIC DETOURS, AND/OR PARKING RESTRICTIONS MUST BE ARRANGED WITH THE POLICE DEPARTMENT

Block Party Location (attach map if more than one street is affected): _____

Police Department Block Party Approval Signature: _____

Printed Name: _____

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 the same.

SIGNATURE OF APPLICANT: Diana Drouin
(duly authorized)

DATE: 9/2/17

PRINTED NAME: Diana Drouin

Licensing Board Approval (Signature)

Date: 9/7/17



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

Resolution Number: **R – 2017.09.13 – 115**

Resolution Re: Setting Voting Hours for October 24, 2017 Special election
for District 13 and the November 7, 2017 Municipal election

WHEREAS: In accordance with State law, the City Council must set voting hours in the City of Dover;
and

WHEREAS: The New Hampshire Special Election for Strafford County District 13 State
Representative will be held on October 24, 2017 and the Dover Municipal Election will
be held on November 7, 2017.

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

The voting hours at all Wards in the City of Dover shall be from 8:00 a.m. to 7:00 p.m. for
both the Special Election for Strafford County District 13 State Representative to be held
on October 24, 2017 and the Municipal Election to be held on November 7, 2017.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By request

Approved as to Compliance and Legal Form: Anthony Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu, City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

Resolution Number: **R – 2017.09.13 – 115**
Resolution Re: Setting Voting Hours for October 24, 2017 Special election
for District 13 and the November 7, 2017 Municipal election

DOCUMENT HISTORY:

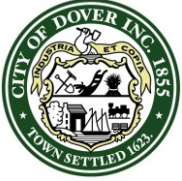
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joseph Nicolella, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does / does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The Moderators and Supervisors of the Checklist have been contacted in regards to these hours and are in agreement. The City Clerk also concurs with these hours. Rules regarding absentee voting will allow people who work during these hours to vote via absentee ballot.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

Resolution Number: **R – 2017.09.13 – 116**

Resolution Re: Operating Rules for Heritage Commission

WHEREAS: The Heritage Commission wishes to establish Operating Rules; and

WHEREAS: The Heritage Commission reviewed and adopted the proposed Operating Rules at its meeting on August 1, 2017.

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

The City Council approves the Operating Rules for the Heritage Commission as adopted by the Heritage Commission on August 1, 2017.

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Finance Director

Sponsored by: Councilor Dennis Shanahan

Approved as to Legal
Form and Compliance:

Anthony Blenkinsop
General Legal Counsel

Recorded by:

Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

Resolution Number: **R – 2017.09.13 – 116**
Resolution Re: Operating Rules for Heritage Commission

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached Operating Rules for the Heritage Commission.

OPERATING RULES HERITAGE COMMISSION

Article I. Name

The name of the commission is the Heritage Commission.

Article II. Authority and Duties

The Heritage Commission shall have the following duties and functions consistent with RSA 674:

Survey and inventory all cultural resources.

Conduct research and publish findings.

Assist the Planning Board, as requested, in the development and review of those sections of the master plan which address cultural and historic resources.

Advise, upon request, local agencies and local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources, including advising the City Council on the Historic Value of potentially "replaced qualifying structures" pursuant to RSA 79-E:4.

Coordinate activities with appropriate service organizations and nonprofit groups.

Any appropriation established by the City Council for use by the Heritage Commission shall be held in a Heritage Commission Fund and disbursed in accordance with RSA 674:44-b subject to the requirements of the City's purchasing procedures and accounting requirements as administered by the City Manager.

Article III. Membership

A. Membership: The Heritage Commission shall consist of five (5) voting members including one (1) City Councilor; one (1) Citizen recommended by the Woodman Institute Museum; the Director of the Public Library or designee; and two (2) Citizens, one of which may be a Planning Board member and one of which may be a Downtown Dover Tax Increment Finance Advisory Board member. Term of service shall be for three (3) years, except the City Council member whose term shall coincide with his/her term of office. Original appointments may be staggered so that all Commissioner's terms do not expire at the same time.

B. Attendance, Vacancies and Removal. All appointments to the Commission shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any Commission member is absent for four (4) consecutive meetings or

four (4) regular meetings in a calendar year, whereby a vacancy shall be created in the position, and said vacancy shall be filled by the appointing authority. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute. Conditions for removal of any Commission member shall be those defined by statute, ordinance or the City Charter.

Article IV. Officers and Staffing

A. Officers: The officers consist of a Chair, Vice Chair and Secretary who shall be elected by the membership and who shall serve at the pleasure of the membership for one-year terms. Officers may be re-elected.

Duties of the Chair: The Chair shall have general supervisory and directional powers over the Commission. The Chair shall preside at all Commission meetings and set the Commission's agenda. The Chair shall also be an ex-officio member of all sub-Commissions and shall be the sole spokesperson for the Commission, unless this responsibility is delegated in writing.

Vice Chair. The Vice Chair shall execute all powers of the chair in the absence of the Chair.

Secretary. The Secretary shall review the meeting minutes before authorizing their distribution in draft.

Article V. Procedures

A. Meetings: The Commission shall hold meetings at a place and time designated by the Chair. The business of the public shall be conducted in public session unless otherwise permitted by state law. Notice of all meetings of the Commission and Sub Commissions shall be posted in compliance with state law.

B. Applications. Each application for review by the Commission shall be made on forms approved by the Commission and provided by the Planning Department. At least 3 days prior to each meeting of the Commission, staff shall provide the Commission with all applications received by the Planning Department. Applications must be received by the Planning Department no less than twenty-one (21) days before the date of the Heritage Commission meeting at which it will be presented.

All application forms for the Heritage Commission, and any revisions thereto, shall be adopted by resolution of the Board and shall become part of these Rules of Procedure.

C. Quorum: Fifty-one percent of the voting membership of the Commission shall constitute a quorum.

D. Parliamentary Authority: The parliamentary authority for the Commission is Robert's Rules of Order Revised, 11th ed, or duly published successor editions, except as provided by these rules or local, state or federal law.

E. Minutes: Minutes shall be kept for all meetings of the Commission. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions, shall be approved by the Commission at the next meeting of the Commission, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.

F. Recording of Meetings. The Commission staff shall arrange for video recording of all meetings, if available. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.

G. E-mail accounts. Commission members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. Commission members shall not use e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the Commission. Commission members shall refrain from conducting the official business of the Commission outside the view of the public and the press unless permitted by state law.

H. Nonpublic meetings. The Commission shall conduct nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall use the Checklist prepared by the City Attorney for conduct of nonpublic meetings.

I. Heritage Commission procedures for considering and making a decision about the Historical, Cultural and Architectural value of a building or set of Buildings applying for Tax relief under RSA 79E.

1. Applicants should submit a completed application showing location, ownership and a complete description of the known history of the building (site) including construction date, architect, if known, alterations with the time of the alteration, any existent photographs showing the original look and alterations. The description should also include a list of known uses of the structure and any notable events associated with the building. The application should also include a description of the plans for renovation and/or reconstruction/reuse of the building (site), including floor plans and architect rendering of the reconstructed or renovated structure. The Heritage Commission may waive submissions, in part or in whole, at the request of the applicant.

The application shall also include a list of names and address of property owners within two hundred (200) feet of the site.

2. The Heritage Commission will notify property owners within two hundred (200) feet of the site to give them an opportunity to comment on the planned changes and attend the meeting at which the project will be presented to the Commission. The notice shall be mailed at least ten days prior to the meeting at which the presentation will be made. The applicant will be required to place a public service ad in a paper of local distribution giving the time and place of the Heritage Commission meeting and a short description of the proposal at least ten days prior to the meeting at which the presentation will be made.

3. After the presentation by the applicant, the Heritage Commission will hold a public forum at which any member of the public present at the meeting may comment on the proposed changes. The heritage Commission is not a quasi-judicial board and the forum is not an evidentiary hearing, but merely an opportunity for those affected to comment on the proposal and give pertinent information to the Commission. Persons eligible to speak at the forum are residents of Dover and property or business owners in the effected neighborhood or their representatives. Commission members may ask questions of any person speaking at the forum.

4. After the public forum is completed, the Heritage Commission will have time to discuss the proposal and make a decision about the Historical Value of the structure (site) concerned. If the Commission thinks it is necessary, they may defer a decision on the application for purposes such as, but not limited to, a site visit or seeking advice from staff or experts. If the Commission feels it is necessary, the applicant may be required to hire an expert to advise the Commission at the applicant's expense.

The Heritage Commission's finding as to the Historical, Cultural and/or architectural values of the structure or structures will be communicated to the City Council and other interested bodies as soon as it is available.

5. An application fee, as set by the City Council in the annual City Fee Schedule, shall accompany the application.

J. Amendment of Rules. These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the Commission.

Adopted: *August 1, 2017*

Approved by City Council _____



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: R – 2017.09.13 – 117

Resolution Re: Restoration of Merged Lots (57 Forest Street)

WHEREAS: NH RSA 674:39-aa (Supp. 2011) allows property owners whose property has been involuntarily merged by a municipality prior to September 18, 2010 to apply to the City Council to unmerge the lots; and

WHEREAS: Robert Baldwin is the owner of property at 57 Forest Street (Assessor's Map 26, Lot 22) made up of two (2) original lots which have been merged into one (1); and

WHEREAS: Robert Baldwin has submitted an application to restore the two (2) original lots; and

WHEREAS: City records show no indication that voluntary merger has occurred in the chain of title.

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

Pursuant to RSA 674:39-aa (Supp.2011), the application of Robert Baldwin is approved and the former lot lines of the property owned by Robert Baldwin located at 57 Forest Street (Assessor's Map 26, Lot 22) are hereby restored as shown on historical plans and contained within the property deeds.

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Finance Director

Sponsored by:

Mayor Karen Weston
By request

Approved for Legal Form and
Compliance:

Anthony I. Blenkinsop
General Legal Counsel

Recorded by:

Karen Lavertu
City Clerk

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 13.B.1.	
Resolution Number: R – 2017.09.13 – 117 Resolution Re: Restoration of Merged Lots (57 Forest Street)		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

RSA 674:39-aa (Supp. 2011) allows property owners whose property has been involuntarily merged by a municipality to apply to the City Council to unmerge the lots. The Statute requires that in order to approve the restoration, it must be the case that the owner has not committed any overt action or engaged in any conduct that indicates that the owner regarded the lots as merged including, but not limited to, abandoning a lot line. If the owner has committed such an act or engaged in such conduct, the merger is considered voluntary and the only way to separate the lots would be by a subdivision. The burden of demonstrating that a merger was voluntary is on the municipality.

The restoration of the lots to their premerger status shall not cure any non-conformity with existing land use ordinances. Furthermore, the lots shall no longer be assessed as one lot for property tax evaluation purposes.

The applicant submitted the attached application to restore the lots on June 1, 2017 with additional materials. Staff reviewed City of Dover records and found no instance of voluntary merger of these two lots.



City of Dover, New Hampshire APPLICATION FOR LOT RESTORATION

[Revision Date: May 6, 2012]

Office Use Only

Date Received 6/21/17

In accordance with RSA 674:39 aa, lots or parcels that were involuntarily merged by municipal action for zoning, assessing, or taxation purposes prior to September 18, 2010 shall be restored to their premerger status provided that request is submitted to the City Council prior to December 31, 2016 and no owner in the chain of title voluntarily merged his or her lots.

APPLICANT AND OWNER INFORMATION

Name of Applicant: ROBERT BALDWIN Telephone # 742-2121
Address of Applicant: 242 CENTRAL AVE E-Mail Address robert@centralfallsrealty.co
Name of Property Owner (if different from applicant): SAME Telephone # _____
Address of Property Owner: _____ E-Mail Address _____

PROPERTY INFORMATION

Assessor's Map # 26 Lot # 22 Zoning District(s) RMU

Please provide:

- A Copy of the deed for the parcel(s)/lot(s)
- A Copy of any recorded plans or surveys which may depict the premerger configuration of any lots.
- If any part of the existing map/lot is improved by a structure, the applicant must provide a signed & stamped as-built survey which reflects the location of the structure.
- If the applicant is someone other than the property owner, a letter from the property owner authorizing the applicant to submit this application and make the request to restore the property owner's lot(s) to pre-merger status.

REQUEST CERTIFICATION

I/we hereby verify by signing this application that I/We understand that the restoration of the lots to their premerger status shall not cure any non-conformity with existing land use ordinances. It is further understood that the above described lots shall no longer be assessed as one lot for property tax evaluation purposes.

Signature of Property Owner: [Signature] Date: 6-1-17

Signature of Applicant (if different from owner): _____ Date: _____

=====
(For Office Use Only)

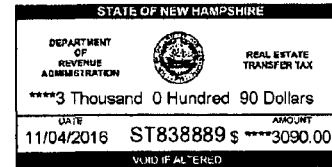
In accordance with RSA 674:39 aa, we have found no evidence of voluntary lot merger.

Tax Assessor [Signature] Date 7/23/17

Zoning Administrator [Signature] Date 7/10/17



After Recording Return To:
Roberts S. Baldwin
57 Forest Street
Dover, NH 03820



Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, that We, **James P. Cavan and Deana A. Cavan f/k/a Aulisio**, husband and wife, of 57 Forest Street, City of Dover, County of Strafford and State of New Hampshire, 03820, for consideration paid, grant to **Robert S. Baldwin**, a single man, of 28 Rogers Street, City of Dover, County of Strafford and State of New Hampshire, 03820, with **WARRANTY** covenants, the following:

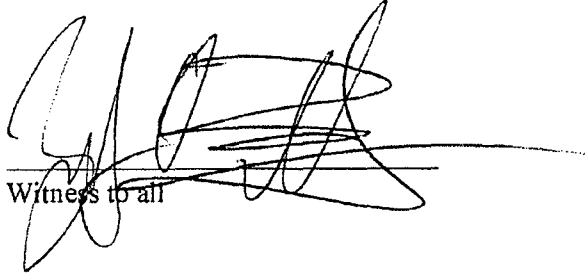
A certain tract of land, together with the buildings thereon, situate on the Easterly side of Forest Street, in Dover, County of Strafford and State of New Hampshire, bounded and described as follows:

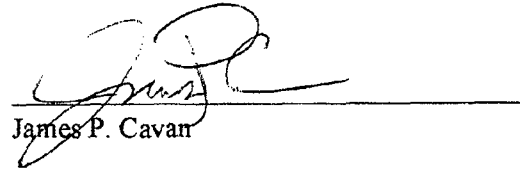
Beginning at an iron pipe pin situate on the easterly side of said Forest Street at the Northwesternly corner of the premises herein conveyed and at the Southwesterly corner of land now or formerly of one Sewall; thence running in an Easterly direction by and along said land now or formerly of Sewall, one hundred (100) feet, more or less, to a point situate at the Northeastly corner of the premises herein conveyed and along the Westerly boundary of land now or formerly of the City of Dover; thence turning and running in a Southerly direction by and along said land now or formerly of the City of Dover, one hundred twenty (120) feet, more or less, to a point situate at the Southeastly corner of the premises herein conveyed and at the Northeastly corner of land now or formerly of one Willis; thence turning and running in a Westerly direction by and along said land now or formerly of Willis, one hundred (100) feet, more or less, to a stake situate at the Southwesterly corner of the premises herein conveyed and along the Easterly boundary of said Forest Street; thence turning and running in a Northerly direction by and along said Forest Street, one hundred twenty (120) feet, more or less, to the point of beginning. For a further description of said premises, see City of Dover Assessors' Map of 1950, Parcel 26-22.

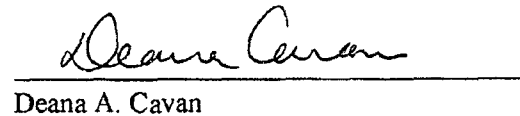
Meaning and intending to describe and convey the same premises conveyed to James P. Cavan and Deana A. Aulisio by Warranty Deed of Matthew R. Hart and Barbara A. Hart dated 06/25/2009 and recorded in the Strafford County Registry of Deeds at Book 3756, Page 0871.

We, James P. Cavan and Deana A. Cavan, husband and wife, hereby release all rights of homestead and any other interests herein.

Dated this 17th day of October, 2016


Witness to all

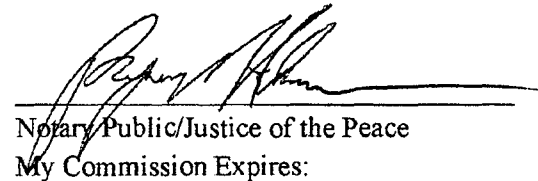

James P. Cavan


Deana A. Cavan

State of Illinois

County of Cook

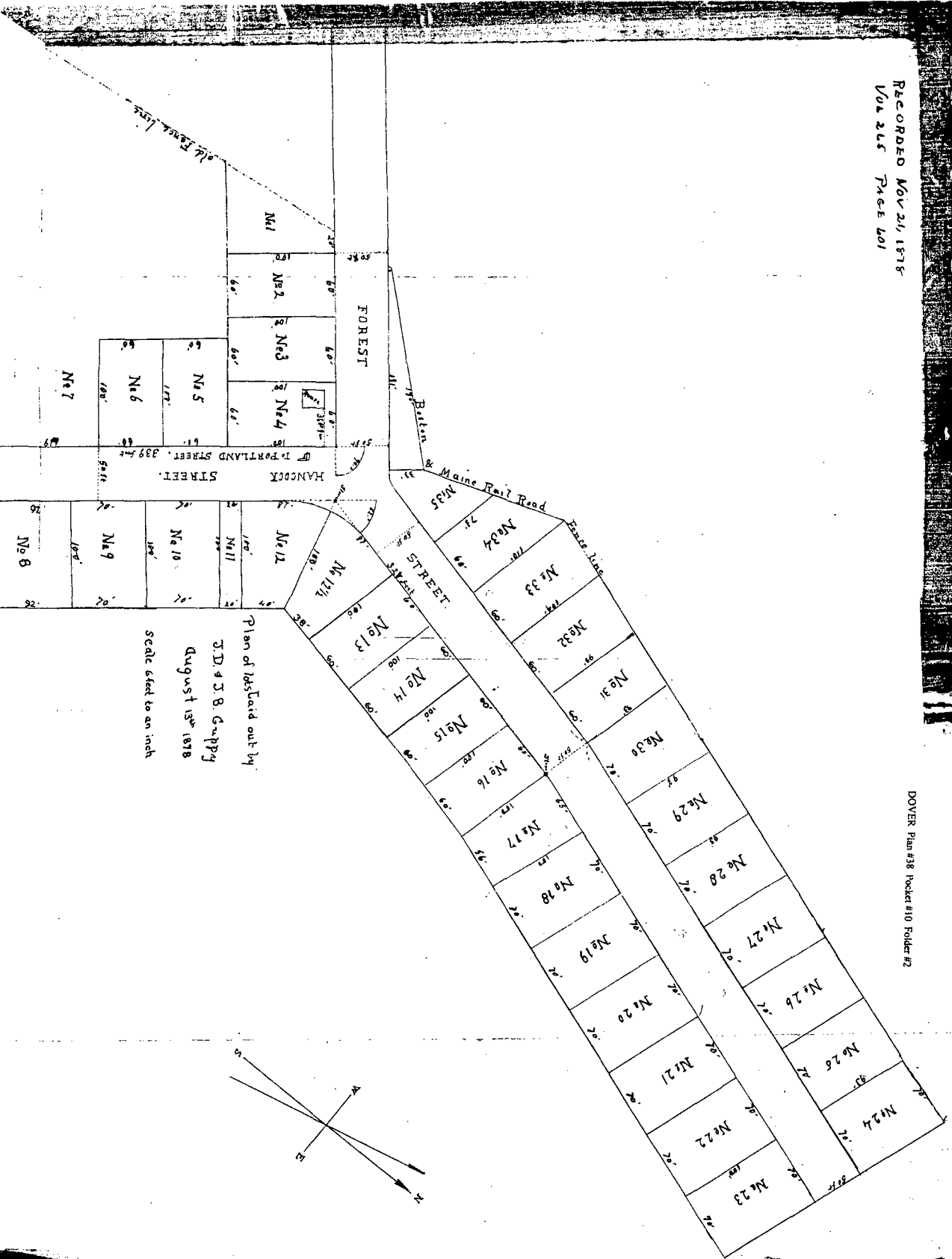
On this the 17 day of October, 2016 personally appeared James P. Cavan and Deana A. Cavan, known to me, or satisfactorily proven, to be the persons whose names are subscribed for the foregoing instrument and acknowledged that they executed the same for the purposes herein contained.


Notary Public/Justice of the Peace
My Commission Expires:



RECORDED NOV 21 1878
Vol 245 Page 401

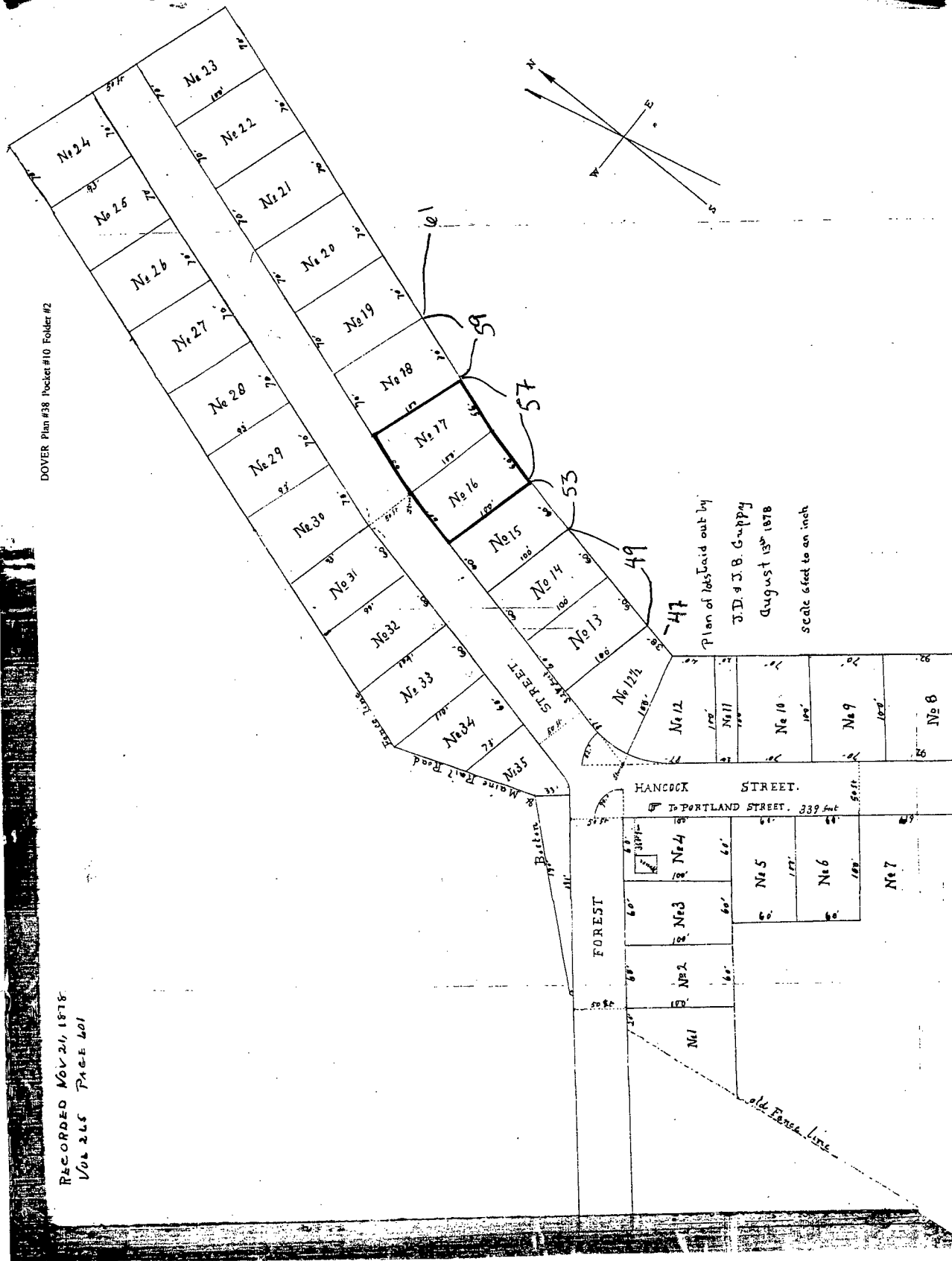
DOVER Plan #38 Pocket #10 Folder #2



Plan of lot laid out by
J.D. & J.B. Guppy
August 13th 1878
Scale 6 feet to an inch

DOVER Plan #38 Pocket #10 Folder #2

RECORDED NOV 24, 1878
VOL 265 PAGE 401





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R –2017.09.13 – 118**
Resolution Re: **Fiscal Year 2018 Budget Amendment – Rescind
Transfer to TIP Capital Reserve and Reduce Highway
Block Grant Aid Revenue**

WHEREAS: The City Council adopted the Fiscal Year 2018 City Operating Budget on May 3, 2017 which included an appropriation of \$470,000 for Transfer into Transportation Improvements Program (TIP) Capital Reserve to be funded through additional State Highway Block Grant funds; and

WHEREAS: The NH State Legislature adopted Senate Bill 38 which has provided additional State Highway Block Grant funds to the City of Dover for Fiscal Year 2018; and

WHEREAS: On July 27, 2017 the NH Department of Revenue Administration (DRA) issued guidelines on how the additional SB38 Highway Block Grant funds are to be accepted and expended by municipalities in accordance with RSA 31-95-b as unanticipated moneys and expended as a grant under RSA 235:23 and RSA 235:25; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The appropriation of \$470,000 for Transfer into Transportation Improvements Program (TIP) Capital Reserve is hereby rescinded and Highway Block Grant Revenue is hereby reduced by \$470,000.

Account Number	Account Description	Adopted	Budget	Revised
		Budget	Adjustment	Budget
1000.1.550.49000.4918.00000.00.000.000.910	Transfer to Capital Reserves	1,541,250.00	(470,000.00)	1,071,250.00
1000.1.300.43111.3353.00000.00.000.000.R30	CS Admin - Highway Block Grant Revenue	1,026,862.00	(470,000.00)	556,862.00

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By Request

Approved as to Legal
Form and Compliance: Anthony Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R –2017.09.13 – 118**
Resolution Re: **Fiscal Year 2018 Budget Amendment – Rescind
Transfer to TIP Capital Reserve and Reduce Highway
Block Grant Aid Revenue**

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R –2017.09.13 – 118**
Resolution Re: **Fiscal Year 2018 Budget Amendment – Rescind
Transfer to TIP Capital Reserve and Reduce Highway
Block Grant Aid Revenue**

RESOLUTION BACKGROUND MATERIAL:

As part of adoption of the Fiscal Year 2018 City operating budget, the City Council anticipated receiving an additional \$470,000 in State Highway Block Grant revenue and appropriated the \$470,000 to be transferred into the TIP Capital Reserve.

The NH State legislature adopted Senate Bill 38, which provided additional highway block grant funds to municipalities. In SB38 there is specific language that references RSA 31:95-b that allows municipalities to accept and expend these additional highway block grant funds. NH DRA issued guidelines on July 27, 2017 that identified that these additional highway block grant funds are to be accepted and expended by municipalities in accordance with RSA 31-95-b as unanticipated moneys and expended as a grant under RSA 235:23 and RSA 235:25.

The NH DRA contacted the City in August as part of their review of the City's Fiscal Year 2018 submission of adopted budget appropriations and initial estimates of non-property tax revenues. NH DRA noted that there was a substantial increase in the estimate for Highway Block Grant Revenue and wanted to confirm if the amount reported by the City included an amount for the SB38 additional Highway Block Grant funds. The City acknowledged that SB38 additional Highway Block Grant funds were included in the reported revenue amount. NH DRA communicated to the City that the \$470,000 could not be included as part of the City's operating budget and a budget amendment should be made to remove that amount from estimated revenues and a corresponding reduction in appropriations be made if appropriate.

This budget amendment does not change the property tax levy as anticipated when City Council adopted the Fiscal Year 2018 operating budget on May 3, 2017.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2017.09.13 – 119**

Resolution Re: **Acceptance of Additional State Highway Block Grant Funds**

WHEREAS: The NH State Legislature adopted Senate Bill 38 which has provided additional State Highway Block Grant funds to the City of Dover in the amount of \$510,718.15; and

WHEREAS: On July 27, 2017 the NH Department of Revenue Administration (DRA) issued guidelines on how the additional SB38 Highway Block Grant funds are to be accepted and expended by municipalities in accordance with RSA 31:95-b as unanticipated moneys and expended as a grant under RSA 235:23 and RSA 235:25; and

WHEREAS: On August 10, 2017 the NH Department of Transportation (DOT) issued guidelines to municipalities on the acceptable use of SB38 additional Highway Block Grant funds; and

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

In accordance with RSA 31:95-b the City of Dover hereby accepts the \$510,718.15 of SB38 Highway Block Grant Funds to be expended for highway purposes that do not already have locally budgeted and approved funding.

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

The Purchasing Agent is hereby authorized to issue Change Order #2 to Brox Industries, Inc., in the amount of \$470,716.25 consistent with rates provided in conjunction with Bid B17038. The City Manager, or designee, is hereby authorized to finalize and enter into the change order with the vendor, consistent with the authorization herein. The amount of this authorization shall be limited so as not to exceed available funding.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Staples Business Advantage, in the amount of \$36,983.00 consistent with rates provided in conjunction with National Joint Powers Alliance (NJPA) Contract #110415-SCC for a Tennant Compact Rider Sweeper. The City Manager, or designee, is hereby authorized to finalize and enter into the Purchase Order with the vendor, consistent with the authorization herein. The amount of this authorization shall be limited so as not to exceed available funding.

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND A TWO-THIRDS MAJORITY TO ADOPT PURSUANT TO DOVER CHARTER C6-6.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2017.09.13 – 119**

Resolution Re: **Acceptance of Additional State Highway Block Grant Funds**

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Karen Weston
By Request

Approved as to Legal
Form and Compliance: Anthony Blenkinsop
General Legal Counsel

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

First Reading Date:
Approved Date:

Public Hearing Date:
Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier, At Large		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2017.09.13 – 119**

Resolution Re: **Acceptance of Additional State Highway Block Grant Funds**

RESOLUTION BACKGROUND MATERIAL:

The NH State legislature adopted Senate Bill 38, which provided additional highway block grant funds to municipalities. In SB38 there is specific language that references RSA 31:95-b that allows municipalities to accept and expend these additional highway block grant funds. NH DRA issued guidelines on July 27, 2017 that identified that these additional highway block grant funds are to be accepted and expended by municipalities in accordance with RSA 31-95-b as unanticipated moneys and expended as a grant under RSA 235:23 and RSA 235:25.

The City will account for the expenditure of these funds in a separate grant fund that exists for other NH DOT grants.

Adoption of this resolution will not change the property tax impact anticipated when City Council adopted the Fiscal Year 2018 operating budget on May 3, 2017.

The Sealed Request for Bid #B17038 was issued and received for Hot Bituminous paving (asphalt) laid in place on March 15, 2017 at 11:00 AM. The bid requested unit pricing on various scopes of services and products for paving various streets.

Two bids were received with the low bid being submitted by Brox Industries, Inc in the total amount of \$938,550. City Council approved an award to Brox Industries Inc., at the per item rates as outlined in the results page in the amount not to exceed \$838,550 (a reduction of \$100,000) due to lack of funding availability via resolution [R-2017.04.12-036](#). The City Council has approved change order #1 in the amount of \$89,900.00 adding Heaphy Lane, Leighton Road, and Piscataqua Road making new contract price of \$928,450.00.

The City intends on increasing the Contract with Brox adding change order # 2 in the amount \$470,716.25 based on the pavement priority list attached to this resolution.

The City of Dover is a member of the National Joint Powers Alliance (NJPA) and therefore may purchase utilizing any of their agreements. The NJPA solicited bids and has entered into an agreement know as Staples Facility Solutions Contract #110415-SCC with Staples Business Advantage for various pieces of equipment. One of the categories awarded to them is for a Tennant Compact Rider Sweeper and accessories. The City of Dover has reached out to the local distributor in Portsmouth NH for pricing of one Tennant S20 Sweeper with attachments and received pricing in the amount of \$36,983.00.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: R – 2017.09.13 – 119

Resolution Re: Acceptance of Additional State Highway Block Grant Funds

Suggested Streets for Reclamation & Overlay - very poor conditions, but do not show up on Pavement Priority List

On Street	From Street	To Street	Pavement Width (ft)	Pavement Length (ft)	Pavement Area (yd2)	Project Current PCI	Rehab Activity	Average Unit Rate (\$/yd2)	Segment Cost (\$)	Accumulative Totals
Lakeview Dr	Gage St	End	24	573	1528	29	Reclaim + 4" Olay	\$34.00	\$ 51,947	\$ 51,947
Earle St	New Rochester Rd	NE END	20	315	699	38	Reclaim + 4" Olay	\$34.00	\$ 23,768	\$ 75,715
Gage St	New Rochester Rd	Lakeview Dr	12	461	615	24	Reclaim + 4" Olay	\$34.00	\$ 20,897	\$ 96,612
Lake St	New Rochester Rd	Lakeview Dr	24	472	1259	29	Reclaim + 4" Olay	\$34.00	\$ 42,790	\$ 139,402
Sherman St	New Rochester Rd	Lakeview Dr	14	470	731	19	Reclaim + 4" Olay	\$34.00	\$ 24,855	\$ 164,257
Auburn St	New Rochester Rd	Lakeview Dr	16	476	846	21	Reclaim + 4" Olay	\$34.00	\$ 28,769	\$ 193,026
Cranbrook Ln	Old Rochester Rd	End	24	1523	4061	23	Reclaim + 4" Olay	\$34.00	\$ 138,072	\$ 331,097

Continuation of Pavement Priorities, addresses highest ranked streets either not proposed in a CIP Project, nor part of a larger utilities upgrade project

On Street	From Street	To Street	Pavement Width (ft)	Pavement Length (ft)	Pavement Area (yd2)	Project Current PCI	Rehab Activity	Average Unit Rate (\$/yd2)	Segment Cost (\$)	Accumulative Totals
Maplewood Ave	Old Rochester Rd	Cranbrook Ln	35	1068	4154	34	FWM + 2" Olay	14.01	\$ 58,200.00	\$389,297.42
Grove St	Ash St	Chesley St	22	1107	2707	31	FWM + 2" Olay	14.00	\$ 37,900.00	\$427,197.42
Hough St	Hull Ave	Hillcrest Dr	25	149	414	31	FWM + 2" Olay	14.02	\$ 5,800.00	\$432,997.42
Hough St	Horne St	Hull Ave	23	411	1049	31	FWM + 2" Olay	14.01	\$ 14,700.00	\$447,697.42
Ash St	Horne St	WEST END	21	266	621	47	Shim + 2" Olay + RR	12.23	\$ 7,600.00	\$455,297.42
Berry Brook Ct	Horne St	EAST END	20	193	430	25	Reclaim + CI + 4" Olay	35.88	\$ 15,418.83	\$470,716.25

Potential Equipment Purchase - Transportation-related vehicles

Equipment	Justification	Cost (\$)	Accumulative Totals
Sidewalk Sweeper	Existing sweeper is not effective. Does not have a vacuum unit, power broom blows debris into adjacent areas, i.e. hits cars	\$ 40,000.00	\$510,716.25

Recommended Expenditures →



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
Chapter: **152**
Section: **All**

The City of Dover Ordains:

1. PURPOSE

The purpose of this Ordinance is to eliminate the current Chapter 152 of the Code of the City of Dover entitled “Streets and Sidewalks” in its entirety and to substitute Chapter 152 entitled “Sidewalks and Highways”.

2. AMENDMENT

To remove the current Chapter 152 as follows:

~~STREETS AND SIDEWALKS~~

~~CHAPTER 152~~

~~PART 1~~

~~Construction Specifications~~

~~STREETS AND SIDEWALKS~~

~~ARTICLE I~~

~~STREETS; WATERS MAINS; SEWERS~~

~~152-1. — Applicability.~~

~~152-2. — Administration.~~

~~152-3. — Reserved (formerly Appeal.)~~

~~PART 2~~

~~Maintenance Procedures; Hazards~~

~~ARTICLE II~~

~~STREET EXCAVATIONS; MAINTENANCE OF~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
Chapter: **152**
Section: **All**

~~CURBS AND SIDEWALKS~~

~~152-4. Excavations and Obstructions.~~

~~152-5. Scheduling of Work; Construction Requirements; Inspections; Violations and Penalties.~~

~~ARTICLE III~~

~~WAIVER OF PROVISIONS~~

~~152-6. Application; Denial; Appeal. (formerly Article III-A; formerly Article III Specific Areas of Five-Year Prohibition formerly 152-6 Fee Required; Designation of Area)~~

~~ARTICLE IV~~

~~INDEMNIFICATION~~

~~152-7. Deposit Required; Bonding.~~

~~ARTICLE V~~

~~WELLS, CELLARS, CISTERN DRAINS~~

~~152-8. Excavation Standards.~~

~~152-9. Violations and Penalties.~~

~~ARTICLE VI~~

~~STREET NUMBERING~~

~~152-10. Powers of Building Official.~~

~~152-11. Violations and Penalties.~~

~~ARTICLE VII~~

~~MOVING OF BUILDINGS~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
Chapter: **152**
Section: **All**

~~152-12. — Permit Required.~~

~~152-13. — Violations and Penalties.~~

~~ARTICLE VIII~~

~~MARQUESS, SIGNS AND AWNINGS~~

~~152-14. — Maintenance Standards.~~

~~152-15. Violations and Penalties.~~

~~ARTICLE IX~~

~~PUBLIC DISPLAY OF GOODS AND WARES~~

~~152-16. — Sidewalk Displays.~~

~~152-17. — Violations and Penalties.~~

~~ARTICLE X~~

~~FALLING ICE AND SNOW~~

~~152-18. — Pedestrian Protection.~~

~~152-19. — Violations and Penalties.~~

~~ARTICLE XI~~

~~LIQUIDS ON STREETS AND SIDEWALKS~~

~~152-20. — Interference with Vehicular or Pedestrian Traffic.~~

~~152-21. — Violations and Penalties.~~

~~PART 3~~

Sidewalks



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
Chapter: **152**
Section: **All**

~~ARTICLE XII~~

~~CONSTRUCTION STANDARDS~~

- ~~152-22. — Grade Established.~~**
- ~~152-23. — Construction Location and Type.~~**
- ~~152-24. — Maintenance and Report.~~**
- ~~152-25. — Extensions and Improvements Limited.~~**

~~ARTICLE XIII~~

~~SIDEWALK OBSTRUCTION~~

- ~~152-26. — Definitions.~~**
- ~~152-27. — Certain Public Way Obstructions Prohibited.~~**
- ~~152-28. — Licensing of Location News Rack Limited Exception.~~**
- ~~152-29. — Standards for Installation, Maintenance and Operation.~~**
- ~~152-30. — Public Way Obstruction Identification Required.~~**
- ~~152-31. — Hold Harmless and Insurance.~~**
- ~~152-32. — Removal of News Rack or Public Way Obstruction.~~**
- ~~152-33. — Severability.~~**
- ~~152-34. — Injunction.~~**



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
Chapter: **152**
Section: **All**

~~152-35. — Damage to Public Way Obstructions.~~

~~152-36. — Penalty.~~

~~[HISTORY: Adopted by the City Council on 12-14-77¹; Multiple revisions 10-14-2010 by Ord. No. 2010.09.23-24; Amendments noted where applicable.]~~

PART I

~~Construction Specifications~~

~~ARTICLE I~~

~~STREETS; WATER MAINS, SEWERS~~

~~152-1. Applicability.~~

~~The construction of streets, water mains, storm and sanitary sewers and other related physical improvements shall be governed by the construction specifications contained in Articles VII and VIII of Chapter 155, Subdivision of Land.~~

~~152-2. Administration.~~

~~This Article shall be administered by the Director of Community Services.~~

~~152-3. Reserved. (formerly Appeal. [Repealed 10-14-2009 Ord. No. 2009.09.23-24])~~

PART 2

~~Maintenance Procedures; Hazards~~

~~ARTICLE II~~

~~STREET EXCAVATIONS; MAINTENANCE OF~~

¹ Editor's Notes: Provisions of this Code derived of the former code adopted on 12-14-77; Part 1 derived from Ch. 38 of the former Code, Part 2 are derived from Ch. 39 of the former Code, Part 3 are derived from Ch. 40 of the former Code.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: Streets and Sidewalks
Chapter: 152
Section: All

CURBS AND SIDEWALKS

152-4. Excavations and Obstructions.

~~No person, firm or corporation or any agent or servant thereof shall excavate, obstruct or in any way encumber, including working within manholes and catch basins, any street, sidewalk or other city owned property or right of way in the City of Dover without first having obtained a written license to do so from the City Engineer or Director of Community Services of said city, except where such licensing power is particularly vested in the City Council. Each and every such licensee shall coordinate each request to excavate, obstruct or encumber with the City Engineer, Director of Community Services, Police Department, Superintendent of Community Services, , gas company, Fire Department, telephone companies and Public Service of New Hampshire as required by the City Engineer and as specified on a form issued by the Community Services Department. Any person, persons, firm or corporation violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each violation.~~

152-5. Scheduling of Work; Construction Requirements; Inspections; Violations and Penalties.

- ~~A. The Director of Community Services shall specify the time and date for the work, which work may be required at night time, Saturdays, Sundays or holidays. Scheduling will be such as to not unreasonably interfere with traffic. Except for emergencies as may be deemed essential by Community Services Director, no person, firm or corporation or any agent or servant thereof shall excavate, obstruct or in any way encumber any street or sidewalk in the City of Dover between the 15th of November and the 15th of April. [Amended on 2-29-80 by Ord. No. 4-80; Amended on 12-21-88 by Ord. No. 31-88]~~
- ~~B. The Community Services Director may require the licensee to provide a police officer at the expense of the licensee. The licensee shall erect and maintain suitable barricades with flashers or lanterns so long as public safety and convenience requires. The licensee must provide a safe and convenient pedestrian way to the satisfaction of the City Engineer. The licensee is required to use materials, do the work, backfill and replace pavement in accordance with city standards as specified by the City Engineer~~



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~~or Community Services Director. The City Engineer or his designee shall inspect the site prior to the commencement of backfill, during the backfill operation, prior to the commencement of paving and during the paving operation. It shall be the responsibility of the licensee to arrange for these inspections during normal working hours, and he shall provide a twenty-four hour notice. [Amended 2-29-80 by Ord. No. 4-80]~~

~~C. The repair of sidewalks shall be accomplished using the same material as the rest of the sidewalk, and no ragged joints will be allowed. The licensee is required to keep the work in good repair for a period of one (1) year. The licensee, failing so to do after written notice from the City Engineer or Community Services Director, shall be liable for the cost of any required repairs.~~

~~D. Any person, persons, firm, or corporation violating any of the provisions of this section shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each violation after written notice from the City Engineer or Community Services Director.~~

ARTICLE III

~~WAIVER OF PROVISIONS~~

~~[Added 1-12-83 by Ord. No. 1-83]~~

~~(formerly SPECIFIC AREAS OF FIVE-YEAR PROHIBITION; 152-6 Reserved (formerly Fee required; Designation of area.) [Added on 10-14-81 by Ord. No. 17-81; Amended on 4-9-86 by Ord. No. 5-86; Amended on 9-28-88 by Ord. No. 17-88; Amended on 12-6-89 by Ord. No. 27-89; Amended on 03-06-91 by Ord. No. 07-91. ; Repealed 10-14-2009 by Ord. No. 2009.09.23-24])~~

~~152-6. Application; Denial; Appeal.~~

~~A. Any person, firm or corporation desirous of excavating, obstructing or in any way encumbering a street or sidewalk in the City of Dover between the 15th of November and the 15th of April must apply in writing for the right to do so to the Community~~



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~~Services Director pursuant to the terms of 152-5 of this Chapter. [Amended on 12-21-88 by Ord. No. 31-88]~~

~~B. In the event that said application is denied pursuant to the terms of 152-5, the applicant may appeal said denial in writing to the City Council.~~

~~C. The City Council, upon receipt of such an appeal, shall, within thirty (30) days, act on said appeal giving due consideration to the following factors:~~

~~(1) Any potential adverse impact that granting the appeal would have upon the public — safety and welfare.~~

~~(2) Any undue hardship that denial of the appeal would have upon the applicant.~~

~~D. The City Council shall promptly notify the applicant in writing of its decision to grant or deny the appeal citing the reasons for its decision.~~

ARTICLE IV

INDEMNIFICATION

~~**152-7. Deposit Required; Bonding.** [Amended on 4-9-86 by Ord. No. 4-86; Amended on 04-19-95 by Ord. No. 02-95]~~

~~Whenever the Community Services Department shall grant any person, firm or corporation permission to excavate in any street, sidewalk or other city owned property, in granting such permission, it shall require the requesting party to furnish a deposit to the City of Dover in the amount set forth in the schedule of fees adopted by the City Council.~~

~~**ARTICLE V**~~

~~**WELLS, CELLARS, CISTERN DRAINS**~~

~~**152-8. Excavation Standards.**~~

~~If any person shall dig or sink or cause to be dug or sunk, or leave uncovered any well, cellar, cistern drain or other cavity in the ground near to or adjoining any street, lane, alley or~~



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~~sidewalk in the city, he shall erect a railing or fence on or near the line of such street, lane, alley or sidewalk sufficient to guard and protect travelers and passengers from falling into such well, cellar, cistern, drain or other cavity in the ground or being injured thereby, to the satisfaction of the Building Inspector, and this railing or fence shall be maintained until the Building Inspector grants written permission for its removal.~~

~~152-9. Violations and Penalties.~~

~~Any person, persons, firm or corporation violating any of the provisions of this Article shall be fined not more than twenty dollars (\$20.00) for each day such violation shall continue after written notice from the Building Official.~~

ARTICLE VI

STREET NUMBERING

~~152-10. Powers of Building Official~~ ~~[Amended on 04-19-95 by Ord. No. 03-95; Amended 10-14-2009 by Ord. No. 2009.09.23-24]~~ The Building Official may order the buildings on any street to be numbered or may order any street to be renumbered and shall then require the number by him designated for each building to be affixed thereto or inscribed thereon. He shall, upon application in writing, designate the number or numbers required for any building that may hereafter be erected or any building to which numbers have not previously been assigned if, in his judgment, such action is necessary.

~~A. The numbers shall be designated in such a manner so that a number will be assigned or reassigned to every fifty (50) feet of street frontage.~~

~~B. The street numbers, assigned or reassigned, shall be attached to the building in such a manner and in such a place as to be easily seen from the street. Furthermore, such numbers shall be placed in such a location so that it can be illuminated, if necessary, to ensure rapid location by police, fire or other emergency personnel during hours of darkness. Buildings located in rural type locations, or located in such a manner that the above requirement is inappropriate, shall be identified at the intersection of the entryway to the building and the public right of way, and the number shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.~~



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~~152-11. Violations and Penalties.~~

~~Any owner or occupant of a building who, more than fifteen (15) days after receiving written notice, neglects or refuses to affix to or inscribe on said building the street number lawfully designated therefor or retain thereon, a street number other than the one (1) so designated shall be fined not more than ten dollars (\$10.00) for each day such violation shall continue after written notice from the Building Official.~~

~~ARTICLE VII~~

~~MOVING OF BUILDINGS~~

~~152-12. Permit Required.~~

~~No person shall move or assist in moving any house, shop or other building through any street, lane or alley or over any bridge in this city without first having obtained a permit issued jointly by the Building Official, Chief of Police and Community Services Director. Said person shall comply in all respects with the conditions of the permit.~~

~~152-13. Violations and Penalties.~~

~~Upon the finding of any person, persons, firm or corporation violating any of the provisions of this Article, he shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00).~~

~~ARTICLE VIII~~

~~MARQUEES, SIGNS AND AWNINGS~~

~~152-14. Maintenance Standards.~~

~~No person shall establish or maintain any marquee, sign or awning before or on or attached to his place of business, house or tenement over any part of any sidewalk, unless the same is safely fixed and supported so as in no way to impede, hinder or endanger pedestrians. The lowest part of such sign or awning shall be at least eight (8) feet above the sidewalk, and lowest of any marquee shall be at least ten (10) feet above the sidewalk; nor shall any person hang, affix or fasten or place or allow to remain upon the outer edge of any sidewalk any sign or showcase whatever or display any goods, merchandise or samples of any business calling, trade,~~



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~~art or craft, so as to obstruct the free passage and view from the street to sidewalk or from the sidewalk to street.~~

~~152-15. Violations and Penalties.~~

~~Any person, firm or corporation violating any of the provisions of this Article shall be fined not more than ten dollars (\$10.00) for each day such violation shall continue after written notice from the Building Official.~~

~~ARTICLE IX~~

~~PUBLIC DISPLAY OF GOODS AND WARES~~

~~152-16. Sidewalk Displays.~~

~~It shall be unlawful for any person, persons, firm or corporation maintaining an establishment in the City of Dover to maintain and/or display goods, wares, racks, counters or other objects in front of its place of business, on the sidewalk beyond a distance of two (2) feet six (6) inches from the building of said establishment, except for city-wide sidewalk sales.~~

~~152-17. Violations and Penalties.~~

~~Any person, persons, firm or corporation violating any of the provisions of this Article shall be fined not more than twenty five dollars (\$25.00).~~

~~ARTICLE X~~

~~FALLING ICE AND SNOW~~

~~152-18. Pedestrian Protection.~~

~~The roofs of all buildings located on or near the line of a street shall be protected by railing or guards of sufficient height and strength to prevent the falling of ice and snow from such roofs to the sidewalks of such streets. The owner of such a building shall be responsible for the adequacy of such railings or guards.~~

~~152-19. Violations and Penalties.~~



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~~Any person, persons, firm or corporation violating any provisions of this Article shall be fined not more than twenty dollars (\$20.00) for each day such violation shall continue after written notice from the Building Inspector.~~

ARTICLE XI

~~LIQUIDS ON STREETS AND SIDEWALKS~~

~~152-20. Interference with Vehicular or Pedestrian Traffic.~~

~~No person shall deposit or cause to be deposited, including but not limited to deposits from roof and/or foundation drains, any liquid from private property in or upon any street, sidewalk or city owned land in the City of Dover in such a manner so as to cause a condition hazardous to pedestrian movements or to the normal and reasonable flow of motor vehicular traffic.~~

~~152-21. Violations and Penalties.~~

~~Any person, persons, firm or corporation violating this Article shall be fined not more than twenty dollars (\$20.00) for each day such violation shall continue after written notice from the City Engineer or Director of Community Services.~~

PART 3

Sidewalks

~~ARTICLE XII~~

~~CONSTRUCTION STANDARDS~~

~~152-22. Grade Established.~~

~~All sidewalks hereafter constructed or relaid within the limits of the City of Dover shall conform to the established grade of the highways, and all such construction shall be under the immediate supervision of the Director of Community Services.~~



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~~152-23. Construction Location and Type.~~

~~The City Council shall have the final determination of the location and type of construction of all new sidewalks within the City of Dover. The actual construction of such sidewalks shall be under the direction of the Director of Community Services, and only funds so specified by the City Council may be used for this purpose.~~

~~152-24. Maintenance and Repair.~~

~~Existing sidewalks shall be repaired and maintained under the direction of the Director of Community Services with such funds as shall be appropriated by the City Council for such purpose.~~

~~152-25. Extensions and Improvements Limited.~~

~~The provisions of this Chapter shall not obligate the Director of Community Services to assume liabilities for sidewalk extension or improvement, in excess of the sum provided for such purpose by the City Council.~~

ARTICLE XIII

SIDEWALK OBSTRUCTIONS

~~{Added 02-24-2010 by Ord. No. 2010.02.10-3; Amended 07-14-2010 by Ord. No. 2010.07.14-24}~~

~~152-26. Definitions.~~

As used in this Chapter the following terms mean:

~~NEWSPAPER OR NEWS PERIODICAL~~—A daily or weekly publication containing all of the following: current news, editorials, feature articles and advertising.

~~NEWS RACK~~—Any self-service or coin-operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of Newspapers or News Periodicals.

~~PUBLIC WAY OBSTRUCTION~~—Any object, not including sandwich board signs governed by the provisions of Chapter 170-32 which in any way obstructs the free passage of pedestrians, wheelchairs or vehicles on the streets, sidewalks, or roadways.



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~~152-27. Certain Public Way Obstructions Prohibited.~~

- ~~A. No person shall install, use, attach or maintain any Public Way Obstruction which projects onto, into, or over any part of the roadway of any public street.~~
- ~~B. No person shall install, use, attach or maintain any Public Way Obstruction which, in whole or in part, rests upon, in, or over any public sidewalk, when such installation, use or maintenance results in one or more of the following:~~
- ~~(1) Endangers the safety of persons or property, or~~
 - ~~(2) When such site or location is used for public utility purposes, public transportation purposes or other governmental use, or~~
 - ~~(3) When such public way obstruction unreasonably interferes with, or impedes the flow of, pedestrian or vehicular traffic, including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location.~~

~~152-28. Licensing of Location — News Rack Limited Exception.~~

- ~~A. No person shall install or maintain any Public Way Obstruction which, in whole or in part, rests upon, in or over any public sidewalk, except News Racks, without first applying for and obtaining a license from the Dover Licensing Board (See Chapter 35 Licensing Board). The license application shall include the following:~~
- ~~(1) The physical dimensions of the public way obstruction;~~
 - ~~(2) The name, address and telephone number of the person or company responsible — for the obstruction;~~
 - ~~(3) A diagram showing the location of the obstruction and the dimensions of the — sidewalk upon which it is to be located.~~



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~~B. News Racks shall require the submission of a license application, but the license shall be granted by the City Clerk on a ministerial basis without the requirement of Licensing Board approval. News Racks must comply with the remaining provisions of this ordinance.~~

~~C. The Licensing Board (see Chapter 35) may waive licensing requirements for applicants who plan to temporarily maintain a public way obstruction for the purpose of public expression of views and/or non-commercial objects such as cigarette disposal containers or complimentary non-business related seating or similar related activities. [Added 07-14-2010 by Ord. No. 2010.07.14-11]~~

~~152-29. Standards for Installation, Maintenance and Operation.~~

~~Any public way obstruction which, in whole or in part, rests upon, in, or over any public sidewalk or parkway shall comply with the following standards:~~

~~A. No Public Way Obstruction shall be placed, installed, used or maintained in any location whereby the clear space for the passageway of pedestrians is reduced to less than forty (40) inches; or would otherwise interfere with the free passage of a wheelchair. [Amended 07-14-2010 by Ord. No. 2010.07.14-11]~~

~~B. Every Public Way Obstruction shall be maintained in compliance with any conditions attached to the issuance of the license.~~

~~152-30. Public Way Obstruction Identification Required.~~

~~Every person, or other entity, which places or maintains a Public Way Obstruction on the streets of the City including News Racks shall have his/her, or its name, address and telephone number displayed in a place where such information may be easily seen.~~

~~—— A. Public Way Obstructions shall be licensed individually by location.~~

~~B. The City shall issue a proof of license to be displayed to the public by the licensee in
—— a prominent location.~~



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~~C. Fees for licenses for Public Way Obstructions shall be adopted by the City Council on an annual basis, for each table, chair, or other Public Way Obstruction except that there shall be no fee for a News Rack license.~~

~~D. All licenses must be renewed annually prior to July 1st.~~

~~E. Unlicensed News Racks or public way obstructions will be considered abandoned and subject to removal without notice.~~

~~F. All licenses are non-transferable.~~

~~G. Members of the public shall be permitted to use outdoor seating and tables installed
—by licensees irrespective of whether there is a purchase of products or services from
—the licensee.~~

~~H. A License shall only be issued for locations in front of, or on the side of, businesses or
—properties owned by the licensee.~~

~~152-31. Hold Harmless and Insurance.~~

~~Every person or other entity which places or maintains a public way obstruction on a public sidewalk, parkway, roadway or street in the City shall file a written statement with the City Clerk satisfactory to the General Legal Counsel, whereby he/she, or it agrees to indemnify and hold harmless the City, its officers, City Council Members and employees, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the public way obstruction within the City. A Certificate of Insurance in a form approved by the General Legal Counsel indicating no less than one million dollars (\$1,000,000.00) in general liability insurance coverage and naming the City as an additional insured shall be maintained on file with the City Clerk by each such person or entity.~~

~~152-32. Removal of News Rack or Public Way Obstruction.~~

~~The City Manager or his/her designee shall remove any Public Way Obstruction placed on any street, sidewalk, parkway or roadway in violation of this Chapter.~~



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~~152-33. Severability.~~

~~The provisions of this Chapter are severable. If any provision of this Chapter or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Chapter which can be given effect without the invalid provisions or application.~~

~~152-34. Injunction.~~

~~Any violation of this Chapter is hereby declared to be a nuisance. In addition to any other relief provided by this ordinance, the City may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Chapter. Such application for relief may include seeking a temporary restraining order, preliminary injunction and permanent injunction.~~

~~152-35. Damage to Public Way Obstructions.~~

~~Any damage to Public Way Obstructions, whether or not properly licensed, by any cause whatsoever, including snowplowing and removal, will be at the sole expense of the owner.~~

~~152-36. Penalty.~~

~~Any person, firm or corporation violating any provision of this ordinance shall be fined one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

3. AMENDMENT

To add the following language in substitution as follows:

SIDEWALKS AND HIGHWAYS

CHAPTER 152

152-1. Purpose.

152-2. Definitions.



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ARTICLE I

152-3. Requests for New Streets; City Acceptance of Streets.

152-4. Street Names.

152-5. Unauthorized Street Names and Signs.

152-6. Street Numbers.

ARTICLE II

152-7. Construction of Sidewalks.

152-8. Permit Required to Work in the Right-of-Way.

152-9. Permit Required to Obstruct or Encumber a Public Road.

152-10. Railings, Fences, and Traffic/Pedestrian Controls.

152-11. Permit for Driveways.

152-12. Permission to Erect Entrances to Structures.

152-13. Uncovered Cellars, Drains, and Other Cavities.

152-14. Marquees, Signs, Awnings, and Other Intrusions into the Right-of-Way.

152-15. Permit Required to Move Buildings Through Streets.

152-16. Snow, Ice, and Liquids on Streets and Sidewalks.

152-17. Right-of-Way Protection.

152-18. Selling Merchandise on Streets or Sidewalks.

152-19. Vehicles Selling Consumable Merchandise.



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152-20. Sidewalk Seating.

152-21. Permit Required for the Installation of Monitoring Wells on City Property or in a Public Road.

ARTICLE III

152-22. Poles, Wires, and Water & Gas Lines Subject to City License.

152-23. Quality of Materials Used and Construction Performed.

152-24. Posting Bills.

152-25. Wires Attached to Trees.

152-26. Fastening of Wires.

152-27. Removal of Wires.

152-28. Wires and Poles Passing out of Use.

152-29. Inspection of Wires.

152-30. Wires, Poles, and Fixtures Shall be Kept in a Safe Condition.

152-31. Licensed Structures to be Identified and Numbered.

ARTICLE IV

152-32. Penalties.

152-1. Purpose.

The purpose of this Chapter is the regulation of the use and occupancy of RIGHT-OF-WAYS in the interest of public safety and convenience, and the operation and protection of public infrastructure and investment. Excavation and restoration standards are required to preserve the integrity, operational safety, and functionality of the public RIGHT-OF-WAYS.



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152-2. Definitions.

The following are definitions of terms as used in this Chapter.

CITY – Dover, New Hampshire.

CITY MANAGER – The Dover City Manager, or designee.

DIG SAFE – The “Underground Facility Damage Prevention System,” also commonly known as the Dig Safe law, found at NH RSA 374:48.

DIRECTOR – The Director of the Community Services Department, or designee.

EMERGENCY – Any event which threatens public health, safety, or infrastructure.

EXCAVATE – To dig into or in any way physically disturb, penetrate, and/or remove any part of or within the RIGHT-OF-WAY.

OBSTRUCT – To place any tangible object in the RIGHT-OF-WAY so as to hinder free and open passage over any part of the RIGHT-OF-WAY for more than a momentary period of time.

OBSTRUCTION – Any tangible object in the RIGHT-OF-WAY that hinders free and open passage over any part of the RIGHT-OF-WAY for more than a momentary period of time.

PERSON – An individual or entity subject to the laws and rules of this State, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.

PRIVATE ROAD – A road constructed and maintained by a private owner or owners, to be used for either public or private use which provides access to a PUBLIC ROAD and which may service three (3) or four (4) adjacent parcels of land constructed in accordance with the provisions of Chapter 155.

PUBLIC ROAD - Any public highway as defined in RSA 229:1.

RIGHT-OF-WAY – The area on, below, above, or adjacent to the PUBLIC ROAD, highway, street, cart way, bicycle lane, or public sidewalk in which the CITY has a



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property or viatic interest by which it permits, or may permit, the public to use, occupy, and/or pass and repass.

UTILITY – A public or private utility, as defined in RSA 362:2, as it may be hereinafter amended.

ARTICLE I

152-3. Requests for New Streets; City Acceptance of Streets.

- A. All requests for new streets within the CITY shall be referred to the Planning Board for a report and recommendation.
- B. The City Council may, at its discretion, accept any street dedicated for CITY ownership that has been constructed to CITY standards consistent with Article VII and VIII of Chapter 155. The City Council may refuse to accept any dedicated street for any reason including, but not limited to, a street in which easements, UTILITY or otherwise, have been granted to third parties prior to CITY acceptance, a street which has not been constructed to CITY standards, or a street which has not been constructed consistent with Planning Board conditions of approval.
- C. The DIRECTOR is authorized to establish and publish rules, regulations, and procedures including general construction requirements related to the standards for construction of CITY streets and sidewalks, including, but not limited to the placement of utilities in the RIGHT-OF-WAY. These rules, regulations, and procedures shall be subject to review and approval by the CITY MANAGER, and a copy shall be filed with the City Clerk.

152-4. Street Names.

- A. Any new PUBLIC ROAD or PRIVATE ROAD, with four (4) or more lots fronted on the PUBLIC ROAD or PRIVATE ROAD, shall be assigned a street name pursuant to Subsection B.
- B. Any new street name, public or private, shall be approved and assigned in writing by the Building Official following consultation with the Police Chief and Fire Chief.
- C. Any new PUBLIC ROAD or PRIVATE ROAD assigned a street name pursuant to Subsections A and B shall have a street name sign at any entrance to the street, which



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conforms to the CITY street name sign guidelines as prepared by the Community Services Department. The owner(s) of any PRIVATE ROAD shall be responsible for maintaining all street name signs on such road.

152-5. Unauthorized Street Names and Signs.

- A. No PERSON shall erect, post, or display any sign within twenty (20) feet of a public RIGHT-OF-WAY which purports to be, or may be mistaken to be, a street name sign unless the street name has been reviewed and approved pursuant to Section 152-4. The cost and responsibility of erecting such a sign shall be that of the party applying to the Building Official for approval. The approved sign shall conform to the CITY street name sign guidelines as prepared by the Community Services Department. Any PRIVATE ROAD sign shall clearly denote its status as a PRIVATE ROAD.
- B. No PUBLIC ROAD or PRIVATE ROAD shall be named with a name that is the same as or similar to that of an existing PUBLIC ROAD or PRIVATE ROAD within Dover. If a PUBLIC ROAD or PRIVATE ROAD is so named, the CITY MANAGER may petition the City Council to order the name to be changed. Upon receipt of the CITY MANAGER's petition, the City Council shall hold a public hearing to determine if there are public safety reasons to order the name of the PUBLIC ROAD or PRIVATE ROAD to be changed. The City Clerk shall give notice of the public hearing to the owners of all property abutting the PUBLIC ROAD or PRIVATE ROAD that is the subject of the hearing. Notice shall be given by certified mail, mailed to the owners at least ten (10) days prior to the hearing. If after the hearing the City Council determines that it is in the interest of public safety that the name be changed, it shall declare the name to be a public nuisance and order it changed. The City Attorney is authorized to initiate any court proceedings necessary to enforce the order.

152-6. Street Numbers.

The Building Official may order the buildings on any PUBLIC ROAD or PRIVATE ROAD to be numbered or may order any such buildings to be renumbered and shall then require the number designated for each building to be affixed thereto or inscribed thereon. The Building Official shall, upon application in writing, designate the number or numbers required for any building that may hereafter be erected or any building to which numbers have not previously been assigned if, in his/her judgment, such action is necessary. Prior to finalizing the Building Official's designation, the Planning Board shall hold a public hearing with at least ten (10) days' notice, posted in at least two (2) public places within the CITY, by publication in a newspaper in circulation in the CITY, and by first class mail to all owners of property being numbered or



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renumbered, as indicated by CITY records. No public hearing shall be required where said property owner(s) voluntarily consent to the numbering or renumbering by the Building Official.

- A. The numbers shall be designated in such a manner so that a number will be assigned or reassigned to every fifty (50) feet of street frontage.
- B. The street numbers, assigned or reassigned, shall be attached to the building in such a manner and in such a place as to be easily seen from the PUBLIC ROAD or PRIVATE ROAD. Furthermore, such numbers shall be placed in a location so that they can be seen from the PUBLIC ROAD or PRIVATE ROAD, if necessary, to ensure rapid location by police, fire or other EMERGENCY personnel during hours of darkness. Buildings located in rural-type locations, or located in such a manner that the above requirement is inappropriate, shall be identified at the intersection of the entryway to the property the building is on and the PUBLIC ROAD or PRIVATE ROAD, and the number shall be of sufficient size to be easily seen by the operator of a vehicle approaching said entryway.

ARTICLE II

152-7. Construction of Sidewalks.

- A. All sidewalks in the CITY shall be of the width and slope, and laid upon the grade, established by the DIRECTOR, shall be true to the required cross sections, even, free from hollows, tears, gouges, corrugations, or other irregularities, and constructed under the supervision of the City Engineer.
- B. The DIRECTOR is authorized to establish and publish rules, regulations, and procedures including general construction requirements related to the standards for construction of CITY sidewalks. These rules, regulations, and procedures shall be subject to review and approval by the CITY MANAGER, and a copy shall be filed with the City Clerk.

152-8. Permit Required to Work in the Right-of-Way.

- A. No PERSON shall grade, fill, disturb, EXCAVATE, or open the ground or pavement in any PUBLIC ROAD, or sidewalk within a CITY RIGHT-OF-WAY, or on CITY property, without first obtaining a written permit of authorization. Such permit shall be issued by the Community Services Department on an application form provided by the Department.



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B. All applications for a permit pursuant to Subsection A shall include for each permit applied for, the application fee(s) and street/sidewalk damage fee(s) listed in the CITY's annual Schedule of Fees adopted by the City Council. The DIRECTOR, at his/her discretion, may waive the street/sidewalk damage fee(s) if the CITY has scheduled the PUBLIC ROAD or sidewalk to be reconstructed within one (1) year of the permit application date. The Dover Utilities Commission shall establish a process for waiver of the street/sidewalk damage fee(s) in the case of a demonstrated financial hardship.

C. Protection of streets.

(1) In an effort to protect the CITY's investment in its infrastructure, excavations in newly constructed, reconstructed, rehabilitated, or overlaid pavements within PUBLIC ROADS, the public RIGHT-OF-WAY, or on CITY property, are prohibited for five (5) years after the effective date of notice of completion or acceptance of the new, reconstructed, rehabilitated, or overlaid improvements except as follows:

(a) Excavations to remedy a public EMERGENCY or a situation that creates an imminent threat to the public safety, health, or welfare.

(b) Repair or modification to prevent interruption of essential UTILITY services where no reasonable alternatives are available to avoid excavation in new pavements.

(c) Relocation work that is mandated by State or Federal legislation.

(d) UTILITY services for new buildings or parcels without existing UTILITY services where no other reasonable means of providing service exists, as determined by the City Engineer.

(e) Excavations within protected streets where the CITY has scheduled the reconstruction within one (1) year due to the failure of the original pavement.

(f) Other situations deemed by the CITY MANAGER to be in the best interest of the general public.

(2) In all of the above exceptions, although a permit will not be denied, the applicant will be responsible for paying a pavement life reduction factor. The



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pavement life reduction factor may be waived by the DIRECTOR, at his/her discretion, if the applicant agrees to perform a full roadway width re-pavement (edge of pavement to edge of pavement) of the impacted area, consistent with the rules, regulations, and procedures established by the DIRECTOR. The pavement life reduction factor will be assessed to the street damage fee(s) as follows:

- (a) Street pavement less than two (2) years old: Three (3) times the street damage fee.
 - (b) Street pavement from two (2) years to five (5) years old: Two (2) times the street damage fee.
- D. Within six (6) months of the completion of the excavation in the RIGHT-OF-WAY, the permittee shall provide the DIRECTOR with electronic copies of the as-built plans for the work performed, in a form compatible with the CITY's GIS system. The DIRECTOR may waive this requirement in writing at his/her discretion.
- E. Whenever a PERSON is granted a permit to EXCAVATE in any street, sidewalk, or CITY-owned property or RIGHT-OF-WAY, prior to any work commencing, the DIRECTOR shall require the requesting party to furnish a two (2) year surety to the CITY, or a bond in favor of the CITY, in an amount sufficient to complete the project and ensure its viability for the surety period.
- F. The DIRECTOR is authorized to establish and publish rules, regulations, and procedures, including general construction and paving requirements, general permit instructions related to street excavation permits, including, but not limited to, a review by DIG SAFE of the proposed work, and to prescribe the forms necessary for the management and operation of the excavation permit program under this Section. These rules, regulations, and procedures shall be subject to review and approval by the CITY MANAGER, and a copy shall be filed with the City Clerk.

152-9. Permit Required to Obstruct or Encumber a Public Road.

No PERSON shall OBSTRUCT a PUBLIC ROAD or sidewalk without a permit from the Community Services Department. All applications for a permit to OBSTRUCT a PUBLIC ROAD or sidewalk shall include for each application the fee listed in the annual Schedule of Fees adopted by the City Council. Notwithstanding the foregoing, Block Parties, Parades, and Road Toll permits may be issued by the City Council, upon the recommendation of the Police Department, subject to Chapter 35 of the Dover Code.



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152-10. Railings, Fences, and Traffic/Pedestrian Controls.

Wherever any PUBLIC ROAD, sidewalk, or other CITY property shall under any permit granted as provided in Section 152-8 or 152-9 be disturbed, dug up, obstructed, or encumbered, and thereby rendered unsafe or inconvenient for travelers, the PERSON performing such work shall put, and at all times maintain, a suitable railing, fence, or traffic/pedestrian controls around the section or parts of any PUBLIC ROAD, sidewalk, or other CITY property so disturbed, dug up, obstructed, or encumbered, so long as the same shall be or remain unsafe or inconvenient. Said PERSON shall also, within such reasonable time as the DIRECTOR shall direct, repair such PUBLIC ROAD, sidewalk, or CITY property to the acceptance of the City Engineer.

152-11. Permit for Driveways.

All applications for a permit to repair, widen, reconstruct, or construct a driveway from a residential property onto a PUBLIC ROAD shall comply with the provisions of Chapter 92 of the Dover Code. All applications for a permit to repair, widen, reconstruct, or construct a driveway from a commercial property onto a PUBLIC ROAD shall comply with the provisions of Chapter 149 of the Dover Code.

152-12. Permission to Erect Entrances to Structures.

No PERSON shall construct, erect, or maintain any stepping stone, doorstep, portico, porch, entrance, or passageway to any cellar or basement or any other structure in or upon any PUBLIC ROAD or sidewalk in the CITY, without a written license approved by the City Council. No PERSON shall suffer the platform or grate of the entrance passageway to his/her cellar or basement in any PUBLIC ROAD or sidewalk to rise above the even surface of such street or sidewalk, and every such entrance or passageway shall be kept at all times covered by suitable and substantial platform or grate, or in case it shall be kept open, it shall be guarded and protected by a sufficient railing on both sides thereof, at least three and one-half (3½) feet high, or higher if required by applicable building or safety code, and be well lighted at night.

152-13. Uncovered Cellars, Drains, and Other Cavities.

If any PERSON shall dig or sink, or cause to be dug or sunk, or have uncovered, or cause to be left uncovered, any cellar, drain, or other cavity in the ground adjoining any street or sidewalk in the CITY, he/she shall at all times erect and maintain, so long as it may be necessary for the purpose, a railing or fence on or near the line of such street or sidewalk, sufficient to guard and protect travelers and passengers from falling into such cellar, drain, or other cavity in



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the ground or being injured thereby. No PERSON shall permit or suffer his/her drain in any street or sidewalk in the CITY to be or remain open or uncovered unless it shall be enclosed by a strong and safe curb, guard or fence.

152-14. Marquees, Signs, Awnings, and Other Intrusions into the Right-of-Way.

No PERSON shall establish or maintain any marquee, sign, awning, or other structure on, or attached to, his/her place of business, house, or structure over any part of any sidewalk, unless the same is safely fixed and supported so as in no way to impede, hinder or endanger pedestrians, or impact the free passage over or across the sidewalk. The lowest part of such sign, awning, marquee, or other structure shall be at least ten (10) feet above the sidewalk; nor shall any PERSON hang, affix or fasten or place or allow to remain upon the outer edge of any sidewalk any sign or showcase whatever or display any goods, merchandise or samples of any business calling, trade, art or craft, so as to OBSTRUCT the free passage and view from the street to sidewalk or from the sidewalk to street. Any and all signs shall otherwise comply with the provisions of Chapter 170 of the Dover Code.

152-15. Permit Required to Move Buildings Through Streets.

No PERSON shall move, or assist in moving, any building, not including garden sheds, or modular and manufactured housing as defined under State law, through or over any street or over any bridge in the CITY without first having obtained a permit issued by the DIRECTOR, following consultation with the Building Official and Police Chief. Said PERSON shall comply in all respects with the conditions of the permit. Such permit shall be issued by the Community Services Department on an application provided by the Department. All applications for a permit to move a building through streets shall include for each application the fee listed in the annual Schedule of Fees adopted by the City Council.

152-16. Snow, Ice, and Liquids on Streets and Sidewalks.

- A. No PERSON shall put or place, or cause to be put or placed, any snow or ice upon the surface of the traveled portion of any street or sidewalk, nor shall such snow or ice be put or placed on a street so as to block sidewalks or hydrants.
- B. No PERSON shall push snow or ice across the traveled surface of a street or sidewalk for the purpose of snow removal from land adjoining said street or sidewalk.



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- C. No PERSON shall deposit, or cause to be deposited, including, but not limited to deposits from roof and/or foundation drains, any liquid from private property in or upon any street, sidewalk, or CITY-owned property, in such a manner so as to cause a condition hazardous to pedestrian movements and/or to the normal and reasonable flow of vehicle traffic.

152-17. Right-of-Way Protection.

- A. The roofs of all buildings located on or near the edge line of any street or sidewalk shall be protected by railings or guards of sufficient height and strength to prevent the falling of ice and snow from such roofs onto the street or sidewalk. The owner of such a building shall be responsible for the adequacy of such railings or guards.
- B. All trees or shrubs planted on private property that stand along any RIGHT-OF-WAY, the branches of which extend over any part of a street or sidewalk, shall be maintained by the owner of such private property so that such branches do not impede the safe and orderly passage of PERSONS and vehicles over the street or sidewalk, failing which the CITY may perform such maintenance consistent with the provisions of RSA Chapter 231.
- C. No fences, walls, or other structures shall be placed or constructed within the CITY RIGHT-OF-WAY, without a license for such structure provided by the City Council.
- D. No PERSON shall put, or place, or cause to be put or placed, any trash in or on any street, sidewalk, or CITY property, except as is permitted pursuant to the provisions of Chapter 97 of the Dover Code.
- E. No PERSON shall put, or place, or cause to be put or placed, in or on any street, sidewalk, or CITY property, any article or material which would be liable to cause damage to the tires or wheels of automobiles, bicycles, or any other vehicles traveling lawfully thereon.

152-18. Selling Merchandise on Streets or Sidewalks.

No PERSON shall use the street, sidewalk, or CITY property for the sale of merchandise, without first obtaining a written license for each day of such use pursuant to Chapter 133 of the Dover Code.



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152-19. Vehicles Selling Consumable Merchandise.

No cart, wagon, or other vehicle, loaded with any consumable article to be exposed for sale, shall be permitted to stand for a market on any street, sidewalk, or CITY property without first obtaining a written license for each day of such use pursuant to Chapter 133 of the Dover Code.

152-20. Sidewalk Seating.

A business that regularly and customarily sells food or drink may obtain a permit from the DIRECTOR to operate an outdoor seating area on a sidewalk within the CITY RIGHT-OF-WAY, for food prepared on premises, on the terms and conditions set out below. The permit shall specify the area to be used for outdoor seating, the furniture to be used within the outdoor seating area, and the proposed arrangement of the furniture. Permits may only permit outdoor seating between May 15th and November 15th and shall only be valid for the calendar year in which issued. Businesses wishing to serve alcohol in an outdoor seating area shall also comply with the provisions of Chapter 99-12 of the Dover Code. Such permit shall be issued by the Community Services Department on an application provided by the Department. All applications for a permit for sidewalk seating shall include for each application the fee listed in the annual Schedule of Fees adopted by the City Council.

An outdoor seating area shall meet all of the following requirements:

- A. The building in which the licensed business operates must share a common boundary line with a public sidewalk.
- B. The outdoor seating area shall not extend beyond the boundaries fronting the licensed business and shall be open and available to all individuals, not solely customers of the permittee.
- C. The outdoor seating area shall allow a minimum four (4) foot wide unobstructed pedestrian corridor at all times. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances. Furniture in an outdoor seating area may be located next to the curb, with two (2) feet clearance, and/or adjacent to the building, so long as clearances are maintained. Where existing OBSTRUCTIONS are present (such as fire hydrants), the corridor can be measured to go around these OBSTRUCTIONS.
- D. The outdoor seating area must not block access to public amenities like street furniture, trash receptacles, and way finding, or directional signs.



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- E. Furniture must be made of durable material. No plastic, or unfinished or pressure treated wood furniture is permitted.
- F. Planters or pots may be used to define the outdoor dining space but are not required.
- G. Lighting must not cause glare to pedestrians or vehicular traffic and must not be affixed to CITY trees.
- H. The outdoor seating area must be kept clean and neat, and all trash shall be properly disposed.

152-21. Permit Required for the Installation of Monitoring Wells on City Property or in a Public Road.

- A. A PERSON shall not disturb or EXCAVATE within the CITY's RIGHT-OF-WAY, or on CITY property, for the purposes of installing a groundwater monitoring well without first obtaining a written permit of authorization from the City Engineer. Monitoring well permits may be issued following submission of an application form provided by the Community Services Department. Such permit shall be issued by the Community Services Department on an application provided by the Department. All applications for a permit to install monitoring wells on CITY property shall include for each application the fee listed in the annual Schedule of Fees adopted by the City Council.
- B. The DIRECTOR is authorized to establish and publish rules, regulations, and procedures including general permit instructions and construction requirements related to groundwater monitoring well permits, and to prescribe the forms necessary for the management and operation of the monitoring well permit programs under this Section. These rules, regulations, and procedures shall be subject to review and approval by the CITY MANAGER, and a copy shall be filed with the City Clerk.

ARTICLE III

152-22. Poles, Wires, and Water & Gas Lines Subject to City License.

- A. No PERSON shall hereinafter erect, construct, put up, or maintain any pole, wire(s), terminal, or other electrical appurtenances for telephonic, telegraphic, electric power



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or electric lighting, or for any other purpose, or any water or gas lines, along, across, under or over any PUBLIC ROAD, sidewalk, or RIGHT-OF-WAY without a license having first been obtained from the CITY consistent with RSA 231:159-189, or successor statute, and no such license shall be granted except upon written application to the City Clerk stating for what purpose or purposes said pole or wire(s) are to be used. Any PERSON granted such license shall not permit other PERSONs to attach wires to such licensed poles unless such other PERSONs also obtain a license from the CITY pursuant to this Section. All licenses issued under this Section shall forever thereafter be subject to such alterations and requirements as the CITY may from time to time impose, and be further subject to revocation when, in the judgment of the CITY, the public interests will be best served thereby; and all poles, wires, terminal or other electrical appliances now in use shall be subject to the same conditions.

- B. Authority to issue the License under this Section is delegated to the CITY MANAGER pursuant to RSA 231:161, I (b).
- C. The DIRECTOR is authorized to establish and publish rules, regulations and procedures related to the standards for installation pursuant to licenses issued under this Section. These rules, regulations and procedures shall be subject to the review and approval by the CITY MANAGER, and a copy shall be filed with the City Clerk.
- D. Within six (6) months of the completion of the installation in the RIGHT-OF-WAY, the Licensee shall provide the DIRECTOR with electronic copies of the as-built plans, compatible with the CITY's GIS system, for all of the items placed/installed in the RIGHT-OF-WAY pursuant to the license granted. Failure to provide such plans within six (6) months of placement/installation shall be cause to revoke the license.

152-23. Quality of Materials Used and Construction Performed.

All construction work performed pursuant to a license granted under Section 152-22 shall be thoroughly performed in accordance with all applicable codes, and all kinds of material used shall be of the best quality obtainable, and subject to the approval of the DIRECTOR. The poles shall be sound, smooth, and straight, firmly set in the ground, and of such height, and erected at such points and in such a manner and the wires secured with such insulators, or other fixtures of fastenings, as shall preclude all danger from fire or other injury to PERSONs or property; all poles from which are suspended a wire or wires carrying more than five hundred (500) volts shall be plainly so marked. All pavements removed in the erection or removal of poles shall be properly replaced, and all removal of each for the same purpose shall be properly restored and the streets left in a condition which shall fully satisfy the DIRECTOR.



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152-24. Posting Bills.

No PERSON shall use said poles for which a license has been granted pursuant to Section 152-22 for the posting of bills or other advertising purposes or any other purpose except that for which the license was granted.

152-25. Wires Attached to Trees.

No PERSON shall, without a written permit of the Community Services Department, attach any electric wires, insulator, or any device for the holding of any wire to any tree growing or planted upon any PUBLIC ROAD, sidewalk, or RIGHT-OF-WAY of the CITY.

152-26. Fastening of Wires.

Every PERSON or corporation having any wire or wires running through a PUBLIC ROAD or RIGHT-OF-WAY pursuant to a license issued pursuant to Section 152-22, shall securely fasten such wire or wires to such pole(s), so that they shall not come lose and come into contact with any PERSON.

152-27. Removal of Wires.

Whenever in the event of a fire it may be deemed necessary by the officers of the Fire Department, to cut, break, pull down, or remove any of said wires installed pursuant to a license issued pursuant to Section 152-22, in order to extinguish or prevent the spread of a fire, or protect the safety of PERSONs, or property, such action may be taken without any liability therefor on their part or the part of the CITY, and such wires so damaged or destroyed shall be repaired and restored by the owners thereof, at their expense, without expense or cost to the CITY.

152-28. Wires and Poles Passing out of Use.

Whenever any wires or poles now in use or hereafter constructed shall pass out of use or become useless or "dead wires," so-called, the owners thereof shall within sixty (60) days take down and remove the same together with all the other fixtures belonging to said wires or poles; and in case of any refusal or neglect to comply with this provision, the CITY may forthwith revoke the license by which such wires or poles were installed.



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152-29. Inspection of Wires.

The CITY shall have the right, but not the obligation, to examine and inspect all wires, poles, conduits, and all fixtures and appliances pertaining thereto, erected upon, over, under, or along any PUBLIC ROAD, highway, sidewalk, building, common, within the limits of the CITY; and the CITY shall have full power and authority to order any and all needed repairs of such wires, poles, conduits, and other fixtures, and to further require of the owners of such wires, poles, conduits, or other fixtures to use safety and protective devices in accordance with generally accepted standards of construction for the protection of property to the public. The CITY shall also have the right, but not the obligation, from time to time, to make such inspections as may be reasonably necessary in its discretion to ascertain that said poles, wires, conduits, and other fixtures and appliances are in a safe and suitable condition; and in cases of defective or dangerous wires, poles, conduits, and other fixtures, they shall be authorized to take such immediate action with reference thereto as may be necessary for the public safety. The CITY may also require the use of guard wires wherever needed, and all construction of additional poles and wires provided for under this Section shall be under the CITY's supervision and direction.

152-30. Wires, Poles, and Fixtures Shall be Kept in a Safe Condition.

At any time when the owners of wires, poles or fixtures shall neglect to repair and keep them in a safe condition, to the satisfaction of the CITY, upon fifteen (15) days' notice to said owners, or any agent, and a hearing if requested, the CITY may order the removal forthwith of said wires, poles and fixtures; and any license previously obtained shall thereby be revoked. Nothing in this Section shall be construed as exempting the owners of said wires from frequent and careful inspection of the same by their own agents. Any inspection by a municipal officer is in addition to such inspections and is intended as supplemental to the owners' required inspection.

152-31. Licensed Structures to be Identified and Numbered.

All corporations, firms and individuals owning or having the care or control of structures erected in the streets, sidewalks, and RIGHT-OF-WAYS of the CITY, shall cause the same to be numbered in numerical order, with the initials of the corporation, firm or individual owning or having care or control of said structure.



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ARTICLE IV

152-32. Penalties.

Any PERSON who violates any provision of this Chapter shall be subject to the fines set forth in the Schedule of Fees adopted by the City Council.

4. TAKES EFFECT

This ordinance shall take effect on January 1, 2018 following passage and publication of notice as required by RSA 47:18.

REQUIRES A PUBLIC HEARING

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Dennis Ciotti
Approved as to Legal Form and Compliance:	Anthony Blenkinsop General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		



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DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Sarah Greenshields, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance is a comprehensive rewrite of Chapter 152. The purpose of this ordinance is the regulation of the use and occupancy of right-of-ways in the interest of public safety and convenience, and the operation and protection of public infrastructure and investment. Excavation and restoration standards are required to preserve the integrity, operational safety, and functionality of the public right-of-ways.



August 30, 2017

Dover City Council
City of Dover
288 Central Avenue
Dover, NH 03820

Re: Channel Information

Dear Members of the Council:

As part of our continuing effort to keep you informed, I wanted to share with you the following information which customers are receiving via bill message:

- Beginning 9/15/17, WBIN-TV will no longer be broadcasting "Antenna TV" or "Grit TV" programming services. Please contact WBIN-TV should you have any further questions.
- Beginning 10/31/17, Weatherscan will no longer be available.

If you have any questions, please do not hesitate to contact me at 603-224-1871, ext. 202.

Sincerely,

Bryan Christiansen

Bryan Christiansen, Sr. Manager
Government Affairs