



CITY OF DOVER

CITY COUNCIL – AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, October 11, 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**
 - A. NATIONAL AMERICAN INDIAN HERITAGE MONTH**
- 6. APPROVAL OF AGENDA**
- 7. PUBLIC HEARINGS**
 - A. KENO BALLOT QUESTION - “SHALL WE ALLOW THE OPERATION OF KENO GAMES WITHIN THE CITY OF DOVER?”**
 - B. CHAPTER 166 VEHICLES AND TRAFFIC – SECTIONS: 15, 16, 17, 19, 21, 23, 33, 38, 39, 47, 57, and 59**
SPONSORED BY MAYOR WESTON BY REQUEST
 - C. AMENDMENT OF FISCAL YEAR 2018 FEE SCHEDULE TO CREATE AN OVERNIGHT PERMIT OPTION FOR THE ORCHARD STREET PARKING GARAGE (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)**
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. September 27, 2017 – Regular Meeting**
- 11. MAYOR’S REPORT**



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

- 1. CHAPTER 152 STREETS AND SIDEWALKS
(TO BE REMOVED FROM THE TABLE)
SPONSORED BY COUNCILOR CIOTTI**
- 2. CHAPTER 166 VEHICLES AND TRAFFIC – SECTIONS: 15, 16, 17, 19, 21, 23,
33, 38, 39, 47, 57, and 59
SPONSORED BY MAYOR WESTON BY REQUEST**

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

- 1. AMENDMENT OF FISCAL YEAR 2018 FEE SCHEDULE TO CREATE AN
OVERNIGHT PERMIT OPTION FOR THE ORCHARD STREET PARKING
GARAGE (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
SPONSORED BY MAYOR WESTON BY REQUEST**

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. ROAD TOLL – UNH Relay for Life on behalf of the American Cancer Society**
- 2. TAG – Bravo All Stars NH/Prime Time**
- 3. RFP03-17 LED STREET LIGHTING IMPROVEMENTS ADDITIONAL SCOPE OF
WORK
SPONSORED BY MAYOR WESTON BY REQUEST**
- 4. CONGESTION MITIGATION AND AIR QUALITY PROGRAM
SPONSORED BY MAYOR WESTON BY REQUEST**



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COMMITTEE REPORTS

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

B. RESOLUTIONS

1. **COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DPA**
SPONSORED BY MAYOR WESTON BY REQUEST
2. **ACCEPTANCE OF DONATED CONSERVATION EASEMENT FROM DOROTHY S. MASON**
SPONSORED BY MAYOR WESTON BY REQUEST
3. **PERAMBULATION OF A PORTION OF MUNICIPAL BOUNDARY BETWEEN DOVER AND ROLLINSFORD**
SPONSORED BY MAYOR WESTON BY REQUEST
4. **REGARDING THE PUBLIC NECESSITY TO CONDEMN CERTAIN PROPERTY OFF BROADWAY FOR DRAINAGE IMPROVEMENTS**
SPONSORED BY MAYOR WESTON BY REQUEST
5. **REAFFIRMING THE CITY OF DOVER'S COMMITMENT TO IMMIGRATION AND CULTURAL DIVERSITY**
SPONSORED BY MAYOR WESTON AND CITY COUNCILORS
6. **REPEAL AND REPLACE DOVER'S 400TH ANNIVERSARY COMMITTEE**
SPONSORED BY MAYOR WESTON
7. **COMMITMENT TO INTEGRATED PEST MANAGEMENT PRACTICES**
SPONSORED BY COUNCILORS SHANAHAN AND GAGNON



CITY OF DOVER

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C. ORDINANCES IN 1ST READING

- 1. CHAPTER 5 – BOARDS AND COMMISSIONS: SECTION 1 ESTABLISHMENT
(TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 25, 2017)
SPONSORED BY MAYOR WESTON**

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURNMENT

City Manager's Report

October 11, 2017

Reporting on September 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 09/06/2017 BUT BEFORE 10/05/2017, 4 REQUESTS
- DOVER, NH – HIGHEST LEVEL OF EDUCATION FOR BANNON/ARSENAULT
- DOVER, NH – CONSTRUCTION INFORMATION FOR NEW DOVER HIGH SCHOOL
- DOVER, NH – 15 MELODY TERRACE PERMITS
- WEBSITE FORM – COST OF NEW DOVER HIGH AND LAND BUILT ON
- EMAIL – RESIDENTIAL/COMMERCIAL PERMITS ISSUED 01.01.1990 TO DATE
- DOVER, NH – CURBSIDE WEED CONTROL VENDOR

Financial Outcomes: Litigation

City v. Joel Bernier: Defendants have paid one-half of amount owed for August; Letter sent; Received Foreclosure Sale to be held 9/21/2017.

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.

(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.

(2016 tax year) City served with complaint.

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 scheduled for May 2, 2018. Proposed access easement plan prepared and provided to plaintiff.

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	35	103	354	244
Document Creation & Review Including Contracts	18	75	271	267
Right to Know Requests Processed	10	26	73	66
Resolutions	05	16	42	53
Ordinances	01	04	13	29

Product & Process Outcomes:
Assistance to City Departments

City Council	Drafting/review of resolutions and ordinances.
City Manager	Review of documents for signature, 91-A requests; Resolutions; Chapter 152 revision; Broadway drainage improvements resolution; General Code project
Community Services	Spruce Lane sewer line; Erik Drive Utility Easement; Dover/Rollinsford Town Line survey; Thompson Road maintenance; Law watering ban; bedbug mattresses; Tree cutting 26 New York St; Pesticides controls – NH Dept. of Agriculture
Executive	Subpoena for employment records
Fire & Rescue	EMT Affiliation Agreement; Change to Chapter 109; Waiver of Liability and Hold Harmless Agreement; FEMA Supplemental Staffing MOU; Ordinance violations
Finance	Fee Schedule Disclaimer; Water meter replacement issues; Discharges & Liens; Incident claim/traffic light; City Hall damage claim-Fiber; Sale of tax deeded parcel; HINEC PILOT Agreement and resolution
Planning	Floral Ave & Brick Rd Reconstruction Project; 104 Washington St Development Agreement; 52 New Rochester Rd-Junkyard issue; 2 Abbey Sawyer complaint; Stonewall Athletic Field Agreement; Mason Conservation Easement; Saddler Hill Condos drainage; 44 Portland Ave Parking Lot Use Agreement; Pier 1 & 2 documents
Police	Chapter 166 change; Bearcat Accident claim; Third Street Lot Waiver of Liability & Hold Harmless Agreement
School	High School JBC Fundraising
Recreation	No legal assistance needed.

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 too 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. New build costs for needed 20,000 SF – 30,000 SF manufacturing/ assembly/ warehouse/ office spaces at Enterprise Park are causing sticker shock for several prospects and delaying project initiation. 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 multi-family 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 15,000SF 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) and resold to the Kostas group for \$2 million. The Robbins building downtown has sold to Cathartes and will be demolished to make room for a full block 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 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 are 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 worldwide 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 continue 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 and experiencing excellent occupancy rates.

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, Great Bay Community College and UNH for BIZEDConnect 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 enhanced results following the end of downtown road disruptions. Year-over-year store sales range 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 lower 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 not expected to sustain current pricing at the gas pump during the rest of the foliage driving season as 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 September, exacerbated by college students leaving summer jobs 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 by 10/1/2017.
- 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

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Meeting Date: **Wednesday, September 27, 2017**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Gagnon led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

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

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 approve the Agenda; seconded by Councilor Ciotti.

Vote: 9/0.

7. PUBLIC HEARINGS

A. CHAPTER 152 STREETS AND SIDEWALKS

SPONSORED BY COUNCILOR CIOTTI

Mary Hebbard, 97 Spruce Lane: She spoke against the Ordinance.

Richard Hebbard, 97 Spruce Lane: He spoke against the Ordinance.

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

B. 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)

SPONSORED BY MAYOR WESTON BY REQUEST

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

C. ACCEPTANCE OF ADDITIONAL STATE HIGHWAY BLOCK GRANT FUNDS (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)

SPONSORED BY MAYOR WESTON BY REQUEST

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



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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.

Mary Hebbard, 97 Spruce Lane: She continued her dialogue against the Ordinance regarding Chapter 152.

Richard Hebbard, 97 Spruce Lane: He continued his dialogue against the Ordinance regarding Chapter 152.

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

9. CITY MANAGER'S REPORT

City Manager Joyal said he submitted his report in writing. He discussed the following additional items with the Council: Hydrant flushing has started, utilities work starting next week on Stark Avenue, and he recognized long-term employees for their service to the City. The Council discussed the crosswalk on Chestnut Street.

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

Vote: 9/0.

10. APPROVAL OF MINUTES

A. September 6, 2017 – Workshop

B. September 13, 2017 – Regular Meeting

Deputy Mayor Carrier moved to approve the Minutes; seconded by Councilor Thibodeaux.

Vote: 9/0.

11. MAYOR'S REPORT

Mayor Weston listed the events she attended: Coheco Waterfront Development Advisory Committee (CWDAC), Round Table discussion with Senator Shaheen, and Wentworth-Douglass Hospital's Hand and Hand Van.

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

Vote: 9/0.



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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

1. CHAPTER 152 STREETS AND SIDEWALKS

SPONSORED BY COUNCILOR CIOTTI

Councilor Ciotti moved for its adoption; seconded by Councilor O'Connor.
General Legal Counsel Blenkinsop gave an overview of the Ordinance to the Council.
Councilor Shanahan moved to table; seconded by Councilor O'Connor.
Vote: 8/1; passed. Councilor Ciotti was opposed..

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. 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) SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.
Roll Call Vote: 9/0.

2. REPROGRAMING UNEXPENDED BONDING AUTHORIZATION FOR PISCATAQUA ROAD PROJECT TO SPUR ROAD PROJECT (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Thibodeaux.
Roll Call Vote: 9/0.

3. 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) SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor Greenshields.
Roll Call Vote: 9/0.



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**4. ACCEPTANCE OF ADDITIONAL STATE HIGHWAY BLOCK GRANT FUNDS
(REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL)
SPONSORED BY MAYOR WESTON BY REQUEST**

Councilor O'Connor moved to substitute as a whole; seconded by Councilor Thibodeaux.

Vote: 9/0.

Mayor Weston asked for a roll call vote on the substituted resolution.

Roll Call Vote: 9/0

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. PARADE – Dover Children's Center – Holiday Parade**
- 2. PARADE – Dover Knights of Columbus Council #807**
- 3. RAFFLE – Cocheco Valley Humane Society**
- 4. RAFFLE – Garrison Players, Inc.**
- 5. RAFFLE – Saint Mary Academy**

- 6. B16013B DESIGN BUILD OF CUSTOMER SERVICE CENTER ADDITIONAL
SCOPE OF WORK - CHANGE ORDER #3
SPONSORED BY MAYOR WESTON BY REQUEST**

- 7. B17048 SIDEWALK IMPROVEMENTS
SPONSORED BY MAYOR WESTON BY REQUEST**

- 8. B18014 SEGREGATION AND RECYCLING OF CONSTRUCTION DEBRIS AND
DEMOLITION WASTE
SPONSORED BY MAYOR WESTON BY REQUEST**

- 9. STREET LIGHTING INVENTORY AND DATA COLLECTION WITH VHB INC
SPONSORED BY MAYOR WESTON BY REQUEST**

- 10. AUTHORIZATION TO COMMIT FUNDS TO THE SUPPORT OF THE NPDES
PERMIT NEGOTIATIONS
SPONSORED BY MAYOR WESTON BY REQUEST**

- 11. OPERATING RULES FOR DOVER BUSINESS AND INDUSTRIAL
DEVELOPMENT AUTHORITY (DBIDA)
SPONSORED BY MAYOR WESTON BY REQUEST**



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9. McConnell Center Advisory Committee
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11. Parking Commission
12. Pool Advisory Committee
13. Recreation Advisory Board
14. Solid Waste Advisory Commission
15. Transportation Advisory Commission
16. Joint Building Committee – Dover High School and Regional Career Technical Center
17. Joint Building Committee – Garrison Elementary School
18. Dover Main Street
19. Dover's 400th Anniversary Committee

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

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

Councilor O'Connor pulled Item #13.A.7.

Councilor Thibodeaux pulled Item #13.A.10.

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

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item #13.A.7.; seconded by Councilor O'Connor.

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

Roll Call Vote: 9/0.

Deputy Mayor Carrier moved for the adoption of Item #13.A.10.; seconded by Councilor Thibodeaux.

Community Services Director Storer gave an overview of the resolution to the Council.

Roll Call Vote: 9/0.

B. RESOLUTIONS

1. COLLECTIVE BARGAINING AGREEMENT BETWEEN CITY OF DOVER AND DPFOA

SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved for its adoption; seconded by Councilor O'Connor.

Roll Call Vote: 9/0.

2. DISPOSAL OF TAX DEEDED REAL ESTATE AT 179 LOCUST ST, PARCEL ID 12063-000000

SPONSORED BY MAYOR WESTON BY REQUEST

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

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

Roll Call Vote: 9/0.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, September 27, 2017**
Meeting Time: **7:00 pm**

3. PILOT AGREEMENT WITH HINEC DOVER, LLC SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to substitute as a whole; seconded by Councilor O'Connor.
Vote: 9/0.

Councilor Greenshields moved for its adoption; seconded by Councilor Shanahan.
Roll Call Vote: 9/0.

4. AMENDMENT OF FISCAL YEAR 2018 FEE SCHEDULE TO CREATE AN OVERNIGHT PERMIT OPTION FOR THE ORCHARD STREET PARKING GARAGE (REQUIRES A 2/3 MAJORITY VOTE OF THE CITY COUNCIL) (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 11, 2017) SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to refer to a Public Hearing on October 11, 2017;
seconded by Councilor Gagnon.

Assistant City Manager Parker gave an overview of the resolution to the Council.

City Manager Joyal said he will have the Parking Manager here for the next meeting to
address Council concerns.

Vote: 9/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 166 VEHICLES AND TRAFFIC – SECTIONS: 15, 16, 17, 19, 21, 23, 33, 38, 39, 47, 57, and 59 (TO BE REFERRED TO A PUBLIC HEARING ON OCTOBER 11, 2017) SPONSORED BY MAYOR WESTON BY REQUEST

Deputy Mayor Carrier moved to refer to a Public Hearing on October 11, 2017;
seconded by Councilor Greenshields.

Vote: 9/0.

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Councilor Gasses talked about the “Hard Road to Travel” event being sponsored by the NHMA.

Councilor Ciotti talked about Jack Mettee, CWDAC Chairperson, will be stepping down as
chairperson, but will remain a member. He thanked him for his years of dedication. He said
Dana Lynch will be filling in as chairperson until he is officially voted in. He talked about the
Third Street parking lot being fenced off due to the insurance company's decision, and said it
was out of the City's hands. They are trying to get an agreement so it will be open for Apple
Harvest Day.



CITY OF DOVER

CITY COUNCIL – MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **McConnell Center, Room 306**
Meeting Date: **Wednesday, September 27, 2017**
Meeting Time: **7:00 pm**

Councilor Thibodeaux said there will be a hearing tomorrow regarding the 10-Year Plan for State Roads in the Auditorium of City Hall.

Mayor Weston said she and the Dover Superintendent will hold another Coffee with the Mayor and Superintendent event at the Dover Police Department on October 28, 2017.

Councilor Gasses talked about the Climate Master Plan public outreach events coming up on October 19th and October 21st at the Dover Middle School.

Deputy Mayor Carrier talked about the Woodman Walk Day on October 4, 2017.

16. ADJOURNMENT

Councilor Greenshields moved to adjourn; seconded by Councilor Thibodeaux.
Vote: 9/0.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
Chapter: **152**
Sections: **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#: 12.A.1.

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

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Ordinance Number: **O – 2017.09.13 – 006**
Ordinance Title: **Streets and Sidewalks**
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~~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#: 12.A.1.

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~~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

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~~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

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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.~~



CITY OF DOVER

CITY OF DOVER - ORDINANCE

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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.~~



CITY OF DOVER

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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.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

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

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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Sections: All

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		



CITY OF DOVER

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Agenda Item#: 12.A.1.

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

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.



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Agenda Item#: 12.A.2.

Ordinance Number: O – 2017.09.27 – 007
Ordinance Title: Vehicles and Traffic
Chapter: 166
Sections: 15, 16, 17, 19, 21, 23, 33, 38, 39, 47, 57, 59

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to make specific changes to Sections 166-15, 166-16, 166-17, 166-19, 166-21, 166-23, 166-33, 166-38, 166-30, 166-47, 166-57 and 166-59.

2. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-15 Violations and Penalties is hereby amended as follows:

166-15. Violations and Penalties.

A violation of any provision in this Chapter shall be punishable by a fine ~~of up to one thousand dollars (\$1,000.00) for each offense, unless otherwise noted as set forth in the~~ Schedule of Fees as adopted by City Council.

3. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-16 General Parking Restrictions is hereby amended by adding Paragraph E.(4) and amending Paragraph F as follows:

166-16. General Parking Restrictions.

E. Restricted Parking. [Added 10-02-96 by Ord. No. 13-96; Amended 05-25-2016 by Ord. No. 2016.05.11-007; Amended 04-12-2017 by Ord. No. 2017.03.22-004]

- (1) Henry Law Park – River Street parking area. No Person shall park a Vehicle in designated parking in the River Street parking area at the Henry Law Park and Recreation Facility unless they are a City Employee on City business or are present and using the recreational facility or grounds at Henry Law Park. The parking of Vehicles for any other purpose is prohibited. Violators shall be subject to Table B fines under 166-30 as set forth in the ~~Fee-Schedule~~ of Fees as adopted by City Council.
- (2) Summer Street. No Person, except for visitors to the Woodman Institute, shall be allowed to park on the northerly side of Summer Street from the intersection with Central Avenue westerly for one hundred twenty (120) feet, during operating hours when the Woodman Institute is open for the season. Signage shall be posted that indicates the hours, days and/or months of the restricted parking, based



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on the Woodman Institute's operating hours. Violators shall be subject to Table A fines under 166-30. [Added on 03-11-2015 by Ord. No. 2015.02.25-009]

(3) Orchard Street. No Person, except for visitors to the Dover Police Station, shall be allowed to park in the two (2) posted police station visitor spaces in front of 40 Chestnut Street (Cochecho Park Apartments) and the three (3) posted police station visitor spaces on the first floor of the parking garage. Violators shall be subject to Table A fines under 166-30.

(4) Orchard Street Parking Garage: Between the hours of 2:00 A.M.to 6:00 A.M., no persons shall park a Vehicle in the Orchard Street Parking Garage unless it is properly displaying a valid permit.

F. Parking for Primary Purpose of Advertising Prohibited. [Added 10-19-2005 by Ord. No. 19-2005]

No Person shall park a Vehicle upon any public way for the primary purpose of advertising goods or services, except as provided in Chapter 133 – Peddlers and Vendors. Violators shall be subject to Table B fines under 166-30 as set forth in the Schedule of Fees as adopted by City Council.

4. AMENDMENT

Chapter 166 entitled "Vehicles and Traffic" Section 166-17 General Parking Provisions is hereby amended by making revisions to Paragraph A.(2) , A(9), A(12), Paragraph C.(1) and Paragraph E as follows:

166-17. General Parking Provisions.

Except when necessary to avoid conflict with other traffic or in compliance with law or the direction of a police officer or official traffic control devise, no Person shall:

A. Stop, stand or park a Vehicle:

- (1) On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (2) On or over a sidewalk except for bicycles.
- (3) Within an intersection.



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- (4) On a crosswalk.
- (5) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic.
- (6) Upon any bridge or other elevated structure upon a highway or within a highway tunnel, unless a parking space is specifically provided.
- (7) On any railroad tracks.
- (8) Within twenty (20) feet of the corner of any intersecting street, unless a parking space is specifically provided.
- (9) It shall be unlawful for the owner or operator of any motor vehicle to park or allow to be parked any motor vehicle for any length of time in a designated fire lane. Violators will be subject to Table B fines under 166-30 as set forth in the Schedule of Fees as adopted by City Council. [Amended 02-24-82 by Ord. No.3-82]
- (10) At any place where official signs prohibit parking. [Added 05-15-96 by Ord. No. 07-96]
- (11) In any parking place, whether on public or private property, specially designated for a person with a walking disability by means of a sign as required by RSA 265:73-a stating that the space is reserved for a person with a walking disability or displaying the international accessibility symbol, unless that person has a special number plate, decals, or a card issued pursuant to RSA 261:86, 87 or 88, or a similar license plate, decal or card issued by another state or country displaying the international accessibility symbol and the persons who qualifies for the plate, decal or card is being transported to or from the parking place. [Amended 04-21-93 by Ord. No. 05-93]
- (12) In or overlapping into any access aisle. “Access aisle” shall mean a designated space for maneuvering a wheelchair or other mobility device when entering or exiting a vehicle, that is immediately adjacent to a properly designated parking space for persons with a walking disability, whether public or private property. Access aisles shall be so marked as to discourage parking in them. Violators will



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be subject to Table B fines under 166-30 as set forth in the Schedule of Fees as adopted by City Council. [Added 04-30-2005 by Ord. No. 07-2005]

- C. Stand or park a vehicle in a roadway, other than paralleled with the edge of the roadway, headed in the direction of traffic, and with the right side of the vehicle within twelve (12) inches of the edge of the roadway, except as provided in the following subsections:
- (1) In locations where the Police Department shall have marked or cause to be marked off individual parking spaces on the public streets, public parking areas or highways of the city, in which case it shall be unlawful to park any vehicle in such a way that said vehicle shall not be entirely within the spaces so designated, unless such vehicle is too large to be confined to one (1) such space and the vehicle is not extending into any restricted area or travel lane.
- E. Notwithstanding the provisions of Subsection C, allow or permit a motor vehicle to stand unattended, on any public highway within the City of Dover, without first stopping the engine, locking the ignition and removing the key from the vehicle. Violators will be subject to Table B fines under 166-30 as set forth in the Schedule of Fees as adopted by City Council.

5. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-19 Winter Parking is hereby amended by making revisions to Paragraph D. as follows:

166-19. Winter Parking. [Amended on 11-16-83 by Ord. No. 31-83; Amended on 03-11-87 by Ord. No. 5-87; Amended on 11-11-98 by Ord. No. 15-98; Amended on 02-11-2015 by Ord. No. 2015.01.28-002]

- D. Chronic Offenders. Any Person with five (5) violations in a season will be fined as set forth in the Schedule of Fees as adopted by City Council ~~one hundred dollars (\$100.00)~~ for each subsequent offense. In addition to a fine, any Vehicle to be found in violation of the aforementioned provisions may be towed by the direction of the Police Department. The expenses of both towing and storage shall be paid by the owner of the Vehicle before acquiring the same. [Added on 11-11-98 by Ord. No. 15-98; Amended 12-09-2015 by Ord. No. 2015.10.28-022]



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6. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-21 Resident Parking Permit is hereby amended by making revisions to Paragraphs A and C as follows:

166-21. Resident Parking Permit. [Added on 04-27-83 by Ord. No. 10-83; Repealed on 08.13.2008 by Ord. No. 2008.07.23-6; Added on 04-15-2015 by Ord. No. 2015.03.25-010; Amended on 12-09-2015 by Ord. No. 2015.10.28-023; Amended on 05-25-2016 by Ord. No. 2016.05.11-007; Amended on 12-26-2016 by Ord. No. 2016.10.12-013]

- A. The Police Department is authorized to sell and distribute parking permits for residents of downtown who reside within two hundred (200) feet of an authorized residential parking area. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits.
- B. A maximum of two (2) residential parking permits may be issued per legal residential unit upon certification that on-site parking is unavailable. Permits shall be assigned to specific Vehicles owned by occupants of such residential unit. Permits are only valid for the nearest parking area designated by the Police Department for a particular residential unit.
- C. Authorized residential parking areas include the Metered Parking Garage (spaces 201 and above) and City controlled parking lots that are not leased or deeded to a third party excluding the Orchard Street Parking Lot. In addition, the following streets qualify for residential permit parking: First Street (northerly side spaces not subject to third party license), Chestnut Street between First Street and Orchard Street, Second Street (west of the meter in front of 10 Second Street), Main Street and School Street (angled parking spaces only).

7. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-23 Business Parking Permit Program is hereby amended by making a revision to Paragraph B as follows:

166-23. Business Parking Permit Program. [Added 05.25.2016 by Ord. No. 2016.05.11-007]

- B. Permits shall be valid for such periods of time, location and under such conditions as provided by the Police Department on or with such permits.



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8. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-33 Summons to Court/Towing or Immobilization of Motor Vehicle for Non-Payment of Parking Fines is hereby amended by making a revision to Paragraph C(1) and Paragraph E as follows:

166-33. Summons to Court/Towing or Immobilization of Motor Vehicle for Non-Payment of Parking Fines. [Amended on 03-11-87 by Ord. No. 5-87; Amended on 08-03-88 by Ord. No. 09-88]

C. Any vehicle towed and stored or immobilized in accordance with the preceding may be released as follows:

(1) By payment of all charges due including an administrative fee as set forth in the Schedule of Fees as adopted by City Council ~~of twenty five dollars (\$25.00).~~
[Amended 04-19-2000 by Ord. No. 03-2000]

E. Any person attempting to remove a Police Department immobilization parking device from a vehicle without authorization by the Police Department, shall be guilty of a violation, and fined as set forth in the Schedule of Fees as adopted by City Council ~~One Hundred Dollars (\$100.00)~~, no portion of which may be suspended.

9. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-38 Unlawful Acts; Separation Violations is hereby amended by making a revision to Paragraph C(4) and Paragraph J as follows:

166-38. Unlawful Acts; Separate Violations. [Amended on 8-24-2015 by Ord. No. 2015.07.08-014; Amended on 11-11-2015 by Ord. No. 2015.10.28-024; Amended 04-12-2017 by Ord. No. 2017.03.22-004]

C. It shall be unlawful for any Person to park or allow any Vehicle registered in their name to be parked or left standing in any area where parking is controlled by a Multi-Space Parking Meter:

(1) Without purchasing a receipt from said Multi-Space Parking Meter for such parking or standing time.

(2) Without displaying any receipt so purchased from a Multi-Space Parking Meter in a position on the dashboard of the Vehicle in order that the time printed on said receipt is clearly visible from outside the Vehicle, except in a Metered Parking Garage when



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the proper space number is entered into the Pay by Space parking meter, wherein such receipt display is not required.

- (3) After parking or standing time which has been purchased has expired.
- (4) Displaying an altered or falsified receipt or any receipt that has not been purchased from the Multi-Space Parking Meter controlling the parking space in which the Vehicle displaying the receipt is parked. Violators will be subject to Table B fines under 166-30 as set forth in the Schedule of Fees as adopted by City Council.

J. Chronic Offenders. Any Person with five (5) violations of any paragraph of 166-38.C, E & G or 166-44 in a calendar year for any Metered On-Street Parking Space shall be fined as set forth in the Schedule of Fees as adopted by City Council ~~one hundred dollars (\$100.00)~~ for each subsequent offense.

10. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-39 Truck Parking is hereby amended as follows:

166-39. Truck Parking.

Vehicles over nineteen (19) feet in overall length, with permission of the Chief of Police, or designee, may stop and unload merchandise in a Multi-Space Parking Meter Zone, but under no circumstances shall any Vehicle obstruct or impede the free flow of traffic.

11. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-47 Weight Limits is hereby amended by making a revision to Paragraph D as follows:

166-47. Weight Limits. [Amended on 4-27-83 by Ord. No. 10-83; Repealed on 08-13-2008 by Ord. No. 2008.07.23-6; Amended on 2-25-2015 by Ord. No. 2015.02.11-008]

D. Violations of 166-47 shall be punishable by the imposition of a fine as set forth in the Schedule of Fees as adopted by City Council ~~one hundred fifty dollar (\$150.00) citation~~ for the first offense. Repeat offenders may be punished by the imposition of citations as set forth in the Schedule of Fees as adopted by City Council ~~up to two hundred fifty dollars (\$250.00)~~ for each subsequent offense.

12. AMENDMENT



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Chapter 166 entitled “Vehicles and Traffic” Section 166-57 Schedule J. Limited Time Parking is hereby amended by adding Chestnut Street Lot and to change Kirkland Street as follows:

166-57. SCHEDULE J. Limited Time Parking. [Amendments noted where applicable]

A. [Repealed on 05-23-12 by Ord. No. 2012.05.09-9]

B. In accordance with the provisions of 166-22, it shall be unlawful for the owner or operator of any Vehicle to park for more than two (2) hours in the following described locations:

<u>STREET</u>	<u>LOCATION</u>
Adelle Drive [Added on 08-13-08 by Ord. No. 2008.07.23-7]	Both sides for the entire length, between the hours of 8:00 A.M. and 2:00 P.M., Monday through Friday, between September 1 st and June 15 th
Broadway	Northerly side, from the intersection with St. John Street westerly to the PSNH pole #114/A1
Broadway [Amended on 10-26-2016 by Ord. No. 2016.10.12-013]	Southerly side from the driveway between 3 and 7 Broadway easterly to the intersection with St. John Street
Central Avenue [Added on 02-11-2015 by Ord. No. 2015.01.28-005]	Westerly side from the driveway between 572 and 574 Central Avenue, southerly to the intersection with Fifth Street
Central Avenue [Added on 12-21-88 by Ord. No. 30-88; Amended on 02-11-2015 by Ord. No. 2015.01.28-005]	Easterly side from the intersection of New York Street, southerly to the intersection with Fifth Street
<u>Chestnut Street Lot</u>	<u>3 spaces in the northeast corner</u>
Fairfield Drive [Added on 08-13-08 by Ord. No. 2008.07.23-7]	Both sides for the entire length, between the hours of 8:00 A.M. and 2:00 P.M., Monday through Friday, between September 1 st and June 15 th



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<u>STREET</u>	<u>LOCATION</u>
Fourth Street	Both sides, from the intersection with Chestnut Street westerly to the intersection with Grove Street except as otherwise posted
Hartswood Road [Added on 08.13.08 by Ord. No. 2008.07.23-7]	Both sides for the entire length, between the hours of 8:00 A.M. and 2:00 P.M., Monday through Friday, between September 1 st and June 15 th
Kirkland Street [Added on 01-15-97 by Ord. No. 21-96; Amended 09-17-03 by Ord. No. 14-2003]	Northerly side, from the intersection with Locust Street easterly to the intersection with Central Avenue Avenue Academy Street

13. AMENDMENT

Chapter 166 entitled “Vehicles and Traffic” Section 166-59 Schedule L. Parking Meter Zones under Metered On-Street Parking Spaces by making changes to Central Avenue and Locust Street and adding Kirkland Street as follows:

166-59. SCHEDULE L: Parking Meter Zones. [Added on 04-22-2015 by Ord. No 2015.04.22-012; Amended on 10-26-2016 by Ord. No. 2016.05.11-007]

<u>METERED ON-STREET PARKING SPACES</u>	<u>LOCATION</u>
Broadway [Added on 10-26-2016 by Ord. No. 2016.10.12-013]	Southerly side from the intersection with Central Avenue easterly to the driveway between 3 and 7 Broadway
Central Avenue	Both sides, from the intersection with Fourth Street southerly to the intersection with Kirkland Street <u>Easterly side, from the intersection with Fourth Street southerly to the intersection with Kirkland Street</u>



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<u>Central Avenue</u>	<u>Westerly side, from the intersection with Fourth Street southerly to the driveway between 236 and 240 Central Avenue</u>
Chapel Street [Amended on 8-24-2015 by Ord. No. 2015.07.08-016]	Southerly side, from the intersection with Central Avenue easterly to the driveway on the west side of 15 Chapel Street
Chestnut Street [Amended on 8-24-2015 by Ord. No. 2015.07.08-016]	Easterly side, from the intersection with Fourth Street northerly to the intersection with Fifth Street
First Street	Northerly side, from the westerly edge of 1 First Street westerly to the intersection with Chestnut Street
Fourth Street	Both sides, from the intersection with Central Avenue westerly to the intersection with Chestnut Street
Hale Street	Both sides, from the intersection with Central Avenue westerly to the intersection with Locust Street
Henry Law Avenue	Easterly side, from the intersection with Washington Street southerly to George Street
<u>Kirkland Street</u>	<u>Northerly side, from the intersection with Central Avenue westerly to the intersection with Academy Street</u>
Locust Street	Both sides, from the intersection with St. Thomas Street <u>Hale Street</u> northerly to the intersection with Washington Street, <u>unless otherwise posted</u>



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14. TAKES EFFECT

This ordinance shall take effect 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: 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: 09/27/2017	Public Hearing Date: 10/11/2017
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:

Re: 166-16 General Parking Restrictions

At their September 2017 meeting, the Parking Commission voted to recommend that access to the Parking Garage be limited to permit holders between the hours of 2:00 A.M. and 6:00 A. M.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.2.

Ordinance Number: O – 2017.09.27 – 007
Ordinance Title: Vehicles and Traffic
Chapter: 166
Sections: 15, 16, 17, 19, 21, 23, 33, 38, 39, 47, 57, 59

Re: 166-17 is to make the ordinance consistent with State law

Re: 166-21 and 166-23

These changes are due to the City going to an optional sticker that won't have details on the permit but that information will be provided on a separate sheet of paper.

Re: 166-57 Schedule I Limited Time Parking Re: Kirkland Street
and 166-59 Schedule L Parking Meter Zones Re: Central Avenue

At their June 2017 meeting, the Parking Commission voted to extend the metered parking area on the south end of the downtown. This was recommended to accommodate customer parking needs for the Central Avenue businesses between Hale Street and Kirkland Street due to the addition of Wing Itz restaurant and Stronghold Barbershop/Arcade.

Re: 166-59 Schedule L Parking Meter Zones Re: Locust Street

With the opening of the City Hall service center on the Locust Street side of the building this fall, the adjacent parking lot will be reopened for use by persons conducting business at City Hall. The spaces on Locust Street where the police cruisers use to park will be made available for area business customers. At their August meeting, the Parking Commission voted to recommend that the easterly side of Locust Street from Hale Street to St. Thomas Street be added to the metered parking program.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2017.09.27 – 129**
Resolution Re: **Amendment of FY2018 Fee Schedule to Create an Overnight Permit Option for the Orchard Street Parking Garage**

WHEREAS: The City Council adopted the FY2018 City of Dover Fee Schedule on May 3, 2017, and;

WHEREAS: The City regulates Parking permits, and;

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

That the City Council authorizes changes to the Police Department section of the approved FY 2018 Fee Schedule, p. 9, to reflect adding fee change, as follows:

SERVICES	CURRENT FEE	PROPOSED FEE
Parking Monthly Permit Fee		
Overnight – Parking Garage	\$0.00	\$30.00

THIS RESOLUTION REQUIRES A PUBLIC HEARING AND 2/3 MAJORITY VOTE OF COUNCIL

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



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2017.09.27 – 129**
Resolution Re: **Amendment of FY2018 Fee Schedule to Create an Overnight Permit Option for the Orchard Street Parking Garage**

DOCUMENT HISTORY:

First Reading Date:	09/27/2017	Public Hearing Date:	10/11/2017
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.			

RESOLUTION BACKGROUND MATERIAL:

The Parking Commission, at the September 2017 meeting, voted to recommend that an overnight parking permit be made available for the Orchard Street Parking Garage to coincide with their recommendation that parking be limited to permit holders between the hours of 2 am and 6 am. The recommended Monthly Permit fee is \$30.00.



**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: AMVETS Relay for Life on behalf of the American Cancer Society
Federal Tax ID number for Organization: 13 1758491

Check (✓) Nature of Organization:

Religious____, Educational____, Charitable ✓, Civic____, Sports____, Veterans____, Fraternal or Political____, Other____

Name/Description of Event (if applicable): Road Toll

Contact Person: Erin Frost Day Time Telephone: 603 759 3943

Address: 336 Commerce St, Dover, NH 03820 Email: epf2000@windstream.net

Date of Event: 9/21/17 Specific Time: 9am - 1pm

Location of Event (if parade, attach course description or map): Intersection of 108 and Oak St

*****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: _____ 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: Central Avenue at Oak Street

Police Department Road Toll Approval Signature: _____

Printed Name: Sgt. Marn Speidel, Traffic Bureau

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 287:4, RSA 31:91 and/or RSA 286 and I agree to abide by the same.

SIGNATURE OF APPLICANT: Erin Frost DATE: 9/21/2017
(duly authorized)

PRINTED NAME: Erin Frost

Licensing Board Approval AK Date: 9/28/17

1/1015



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: Bravo All Stars NH/Prime Time
Federal Tax ID number for Organization: 20-4217042
Check (☒) Nature of Organization:
Religious _____, Educational _____, Charitable _____, Civic _____, Sports ☒, Veterans _____, Fraternal or Political _____, Other _____
(Describe) Cheerleading Gym
Contact Person: Valerie CUNIO Day Time Telephone: (603) 343-8815
Address: 106 Crosby Rd Email: valeriec@primetimeallstars.com
Purpose of Permit: Tagging
Date of Event: Oct 20, 21, 22 Specific Time: 9am - 5pm
Location of Event: Various local stores

*****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: [Signature] DATE: 9/25/17

(duly authorized)
PRINTED NAME: Ronald Garcia Sr.

Licensing Board Approval [Signature] Date: 9/29/17



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2017.10.11 – 130**

Resolution Re: RFP03-17 LED Street Lighting Improvements Additional
Scope of Work

WHEREAS: The City of Portsmouth along with the City of Dover formed a co-operative purchasing request for proposal for LED Street Lighting Improvements; and

WHEREAS: Request for Proposals were received on September 22, 2016 with six firms responding. After a thorough evaluation both municipalities unanimously selected Affinity LED Lighting. Dover City Council awarded Affinity LED Lighting via resolution [R-2017.01.25-005](#) the amount of \$560,000.00 and in July 2017, the City added decorative lighting units to the scope increasing the contract amount to \$568,170.00; and

WHEREAS: The City has received pricing from Affinity LED Lighting for the purchase and installation of additional smart controls in the amount of \$80,151.64.

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

The Purchasing Agent is hereby authorized to issue a Change Order to Affinity Lighting of Dover NH in the amount not to exceed \$80,151.64 for additional Smart Controls. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
1000.1.300.43160.4741.00000	CS Street Lights Equipment	86,660	86,660

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.A.3.

Resolution Number: **R – 2017.10.11 – 130**

Resolution Re: RFP03-17 LED Street Lighting Improvements Additional
Scope of Work

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.A.3.

Resolution Number: **R – 2017.10.11 – 130**

Resolution Re: RFP03-17 LED Street Lighting Improvements Additional
Scope of Work

RESOLUTION BACKGROUND MATERIAL:

The City of Portsmouth along with the City of Dover formed a co-operative purchasing request for proposal for LED Street Lighting Services. The City's requested proposals for turnkey services relating to LED streetlights. The firm selected for this project will perform the following project related services. These shall include, but are not limited to; project management, GIS asset confirmation and tracking, utility interface, layout and lighting installation

Affinity LED Lighting will provide and install additional smart control cobra head lighting in the amount of \$80,151.64

Purchasing Information:

Type:	Purchase Order	Advertised:	yes
Invitations Mailed:	By City of Portsmouth	Number of Responses:	6
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	No	Contract:	Yes
Prices will hold for:	Until Completed	Estimated Delivery:	As needed
Recommended Award to:	Affinity LED Lighting	Fund:	CIP
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation

[Portsmouth RFP03-17 Results](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2017.10.11 – 131**
Resolution Re: **Congestion Mitigation and Air Quality Program**

- WHEREAS: Over the past 20 years the City has worked to improve traffic flow throughout the community especially in areas where congestion impacts community and economic development; and
- WHEREAS: The Community has identified improvements, through the 2015 Downtown Pedestrian and Vehicular Access study, to Chestnut Street and Third Street, which would allow for safer connection between the Transportation Center and downtown, as well as improved streetscape and pedestrian flow on Chestnut Street; and
- WHEREAS: The City has worked to improve traffic signal coordination along Central Avenue, so that vehicle traffic flows in a more efficient and economical manner. Improving traffic flow via traffic signal improvements to NH Route 108 in the area of Week's Crossing would continue these efforts. These improvements will be along Central Avenue and New Rochester Road at four intersections from Week's Lane to Long Hill Road and would include installation of a camera system to monitor traffic flow; and
- WHEREAS: The City has long had issues with congestion along Route 108 in the area of Exit 7. The City and School District coordinated a study of the area, which suggested replacement of the traffic lights at Mill Street and Back River Road with roundabouts, similar to Silver Street; and
- WHEREAS: City Staff has developed applications to the NH Department of Transportation for use of Congestion Mitigation and Air Quality Improvement funding; and
- WHEREAS: The City's Transportation Advisory Commission is actively engaged in the improvement and easing of traffic concerns and will work with City Staff to complete these projects.

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

That the Mayor is authorized to sign the attached letters in support of the projects on behalf of the City Council.

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#: 13.A.4.

Resolution Number: **R – 2017.10.11 – 131**
Resolution Re: **Congestion Mitigation and Air Quality Program**

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:

In various chapters of the Master Plan, primarily the Transportation Chapter, there are recommendations about improving traffic flow in the community. As a result of public outreach work, the Transportation Advisory Commission has documented that congestion downtown, on Route 108 in the area of Exit 7, and along the heavily traveled Central Avenue roadway network are the highest areas of concern. The recently adopted Chapter of the Transportation Master Plan recommends implementing the 2014 Downtown Pedestrian and Vehicular Access Plan, as do the Vision and Land Use chapters.

The City has received grant funds for a large portion of the work completed from the NH Department of Transportation. Currently, NHDOT is soliciting funding requests for the Congestion Mitigation and Air Quality Program (CMAQ). In July Staff submitted a letter of intent for three projects. This program funds projects that meet the following guidelines:

- Alternative fuel projects including participation in vehicle acquisitions, engine conversions, and refueling or charging facilities.
- Projects that improve traffic flow, including efforts to provide signal system optimization, construct HOV lanes, streamline intersections, add turning lanes, improve transportation systems management and operations, implementing ITS and other CMAQ-eligible projects, including efforts to improve incident and emergency response or improve mobility, such as through real time traffic, transit and multimodal traveler information
- Transit investments, including transit vehicle acquisitions and construction of new facilities or improvements to facilities that increase transit capacity, as well as operating assistance for new services or the incremental cost of expanded services.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2017.10.11 – 131**
Resolution Re: **Congestion Mitigation and Air Quality Program**

- Transportation-focused (non-recreational) bicycle transportation and pedestrian improvements that provide a reduction in single-occupant vehicle travel
- The estimated cost for construction of Phase IV is \$400,000. This estimate includes engineering design work, construction, and oversight of the construction work. Limited access easements are required, and are being negotiated as part of this project.

The City is seeking 80% federal funds in the amount of \$1,200,000 each for the Chestnut Street and Route 108 projects, and \$96,000 for the signal coordination project. The local match is programed into the Capital Improvements Program.

The application requires a letter of support from the local governing body committing to actively engage in and lead the project. This resolution seeks to authorize the Mayor to sign such a letter on behalf of the City Council. The letter and application are due October 20th. All three projects will have separate and distinct applications and consideration, so there are three letters of support.

If awarded, the Transportation Advisory Commission, which endorsed the applications at its September 25, 2017 meeting, would work with staff to draft RFPs for construction and engineering services and provide a venue for public input on the design and installation of the trail work.

October 11, 2017

Mr. Thomas Jameson, P.E. TAP Program Manager
NHDOT Bureau of Planning & Community Assistance
John O. Morton Building
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

RE: Congestion Mitigation and Air Quality - Letter of Support – Route 108

Dear Mr. Jameson:

Please accept this letter from the City of Dover in support of our application to the CMAQ Program funds for the recently announced funding round.

Over the past 30 years the City has experienced growth in population – both residential and as an employment center. In that time the vehicle traffic traveling along Route 108 to and from Exit 7 off the Spaulding Turnpike has grown considerably. In the 1980s these approaches were revised to install stop signs. Those in turn were upgraded to coordinated traffic signals, at Back River Road, Mill Street, Exit 7 (north and south) and Locust Street. While widening has occurred, congestion is still a major concern. In fact, outside of downtown congestion, this area is the most concerning to the community.

The City's Transportation Chapter of the Master Plan, adopted in 2016, advocates for improvements to this stretch of roadway to improve flow. In 2016 the City retained a consultant to evaluate options, from widening the road to more innovative approaches. The suggested improvement is to remove the traffic lights at Mill Street and Back River Road and replace them with roundabouts. This application is for the final design and implementation of the pair of roundabouts.

Dover's Capital Improvements Program has provisions for funding the local match for this project and staff will be working with the regional planning commission to suggest further improvements be included in the State's Ten Year Plan.

The City's Transportation Advisory Committee vetted the 2016 plan and continues to support its implementation and would be engaged with City Staff to complete this project.

Thank you very much for your consideration Dover looks forward to completing this important project.
Sincerely,

Karen Weston
Mayor

October 11, 2017

Mr. Thomas Jameson, P.E. TAP Program Manager
NHDOT Bureau of Planning & Community Assistance
John O. Morton Building
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

RE: Congestion Mitigation and Air Quality - Letter of Support – Chestnut Street

Dear Mr. Jameson:

Please accept this letter from the City of Dover in support of our application to the CMAQ Program funds for the recently announced funding round.

Over the past 20 years the City has worked to make improvements to pedestrian access, access to transit and address congestion within our downtown. This work has led to implementation of the Transportation Center in Dover, a viable multi-modal “one stop shop” for cars, buses, bicycles and trains within the heart of Dover’s historic downtown. While the City has worked on incremental changes over the years, a major improvement to Chestnut Street and Third Street would be of much benefit to the public and community. A concept for these improvements was developed in 2015 as part of a comprehensive Downtown Pedestrian and Vehicular Access Study. In that study improvements to streetscape, access to rail, vehicular turning movements and increased signage for pedestrian use are envisioned.

Dover’s 2012 Vision Chapter, 2014 Land Use Chapter and 2016 Transportation chapter of Master Plan recommended this project. CMAQ, and the Capital Improvements Program has provisions for funding the local match and the further improvements within it.

The City’s application is for improvements to Chestnut Street, including improved connections at Third Street across from the Transportation will ease congestion in this heavily traveled roadway network, and improve the viability of using transit (rail and bus) to reach Dover’s urban core.

The City’s Transportation Advisory Committee vetted the 2015 plan and continues to support its implementation and would be engaged with City Staff to complete this project.

Thank you very much for your consideration Dover looks forward to completing this important project.
Sincerely,

Karen Weston
Mayor

October 11, 2017

Mr. Thomas Jameson, P.E. TAP Program Manager
NHDOT Bureau of Planning & Community Assistance
John O. Morton Building
7 Hazen Drive
P.O. Box 483
Concord, NH 03302-0483

RE: Congestion Mitigation and Air Quality - Letter of Support – Traffic Lights

Dear Mr. Jameson:

Please accept this letter from the City of Dover in support of our application to the CMAQ Program funds for the recently announced funding round.

Over the past 10 years the City has worked to make improvements to our traffic lights, and has improved communications and coordination between them. This Coordination includes the signals the State of NH operates at Weeks Crossing (the intersection of NH Routes 9 and 108). Working with the City of Somersworth, Dover is submitting an application to for traffic signal improvements to NH Route 108 in the area of Week's Crossing. These improvements will be along Central Avenue and New Rochester Road at 4 intersections from Week's Lane to Long Hill Road and would include installation of a camera system to monitor traffic flow.

The cameras allow for in time adjustments to lights and coordination adjustment during peak times. Furthermore, they allow for real time traffic count information, and automatic incident detection, improving public safety response times. This project ties in with a concurrent project that Somersworth is proposing, which will improve regional efficiency.

Dover's Capital Improvements Program has provisions for funding the local match for this project and staff would coordinate with the City of Somersworth to interconnect our two community's project to improve efficiency and flow between both communities, making this a regional project.

The City's Transportation Advisory Committee supports its implementation and would be engaged with City Staff to complete this project.

Thank you very much for your consideration Dover looks forward to completing this important project.
Sincerely,

Karen Weston
Mayor



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R - 2017.10.11 – 132**

Resolution Re: Collective Bargaining Agreement Between City of Dover
and DPA

WHEREAS: The City of Dover and representatives of the Dover Police Association have been involved in negotiations for a collective bargaining agreement to supersede the Agreement which expired on June 30, 2017; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL THAT:
The Council accepts the tentative agreement and the City Manager is hereby directed to execute a three (3) year Collective Bargaining Agreement between the City of Dover and the Dover Police Association.

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.1.

Resolution Number: **R - 2017.10.11 – 132**

Resolution Re: Collective Bargaining Agreement Between City of Dover
and DPA

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.1.

Resolution Number: **R - 2017.10.11 – 132**

Resolution Re: Collective Bargaining Agreement Between City of Dover and DPA

RESOLUTION BACKGROUND MATERIAL:

The City participated in negotiations with DPA. Discussions started on January 5, 2017 bringing the contract to this point.

The summary of costs is as follows:

City of Dover

Summary of Change – DPA (Police Officers, Dispatchers & Secretaries) Tentative Agreement Cost Summary

	Wage Amount	Dental	Medical	Retirement	Other Fringe	Total Fringe	Wage & Fringe			Change from FY18 SQ
DPA FY18 Estimate	3,426,381	27,239	757,780	798,036	115,269	1,698,324	5,124,705			126,495 2.53%
								Change from FY18 Estimate		Change from FY19 SQ
FY19 Estimate	3,558,877	27,615	783,277	828,115	119,891	1,758,898	5,317,775	193,070 3.77%		232,365 4.57%
								Change from FY19 Estimate		Change from FY20 SQ
FY20 Estimate	3,691,979	28,596	814,752	912,084	124,346	1,879,778	5,571,757	253,982 4.78%		344,662 6.59%
Totals	10,677,237	83,450	2,355,809	2,538,235	359,506	5,337,000	16,014,237			



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2017.10.11 – 133**

Resolution Re: **Acceptance of Donated Conservation Easement from
Dorothy S. Mason**

WHEREAS: Dorothy S. Mason is the owner of a parcel of property at 110 Spruce Lane in Dover known as Map J; Lot 4-3; and

WHEREAS: The City owns an abutting piece of property over which the public has access to walking trails; and

WHEREAS: Dorothy S. Mason wishes to donate a conservation easement to the City over a 4.067 acre portion of her property, which donated easement area abuts the City-owned land and provides additional frontage for limited public access on Spruce Lane; and

WHEREAS: The City and Dorothy S. Mason have been negotiating, in good faith, the terms of a conservation easement deed from Mrs. Mason to the City, which will provide for conservation of the subject portion of the property, as well as limited public access.

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

The Mayor and City Council accepts the generous donation of this conservation easement from Dorothy S. Mason over a portion of her property.

The City Manager or designee shall negotiate and finalize the terms of a conservation easement deed from Ms. Mason to the City and is authorized to sign any necessary paperwork to accomplish this transfer and record necessary documents with the Strafford County Registry of Deeds.

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

Document Created by: Planning
Document Posted on: October 4, 2017

**R_2017.10.11 Acceptance of Donated Land from
Dorothy S. Mason**
Page 1 of 2



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#:

Resolution Number: **R – 2017.10.11**
Resolution Re: **Acceptance of Donated Conservation Easement from
Dorothy S. Mason**

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 draft conservation easement deed and attached map designating area to be protected by a conservation easement deed in favor of the City.

NOTE: THIS IS A TRANSFER OF TITLE TO AN AGENCY EXEMPT PURSUANT TO SECTION 501 OF THE INTERNAL REVENUE CODE OF 1986 AND THE UNITED STATES AND/OR AN AGENCY OR INSTRUMENTALITY THEREOF PURSUANT TO NEW HAMPSHIRE RSA 78-B II AND III AND IS THEREFORE EXEMPT FROM THE NEW HAMPSHIRE REAL ESTATE TRANSFER TAX.

CONSERVATION EASEMENT DEED

DOROTHY S. MASON, a married person, with a principal mailing address of 110 Spruce Lane Extension, City of Dover, County of Strafford, State of New Hampshire, (hereinafter referred to as the “**Landowner**”, which word where the context requires includes the plural and shall, unless the context clearly indicates otherwise, include the Landowner's executors, administrators, legal representatives, devisees, heirs, successors and assigns), for consideration the sufficiency of which is hereby acknowledged, with WARRANTY covenants, grants in perpetuity to

The **CITY OF DOVER, NEW HAMPSHIRE**, a municipal corporation situated in the County of Strafford, State of New Hampshire, acting through its Conservation Commission pursuant to RSA 36-A:4, with a principal mailing address of 288 Central Avenue, Dover, New Hampshire (hereinafter referred to as the “**Easement Holder**”, which shall, unless the context clearly indicates otherwise, include the Easement Holder's successors and assigns),

the herein described **CONSERVATION EASEMENT** (herein referred to as the “**Easement**”, which Easement shall also be known as the “Jonathan E. Chorlian Memorial Easement”) hereinafter described is with respect to a 4.067 acre area of land, formerly known as map J, lot 4-3, (herein referred to as the “**Conservation Area**”), with any and all buildings, structures, and improvements thereon, being unimproved fields, forestland, agricultural land, and wetland, situated at 110 Spruce Lane Extension in the City of Dover, County of Strafford, State

of New Hampshire, as shown on a plan entitled “Lot Line Adjustment Plan Between Tax Map/Lot J-4-2 & J-4-3, Spruce Lane Extension, Dover, N.H. for Edward F. & Alice Von Briesen”, by Norway Plains Associates, Inc. dated December 1996, last revised February 6, 1997, recorded at the Strafford County Registry of Deeds as Plan 49-65 (hereafter “**Plan**”), and more particularly bounded and described in Appendix “A” attached hereto and made a part hereof. Landowner is also the owner of land and buildings shown and formerly known as Tax Map Lot J-4-2 on the Plan (hereinafter referred to as the “**Excluded Area**”), which immediately abuts the Conservation Area. Effective March 23, 2016, Landowner merged the Conservation Area and the Excluded Area by recording a Notice of Merger pursuant to RSA 674:39-a at the Strafford County Registry of Deeds at Book 4367, Page 450.

This Easement is granted by Landowner and accepted by Easement Holder, acknowledging that the Conservation Area includes the following recreational, educational, natural habitat, open space, scenic, forestry, agricultural, and conservation attributes protected by the terms of this Easement:

- * Scenic view from Spruce Lane Extension of open field and wooded area;
- * Conservation Area is part of the Bellamy River Conservation Focus area, as outlined in “The Land Conservation Plan for New Hampshire’s Coastal Watersheds – July 2006” for the New Hampshire Estuaries Project and New Hampshire Coastal Program;
- * enhancement and enlargement of 550 acres of protected land adjacent to/nearby the Conservation Area, including the Bellamy River Wildlife Management Area (424 acres) and the City of Dover Conservation Land (23.6 acres);
- * Conservation Area is adjacent to a City owned conservation parcel and shares a common boundary of more than 921 feet; and
- * Conservation Area contains 2.4 acres of Buxton silt loam (3 to 8 percent slopes), 0.6 acres of Windsor loamy fine sand (0 to 8 percent slopes), both Prime Agricultural Soils and 0.8 acres of Suffield silt loam (8 to 15 percent slopes), a Soil of Local Significance as determined by the U.S. Natural Resources Conservation Service;

1. **PURPOSES**

Because of the above described conservation attributes, the Easement hereby granted is pursuant to NH RSA 477:45-47, exclusively for the following conservation purposes (herein referred to as the “Purposes”) for the public benefit:

- A. To assure that the Conservation Area will be retained forever in its predominantly undeveloped open fields and forested condition, with the exception of permitted agricultural and forestry uses as more fully explained herein;
- B. The protection of the biological integrity of the natural habitats, biological communities and ecosystems of the Conservation Area;

- C. The conservation and protection of open spaces, particularly the conservation of the fields and/or forest land of which the Conservation Area consists, and the long-term protection of the Conservation Area's capacity to produce agricultural and forestry products;
- D. The scenic enjoyment of the general public;
- E. The enhancement and enlargement of 550 acres of protected land that is nearby the Conservation Area; and
- F. To provide the public with limited access to the Conservation Area in areas contiguous with abutting conservation land but generally away from any portion of the Conservation Area developed for uses accessory to the Excluded Area, for walking, snow shoeing, cross country skiing, horseback riding, and general non-motorized human pedestrian access, and also as permitted by and upon reasonable advance notice to the Landowner, for instruction, education and the promotion of values consistent with the protection, preservation, and management of the conservation, historic and natural resources protected by this Conservation Easement Deed.

The above Purposes are consistent with the clearly delineated open space conservation goals and objectives as stated in the 2012 Conservation and Open Space Chapter Master Plan of the City of Dover, which includes:

- Identify and pursue permanent legal protection of key open space areas based upon a systematic inventory and evaluation of Dover's natural resources.
- Where possible, link open space areas and recreation facilities in an effort to establish an integrated network of resources.
- Improve, protect and encourage public access to Dover's natural resource areas.

and consistent with New Hampshire RSA Chapter 79-A:1 "Declaration of Public Interest," which states:

"It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources;"

All of these Purposes are consistent and in accordance with the U.S. Internal Revenue Code, Section 170(h).

2. USE LIMITATIONS

The Conservation Area shall be maintained in perpetuity as open space subject to the following use limitations:

A. There shall not be conducted on the Conservation Area any industrial or commercial activities, except agriculture and forestry, including timber harvesting, as described below, and provided that the capacity of the Conservation Area to produce forest and/or agricultural crops shall not be degraded by on-site activities.

i. For the purposes of this Easement, “agriculture” shall include but not be limited to: animal husbandry of any and all types including without limitation the keeping of horses, floriculture, and horticulture activities; the production of plant and animal products for domestic or commercial purposes; the growing of food crops; the construction of roads or other accessways for the purpose of removing agricultural products from the Conservation Area; and the processing and sale of products produced on the Conservation Area (such as pick-your-own fruits and vegetables).

For the purposes of this Easement, “forestry” shall include but not be limited to: the growing, stocking, cutting, and sale of Christmas trees or forest trees of any size capable of producing timber or other forest products; the construction of roads or other accessways for the purpose of removing forest products from the Conservation Area; and the processing and sale of products produced on the Conservation Area (such as firewood and maple syrup).

ii. Any agriculture for industrial or commercial purposes shall not be detrimental to the Purposes of this Easement.

iii. If any forestry is conducted for industrial or commercial purposes, it shall be performed, to the extent reasonably practicable, as hereinafter specified in accordance with the following goals, and in a manner not detrimental to the Purposes of this Easement.

a. The goals are:

- Maintenance of soil productivity;
- Protection of water quality, wetlands and riparian zones;
- Maintenance or improvement of the overall quality of forest products;
- Conservation of scenic quality;
- Protection of unique or fragile natural areas, such as habitat for state or federally recognized rare, threatened, or endangered species, or exemplary natural communities; and
- Conservation of native plant and animal species.

- b. Such forestry shall be performed in accordance with a written forest management plan consistent with this Easement, prepared by a licensed professional forester, or by other qualified person approved in advance and in writing by the Easement Holder. Said plan shall have been prepared not more than ten (10) years prior to the date any harvesting is expected to commence, or shall have been reviewed and updated as required by such a forester or other qualified person at least thirty (30) days prior to said date.
- c. At least forty-five (45) days prior to the commencement of commercial harvesting, Landowner shall submit a written certification to the Easement Holder, signed by a licensed professional forester, or by other qualified person approved in advance and in writing by the Easement Holder, that such plan has been prepared in compliance with the terms of this Easement. The Easement Holder may request a copy of the plan. Upon said request the Landowner shall submit the plan within ten (10) days of such request. It is acknowledged that the plan's purpose is to guide forest management activities in compliance with this Easement, and that the actual activities will determine compliance therewith.
- d. The plan shall include:
- A statement of landowner objectives;
 - Forest type map showing stands related to the prescriptions provided in the plan;
 - A map showing soil types as determined by the U.S. Department of Agriculture's Natural Resources Conservation Service (or by other similarly charged successor governmental agency), access roads, wetlands, and surface waters;
 - Prescriptions for each described stand, including commercial and non-commercial treatments;
 - Explanation of how wetlands, riparian areas, vernal pools, and soils will be protected in association with road construction, other soil disturbing activities, and the implementation of stand prescriptions; and
 - Location and explanation of how unique historic or archaeological features will be protected; and
- and shall specifically address:
- the accomplishment of those Purposes for which this Easement is granted;
 - the goals in Section 2.A.iii.a above; and
 - locations and practices for preventing the spread of invasive species;
- e. Timber harvesting, with respect to such forestry, shall be conducted in accordance with said plan and be supervised by a licensed professional forester, or by other qualified person approved in advance and in writing by the Easement Holder.

- f. Such forestry shall be carried out in accordance with all applicable local, state, federal, and other governmental laws and regulations, and, to the extent reasonably practicable, in accordance with then-current, generally accepted best management practices for the sites, soils, and terrain of the Conservation Area recommended by governmental natural resource conservation and management agencies then active, including but not limited to recommended practices in “Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for New Hampshire” (New Hampshire Forest Sustainability Standards Work Team, 1997, revised 2010), or similar successor publications.
 - g. In areas used by, or visible to the general public, such forestry shall be carried out, to the extent reasonably practicable, in accordance with the recommendations contained in “*A Guide to Logging Aesthetics: Practical Tips for Loggers, Foresters, and Landowners*” (Geoffrey Jones, 1993) or similar successor publications.
- B. The Conservation Area and Excluded Area shall not be subdivided, except that the lease of any portion of the Conservation Area for any use permitted by this Easement shall not violate this provision.
- C. No structure or improvement shall be constructed, placed, or introduced onto the Conservation Area, except for structures and improvements which are: i) necessary in the accomplishment of the agricultural, forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Conservation Area and which may include but not be limited to trails, fences, utility lines, culverts, barns, maple sugar houses, farm stands, ponds or sheds; ii) not detrimental to the Purposes of this Easement (such as a gazebo); and iii) subject to notice and approval as described below. To the extent practicable, any barn which may be constructed on the Conservation Area for the keeping of horses or other animals (not including so called “run-in” shelters located in the fields or paddocks for the temporary shelter of animals) shall be constructed as close as practicable to the dwelling on the Excluded Area, and shall encroach on the Conservation Area as little as reasonably practicable to satisfy setbacks and other dimensional requirements of Dover Zoning and reasonable aesthetic considerations of Landowner including the setbacks and reasonable siting needs for any sewer and other utilities needed to support the barn or other use accessory to the dwelling on the Excluded Area.

Prior to any land clearing, earth moving, alteration of terrain, or construction, or relocation of any permitted structure (except fencing and/or fenced in areas such as pastures, paddocks, riding rings, and the like) with a footprint exceeding six hundred (600) square feet, the Landowner shall provide the Easement Holder with forty-five (45) days written notice. For any permitted structure with a footprint exceeding one thousand two hundred (1200) square feet (except fencing and/or fenced in areas such as pastures, paddocks, riding rings, and the like), the Landowner shall submit to the Easement Holder, for Easement Holder’s approval, which approval shall not be unreasonably withheld, a map with the proposed structure location and a written

description of the proposed construction or relocation, including size, extent, location, timing, and method of construction or relocation. Said construction activities may commence only after written approval by the Easement Holder. Within sixty (60) days after Easement Holder's receipt of such submission, the Easement Holder shall approve or disapprove of the proposed structure in writing, such disapproval shall specify in detail the reasons therefor. Easement Holder's failure to approve or disapprove within said period shall constitute an approval of the proposed exercise. Nothing herein shall be construed as excusing compliance with all applicable State and/or City of Dover Ordinances, Zoning requirements, and permitting processes in the course of any of the activities described in this Easement Deed.

No more than 2% of the Conservation Area shall be covered by Impervious Surfaces as defined in the City of Dover's Ordinances (or then applicable rule, regulation, ordinance or the like) at the time the proposed construction, land clearing, earth moving, or alteration of terrain is to occur (the definition of "Impervious" at the time of the granting of this Conservation Easement may currently be found in the Site Review Regulations at Chapter 149-21, and reads "those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel.")

Notwithstanding the above, there shall not be converted, constructed, placed, or introduced onto the Conservation Area any of the following structures or improvements: dwelling, motor home, campers, residence, cabin, residential driveway, tennis court, swimming pool, athletic field, golf course, storage trailer, tower, or aircraft landing area.

- D. Except as set forth herein, no removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall be allowed unless such activities:
- i. are commonly necessary in the accomplishment of the agricultural, forestry, conservation, habitat management, or low-impact noncommercial outdoor recreational uses of the Conservation Area; and for forestry uses, consistent with the forest management plan required in Section 2.A.iii above;
 - ii. do not harm state or federally recognized rare, threatened, or endangered species, or exemplary natural communities, such determination of harm to be based upon information from the New Hampshire Natural Heritage Bureau, the New Hampshire Fish and Game Department, or the agency then recognized by the State as having responsibility for identification and/or conservation of such species and/or natural communities;
 - iii. are carried out, to the extent reasonably practicable, in accordance with then-current, generally accepted best management practices as referenced in Sections 2.A.ii. and 2.A.iii. f. and g. above; and

iv. are not detrimental to the Purposes of this Easement.

Prior to commencement of any such activities, the Landowner shall secure all necessary federal, state, local, and other governmental permits and approvals at Landowner's sole cost and expense.

- E. No outdoor advertising structures such as signs and billboards shall be displayed on the Conservation Area except as desirable or necessary in the accomplishment of the agricultural, forestry, conservation, or low-impact noncommercial outdoor recreational uses of the Conservation Area, or as necessary for public safety, and provided such structures are not detrimental to the Purposes of this Easement. No sign on the Conservation Area shall exceed sixteen (16) square feet in size, and no sign shall be artificially illuminated.
- F. There shall be no mining, quarrying, excavation, or removal of rocks, minerals, gravel, sand, topsoil, water, or other similar materials from or on the Conservation Area, except in connection with any improvements made pursuant to and consistent with the provisions of Sections 2.A., C., D., or E., above. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Conservation Area without prior written approval from the Easement Holder and provided that said removal is not detrimental to the Purposes of the Easement.
- G. There shall be no application, dumping, disposal, injection, burning, or burial on the Conservation Area of man-made materials or materials then known to be environmentally hazardous.
- H. Except as may be provided herein, the Conservation Area shall not be used to satisfy the density, open space, frontage, setback, or other requirements of any applicable zoning ordinance, subdivision regulation, or other land use regulation of any governmental unit with respect to the development of any other parcel. Notwithstanding the provisions of the immediately preceding sentence, said regulations shall not include those governing N.H. Current Use Assessment under RSA 79-A as may be amended from time to time.
- I. Except for the limited pedestrian recreational access expressly allowed by Section 1.F above, to guide future interpreters of Landowner's intended permissive limited access, by way of example, and not necessarily limitation, it is the Landowner's intent to permit periodic field trips for local area science teachers and their students, and/or scouting or conservation groups, and/or limited public educational tours sponsored by local conservation or educational groups. Such contemplated limited public access shall avoid any of the areas under agricultural or forestry use(s) as permitted herein. Such contemplated limited public access shall not be unreasonably denied by successors in title to the undersigned Landowner. Landowner reserves the right to post the Conservation Area against public access as may be necessary to notify the Public against public access to any barn or other accessory structure which may be constructed as permitted on the Conservation Area, to agricultural cropland

(including but not limited to hayfields) during the planting and growing season, to agricultural land with perennial plantings (such as blueberry bushes) susceptible to damage from foot traffic or other allowed public uses, to lands while being grazed by livestock or other animals, and to forestland during harvesting or other forest management activities.

- J. Motorized vehicles, including but not limited to cars, trucks, motorcycles, dirt bikes, four-wheelers, and the like are strictly prohibited subject to the following specific exceptions:
 - i. Motor vehicles shall be permitted in support of the permitted agriculture and forestry uses as set forth in Section 2.A USE LIMITATIONS, above;
 - ii. Motor vehicles shall be permitted for the mowing of the fields as set forth in section 3.B RESERVED RIGHTS OF LANDOWNER, below. Snowmobiles shall be permitted only with the permission of the Landowner.
 - iii. Motorized wheelchairs or other assistive devices used by persons with mobility impairments are permitted within the Easement Area, notwithstanding any restriction against motorized vehicles.
- K. In the exercise of limited public access contemplated by Section 1.F above, no motorized vehicles, shall be allowed on the Conservation Area, except for emergency response vehicles responding to a bona fide emergency need. No overnight camping or fires shall be allowed in conjunction with Landowner's contemplated limited public access, except that Landowner shall be permitted to use open areas (pastures, paddocks, open fields, hayed fields or the like), for the erection of tents for temporary overnight sleeping and/or camping, and for temporary larger tents for parties or events hosted by Landowner, relatives and/or guests of Landowner, so long as such use is not for commercial purposes.
- L. No rights-of-way or easements of ingress or egress in favor of any third party shall be created or developed into, on, over, or across the Conservation Area without the prior written approval of the Easement Holder, except those of record as of the execution of this Easement and those specifically permitted in the provisions of this Easement.

3. **RESERVED RIGHTS OF LANDOWNER**

All acts and uses not prohibited in Section 2 are permissible by the Landowner provided that such acts and uses do not materially impair the Purposes of this Easement or other significant conservation interests. The Landowner reserves to itself, its successors and assigns all other customary rights and privileges of ownership, including but not limited to the provisions below.

- A. To use and develop the Conservation Area consistent with the agricultural and forestry uses permitted herein.

- B. To conduct commercial and non-commercial agricultural and forestry activities on the Conservation Area, including, but not limited to haying, cutting, planting, pruning, thinning, and cutting firewood for personal use. Such activities shall be consistent with any forest management plan prepared in accordance to Section 2.A.ii above, and shall not be detrimental to the Purposes of this Easement. If more than the equivalent of ten (10) cords of wood is cut in any year the Landowner shall abide by the requirements for commercial forestry as described in Section 2.A.iii above. Notwithstanding the above, the Landowner reserves the right to cut and remove dead, standing dead, diseased or endangering trees, shrubs and plants.
- C. To mow the fields on the Conservation Area that were in existence at the time of execution of this Easement Deed.
- D. To post the Conservation Area as provided in Section 2.I against unlimited/general recreation public access inconsistent with the intent of Section 2. above; any signage posted as contemplated by this section addressing the limited public access contemplated herein shall be no more than 30 square inches each, unless otherwise agreed upon by both Landowner and Easement Holder as to material, size, color, content and location.
- E. With the exception of posting the Conservation Area; mowing or haying the fields; cutting, planting, pruning, thinning, and cutting firewood for personal use; and cutting and removing dead, standing dead, diseased or endangering trees, shrubs and plants as contemplated herein, the Landowner must notify the Easement Holder in writing at least thirty (30) days before any exercise of the aforesaid reserved rights, and prior to said exercise, the Landowner shall secure all necessary federal, state, local, and other governmental permits and approvals. The exercise of any reserved right in Section 3 above shall not harm state or federally recognized rare, threatened, or endangered species, or exemplary natural communities, such determination of harm to be based upon information from the New Hampshire Natural Heritage Bureau, the New Hampshire Fish and Game Department, or the agency then recognized by the State as having responsibility for identification and/or conservation of such species and/or natural communities.

4. **NOTIFICATION OF TRANSFER, TAXES, & MAINTENANCE**

- A. The Landowner agrees to notify the Easement Holder in writing within ten (10) days of the transfer of title to the Conservation Area or any division of ownership thereof permitted hereby, including any change in Trustee if the Conservation Area is held in trust.
- B. The Easement Holder shall be under no obligation to maintain the Conservation Area or pay any taxes or assessments thereon.

5. **BENEFITS & BURDENS**

The burden of the Easement conveyed hereby shall be on the Property over which the Conservation Area runs and shall be enforceable against all future owners and tenants in perpetuity. The benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization: has among its purposes the conservation and preservation of land and water areas; agrees to and is capable of protecting the conservation purposes of this Easement; and has the resources to enforce the restrictions of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.

6. **AFFIRMATIVE RIGHTS OF EASEMENT HOLDER**

- A. The Easement Holder shall have reasonable access to the Conservation Area and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby and fulfill the responsibilities and carry out the duties assumed by the acceptance of this Easement.
- B. To facilitate such inspection and to identify the Conservation Area as conservation land protected by the Easement Holder, the Easement Holder shall have the right to place signs, each sign shall not exceed twelve (12) square inches in size, along the Conservation Area's boundaries.
- C. The Easement Holder shall have the rights to post, and to authorize others to post, the Conservation Area against or otherwise limit public access only with the consent of the Landowner and only if such access is shown to degrade the conservation attributes of the Conservation Area, to be inconsistent with the Purposes of this Easement, or to threaten public safety.

7. **RESOLUTION OF DISAGREEMENTS**

- A. The Landowner and the Easement Holder desire that issues arising from time to time concerning the interpretation of the provisions of the Easement, or any use or activity on the Conservation Area, will first be addressed through candid and open communication between the parties rather than unnecessarily formal or adversarial action. Therefore, the Landowner and the Easement Holder agree that if either party becomes concerned whether any proposed or actual use, activity, or failure to take action (which together for the purposes of this Section, "Resolution of Disagreements," shall be referred to as the "Activity") complies with the provisions of this Easement, wherever reasonably possible the concerned party shall notify the other party of the perceived or potential problem, and the parties shall explore the possibility of reaching an agreeable resolution by informal dialogue.

- B. If informal dialogue does not resolve a disagreement regarding the Activity, and if the Landowner agrees not to proceed or continue with the Activity pending resolution of the disagreement concerning the Activity, either party may refer the disagreement to mediation by written notice to the other. Within twenty (20) days of the delivery of such a notice, the parties shall agree on a single impartial mediator. Mediation shall be conducted in Dover, New Hampshire, or such other location as the parties shall agree. Each party shall pay its own legal fees and other associated costs, and the costs of mediation shall be split equally between the parties.
- C. If the parties cannot agree upon the selection of a mediator, if all parties agree to bypass mediation, if any party refuses to participate in or continue with mediation, or if the parties are unable to resolve the disagreement, either party may proceed to a court of competent jurisdiction.
- D. Notwithstanding the availability of mediation to address disagreements concerning the compliance of any Activity with the provisions of this Easement, if the Easement Holder believes that some use, activity, or failure to take action of the Landowner or of a third party is causing irreparable harm or damage to the Conservation Area, or creates an imminent threat of same, the Easement Holder may seek a temporary restraining order, preliminary injunction or other form of equitable relief from any court of competent jurisdiction to: cause the cessation of any such damage or harm or threat of same; enforce the terms of this Easement; enjoin any violation by permanent injunction; and require the restoration of the Conservation Area to its condition prior to any breach.

8. **BREACH OF EASEMENT – EASEMENT HOLDER’S REMEDIES**

- A. If the Easement Holder determines that a violation or breach of this Easement has occurred (which together shall hereinafter be referred to as “breach”), the Easement Holder shall notify the Landowner in writing of such breach and demand corrective action to cure the breach and, where the breach involves damage, disturbance, or harm (hereinafter referred to as “damage”) to the Conservation Area, to restore the portion of the Conservation Area so damaged to its prior condition.
- B. The Landowner shall, within thirty (30) days after receipt of such notice or after otherwise learning of such breach, undertake those actions, including restoration, which are reasonably calculated to cure swiftly said breach and to repair any damage. The Landowner shall promptly notify the Easement Holder of its actions taken hereunder.
- C. If the Landowner fails to perform its obligations under the immediately preceding paragraph B. above, or fails to continue diligently to cure any breach until finally cured, the Easement Holder may undertake any actions, in the Landowner’s name, that are reasonably necessary to repair any damage or to cure such breach, including an action at law or in equity in a court of competent jurisdiction to enforce the terms of this Easement, to enjoin the violation, *ex parte* as necessary, by temporary or permanent injunction, and to require the restoration of the Conservation Area to the condition that existed prior to any such damage.

- D. If the Easement Holder, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to any conservation attribute of the Conservation Area, the Easement Holder may pursue its remedies under this Section, "Breach of Easement...", without prior notice to the Landowner or without waiting for the period provided for cure to expire.
- E. The Easement Holder shall be entitled to recover damages from the party directly or primarily responsible for the breach or for damage to any conservation attributes protected hereby, including, but not limited to, damages for the loss of scenic, aesthetic, or environmental attributes of the Conservation Area. Without limiting the Landowner's liability therefore, the Easement Holder, in its sole discretion, may apply any damages recovered to the cost of undertaking any corrective action on the Conservation Area.
- F. The Easement Holder's rights under this Section, "Breach of Easement...", are in addition to the provisions of the Section, "Resolution of Disagreements," which section shall also apply to any disagreement that may arise with respect to activities undertaken in response to a notice of breach and the exercise of the Easement Holder's rights hereunder.
- G. The Landowner and the Easement Holder acknowledge and agree that should the Easement Holder determine, in its sole discretion, that conservation attributes protected by this Easement are in immediate danger of irreparable damage, the Easement Holder may seek the injunctive relief described in the third paragraph of this Section, "Breach of Easement...", both prohibitive and mandatory, in addition to such other relief to which the Easement Holder may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. The Easement Holder's remedies described in this Section, "Breach of Easement...", shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.
- H. Provided that the Landowner is directly or primarily responsible for the breach, all reasonable costs incurred by the Easement Holder in enforcing the terms of this Easement against the Landowner, including, without limitation, staff and consultant costs, reasonable attorneys' fees and costs and expenses of suit, and any costs of restoration necessitated by the Landowner's breach of this Easement shall be borne by the Landowner; and provided further, however, that if the Landowner ultimately prevails in an enforcement action, each party shall bear its own costs. Notwithstanding the foregoing, if the Easement Holder initiates litigation against the Landowner to enforce this Easement, and if the court determines that the litigation was initiated without reasonable cause or in bad faith, then the court may require the Easement Holder to reimburse the Landowner's reasonable costs and reasonable attorney's fees in defending the action.
- I. Forbearance by the Easement Holder to exercise its rights under this Easement in the event of any breach of any term hereof by the Landowner shall not be deemed or

construed to be a waiver by the Easement Holder of: such term or any subsequent breach of the same; any other term of this Easement; or any of the Easement Holder's rights hereunder. No delay or omission by the Easement Holder in the exercise of any right or remedy upon any breach by the Landowner shall impair such right or remedy or be construed as a waiver. The Landowner hereby waives any defense of laches or estoppel.

- J. Nothing contained in this Easement shall be construed to entitle the Easement Holder to bring any action against the Landowner for any damage to, or change in, the Conservation Area, or to any person, resulting from causes beyond the Landowner's control, including, but not limited to, unauthorized actions by third parties, natural disasters such as fire, flood, storm, disease, infestation and earth movement, or from any prudent action taken by the Landowner under emergency conditions to prevent, abate, or mitigate significant damage to the Conservation Area or to any person resulting from such causes. The Easement Holder and the Landowner reserve the right, separately or collectively, to pursue all legal and/or equitable remedies, as set forth in this Section, "Breach of Easement...", against any third party responsible for any actions inconsistent with the provisions of this Easement, and, further, prior to either party taking any such separate action, the Easement Holder and Landowner shall first discuss with one another opportunities for taking collective action.

9. **PROHIBITION**

Notwithstanding the foregoing, the Landowner and the Easement Holder shall have no right or power to agree to any activities that would result in the termination of this Easement or to allow any residential, commercial or industrial structures, or any commercial or industrial activities, not provided for hereinabove.

10. **NOTICES**

All notices, requests and other communications, required to be given under this Easement shall be in writing, except as otherwise provided herein, and shall be delivered in hand or sent by certified mail, postage prepaid, return receipt requested, or by prepaid overnight delivery service providing a signed receipt for delivery, to the appropriate address set forth above or at such other address as the Landowner or the Easement Holder may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

11. **SEVERABILITY**

If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

12. **HOLD HARMLESS**

The Landowner agrees to release, hold harmless, defend and indemnify the Easement Holder from any and all liabilities including, but not limited to, injuries, losses, damages, judgments, costs, expenses and fees which the Easement Holder may suffer or incur as a result of, arising out of, or connected with: (i) the activities of the Landowner or any other person on the Conservation Area, other than those caused by the negligent acts or acts of misconduct by the Easement Holder; or (ii) violation or alleged violation of, or other failure to comply with, any state, federal or local law, regulation or requirement by any person, other than the Easement Holder, in any way affecting, involving, or relating to the Conservation Area.

13. **ENVIRONMENTAL RESPONSIBILITIES**

Nothing in this Easement shall be construed as giving any right or ability to Easement Holder to exercise physical or managerial control of any of Landowner's activities on the Conservation Area, except for Easement Holder's rights and responsibilities related to the monitoring of the Conservation Area and enforcement of this Easement, or otherwise to become an operator with respect to the Conservation Area within the meaning of the Comprehensive Environmental Response Compensation and Liability Act of 1980 as amended ("CERCLA"), or of any other federal, state, or local law or regulation making operators of property responsible for remediation of contamination.

14. **EXTINGUISHMENT & CONDEMNATION**

- A. **Extinguishment.** If circumstances arise in the future such as render the Purposes of this Easement impossible or impracticable to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. The amount of the proceeds to which Easement Holder shall be entitled, after the satisfaction of prior claims, from any sale, exchange, or involuntary conversion of all or any portion of the Conservation Area subsequent to such judicial termination or extinguishment, shall be determined by agreement of the parties or consistent with related judicial proceedings. In making this grant of Easement, Landowner has considered and acknowledges the possibility that uses prohibited by the terms of this Easement may become more economically viable than the uses specifically reserved by Landowner pursuant to this Easement. It is the intent of both Landowner and Easement Holder that any such change in economic conditions shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement pursuant to this Section.
- B. **Condemnation.** If all or any part of the Conservation Area is taken, in whole or in part, by exercise of the power of eminent domain or is acquired by purchase in lieu of condemnation, whether by public, corporate or other authority, so as to terminate this Easement, in whole or in part, Landowner and Easement Holder shall act jointly to recover the full value of their interests in the Conservation Area subject to the taking or in lieu purchase and to recover all direct or incidental damages resulting therefrom. All

expenses reasonably incurred by Landowner and Easement Holder in connection with the taking or in lieu purchase shall be paid out of the amount recovered. The amount of the proceeds to which the Easement Holder shall be entitled, after payment of any expenses, shall be determined in accordance with Section 14.C. below.

The balance of the amount recovered under Section 14.A. or 14.B. above, after payment of any expenses, shall be divided between the Landowner and the Easement Holder in proportion to the value of their respective interests in that part of the Conservation Area extinguished or condemned as determined pursuant to this Section.

- C. **Application of Proceeds.** Easement Holder shall use any proceeds received under the circumstances described in this Section 14 in a manner consistent with the conservation Purposes of this Easement.

15. **ADDITIONAL EASEMENT**

Should the Landowner determine that the expressed Purposes of this Easement could better be effectuated by the conveyance of an additional easement, the Landowner may execute an additional instrument to that effect, provided that: the conservation purposes of this Easement are not diminished thereby; a public agency or qualified organization described in the Section "Benefits & Burdens," above, accepts and records the additional easement; and Landowner has given advance written notice, including copy of proposed additional easement, to Easement Holder at least sixty (60) days prior to execution.

16. **AMENDMENT**

If, owing to unforeseen or changed circumstances, Landowner and Easement Holder agree that an amendment to, or modification of, this Easement would be appropriate and desirable, Landowner and Easement Holder may jointly amend this Easement pursuant to: the provisions and limitations of this section; the then-current amendment policies of the Easement Holder; and applicable state and federal law. Any amendment shall be consistent with the Purposes of this Easement, and shall not impair the conservation attributes of the Conservation Area protected by this Easement. No amendment shall affect the qualification of this Easement or the status of the Easement Holder under any applicable laws, including Sections 170(h) and 501(c)(3) of the Internal Revenue Code of 1986, as amended, and NH RSA 477:45-47 as may be amended from time to time, nor shall any amendment affect the perpetual duration of this Easement. Any amendment shall be executed by the Landowner and the Easement Holder and shall be recorded in the Strafford County Registry of Deeds. Nothing in this paragraph shall require Landowner or Easement Holder to agree to any amendment or to consult or negotiate regarding any amendment.

17. **ENTIRE AGREEMENT**

This instrument sets forth the entire agreement of the parties with respect to this Easement and supersedes all prior discussions, negotiations, understandings, and agreements relating to this Easement, all of which are merged herein.

18. **GOVERNING LAW & INTERPRETATION**

This Easement shall be interpreted under and governed by the laws of the State of New Hampshire, and shall be liberally construed to effect the Purposes of this Easement.

19. **MERGER**

The Landowner and Easement Holder explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of this Easement are to last in perpetuity, and that, to that end, no conveyance of the underlying fee interest in the Conservation Area to the Easement Holder shall be deemed to eliminate this Easement, or any portion thereof, under the doctrine of “merger” or any other legal doctrine.

Acceptance by Landowner:

INTENDING TO BE LEGALLY BOUND, I have hereunto set my hands on _____, 2017.

Dorothy S. Mason

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this the ____ day of _____, 2017, before me, the undersigned officer, personally appeared Dorothy S. Mason, who acknowledges that she executed the foregoing instrument for the purposes contained therein.

Notary Public/Justice of the Peace
My Commission Expires:

The Easement Holder, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Easement Holder, all in the furtherance of the conservation purposes for which this Easement is delivered.

THE CITY OF DOVER

By: _____
Name: J. Michael Joyal
Its: City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this the ____ day of _____, 2017, before me, the undersigned officer, personally appeared J. Michael Joyal, who acknowledged himself to be the duly authorized City Manager of **THE CITY OF DOVER**, and that he in such capacity, being authorized so to do, executed the foregoing instrument for the purposes contained therein, on behalf of **THE CITY OF DOVER**.

Notary Public/Justice of the Peace
My Commission Expires:

THE DOVER CONSERVATION COMMISSION

By: _____
Name: William C. Hunt
Its: Chair

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

On this the ____ day of _____, 2017, before me, the undersigned officer, personally appeared William C. Hunt, who acknowledged himself to be the duly authorized Chairman of **THE DOVER CONSERVATION COMMISSION**, and that he/she in such capacity, being authorized so to do, executed the foregoing instrument for the purposes contained therein, on behalf of **THE DOVER CONSERVATION COMMISSION**.

Notary Public/Justice of the Peace
My Commission Expires:
Page 18 of 19

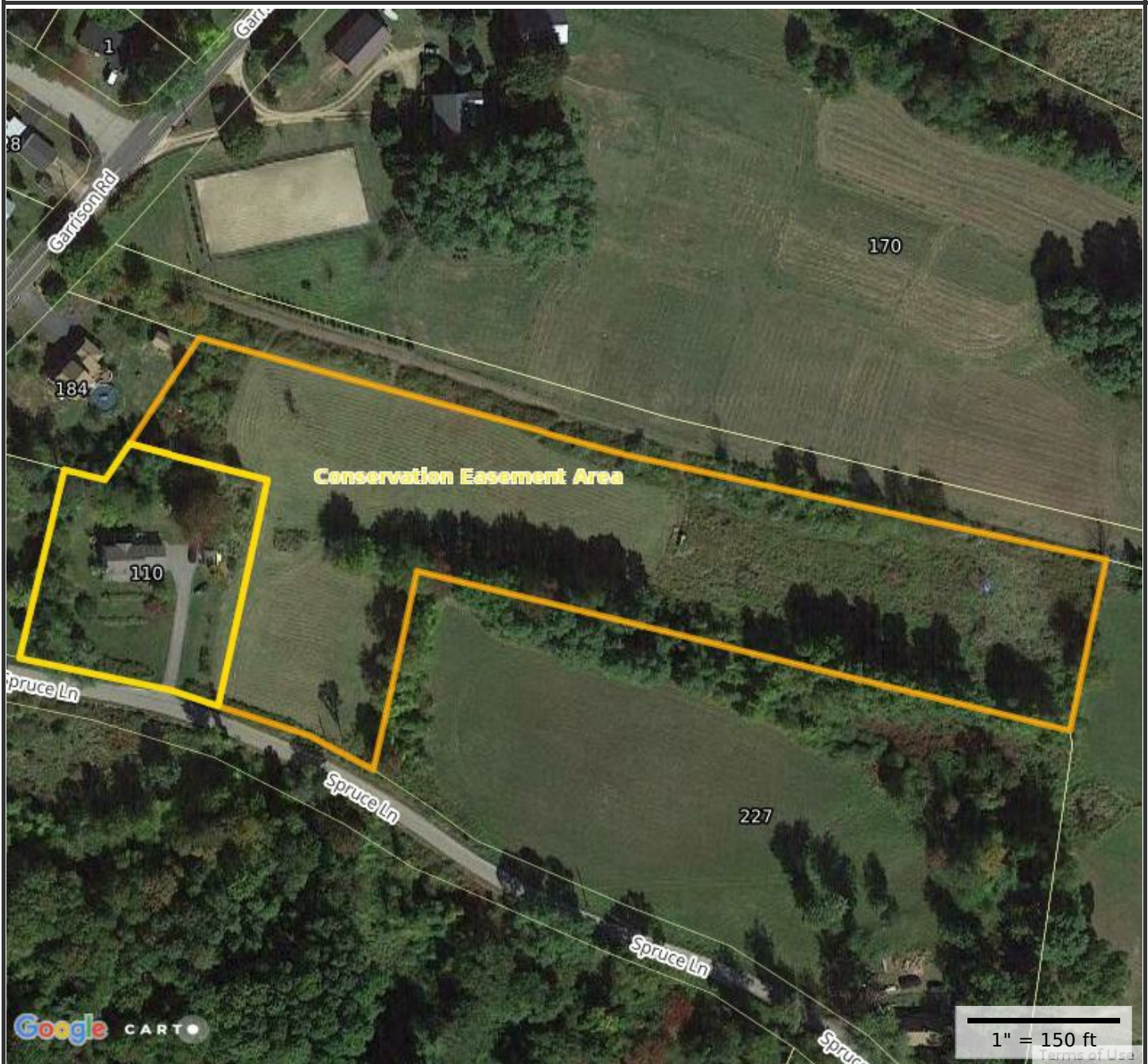
APPENDIX A

Conservation Area Easement Legal Description

The "Conservation Area" subject to this Easement is that certain parcel of unimproved land, consisting of 4.067 acres, situated on Spruce Lane Extension, so-called, in the City of Dover, County of Strafford, State of New Hampshire, shown as Map J, Lot 4-3 on a plan entitled "Lot Line Adjustment Plan Between Tax Map/Lot J-4-2 & J-4-3, Spruce Lane Extension, Dover, N.H. for Edward F. & Alice Von Briesen", by Norway Plains Associates, Inc. dated December 1996; scale: 1" – 40; recorded at the Strafford County Registry of Deeds as Plan #49-65 (hereafter "Plan"), and more particularly bounded and described as follows:

Beginning at a capped rebar found at the southwesterly corner of land of Norma and Willard Rowe and Jeffrey and Justin Rowe on the northerly side of Spruce Lane Extension; thence running along Spruce Lane Extension on a curve having a radius of 905.00 feet a distance of 166.32 feet, more or less, to a "NPA" steel stake set on the northerly sideline of Spruce Lane Extension; thence running North 10° 12' 34" East a distance of 225.45 feet, more or less, to an "NPA" steel stake set at a corner; thence turning and running North 73° 48' 43" West a distance of 140.04 feet, more or less, to an "NPA" steel stake set at a corner at land owned now or formerly of Thomas R. and Elizabeth Bartolotta; thence running North 33° 16' 34" East along land of said Bartolotta a distance of 135.86 feet, more or less, to an iron pipe found bent at land now or formerly of the City of Dover; thence turning and running along land of said Dover South 73° 16' 32" East a distance of 438.20 feet, more or less, to an iron pipe found flush; thence continuing along land of said Dover South 76° 11' 24" East a distance of 483.30 feet, more or less, to a corner and a 2" iron pipe found below grade and land owned now or formerly by Norma I. Rowe; thence turning and running along land of said Rowe South 13° 40' 00" West a distance of 150.36 feet, more or less, to an iron pipe found; thence turning and running North 76° 53' 41" West a distance of 661.99 feet, more or less, along land of Norma and Willard Rowe and Jeffrey and Justin Rowe to an iron pipe found; thence turning and running South 10° 12' 34" West a distance of 207.30 feet, more or less, to the point of beginning.

110 Spruce Lane

**Property Information**

Property ID J0004-002000
Location 110 SPRUCE LN EXT
Owner CHORLIAN DOROTHY S



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Dover, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 6/13/2017
Properties updated 09/27/2017



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2017.10.11 – 134**
Resolution Re: **Perambulation of a Portion of Municipal Boundary
Between Dover and Rollinsford**

WHEREAS: The City of Dover and the Town of Rollinsford share a common boundary; and

WHEREAS: A portion of the boundary generally runs northeasterly along Oak Street from the intersection with Broadway, across Portland Avenue, to the head of Fresh Creek (the “Boundary”); and

WHEREAS: There has been a lack of clarity on the precise location of the Boundary; and

WHEREAS: Dover and Rollinsford jointly retained the services of New Hampshire licensed land surveyor Kevin McEneaney to research the location of the Boundary and create a recordable plan of the Boundary; and

WHEREAS: Kevin McEneaney completed his research, determined the appropriate location of the Boundary, and created a recordable plan of the Boundary dated November 18, 2016 and revised through October 2, 2017, which have been recorded in the Strafford County Registry of Deeds as Plans 114-56 through 114-59; and

WHEREAS: On June 7, 2017, Kevin McEneaney briefed the Dover City Council on his work and conclusions regarding the Boundary during a workshop meeting; and

WHEREAS: The unofficial consensus of the Dover City Council at the workshop meeting was that Kevin McEneaney’s conclusions regarding the Boundary accurately reflect the correct location of the Boundary; and

WHEREAS: The City, in conjunction with the Town of Rollinsford, wishes to acknowledge and memorialize the Boundary consistent with New Hampshire RSA Chapter 51.

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

The City of Dover acknowledges that the location of the boundary between the City of Dover and the Town of Rollinsford running northeasterly along Oak Street from the intersection with Broadway, across Portland Avenue, to the head of Fresh Creek is as shown on a recordable plan of the boundary prepared by New Hampshire licensed land surveyor Kevin McEneaney dated November 18, 2016 and revised through October 2, 2017, which have been recorded in the Strafford County Registry of Deeds as Plans 114-56 through 114-59; and



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2017.10.11 – 134**
Resolution Re: **Perambulation of a Portion of Municipal Boundary
Between Dover and Rollinsford**

AND, FURTHER BE IT RESOLVED;

Consistent with and pursuant to the requirements of RSA Chapter 51, specifically RSA 51:3 – 5, the City of Dover gives notice to the Town of Rollinsford to perambulate this boundary and to set appropriate metes and bounds consistent with the plan prepared by New Hampshire licensed land surveyor Kevin McEneaney dated November 18, 2016 and revised through October 2, 2017, which have been recorded in the Strafford County Registry of Deeds as Plans 114-56 through 114-59.

AND, FURTHER BE IT RESOLVED;

That the City Manager, or his designee, is appointed to work with the Town of Rollinsford to notice and/or otherwise schedule the perambulation and setting of appropriate metes and bounds, and to sign a return of the perambulation and to record and file the return consistent with the requirements of RSA Chapter 51.

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.3.	
Resolution Number: R – 2017.10.11 – 134 Resolution Re: Perambulation of a Portion of Municipal Boundary Between Dover and Rollinsford		

DOCUMENT HISTORY:

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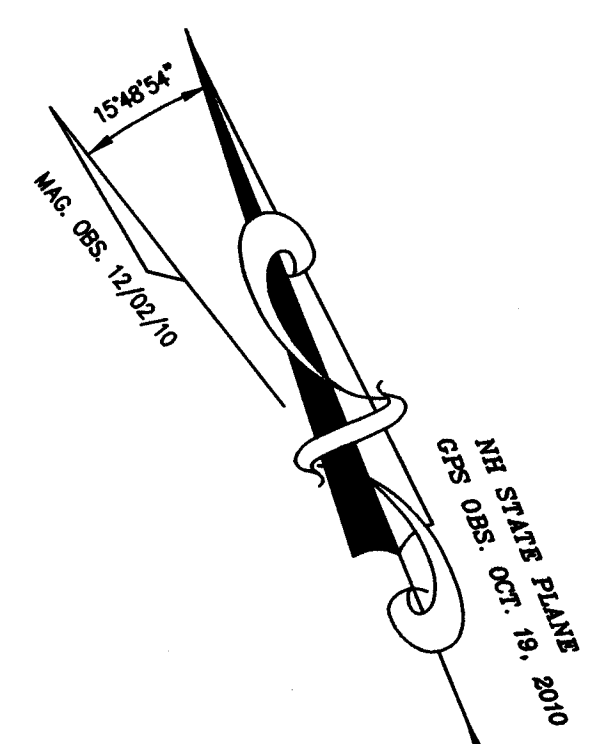
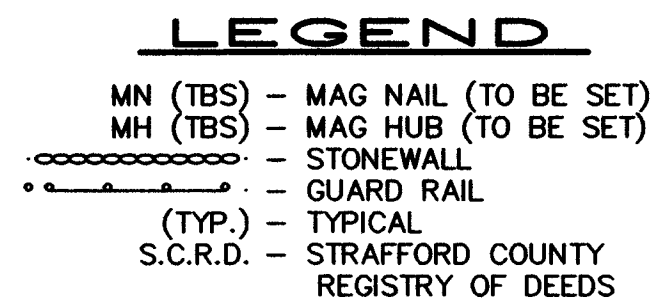
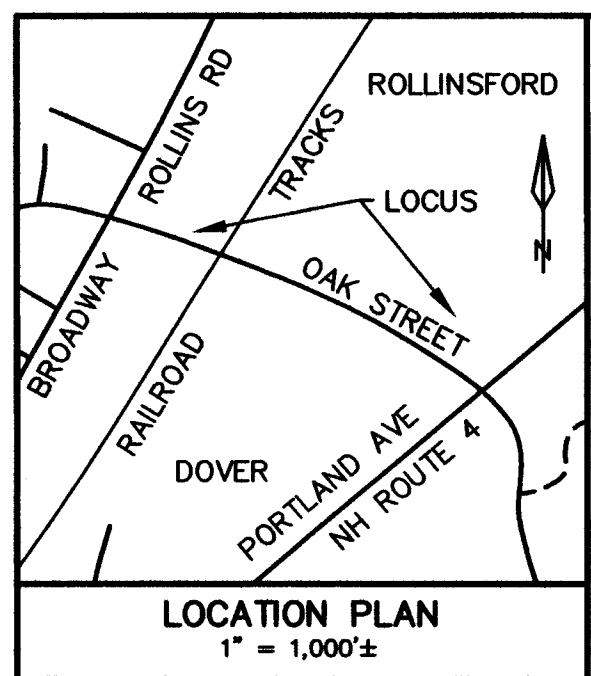
DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor 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:

The City of Dover and Town of Rollinsford wish to memorialize the official boundary between the two municipalities in the area of Oak Street from Broadway to Fresh Creek.

See Survey Plans prepared by Kevin McEneaney attached.

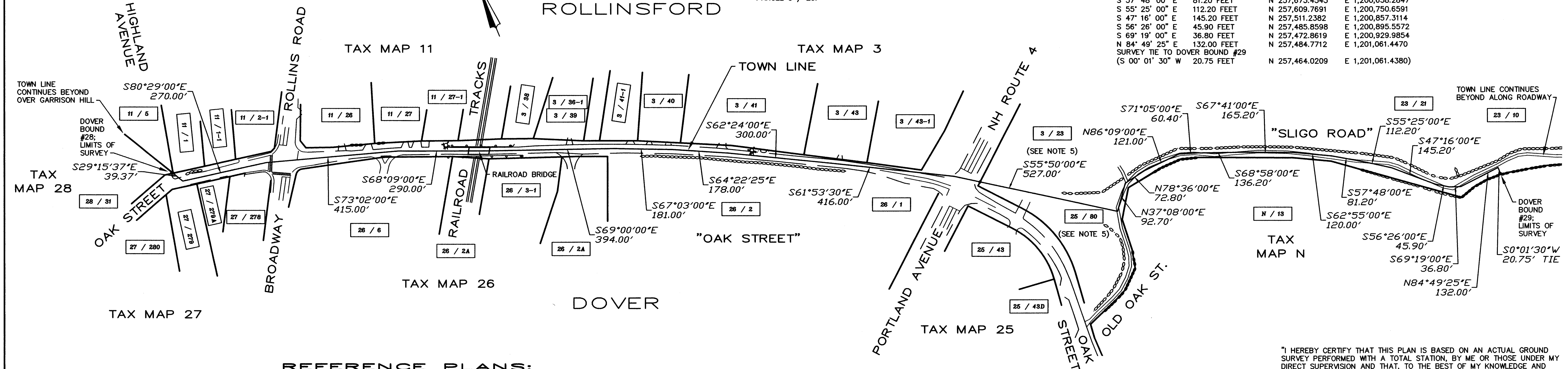


NOTES:

- THE INTENT OF THIS PLAN IS TO DESCRIBE WITH METES AND BOUNDS A PORTION OF THE DOVER / ROLLINSFORD MUNICIPAL BOUNDARY AS IT EXISTS ALONG OAK STREET BETWEEN HIGHLAND AVENUE TO THE WEST AND NH ROUTE 4 TO THE EAST, THEN CONTINUING THROUGH DOVER PARCEL 25 / 80 AND ROLLINSFORD PARCEL 3 / 23 TO SLIGO ROAD, THEN CONTINUING ON SLIGO ROAD EASTERLY TO A POINT OPPOSITE DOVER BOUND #29.
- 26 / 2 - DENOTES MUNICIPAL TAX MAP AND PARCEL NUMBERS.
- ALTHOUGH GRAPHICALLY SHOWN, THIS PLAN DOES NOT DEFINE THE OAK STREET RIGHT OF WAY, NOR ABUTTING PARCEL BOUNDARIES. LINES SHOWN ARE FROM MONUMENTS FOUND AND REFERENCE PLAN DESCRIPTIONS.
- PROPERTY OWNER INFORMATION FOR ADJACENT PARCELS IS AS TAKEN FROM MUNICIPAL RECORDS AVAILABLE MAY 2015.
- NO DETERMINATION HAS BEEN MADE REGARDING THE POTENTIAL DISCONTINUANCE OF THE "OLD" OAK STREET RIGHT OF WAY AS IT EXISTS WITHIN DOVER PARCEL 25 / 80 (SEE REFERENCE NOTE 10c), AND ROLLINSFORD PARCEL 3 / 23.

6.) THE FOLLOWING IS A METES AND BOUNDS DESCRIPTION OF THE INTENDED LINE WITH NORTHING AND EASTING COORDINATES RELATIVE TO NH STATE PLANE, BASED ON GPS OBSERVATION MADE BY THIS OFFICE DURING JUNE 2015.

BEGINNING AT DOVER BOUND #28	N 259,033.8630	E 1,197,182.1276
S 29° 15' 24" E	39.37 FEET	N 258,999.5188
S 80° 29' 00" E	270.00 FEET	E 1,197,201.3667
S 73° 02' 00" E	415.00 FEET	N 258,954.8784
S 68° 09' 00" E	290.00 FEET	E 1,197,467.6508
S 69° 00' 00" E	394.00 FEET	N 258,833.7751
S 67° 03' 00" E	181.00 FEET	E 1,198,133.7546
S 64° 22' 25" E	178.00 FEET	N 258,584.6465
S 62° 24' 00" E	300.00 FEET	E 1,198,501.5853
S 61° 53' 30" E	416.00 FEET	N 258,514.0696
S 55° 50' 00" E	527.00 FEET	E 1,198,668.2583
N 37° 08' 00" E	92.70 FEET	N 258,437.0836
N 78° 36' 00" E	72.80 FEET	E 1,199,094.6117
N 86° 09' 00" E	121.00 FEET	N 258,102.1005
S 71° 05' 00" E	60.40 FEET	E 1,199,461.5481
S 68° 58' 00" E	136.20 FEET	N 257,806.1362
S 67° 41' 00" E	165.20 FEET	E 1,199,897.5918
S 62° 55' 00" E	120.00 FEET	N 257,880.0397
S 57° 48' 00" E	81.20 FEET	E 1,200,024.9159
S 55° 25' 00" E	112.20 FEET	N 257,902.5536
S 47° 18' 00" E	145.20 FEET	E 1,200,145.6428
S 56° 26' 00" E	45.90 FEET	N 257,882.9724
S 69° 19' 00" E	36.80 FEET	E 1,200,329.9059
N 84° 49' 25" E	132.00 FEET	N 257,834.0887
SURVEY TIE TO DOVER BOUND #29	(S 00° 01' 30" W 20.75 FEET)	E 1,200,482.7323
		N 257,716.7238
		E 1,200,589.5738
		N 257,673.4543
		E 1,200,658.2847
		N 257,609.7691
		E 1,200,750.6591
		N 257,511.2382
		E 1,200,857.3114
		N 257,485.8598
		E 1,200,895.5572
		N 257,472.8619
		E 1,200,929.9854
		N 257,484.7712
		E 1,201,061.4470
		N 257,464.0209
		E 1,201,061.4380



REFERENCE PLANS:

- JEREMY B. GUPPY TO WALTER V. CATER. SCALE: 1" = 40'; DATED: SEPTEMBER 1902; BY: WM. G. OGDEN. RECORDED S.C.R.D. POCKET 1, FOLDER 2, PLAN 4.
- UNTITLED PLAN CONTAINING 1.11 ACRE OF LAND ON OAK STREET AT EASTERLY SIDE OF BOSTON & MAINE RR CO. RECORDED SEPTEMBER 18, 1891. RECORDED S.C.R.D. POCKET 1, FOLDER 2, PLAN 46.
- PLAN OF LAND OF JOHN ANGELOPOULOS, ROLLINSFORD, N.H. SCALE: 1" = 40'; DATED: JULY 1951; BY: T. W. CHESLEY ENGR. CO. RECORDED S.C.R.D. POCKET 1, FOLDER 11, PLAN 2.
- PLAN OF LAND - MCQUADE REALTY, INC. PORTLAND AVE., DOVER / ROLLINSFORD, NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: DEC. 1969, SUBDIVIDED APRIL, 1973; BY: G. L. DAVIS & ASSOCIATES, FILE 128-27. RECORDED S.C.R.D. POCKET 1, FOLDER 4, PLAN 58.
- PORTLAND AVE. LOTS - MCQUADE REALTY INC., DOVER, NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: APRIL 1974; BY: G. L. DAVIS & ASSOCIATES, FILE 128-27-1. RECORDED S.C.R.D. POCKET 1, FOLDER 5, PLAN 46.
- PLAN OF LAND IN DOVER, N. H. OWNED BY STRAFFORD SAVINGS BANK. SCALE: 1" = 40'; DATED: NOVEMBER 1907; BY: WM. A. GROVER. RECORDED S.C.R.D. POCKET 10, FOLDER 1, PLAN 26.
- PLAN OF LAND IN DOVER, N. H. OWNED BY STRAFFORD SAVINGS BANK. SCALE: 1" = 40'; DATED: NOVEMBER 1907; BY: WM. A. GROVER. RECORDED S.C.R.D. POCKET 12, FOLDER 1, PLAN 26.
- B&M RR WESTERN DIVISION - PLAN OF LAND TO BE BOUGHT OF FRANK PERKINS, ROLLINSFORD, N. H. DATED: DECEMBER 1890, RECORDED APRIL 10, 1891; BY: R. D. ROWELL, RESIDENT ENGINEER. RECORDED S.C.R.D. POCKET 12, FOLDER 2, PLAN 15.
- LAND IN ROLLINSFORD, N. H. - FRANK L. HAYES TO BOSTON AND MAINE RAILROAD. SCALE: 1" = 100'; DATED: OCTOBER 1930; BY: B&M FILE R2-66-17. RECORDED S.C.R.D. POCKET 2, FOLDER 14, PLAN 14.
- LAND IN ROLLINSFORD, N. H. - ARTHUR W. KORN TO BOSTON AND MAINE RAILROAD. SCALE: 1" = 100'; DATED: 1918; BY: B&M FILE R2-66-39. RECORDED S.C.R.D. POCKET 2, FOLDER 15, PLAN 8.
- D. & F. MORANG PROPERTY. SCALE: 1" = 10'; DATED: AUGUST 25, 1961; BY: B. STAPLES. RECORDED S.C.R.D. POCKET 4, FOLDER 2, PLAN 23.
- PROPERTY BOUNDS OF AMORY, OAK STREET, DOVER, N. H. SCALE: 1" = 50'; DATED: APRIL 18, 1961; BY: CITY OF DOVER, DONALD HUSTON, PLAN NO. 611. RECORDED S.C.R.D. POCKET 8, FOLDER 1, PLAN 15.
- LIMITED SUBDIVISION LOT NO. 1 - VINCENZA & JOSEPH A. CATALFO, DUNCAN & FRANCES MORANG TO KENNETH W. & IDA F. MCLENDON, ROLLINSFORD, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: AUGUST 1979; BY: R. W. MCCRONE, FILE 3-67. RECORDED S.C.R.D. PLAN 17C-14.
- PLAN OF LAND - LEON & DOROTHY BOOTHBY, OAK STREET, DOVER, NEW HAMPSHIRE. SCALE: 1" = 20'; DATED: AUGUST 1978; BY: K.E. MOORE & B.G. STAPLES. RECORDED S.C.R.D. PLAN 17C-2.
- PLAT OF LAND - KIDDER PRESS CO., INC. - BROADWAY PLANT, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: MARCH 1980; BY: G. L. DAVIS & ASSOCIATES, FILE 30-55P. RECORDED S.C.R.D. PLAN 21-14.
- PLAN OF LAND - ESTATE OF JULIA ANGELOPOULOS, ROLLINSFORD, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: DECEMBER 1975; BY: ROBERT W. MCCRONE. RECORDED S.C.R.D. PLAN 22A-26.

- SUBDIVISION OF LAND FOR LAWRENCE O'CONNELL IN ROLLINSFORD, N. H. SCALE: 1" = 20'; DATED: FEBRUARY 20, 1985; BY: NORMAN G. LECLERC, JOB NO. 84158. RECORDED S.C.R.D. PLAN 24A-184.
- PLAN OF LAND BELONGING TO ABBIE D. BUTLER IN ROLLINSFORD, N. H. SCALE: 1" = 100'; DATED: APRIL 19, 1907; BY: WM. A. GROVER. RECORDED S.C.R.D. PLAN 26A-68.
- SUBDIVISION PLAT - ROLLINSFORD & DOVER, N. H. FOR: JOSEPH A. & VINCENZA CATALFO. SCALE: 1" = 40'; DATED: JUNE 22, 1987, REVISED THROUGH 8-5-87; BY: DURGIN-SCHOFIELD ASSOCIATES, FILE: B-395. RECORDED S.C.R.D. PLAN 34A-78.
- PLAN OF LAND - BROADWAY PLANT FOR HARRIS GRAPHICS CORP., DOVER, NH. SCALE: 1" = 50'; DATED: FEBRUARY 2, 1989; BY: ROARING BROOK CONSULTANTS. RECORDED S.C.R.D. PLAN 36-101.
- PROPERTY LINE ADJUSTMENT PLAN - PORTLAND AVENUE FOR MCQUADE REALTY, INC., DOVER, NH. SCALE: 1" = 40'; DATED: JUNE 28, 1989; BY: ROARING BROOK CONSULTANTS. RECORDED S.C.R.D. PLAN 37-104.
- BOUNDARY LINE ADJUSTMENT - RICHARD A. COCHRANE AND BOSTON & MAINE CORPORATION, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: NOVEMBER 8, 1993; BY: CIVIL CONSULTANTS. RECORDED S.C.R.D. PLAN 43-67.
- ROUNDHOUSE CONDOMINIUM SITE PLAN - RICHARD A. COCHRANE, OAK STREET, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: JUNE 8, 1994; BY: CIVIL CONSULTANTS. RECORDED S.C.R.D. PLAN 44-93.
- LAND IN DOVER, NEW HAMPSHIRE - BOSTON & MAINE CORPORATION TO KERRY FORBES, LOCATED ON OAK STREET. SCALE: 1" = 50'; DATED: MAY 23, 1986; BY: CIVIL CONSULTANTS. RECORDED S.C.R.D. PLAN 29A-98.
- BOUNDARY LINE ADJUSTMENT PLAN - OAK ST. & PORTLAND AVE. (N.H. RY. #4), DOVER, N.H. FOR BEECH TREE REALTY TRUST & AHERN REALTY TRUST. SCALE: 1" = 40'; DATED OCTOBER 1998; BY: NORWAY PLAINS ASSOCIATES, INC. RECORDED S.C.R.D. PLAN 54-50.
- THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION - RIGHT OF WAY PLANS OF PROPOSED FEDERAL AID PROJECT STP-X-5125(016) N.H. PROJECT NO. 13063, BROADWAY / ROLLINS ROAD / OAK STREET INTERSECTION. RECORDED S.C.R.D. PLANS 62-36 & 62-37.
- SUBDIVISION PLAN - MAP N - LOT 13 - ESTATE OF SIMON E. JANETOS FOR JOHN JANETOS, COUNTRY CLUB ESTATES DRIVE, DOVER, N. H. COUNTY OF STRAFFORD. SCALE: 1" = 200'; DATED: NOVEMBER 2001, REVISED THROUGH 1/30/2002; BY: AMBIT ENGINEERING, INC. RECORDED S.C.R.D. PLAN 64-67.
- MINOR SUBDIVISION & LOT LINE ADJUSTMENT PLAN OF LAND - LOT 13, TAX ASSESSOR'S MAP N, LOT 13A, TAX ASSESSOR'S MAP N, 104 & 106 GULF ROAD, DOVER, NEW HAMPSHIRE, COUNTY OF STRAFFORD. SCALE: 1" = 100'; DATED: MAY 10, 2007, REVISED THROUGH 7/2/2007; BY: CIVILWORKS, INC. RECORDED S.C.R.D. PLANS 91-63 & 91-64.
- ALTA-ACSM LAND TITLE SURVEY - GOSS INTERNATIONAL AMERICAS, INC. - OAK STREET AND BROADWAY, DOVER, NEW HAMPSHIRE. SCALE: 1" = 60'; DATED: DECEMBER 26, 2007; BY: TRITECH ENGINEERING CORPORATION. RECORDED S.C.R.D. PLANS 93-05 & 93-06.
- MINOR SUBDIVISION PLAN OF LAND - LOT 13, TAX ASSESSOR'S MAP N, 104 GULF ROAD, DOVER, NEW HAMPSHIRE, COUNTY OF STRAFFORD. SCALE: 1" = 100'; DATED: FEBRUARY 18, 2008, REVISED THROUGH 3/28/08; BY: CIVILWORKS, INC. RECORDED S.C.R.D. PLANS 94-18 & 94-19.

REFERENCES:

- DOVER BOUND SKETCHES - BOUNDS 26 THROUGH 31.
- MARKED UP PLAN ENTITLED "PART OF DOVER CITY LINE - ROLLINSFORD TOWN LINE AT OAK STREET" SCALE: 1" = 100; DATED: JULY 1967; BY: G. L. DAVIS & ASSOCIATES. - TRACED BY THE CITY OF DOVER - DOVER FILE 16-40.
- DOCUMENT ENTITLED "PERAMBULATION OF THE LINE BETWEEN THE TOWNS OF DOVER AND ROLLINSFORD AD 1850."
- PLAN ENTITLED "SURVEY PLAN FOR: TOWN LINE DETERMINATION - REQUESTED BY HEIDELBERG HARRIS, BROADWAY / OAK ST., DOVER, NH" SCALE: 1" = 30'; DATED: AUG. 1977; BY: NORWAY PLAINS ASSOCIATES, INC.
- NORWAY PLAINS ASSOCIATES, INC., ROCHESTER, NH - WORKSHEET AND COMPUTATION NOTES REGARDING "1892 PERAMBULATION"
- UNTITLED PLAN ON FILE AT ROLLINSFORD TOWN HALL - PREPARED BY NH DOT - DOVER-ROLLINSFORD 13063, DATE STAMPED FEB 9, 1999. PLAN "PLAN OF OAK STREET TRACED FROM PLAN OF G. CRAWFORD, MAY 1957" SCALE: 1" = 40'; TRACED: SEPT. 9, 1977; BY: DOVER ENGINEERING DEPT. R.F.V.
- PLAN "PROPOSED WATER MAIN EXT. ON OAK STREET FROM BROADWAY TO PORTLAND & TO ATLANTIC" SCALE: 1" = 100; DATED: MAY 80; BY: ENGINEERING DIVISION, CITY OF DOVER, NEW HAMPSHIRE.
- a. DOVER: INCORPORATED "DOVER NEVER HAD ANY SPECIAL INCORPORATION, IT BEING A CORPORATION FROM ITS ORIGINAL SETTLEMENT." INCORPORATED AS A CITY 1855 [BETWEEN JUNE 29 & NOV. 1]. RECORD OF ACTS, VOL. 47, P.157.
b. ROLLINSFORD: INCORPORATED FROM A PART OF SOMERSWORTH JULY 3, 1849. THE VILLAGE OF SALMON FALLS IS IN THIS TOWN, AT WHICH POINT THE POST OFFICE IS LOCATED. IN THE SOUTHERN PART OF THE TOWN, NEAR WHAT IS CALLED THE POINT, IS A LOCALITY CALLED "SLUGO" AFTER THE SLUGO IN THE EMERALD ISLE. MANUAL (1891), P.290. REFERENCE IS MADE TO ROLLINSFORD DIS-ANNEXATION OF LAND NEAR THREE RIVERS FARM TO BECOME PART OF DOVER. JULY 16, 1849.
c. SOMERSWORTH: SET OFF FROM DOVER DEC. 19, 1729; INCORPORATED APR. 22, 1754. A MANUFACTURING COMPANY ON SALMON FALLS RIVER WAS INCORPORATED IN 1761, PROBABLY THE FIRST IN NEW HAMPSHIRE. BY ACT OF JULY 3, 1849, THE TOWN WAS DIVIDED AND THE SOUTH HALF INCORPORATED AS ROLLINSFORD. (1891), P.292.
- ROAD AND RIGHT OF WAY DEED REFERENCES:
a. COMMISSIONER'S RETURN OF HIGHWAY LAYOUT - DOVER - ROLLINSFORD S-224(1) P-3072 - 1957 - RECORDED SCRD VOL. 673, PAGE 443
b. QUITCLAIM DEED FROM CITY OF DOVER TO STATE OF NEW HAMPSHIRE - ROUTE 4 PROJECT; FOUR PARCELS - RECORDED SCRD VOL. 674, PAGE 45 (APRIL 1957)
c. MCQUADE REALTY - OAK STREET AT PORTLAND AVENUE - SUBDIVISION LOTS - GRANTING FROM CITY OF DOVER - SCRD VOL. 798, PAGE 76 (WEST SIDE OAK STREET) & SCRD VOL. 819, PAGE 39; W/ CORRECTIVE DEED VOL. 985, PAGE 961 (NORTH SIDE OAK STREET)

"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS."

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10/2/17 Kevin McEaney
DATE: / KEVIN M. McEANEY LLS # 681

SHEET 1 OF 4

A PORTION OF CITY / TOWN LINE
PREPARED FOR
THE CITY OF DOVER, NEW HAMPSHIRE
AND
THE TOWN OF ROLLINSFORD, NEW HAMPSHIRE
LOCATED WITHIN THE ROADWAY KNOWN AS
OAK STREET
DOVER AND ROLLINSFORD
COUNTY OF STRAFFORD
STATE of NEW HAMPSHIRE

DRAWN BY: **RJM** FILE: VR CP\2087\15-2087
SCALE: 1" = 150' DATE: NOV. 18, 2016

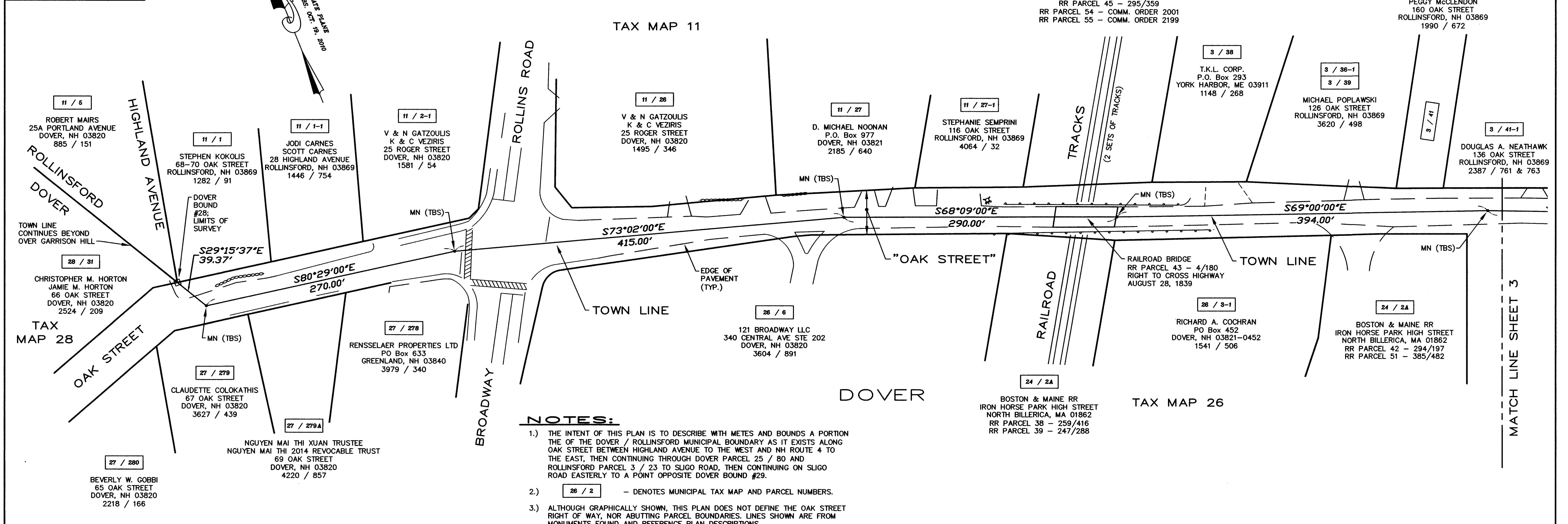
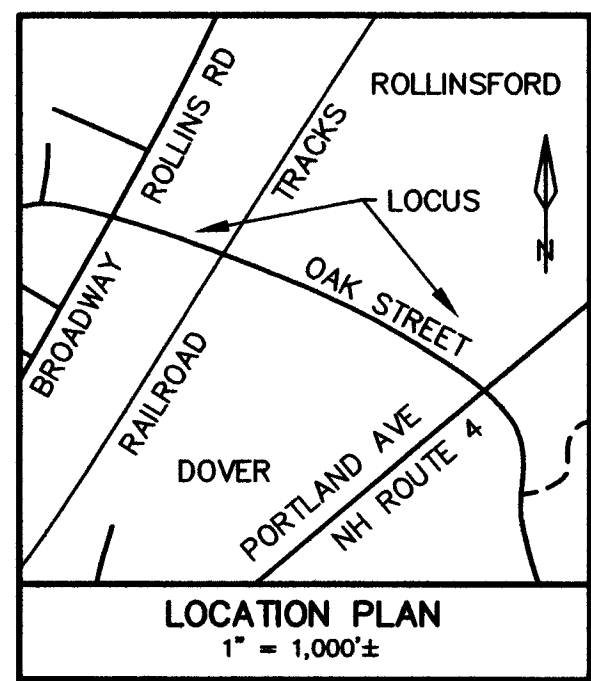
150 75 0 75 150 300 450 600

McEaney
Survey
Associates, inc.

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

NO.	DATE	DESCRIPTION	BY	CHK
1	10/2/17	ADD LEGEND & MONUMENTS TO BE SET	RJM	KMM
REVISIONS				
15-2087	TOWN LINE	15-01	56-71	
PROJECT NO	TYPE	FIELDBOOK & PAGES		



- NOTES:**
- 1.) THE INTENT OF THIS PLAN IS TO DESCRIBE WITH METES AND BOUNDS A PORTION THE OF THE DOVER / ROLLINSFORD MUNICIPAL BOUNDARY AS IT EXISTS ALONG OAK STREET BETWEEN HIGHLAND AVENUE TO THE WEST AND NH ROUTE 4 TO THE EAST, THEN CONTINUING THROUGH DOVER PARCEL 25 / 80 AND ROLLINSFORD PARCEL 3 / 23 TO SLIGO ROAD, THEN CONTINUING ON SLIGO ROAD EASTERLY TO A POINT OPPOSITE DOVER BOUND #29.
 - 2.) 26 / 2 - DENOTES MUNICIPAL TAX MAP AND PARCEL NUMBERS.
 - 3.) ALTHOUGH GRAPHICALLY SHOWN, THIS PLAN DOES NOT DEFINE THE OAK STREET RIGHT OF WAY, NOR ABUTTING PARCEL BOUNDARIES. LINES SHOWN ARE FROM MONUMENTS FOUND AND REFERENCE PLAN DESCRIPTIONS.
 - 4.) PROPERTY OWNER INFORMATION FOR ADJACENT PARCELS IS AS TAKEN FROM MUNICIPAL RECORDS AVAILABLE MAY 2015.
 - 5.) NO DETERMINATION HAS BEEN MADE REGARDING THE POTENTIAL DISCONTINUANCE OF THE "OLD" OAK STREET RIGHT OF WAY AS IT EXISTS WITHIN DOVER PARCEL 25 / 80 (SEE REFERENCE NOTE 10c), AND ROLLINSFORD PARCEL 3 / 23.
 - 6.) THE FOLLOWING IS A METES AND BOUNDS DESCRIPTION OF THE INTENDED LINE WITH NORTHING AND EASTING COORDINATES RELATIVE TO NH STATE PLANE, BASED ON GPS OBSERVATION MADE BY THIS OFFICE DURING JUNE 2015.

BEGINNING AT DOVER BOUND #28	N 259,033.8630	E 1,197,182.1276
S 29° 15' 24" E	39.37 FEET	N 258,999.5188
S 80° 29' 00" E	270.00 FEET	N 258,954.8784
S 73° 02' 00" E	415.00 FEET	N 258,833.7751
S 68° 09' 00" E	290.00 FEET	N 258,725.8435
S 69° 00' 00" E	394.00 FEET	N 258,584.6465
S 67° 03' 00" E	181.00 FEET	N 258,514.0696
S 64° 22' 25" E	178.00 FEET	N 258,437.0836
S 62° 24' 00" E	300.00 FEET	N 258,298.0948
S 61° 53' 30" E	416.00 FEET	N 258,102.1005
S 55° 50' 00" E	527.00 FEET	N 257,806.1362
N 37° 08' 00" E	92.70 FEET	N 257,880.0397
N 78° 36' 00" E	72.80 FEET	N 257,894.4291
N 86° 09' 00" E	121.00 FEET	N 257,902.5536
S 71° 05' 00" E	60.40 FEET	N 257,882.9724
S 68° 58' 00" E	136.20 FEET	N 257,834.0887
S 67° 41' 00" E	165.20 FEET	N 257,771.3581
S 62° 55' 00" E	120.00 FEET	N 257,716.7238
S 57° 48' 00" E	81.20 FEET	N 257,673.4543
S 55° 25' 00" E	112.20 FEET	N 257,609.7691
S 47° 16' 00" E	145.20 FEET	N 257,511.2382
S 56° 26' 00" E	45.90 FEET	N 257,485.8598
S 69° 19' 00" E	36.80 FEET	N 257,472.8619
N 84° 49' 25" E	132.00 FEET	N 257,484.7712
SURVEY TIE TO DOVER BOUND #29		
(S 00° 01' 30" W	20.75 FEET	N 257,464.0209
		E 1,201,061.4380

- LEGEND**
- MN (TBS) - MAG NAIL (TO BE SET)
 - MH (TBS) - MAG HUB (TO BE SET)
 - STONEMAN - STONEMAN
 - GUARD RAIL - GUARD RAIL
 - (TYP.) - TYPICAL
 - S.C.R.D. - STRAFFORD COUNTY REGISTER OF DEEDS

DOVER BOUND #28
GRANITE BOUND
0.9'W x 0.75'D x 1.0'± EXPOSED, ON LAWN
VIEW LOOKING EASTERLY FROM ROADWAY
("D" ON WEST SIDE; EAST SIDE NOT EXPOSED)

NO.	DATE	ADD LEGEND & MONUMENTS TO BE SET	BY	CHK
1	10/2/17	ADD LEGEND & MONUMENTS TO BE SET	RJM	KMM
REVISIONS				
15-2087	TOWN LINE	15-01	56-71	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

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10/2/17
DATE: / KEVIN M. MCENEANEY LLS #661

SHEET 2 OF 4

**A PORTION OF CITY / TOWN LINE
PREPARED FOR
THE CITY OF DOVER, NEW HAMPSHIRE
AND
THE TOWN OF ROLLINSFORD, NEW HAMPSHIRE
LOCATED WITHIN THE ROADWAY KNOWN AS
OAK STREET
DOVER AND ROLLINSFORD
COUNTY OF STRAFFORD
STATE OF NEW HAMPSHIRE**

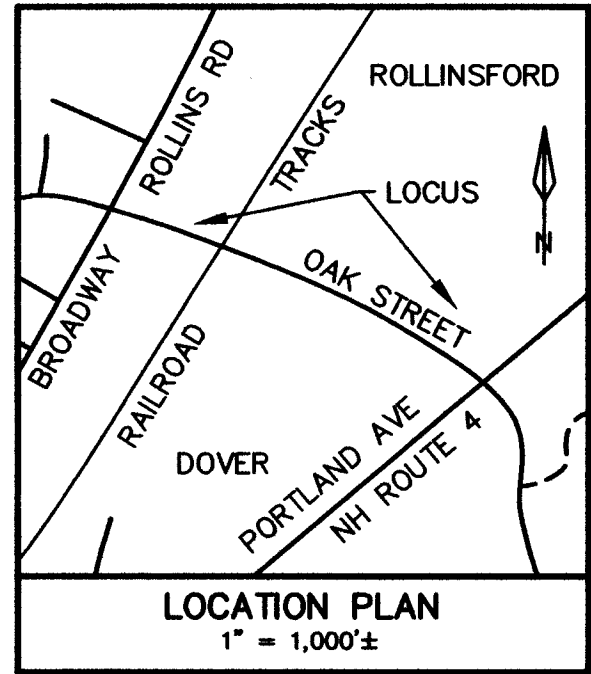
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SCALE: 1" = 50'
FILE: VR CP\2087\15-2087
DATE: NOV. 18, 2016

50 25 0 25 50 100 150 200

**McEneaney
Survey
Associates, inc.**

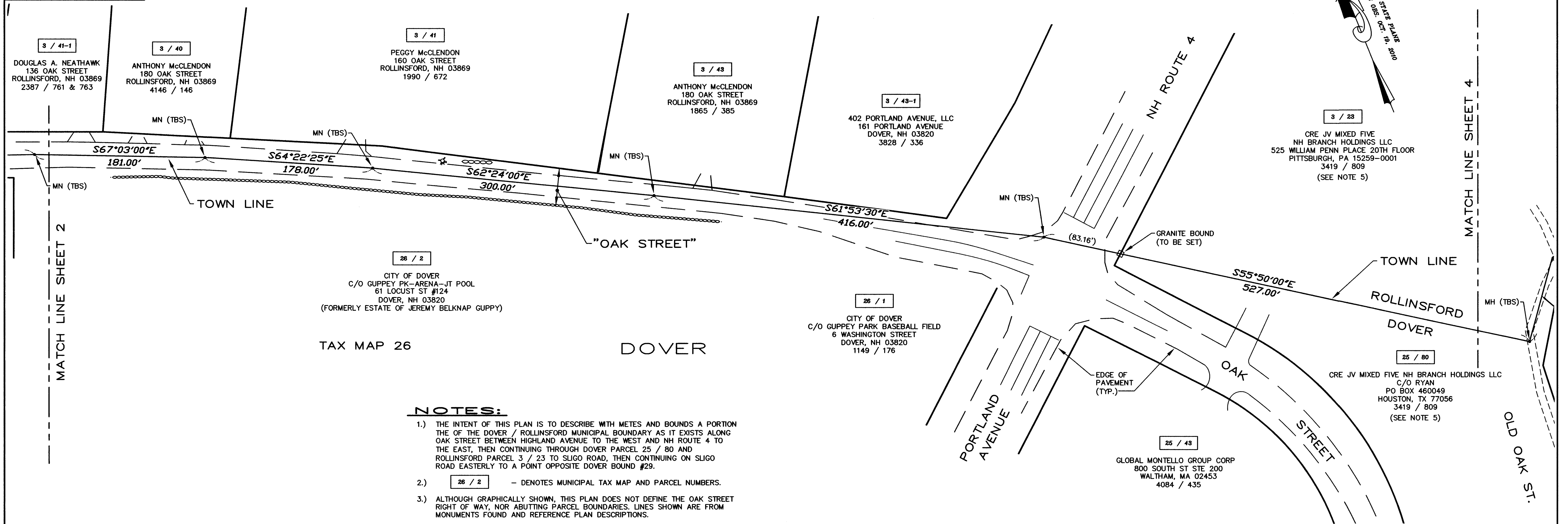
P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING



ROLLINSFORD

TAX MAP 3



TAX MAP 26

DOVER

TAX MAP 25

SHEET 3 OF 4

NOTES:

- 1.) THE INTENT OF THIS PLAN IS TO DESCRIBE WITH METES AND BOUNDS A PORTION OF THE DOVER / ROLLINSFORD MUNICIPAL BOUNDARY AS IT EXISTS ALONG OAK STREET BETWEEN HIGHLAND AVENUE TO THE WEST AND NH ROUTE 4 TO THE EAST, THEN CONTINUING THROUGH DOVER PARCEL 25 / 80 AND ROLLINSFORD PARCEL 3 / 23 TO SLIGO ROAD, THEN CONTINUING ON SLIGO ROAD EASTERLY TO A POINT OPPOSITE DOVER BOUND #29.
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S 29° 15' 24" E	N 258,999.5188	E 1,197,201.3667
S 80° 29' 00" E	N 258,954.8784	E 1,197,467.6508
S 73° 02' 00" E	N 258,833.7751	E 1,197,864.5878
S 68° 09' 00" E	N 258,725.8435	E 1,198,133.7546
S 69° 00' 00" E	N 258,584.6465	E 1,198,501.5853
S 67° 03' 00" E	N 258,514.0696	E 1,198,668.2583
S 64° 22' 25" E	N 258,437.0836	E 1,198,828.7507
S 62° 24' 00" E	N 258,298.0948	E 1,199,094.6117
S 61° 53' 30" E	N 258,102.1005	E 1,199,461.5481
S 55° 50' 00" E	N 257,806.1362	E 1,199,897.5918
N 37° 08' 00" E	N 257,880.0397	E 1,199,953.5522
N 78° 36' 00" E	N 257,894.4291	E 1,200,024.9159
N 86° 09' 00" E	N 257,902.5536	E 1,200,145.6428
S 71° 05' 00" E	N 257,882.9724	E 1,200,202.7807
S 68° 58' 00" E	N 257,834.0887	E 1,200,329.9059
S 67° 41' 00" E	N 257,771.3581	E 1,200,482.7323
S 62° 55' 00" E	N 257,716.7238	E 1,200,589.5738
S 57° 48' 00" E	N 257,673.4543	E 1,200,658.2847
S 55° 25' 00" E	N 257,609.7691	E 1,200,750.6591
S 47° 16' 00" E	N 257,511.2382	E 1,200,857.3114
S 56° 26' 00" E	N 257,485.8598	E 1,200,895.5572
S 69° 19' 00" E	N 257,472.8619	E 1,200,929.9854
N 84° 49' 25" E	N 257,484.7712	E 1,201,061.4470
SURVEY TIE TO DOVER BOUND #29		
(S 00° 01' 30" W	N 257,464.0209	E 1,201,061.4380)
20.75 FEET		

LEGEND

- MN (TBS) - MAG NAIL (TO BE SET)
- MH (TBS) - MAG HUB (TO BE SET)
- STONEWALL
- GUARD RAIL
- (TYP.) - TYPICAL
- S.C.R.D. - STRAFFORD COUNTY REGISTER OF DEEDS

1	10/2/17	ADD LEGEND & MONUMENTS TO BE SET	RJM	KMM
NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
15-2087	TOWN LINE	15-01	56-71	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

DRAWN BY: **RJM**

SCALE: 1" = 50'

FILE: VR CP\2087\15-2087

DATE: NOV. 18, 2016

50

25

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25

50

100

150

200

50 25 0 25 50 100 150 200

NEW HAMPSHIRE

NO. 661

KEVIN M. MCNEANEY

REGISTERED LAND SURVEYOR

10/2/17

Kevin M. McNeaney

McNeaney

Survey

Associates, inc.

P.O. Box 681 - 24 CHESTNUT STREET

DOVER, NH 03820 (603) 742-0911

SURVEYING

PLANNING

CONSULTING

1

HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.

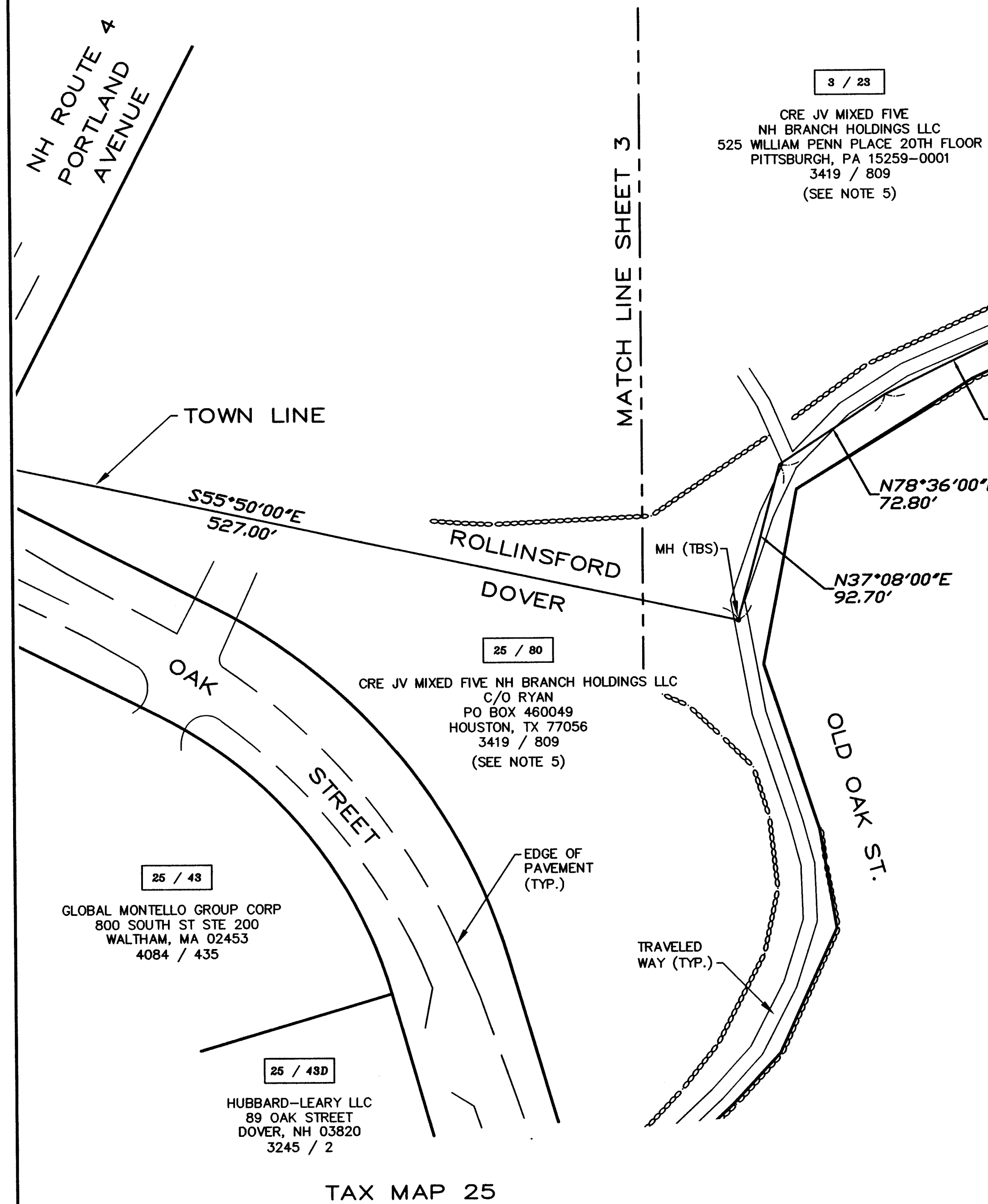
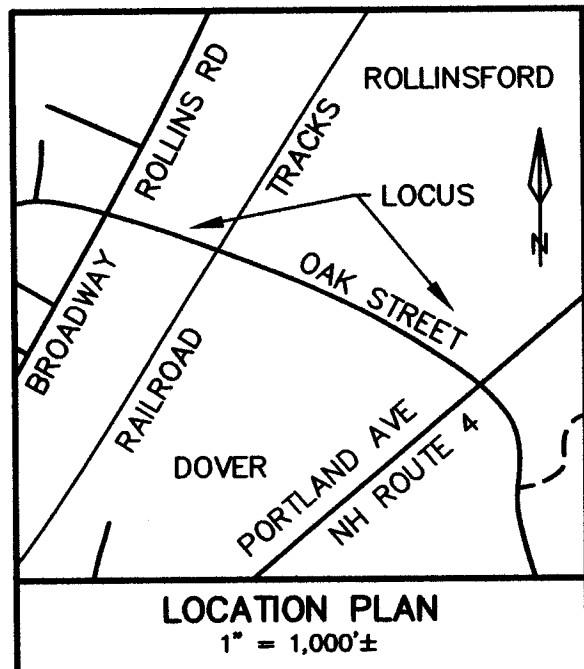
1

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10/2/17

Kevin M. McNeaney

DATE: / KEVIN M. MCNEANEY LLS # 661



ROLLINSFORD

TAX MAP 3

DOVER

TAX MAP N

NOTES:

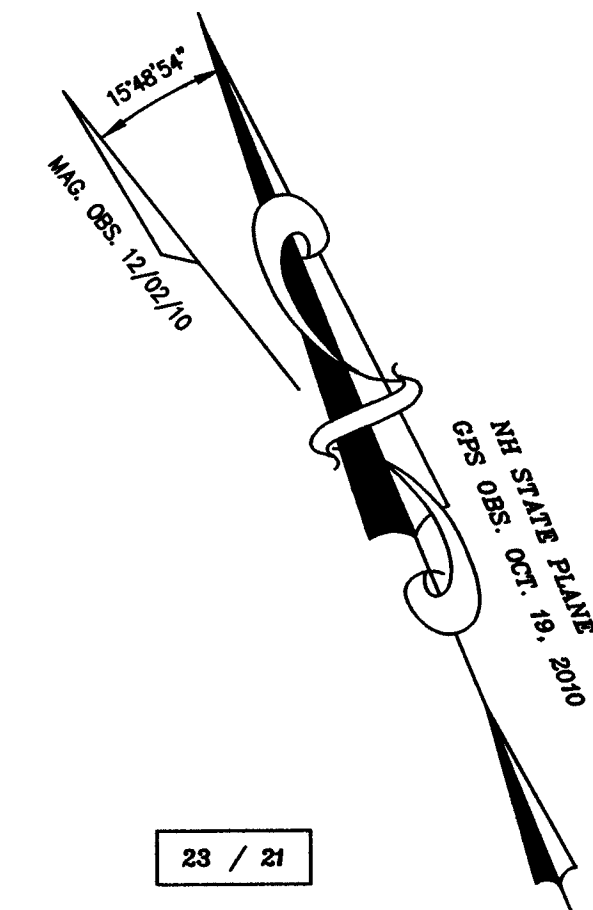
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S 47° 16' 00" E 145.20 FEET	N 257,511.2382	E 1,200,857.3114
S 56° 26' 00" E 45.90 FEET	N 257,485.8598	E 1,200,895.5572
S 69° 19' 00" E 36.80 FEET	N 257,472.8619	E 1,200,929.9854
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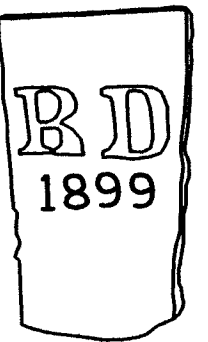
LEGEND

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- S.C.R.D. - STRAFFORD COUNTY REGISTER OF DEEDS

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REVISIONS				
15-2087	TOWN LINE	15-01	56-71	
PROJECT NO	TYPE	FIELDBOOK & PAGES		



DOVER BOUND #29
GRANITE BOUND WITH DRILL HOLE IN TOP
0.9'W x 0.75'D x 1.66' EXPOSED, AT BASE OF A WHITE PINE
VIEW LOOKING SOUTHERLY FROM ROADWAY.
THIS BOUND IS NOT LOCATED ON THE TOWN LINE. IT IS AN
OFFSET WITNESS MONUMENT TO AN ANGLE POINT IN THE
TOWN LINE.



23 / 10
JOHN JANETOS
104 GULF ROAD
DOVER, NH 03820
[469 / 360]

TOWN LINE CONTINUES
BEYOND ALONG ROADWAY

S47°16'00"E
145.20'

S56°26'00"E
45.90'

N84°49'25"E
132.00'

S69°19'00"E
36.80'

S55°25'00"E
112.20'

S57°48'00"E
81.20'

S62°55'00"E
120.00'

S67°41'00"E
165.20'

S68°58'00"E
136.20'

S71°05'00"E
60.40'

N86°09'00"E
121.00'

N78°36'00"E
72.80'

N37°08'00"E
92.70'

S55°50'00"E
527.00'

S55°25'00"E
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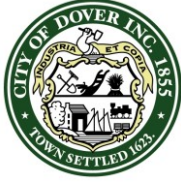
CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R – 2017.10.11 – 135**
Resolution Re: **Regarding the Public Necessity to Condemn Certain Property off Broadway for Drainage Improvements**

- WHEREAS: Much of the City of Dover’s storm water drainage in the northeastern part of the City runs through an existing granite box culvert in/on/under property of the Boston and Maine Railroad, also known as Pan Am Railroad (the “Railroad”) behind Red’s Shoe Barn; and
- WHEREAS: The existing granite box culvert is well over 100 years old and not sufficiently sized to carry the necessary drainage; and
- WHEREAS: During significant rain events, flooding can occur on Broadway and surrounding areas due to the inability to drain sufficient quantities of storm water through the granite box culvert; and
- WHEREAS: As part of the City’s drainage work off Broadway, the City proposes to install a new drainage culvert of approximately 84” in diameter through/under land owned by the Railroad to remediate flooding issues; and
- WHEREAS: The project requires the City to acquire a utility easement over/under/along property owned by the Railroad situated along Broadway; and
- WHEREAS: The ownership of the Railroad’s property is recorded at the Strafford County Registry of Deeds at Book 247, Pages 196 and 287; and
- WHEREAS: The property interests are more fully described in a draft easement plan prepared by McEneaney Survey Associates, Inc. entitled Drainage Easement Plan prepared for the City of Dover, New Hampshire, Land in Dover, New Hampshire owned by Boston and Maine Corporation, scale: 1” = 20’, dated October 31, 2006 (revised through November 15, 2016), Location: Off Broadway, Dover, Strafford County, New Hampshire, Dover Tax Map 24, Lot 2A,” prepared by McEneaney Survey Associates, Inc.; and
- WHEREAS: The City seeks a permanent 30 foot wide easement containing 5,601 square feet, more or less, to install and maintain a new drain line under existing Railroad property and rail lines; and
- WHEREAS: The City also seeks a temporary 100 foot wide construction easement to facilitate installation of the new drain lines; and
- WHEREAS: The City Council of the City of Dover has determined that it is in the public interest and necessary for the City to construct storm water drain improvements off Broadway as described; and
- WHEREAS: Pursuant to NH RSA 47:11 the City Council has the lawful power to undertake the “layout” of sewers and drains (for storm water) and to acquire by eminent domain property necessary for that effort following certain procedures set out in RSA 230 et seq. and RSA 498-A et seq.; further authority exists under NH RSA 149-I:2 and other statutes.

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 13.B.4. Resolution Number: R – 2017.10.11 – 135 Resolution Re: Regarding the Public Necessity to Condemn Certain Property off Broadway for Drainage Improvements
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NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND DOVER CITY COUNCIL:

That after notice and public hearing, the City Council of the City of Dover hereby declares that there is a public necessity to acquire the above-mentioned temporary and permanent easements across property owned by the Boston and Maine Corporation for sewer and storm water management purposes and that such easements are for the public use and benefit; and

The City Council further finds that in balancing the public interest in the acquisition with the private interest of the property owner, the public interest outweighs the private interest; and

The City Council also finds that in balancing the public interest in the acquisition against the burden it imposes on the City, the public interest is greater than the burden.

AND, FURTHER BE IT RESOLVED;

That the City Manager is authorized to acquire by negotiated sale, condemnation, or any other appropriate method any and all property interests in as much of the property described in this Resolution as may be necessary to complete the storm water drainage and other improvements in the Broadway area.

REQUIRES 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 Blenkinsop General Legal Counsel		
Recorded by:	Karen Lavertu City Clerk		

 CITY OF DOVER	CITY OF DOVER - RESOLUTION	
	Agenda Item#: 13.B.4.	
Resolution Number: R – 2017.10.11 – 135 Resolution Re: Regarding the Public Necessity to Condemn Certain Property off Broadway for Drainage Improvements		

DOCUMENT HISTORY:

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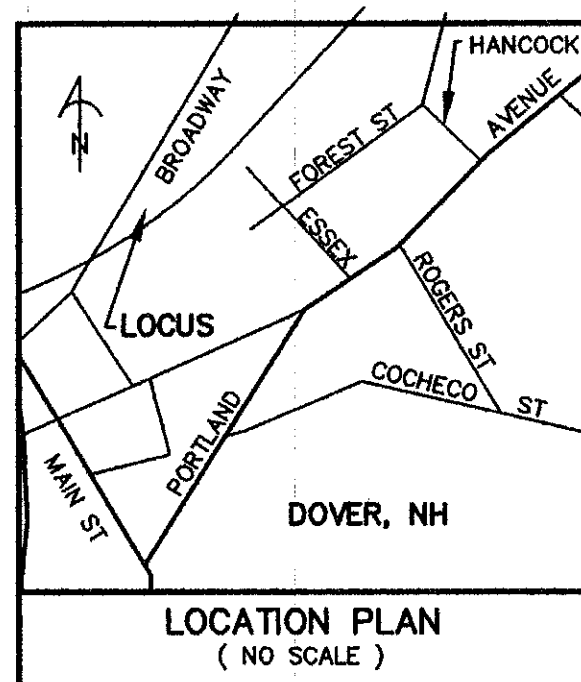
DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor 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:

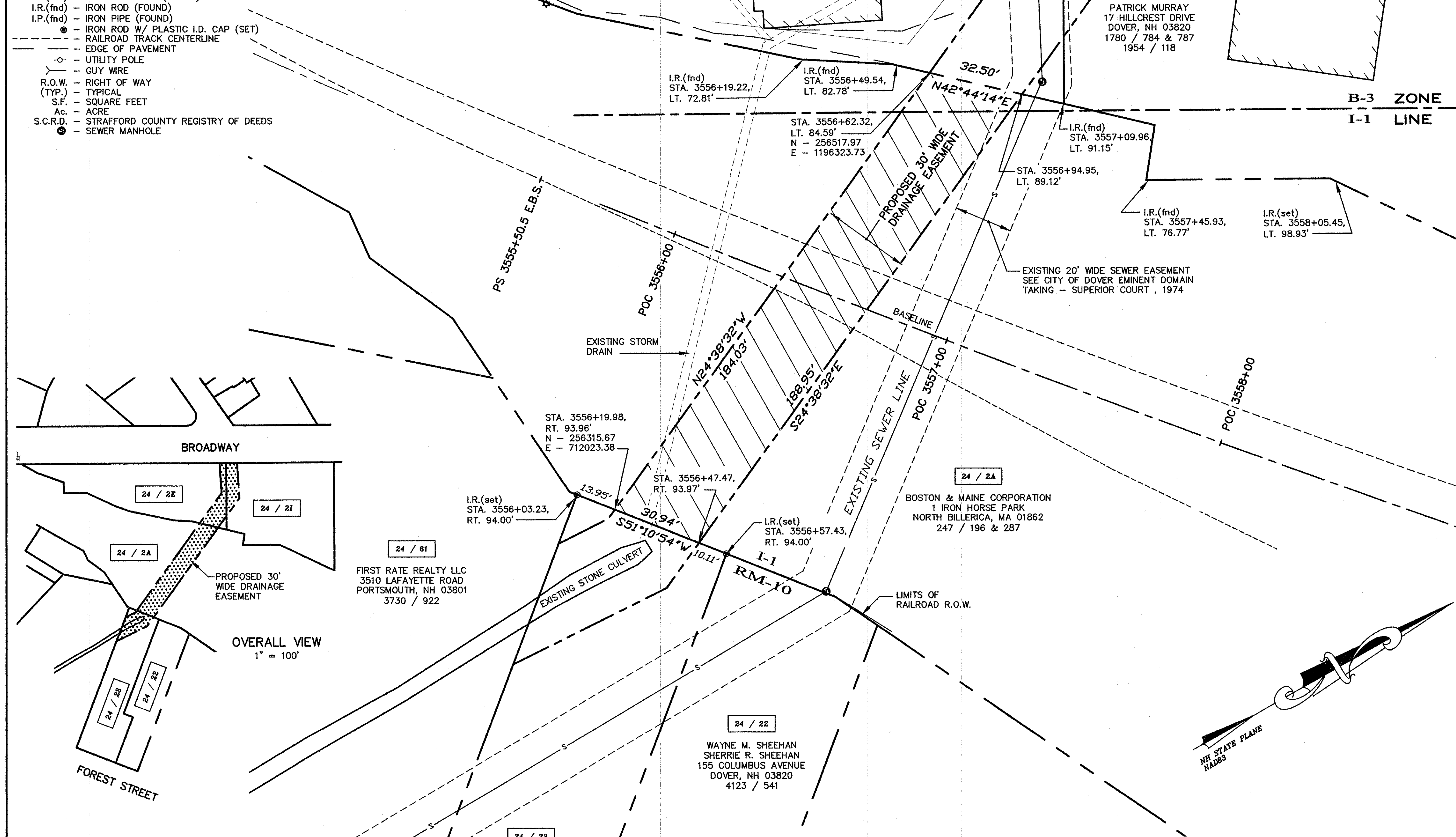
The existing drainage infrastructure in the vicinity of Broadway near Red's Shoe Barn and the Railroad tracks is insufficient to deal with storm water in that area of the City which can result in storm water flooding. Specifically, all drainage in that area of the City runs through an undersized granite box culvert through/under property owned by the Boston and Maine Railroad (a.k.a Pan Am Railroad). The City seeks to update and upgrade this drainage by installation of new larger drainage infrastructure through/under the Railroad's property. The City needs permanent easement rights to install this new infrastructure.

See draft easement plan attached.



LEGEND

- G.B.(fnd) - GRANITE BOUND (FOUND)
- I.R.(fnd) - IRON ROD (FOUND)
- I.P.(fnd) - IRON PIPE (FOUND)
- - IRON ROD W/ PLASTIC I.D. CAP (SET)
- - RAILROAD TRACK CENTERLINE
- - - - - EDGE OF PAVEMENT
- - UTILITY POLE
- - - - - GUY WIRE
- R.O.W. - RIGHT OF WAY
- (TYP.) - TYPICAL
- S.F. - SQUARE FEET
- Ac. - ACRE
- S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
- ⊙ - SEWER MANHOLE



OVERALL VIEW
1" = 100'

NO.	DATE	DESCRIPTION	BY	CHK
2	11/15/16	REV. DATUM, UPDATE TO 2016 INFO	KJF	KMM
1	1/11/07	ADD SEWER EASMENT, DRAIN LINE	KJF	KMM
REVISIONS				
PROJECT NO	TYPE	FIELDBOOK & PAGES		
99-1098	EASEMENT			

REFERENCE PLANS:

- PLAN OF LOT LINE ADJUSTMENTS AND LOT CONSOLIDATIONS - LAND IN DOVER, NEW HAMPSHIRE, BOSTON AND MAINE CORPORATION TO PATRICK MURRAY; SCALE: 1" = 20'; DATED: JULY 21, 2004; BY: McNEANEY SURVEY ASSOCIATES; RECORDED S.C.R.D. PLAN 76-47.
- "RIGHT OF WAY AND TRACK MAP", BOSTON AND MAINE R.R., OPERATED BY THE BOSTON AND MAINE R.R., STATION 3548+57 TO STATION 3601+37; SCALE: 1" = 100 FT.; DATED: JUNE 30, 1914, (REVISED TO FEB. 1994); OFFICE OF THE VALUATION ENGINEER; NOT RECORDED.

NOTES:

- OWNERS OF RECORD:
24 / 2A BOSTON & MAINE CORPORATION
1 IRON HORSE PARK
NORTH BILLERICA, MASSACHUSETTS, 01862
S.C.R.D. VOL. 247, PAGES 196 & 287
- 24 / 2A - DENOTES TAX MAP AND PARCEL NUMBER.
- ZONING DISTRICTS ARE CBD (RESIDENTIAL) & I-1
ZONE CBD I-1
MINIMUM LOT SIZE = N/A = 40,000 S.F.
MINIMUM FRONTAGE = 75 FEET = 150 FEET
BUILDING SETBACK REQUIREMENTS:
FRONT = 8-15 FEET = 50 FEET
REAR = 5 FEET = 25 FEET
SIDE (ABUT A LOT) = 5 FEET = 15 FEET
MAXIMUM LOT COVERAGE = 40 PERCENT = 50 PERCENT
MAXIMUM BUILDING HEIGHT = 3 STORY = 50 FEET
- THE INTENT OF THIS PLAN IS TO DEPICT A PERMANENT 30 FOOT WIDE DRAINAGE EASEMENT ON LOT 24/2A.
LOT 24/2A EASEMENT AREA = 5,595 S.F.
- BASIS OF BEARING AND LISTED COORDINATES ARE CITY OF DOVER G.I.S.
- STATION AND OFFSET INFORMATION SHOWN IS BASED ON REFERENCE PLAN #2.

PRELIMINARY

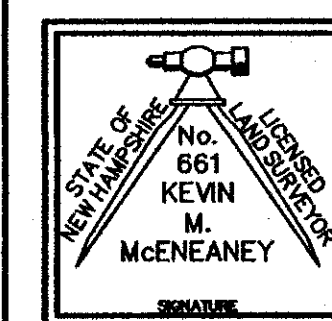
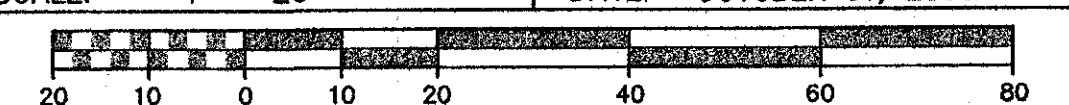
DRAINAGE EASEMENT PLAN
PREPARED FOR
THE CITY OF DOVER, NEW HAMPSHIRE

LAND IN
DOVER, NEW HAMPSHIRE
OWNED BY
BOSTON AND MAINE CORPORATION

SCALE: 1" = 20' DATE: OCTOBER 31, 2006

LOCATION: OFF BROADWAY
DOVER, STRAFFORD COUNTY, NEW HAMPSHIRE
DOVER TAX MAP 24, LOTS 2E & 2I

DRAWN BY: KJF FILE: C:\P\1611\99-1098
SCALE: 1" = 20' DATE: OCTOBER 31, 2006



McNeaney
Survey
Associates, inc.

P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING

"I HEREBY CERTIFY THAT THIS PLAT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE WHICH HAS A MAXIMUM ERROR OF CLOSURE OF 1 PART IN 15,000."

"I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN." (RSA 676:18)

DATE: / KEVIN M. McNEANEY LLS # 661



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2017.10.11 – 136**
Resolution Re: **Reaffirming the City of Dover's Commitment to
Immigration and Cultural Diversity**

- WHEREAS: Our City of Dover was founded, and has thrived throughout our history, with the commitment and dedication of immigrant groups; and
- WHEREAS: Our American dream can only be realized with equality and acceptance of all that seek peace and liberty in our Country and in our City, and
- WHEREAS: Our City of Dover is known for unwavering commitment for celebrating and honoring diversity; and
- WHEREAS: Under the current Presidential administration, Dover's immigrant families are under a cloud of uncertainty and fear due to the threat of deportation; and
- WHEREAS: The threat of deportation also envelops innocent children that have been given safe harbor in our Country and in our City; and
- WHEREAS: Our City of Dover finds these acts as unethical and in direct opposition of our foundational American values.

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

That the City of Dover stands with pride, honor and commitment, by all of its immigrants;

AND BE IT FURTHER RESOLVED:

That the City of Dover urges the current Presidential administration to reverse its policy of deportation of our peaceful neighbors and honor the principles upon which this Nation was built.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Karen Weston Deputy Mayor Robert Carrier
Approved as to Legal Form and Compliance:	Anthony Blenkinsop General Legal Counsel	Councilors:	Sarah Greenshields John O'Connor Dennis Ciotti Deborah Thibodeaux Jason Gagnon Dennis Shanahan Marcia Gasses
Recorded by:	Karen Lavertu City Clerk		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2017.10.11 – 136**
Resolution Re: **Reaffirming the City of Dover's Commitment to
Immigration and Cultural Diversity**

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.6.

Resolution Number: **R – 2017.10.11 – 137**
Resolution Re: **Repeal and Replace Dover's 400th Anniversary Committee**

- WHEREAS: Via Resolution R – 2017.05.24 – 054, entitled “Formation of Dover’s 400th Anniversary Committee” the Council established the Dover’s 400th Anniversary Committee (the “Committee”); and
- WHEREAS: The Council wishes to repeal and replace R-2017.05.24-054 with this Resolution; and
- WHEREAS: 2023 will mark the 400th anniversary of settling of Dover - the 7th oldest settlement in the United States and the oldest settlement in New Hampshire; and
- WHEREAS: The City of Dover will be holding a year-long celebration in 2023 to mark this important milestone; and
- WHEREAS: The anticipated celebration requires the commitment of the City in order to provide its residents and visitors with organized events and accurate historical representations; and
- WHEREAS: A committee of residents and community leaders should spearhead celebration planning and organizing; and
- WHEREAS: Pursuant to Dover Code 5-1.J. an ad-hoc committee of at least 10 members and no more than 17 members, to be called the “Dover’s 400th Anniversary Committee,” should be formed to plan and organize the 400th anniversary celebration, including, but not limited to, fundraising, budget planning/oversight, and event planning/coordination.

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

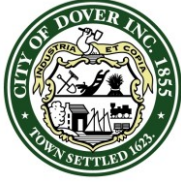
R-2017.05.24-054 is repealed.

AND, BE IT FURTHER RESOLVED THAT:

Pursuant to Dover Code 5-1.J. an ad-hoc committee of at least 10 members and no more than 17 members, to be called the “Dover’s 400th Anniversary Committee,” is formed to plan and organize the 400th celebration, including, but not limited to, fundraising, budget planning/oversight, and event planning/coordination.

AND, BE IT FURTHER RESOLVED THAT:

The Committee members shall be appointed by the Mayor, subject to the review of the Appointments Committee and the approval of the City Council.

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 13.B.6. Resolution Number: R – 2017.10.11 – 137 Resolution Re: Repeal and Replace Dover’s 400th Anniversary Committee
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AND, FURTHER BE IT RESOLVED THAT:

The membership of the Committee shall consist of: the Mayor and one (1) other City Councilor as ex-officio members; one (1) member recommended by the Woodman Museum; one (1) member recommended by the Dover Chamber of Commerce; one (1) member recommended by Dover Main Street; and at least five (5) Dover residents. Additional members may include Dover residents and/or representatives from local businesses and/or civic or faith organizations. The City Manager may designate staff liaison(s) to the Committee.

AND, FURTHER BE IT RESOLVED THAT:

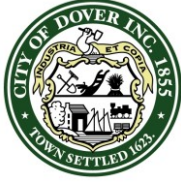
The Committee shall elect a Chair and Vice-Chair from its membership; six (6) members of the Committee or a simple majority of the currently appointed members, whichever is greater, shall constitute a quorum; the Committee shall determine an appropriate meeting schedule

AND, FURTHER BE IT RESOLVED THAT:

The Committee shall wind up its business and lapse on March 31, 2024, unless earlier extended or terminated by the City Council.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Karen Weston Deputy Mayor Robert Carrier
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.6.	
Resolution Number: R – 2017.10.11 – 137 Resolution Re: Repeal and Replace Dover's 400th Anniversary Committee		

DOCUMENT HISTORY:

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

VOTING RECORD		
Date of Vote:	YES	NO
Mayor 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:

The Dover's 400th Anniversary Committee will oversee planning and coordination of the celebration of Dover's 400th Anniversary in 2023.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.7.

Resolution Number: **R – 2017.10.11 – 138**
Resolution Re: **Commitment to Integrated Pest Management Practices**

WHEREAS: The City of Dover is committed to achieving sustainability in our municipal operations and strives to lead our community by example and promotion of sustainable policies, regulations and practices; and

WHEREAS: Integrated Pest Management (IPM) is a widely accepted, scientific based best practice that establishes a sustainable approach to managing pests by giving priority to making a habitat less conducive to pests (weeds, insects, rodents, etc.) using sanitation, mechanical and/or physical controls to reduce or eliminate the need for using pesticides; and

WHEREAS: IPM requires accurate pest identification, frequent monitoring for pest presence, determining appropriate action levels, and properly combining biological, cultural, physical, and, only when deemed necessary, the least toxic chemical tools in a way that minimizes health, environmental and economic risks; and

WHEREAS: Although more comprehensive study and validated findings are needed, there is an increasing amount of scientific evidence that has identified a potential connection between the use of synthetic pesticides containing glyphosate and 2,4-dichlorophenoxyacetic acid with adverse human health effects including the possibility of being carcinogens.

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

That it shall be the policy of the City of Dover to promote throughout the community while also utilizing in the maintenance and protection of City property the widely recognized Integrated Pest Management practices that eliminate the unnecessary use of pesticides and minimize any risk to human health and the environment;

AND BE IT FURTHER RESOLVED:

Synthetic pesticides specifically comprised of glyphosate and/or 2,4-dichlorophenoxyacetic acid shall not be used on City owned property.

AUTHORIZATION

Approved as to Funding:

Daniel R. Lynch
Finance Director

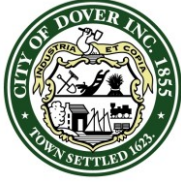
Sponsored by: Councilor Shanahan
Councilor Gagnon

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.7.	
Resolution Number: R – 2017.10.11 – 138 Resolution Re: Commitment to Integrated Pest Management Practices		

DOCUMENT HISTORY:

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

VOTING RECORD		
Date of Vote:	YES	NO
Mayor 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:

This resolution requires that Integrated Pest Management (IPM) practices be utilized in maintaining City owned property and that these practices be shared and promoted for use by the public in maintaining private property throughout the community.

IPM is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense best management practices. IPM uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with a variety of pest control methods, is used to manage pest damage by the most economical means, with the least possible hazard to people, property, and the environment.

This resolution also acknowledges emerging concerns and the need for further study of the potential risks to human health in using pesticides comprised of glyphosate and/or 2,4-dichlorophenoxyacetic acid. Given the potential for significant health risks, this resolution immediately prohibits pest control products containing these substances from being used on City owned property.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.10.11 – 007**
Ordinance Title: **Boards, Commissions and Committees**
Chapter: **5**
Sections: **5-1. Establishment**

The City of Dover Ordains:

1. PURPOSE

The purpose of this Ordinance is to amend Chapter 5 Boards, Commissions and Committees, Section 5-1. Establishment, Subsection C. as follows:

2. AMENDMENT

C. All appointments to boards, commissions and committees shall serve for the terms appointed and until a successor shall have been appointed and qualified, unless any board or commission member is absent for four (4) consecutive meetings or four (4) regular meetings in any consecutive twelve (12) month period, whereby if such absences are unexcused a vacancy shall be created in the position, and said vacancy shall be filled by the appointing authority for the remainder of the term. Conditions for removal of any board member shall be defined by statute, ordinance or the Charter. The Chair of any board, commission or committee may for good cause shown and set forth in the meeting minutes, excuse the absence of any member from a meeting. [Amended 03-28-79 by Ord. No. 6-79; Amended 06-20-2001 by Ord. No. 15-2001]

3. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING

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 - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2017.10.11 – 007**
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Chapter: **5**
Sections: **5-1. Establishment**

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.		

ORDINANCE BACKGROUND MATERIAL:

This Ordinance is intended to clarify the procedure for the excusal of absences for members of boards, commissions and committees..