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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL ATTENDANCE

5. PROCLAMATIONS/AWARDS

6. APPROVAL OF AGENDA

7. PUBLIC HEARINGS

A. CHAPTER 97, SECTION 1 ĩ LICENSING BOARD
SPONSORED BY MAYOR CARRIER BY REQUEST

B. CHAPTER 170 ĩ ZONING ĩ SECTIONS 8 AND 12
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

C. RESCISSION, REVOCATION, AND WITHDRAWAL OF LOT RESTORATION FOR 33 NEW ROCHESTER ROAD
SPONSORED BY MAYOR CARRIER BY REQUEST

8. CITIZEN&S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

Correspondence that does not state the individual&s name and Dover address shall not be placed on file with the Council public meeting record.

9. CITY MANAGER&S REPORT

10. APPROVAL OF MINUTES

- A. July 22, 2020 - Regular Meeting
- B. August 5, 2020 ĩ Workshop Session

11. MAYOR&S REPORT

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12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING

- 1. CHAPTER 97, SECTION 1 Ĩ LICENSING BOARD**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 2. CHAPTER 170 Ĩ ZONING Ĩ SECTIONS 8 AND 12**
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

B. ORDINANCES IN THE 3RD READING

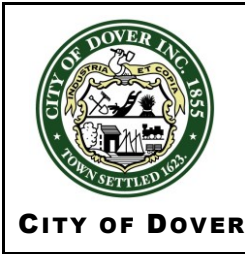
C. RESOLUTIONS

- 1. RESCISSION, REVOCATION, AND WITHDRAWAL OF LOT RESTORATION FOR 33 NEW ROCHESTER ROAD**
SPONSORED BY MAYOR CARRIER BY REQUEST

13. NEW BUSINESS

A. CONSENT CALENDAR

- 1. RAFFLE Ĩ Pope Memorial Humane Society Ĩ Cocheco Valley**
- 2. B12040 CONTINUATION OF EXISTING AGREEMENT FOR MISCELLANEOUS WORK BOOTS/FOOTWEAR WITH RED&S SHOE BARN**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 3. EMERGENCY SERVICE REPAIR OF SECONDARY CLARIFIER #1 AT WASTEWATER TREATMENT FACILITY (WWTF)** SPONSORED BY MAYOR CARRIER BY REQUEST
- 4. AFFINITY LED LIGHTING UPGRADES (B15021) AT THE THREE FIRE STATIONS AND EVERSOURCE LIGHTING INCENTIVES**
SPONSORED BY MAYOR CARRIER BY REQUEST
- 5. AUTHORIZING CITY MANAGER TO ACCEPT DONATION OF BICYCLE RACKS FROM ROTARY**
SPONSORED BY MAYOR CARRIER BY REQUEST



CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, August 12, 2020**
Meeting Time: **7:00 pm**

COMMITTEE REPORTS

1. School Board
2. Planning Board
3. 400th Anniversary Committee
4. Appointments Committee
5. Arena Commission
6. Arts Commission
7. Conservation Commission
8. Downtown TIF Advisory Board
9. Energy Commission
10. Heritage Commission
11. Legislative Liaison
12. Library Board of Trustees
13. McConnell Center Advisory Committee
14. Ordinance Committee
15. Parking Commission
16. Pool Advisory Committee
17. Recreation Advisory Board
18. Solid Waste Advisory Commission
19. Transportation Advisory Commission
20. Waterfront TIF Advisory Board
21. City Council / School Board Collaborative Committee
22. Joint Building Committee i Dover High School and Regional Career Technical Center
23. COAST
24. Cocheco Waterfront Development Advisory Committee
25. Dover Main Street
26. Strafford Regional Planning Commission
27. Tri-City Homelessness Task Force

B. RESOLUTIONS

1. **ENSURING PUBLIC AWARENESS ABOUT THE IMPORTANCE OF WEARING FACE COVERINGS AND REQUESTING ALL THOSE ABLE TO WEAR FACE COVERINGS IN PUBLIC**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **FORMATION OF AD HOC COMMITTEE TO STUDY STORMWATER AND FLOOD RESILIENCE FUNDING**
SPONSORED BY MAYOR CARRIER BY REQUEST
3. **COMMUNITY TRAIL PHASE III CONSTRUCTION**
SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

1. **CHAPTER 9: BOARD, COMMISSIONS AND COMMITTEES, SECTION 1 (TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 26, 2020.)**
SPONSORED BY MAYOR CARRIER BY REQUEST
2. **CHAPTER 125: STREETS AND SIDEWALKS, SECTION 9 (TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 26, 2020.)**
SPONSORED BY MAYOR CARRIER BY REQUEST

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

City Manager's Report

August 12, 2020

Reporting on July 2020



Legal Department

Joshua Wyatt, City Attorney

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.

	For Month	FY21	FY20	FY19
Legal Matters/Questions Handled	57	57	466	342
Document Creation & Review Including Contracts	22	22	256	269
Right to Know Requests Processed	08	08	49	41
Resolutions	06	06	75	53
Ordinances	05	05	10	18

Customer Focused Outcomes: Right to Know Requests

Pursuant to RSA 91-A, the following Right to Know requests were received this month:

- Boynton, Waldron, Doleac, Woodman & Scott – 25 Bellamy Road
- Foster's Daily Democrat – Police Department Records
- Motorola Solutions – Public Safety Software
- Seacoast Media – Info regarding prior purported settlement
- ACLU – Race Data from Police Department
- ACLU – Police Collective Bargaining Agreements and related records
- Zerowaste – Dog bags
- NYCAP – Print Stationary

Product & Process Outcomes: Assistance to City Departments

City Council	Attention to resolutions and ordinances as needed or requested by City Council;
Community Services	Assistance with Great Bay Draft General Permit; Assistance with code enforcement; assistance with water/sewer issues
Executive	Assistance with compliance questions; Assistance with HR matters;
Fire & Rescue	Assistance with contracts and procurement; Assistance with permit issuance questions; Right to Know questions;
Finance	Prepare and review various contracts, track and file City claims with Primex; address bankruptcies;
Planning	Assistance with development related contracts; Assistance with ordinances and re-zoning; Assistance with possible enforcement actions; Assistance with lot line restoration requests; Assistance with CDBG program; Assistance with Right to Know compliance questions;
Police	Assistance with code enforcement;
Public Library	No legal assistance needed.
Public Welfare	Compliance issues;
Recreation	Assistance with certain leases;
School	Assistance with contract issues and compliance questions;
Committees	No legal assistance needed.

Financial Outcomes: Litigation

Opioid Epidemic Litigation: Retained services of Robbins Geller of Boca Raton, Florida for fraudulent marketing practices of pharmaceutical manufacturers. Suit filed in USCD in Concord. Case has been transferred to federal court in Ohio as part of a multi-district litigation consolidation.

McQuade Realty, Inc v. JAD Investments LLC & City: City Attorney filed an Answer and Appearance. File sent to outside counsel. Case is being put on track for new discovery and trial deadlines.

Little Tree Education, LLC et al v. City: Received Summons and Complaint on 4/15/19. Order affirming ZBA received in September 2019. Motion to reconsider denied. An appeal has been filed with the New Hampshire Supreme Court. The appeal has been fully briefed.

Mary Hebbard v. City of Dover, John & Karen Brough and Ryan Colbath: Served on City on 4.17.2019. Case is in general discovery. Trial is scheduled in October 2020. In February 2020, the City filed a partial motion for summary judgment; which is now believed to be fully briefed and awaiting decision.

Mary & Rick Hebbard v. City: Complaint filed in October 2019 concerning drainage in the Tanglewood subdivision. Case is in general discovery. Trial is scheduled in November 2020. A partial summary judgment motion was filed in April 2020 and is now believed to be fully briefed and awaiting decision.

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:

In June, the majority of the downtown restaurants (35) that closed down as a result the coronavirus epidemic or the government regulations put in place to combat its spread and resultant loss of life April to May have re-opened with outdoor table service and 50% inside seating capacity. Dover's unemployment rate went from 1.8% to 17.7% in April, improving to 16.0% in May and to 12.1% in June. One significant effect was the resurgence of the restaurant sector due to the extraordinary efforts of the City of Dover to provide outdoor table seating with delivery of water filled Jersey barriers and parking space conversion where necessary. Dover now has 35 restaurants operating with the outdoor seating in place. At the end of June, most Dover restaurants were re-opening inside table service at 50% capacity and most wish to retain the outdoor seating until year-end and to subsequent years. The restaurant activity is important as the rest of the downtown retailers depend on Dover's 70 restaurants to bring people to Dover. Our airtime radio marketing campaign kicked off in July with WTSN and with CGI Communications providing 6-7 Dover videos for "Dover is Re-opening for Business" media sites.

The stock market volatility in July for 401-k plans has greatly increased consumer saving rates and deteriorated people's confidence going forward. It is anticipated that the major volatility will continue through Q3 but at present, the stock market is experiencing some strength seemingly unrelated to the Main Street economy. We are all waiting to see what will happen with the cutoff of existing stimulus packages and the probability of another Federal stimulus bill and what form it will take. The automotive sector reported some immediate sales declines at reduced pricing after the previous sales declines. Dealerships are trying to sell cars on line and are beginning to have limited success. The manufacturing sector, including capital goods and aircraft related parts, continues to show significant declines including some major layoffs due to the economic paralysis engendered by the coronavirus in international trade and tourism and the Boeing MAX problems. Most downtown retailers are on reduced hours and staffing. Staffing firms reported a small but persistent rising tide of employment. Commercial real estate activity continues for projects already started, but new projects remain limited. Residential real estate markets saw some major decreases in closed single family home sales at sustained high prices but multifamily residential apartment projects continue strong for the moment. Planned modest wage increases are gone and layoffs continue. Most recently the US economy was growing at a record pace (GDP growth at 2.6% over Q2, 2019 but declining to a recessionary state at least into the beginning of the third quarter of 2020. Mortgage interest rates most recently strengthened slightly with the Federal Reserve near zero interest rates still a great value.

Selected Business Services:

Demand for consulting and advertising is down sharply over last year at this time. Software and IT services providers are experiencing a pause in activity. Some consolidation is now being experienced in the institutional healthcare sector. Wentworth Douglas Hospital's merger with Mass General and possibly Exeter is part of an overall consolidation trend in institutional healthcare. This is expanding the range of medical specialties available to the Dover market. WDH has opened a medical practice facility at the Pease Development Authority and has another urgent care center planned on a Dover Point Rd. site. Portsmouth Regional Hospital has opened a stand-alone ER building at Exit 7 in Dover. Tele-med service is expanding and may become a more permanent segment of medical services after the pandemic abates. Wages, while historically up significantly in critical skill areas. Have flattened with the loss of elective procedures during the pandemic. 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.

Predictions for 2020 revenue growth in the services sector are now in doubt.

Commercial Real Estate:

Non-residential commercial real estate sales activity continued at about half of the previous rate locally, and with flat activity in the Portland markets and declines in Connecticut. Boston and Rhode Island markets paused somewhat in this period. 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 but with two breakthrough projects beginning to be considered this coming month. The lack of at site utilities on Innovation Way has limited the developments considering that location. Accelerator units of 1,200 – 2,500 SF are sorely needed to house small post startup companies to get underway and to grow in Dover. The Orpheum co-worker space will help alleviate this problem to a very small degree. Office leasing was non-existent this month. Land sales have tanked this month. The lending environment remains highly favorable to brave borrowers, with historically low, and now slightly increasing, interest rates but with somewhat tighter lending standards. The flow of investment capital declined for commercial lease properties across the Seacoast, sourced from private equity firms, pension funds, foreign investors, REITS and high net worth individuals. Leverage ratios are on the rise among some investors, but remain low in absolute terms. Local multi-family and mixed use construction remains active so far with local inventory in this category rising rapidly. The outlook remains cloudy across the region so far in this sector. Forecasts call for more uncertainty in fundamentals moving forward. Fiscal policy and uncertainty around the business and employment effects of the pandemic uncertainty at both the state and federal levels are causing a reluctance to commit assets until things calm down.

See Local Major Development Projects Section below.

Residential Real Estate:

Residential real estate markets recently contributing strong performance on the Seacoast, have now begun to soften except for high end properties. Home buyer confidence still appears to be there for higher priced homes which seems counter intuitive. Completed sales of single family homes increased year-over-year in Q1 and Q2 but Q3 and Q4 unit sales in 2019 declined slightly and 2020 unit sales to date declined slightly due to lack of inventory. Rising prices are convincing sellers to put homes on the market but interest rates have now started to rise slightly, once again adding some of the "buy now" pressure in the market. Median selling prices continue to rise locally and are up another 6.7% year-over-year 2019-2020. Condo sales though somewhat mixed regionally, are up slightly locally as well as condo pricing and pending sales. Median sale prices in NH and in Dover increased again in the period for single family homes to the \$367,000 range. Pending sales suggest the markets for high-end single family houses and condos will continue, though abated, throughout 2020 with a probable more significant pause in growth late in late 2020 or early 2021. Realtors are having more luck trying to sell homes on-line.

Manufacturing & Related Services:

Most local manufacturers supplying domestic markets are now reporting poor results with 85% reporting severe market weakness. One point-of-purchase systems supplier is experiencing sales decreases significant enough to require 80% layoffs. Local manufacturing has grown 400 jobs this year but this month Safran and Albany International announced some layoffs due to the airline problems mentioned above. ACLARA in Somersworth is shutting the former GE meters plant and is changing their business model to outsource production. The Phase 1 Chinese trade agreement is not expected to have a substantive positive effect, except for some agricultural products being purchased to offset crops lost to flooding in China. Especially with the rising tensions between China and the U.S. due to the Chinese handling of the pandemic and South China Sea issues. Other uncertainties surrounding the federal administration change are evident in local manufacturers, including a relaxation of the regulatory constraints on businesses that will reduce costs. It is expected that the relaxation of coal power plant emissions by the EPA will add capacity and reduce some costs at peak use periods for local electrical energy. Local manufacturers are now benefiting from the tax reform package. Dealership auto inventories on site are growing. Manufacturing firms reporting on inventory levels are citing higher levels. Most contacts in the manufacturing sector indicate that both staffing levels and wage growth are now unstable especially in the airplane parts business. Capital investment is stable locally except for some new builds being deferred due to building costs exceeding the value of the completed building at present and the corona virus effect. Foreign investment in the US is growing rapidly due to the uncertainties rampant in the Chinese, Brazilian, Venezuelan and European economies and the pro-business messages from the new administration. Some major capital spending projects are now delayed. The Silver Square development is now making Phase II progress on this \$50 million dollar development.

Regional manufacturers are now governed by caution and uncertainty.

Labor demand has been strong in IT and software, electronics, engineering, quality assurance tech and legal skills. This is expected to change shortly as manufacturers deal with reduced demand. Talks with the Chamber of Commerce Education Committee, Dover high School CTC, Great Bay Community College, Somersworth High School CTC and UNH for BIZEDConnect are suspended for the immediate

future. Recent reductions in the NH BPT and EPT are being maintained by the Governor's veto so far. The FY2020 property tax increase, with the tax cap budget from the School District, is causing concern at several local businesses when combined with high electric energy costs and water processing costs and their concerns about their survivability.

Retail & Tourism:

Due to the limits on gatherings necessitated by the pandemic and the fear surrounding it, local retail and tourism activities are highly curtailed. Local hotels have gone from an occupancy rate of just under 90% to 20% occupancy and several postponed weddings. On-line shopping has, to some extent, prospered due to the brick and mortar retail closings. Many regional malls are being repurposed to other uses and many national/international retail chains have closed in the US, Canada and worldwide.. Many large retailers are making infrastructure investments to participate more fully in on-line sales with on-site drive through pick up points.

Local retailers and all local businesses have been informed of the recent SBA Emergency loans and grants programs, SELF Program and most recently, the GAP Program, and NH Chamber Relief Program as well as the DoverCARES Emergency Loan Fund.

Employment and Wages:

Local labor market pressure collapsed with the widespread business closures and layoffs. Wages for wait staff and experienced retail workers have begun to move upward but the recent \$600 a week addition to unemployment checks is pulling wait staff out of the labor market as they make a lot more money staying home. Unless extended by Congress, it will stop by July 31st and will probably not exceed 75% of pre-layoff wages in future programs.

In the higher skill set categories, doctors, paramedics, physician's assistants and nurses are no longer in short supply as elective procedures were suspended in anticipation of COVID-19 surges that didn't materialize in the magnitude anticipated in NH. NH hospitals are in deficit and some doctor and nurse layoffs are expected as elective procedures are back on track again locally but not in heavily infected states.

Local Major Development Projects:

- First Street Development Phase 2 (River Mark) is nearing completion.
- Third Street Development (Changing Places) is nearing completion.
- Silver Square Development: Phase 1 completion, Phase 2 underway.
- 49,000 SF at 27 Production Drive is again up for sale.
- Cathartes Project (Orpheum completing occupancy).
- Well over \$100,000,000 in Dover development underway.
- Enterprise Park Developments suffering from "sticker shock" for new builds. Two projects expected to begin in 2020.
- Fosters Building sold for \$1.5 million / Kostis Brothers (renovation in process).
- The Old courthouse Building on First and 2nd may now be renovated for a mixed use facility. Currently again on the market.
- 6 Grove St. Project is underway but paused.
- The Fosters building on Venture Dr has a buyer.
- Bradley Commons Phase 2 is under construction. Has footing and foundation in.
- Birch Hill Armory on Industrial Park Dr. is nearing completion
- The H. Morris building on Venture Dr.

Parking Division

Meter Activity

	June 2020	June 2019	June 2018
Meter Transactions	23,567	39,768	40,245
Income from Meters - Total	\$43,971	\$56,522	\$53,066
Income from Meters – Parking Garage	\$3,056	5,138	4,284
Meter Days	26	20	21
Average Meter Transactions Per Day	906	1,988	\$1,916

	Fiscal YTD 2020	Fiscal Year 2019	Fiscal Year 2018
Meter Transactions	442,999	466,721	449,144
Income from Meters - Total	\$792,054	\$648,806	\$593,031
Meter Days	292	249	250
Average Meter Transactions Per Day	1,517	1,874	1,797

Electric Vehicle Charging Stations

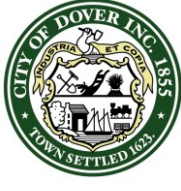
Month	Number of Times Charging Stations Used	Amount Added to Parking Activity Fund
May 2019	24	\$73.00
June 2019	20	\$55.00
July 2019	31	\$88.00
August 2019	18	\$44.00
September 2019	38	\$188.00
October 2019	32	\$140.00
November 2019	23	\$87.00
December 2019	28	\$102.00
January 2020	25	\$82.00
February 2020	31	\$94.00
March 2020	23	\$85.00
April 2020	02	\$6.00
May 2020	05	\$17.00
June 2020	08	\$21.00

COAST

Ridership Activity

Month	Route 1	Route 2	Route 33 (FasTrans)
June 2019	5,461	15,617	1,143
July 2019	6,021	16,014	1,175
August 2019	6,891	17,042	1,231
September 2019	6,144	15,852	960
October 2019	6,490	17,249	1,160
November 2019	5,826	14,367	1,038
December 2019	5,565	13,017	1,102
January 2020	6,210	14,897	1,236
February 2020	5,687	14,897	1,236
March 2020	4,998	11,114	662
April 2020	0	0	0
May 2020	1,690	2,396	14
June 2020	3,292	5,310	201

J. MICHAEL JOYAL, JR.
CITY MANAGER

 CITY OF DOVER	CITY COUNCIL - MINUTES Meeting Type: Regular Meeting Meeting Location: City Hall, Council Conference Room Meeting Date: Wednesday, July 22, 2020 Meeting Time: 7:00 pm
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1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Cullen led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, Councilor Manley, Councilor Muffett-Lipinski, Councilor O'Connor, Councilor Shanahan, and Councilor Williams.

Absent: Councilor Thibodeaux.

Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. PROCLAMATIONS/AWARDS

Mayor Carrier presented and read a proclamation to Ms. Deb Clough.

6. APPROVAL OF AGENDA

Councilor Shanahan moved to moved Items 13.A. 2. and 13.A. 3. to follow Item 13.B.1.

Deputy Mayor Ciotti moved to approve the Agenda as amended; seconded by Councilor Shanahan.

Vote: 8/0.

7. PUBLIC HEARINGS

A. CHAPTER 141, SECTIONS: 3, 13, 14, 18, 20, 30, 31, 33, 34, 37, 48, 49, 51, AND 52 SPONSORED BY MAYOR CARRIER BY REQUEST

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

B. CHAPTER 170 – ZONING – REVISING TERMS, SYNTAX AND NUMBERING SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

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

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**C. CHAPTER 170 – ZONING – CITYWIDE AREA REZONING, AND TEXT AMENDMENTS
REVISING TRANSFERS OF DEVELOPMENT RIGHTS (TDR) AND ALTERNATIVE
ENERGY CODE**
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD
REPRESENTATIVE

Scott Johnson 110 Venture Drive: He spoke in favor of the Ordinance.

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

D. RESCIND LOT LINE RESTORATION FOR NEW ROCHESTER ROAD
SPONSORED BY MAYOR CARRIER BY REQUEST

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

8. CITIZEN'S FORUM

Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record.

Shellie Lemelin, 9 Western Avenue: She spoke about the American Disabilities Act and the need for improvement. Her statements have been archived with these minutes.

9. CITY MANAGER'S REPORT

City Manager Joyal introduced Richard Perrin, 2020 Census Partnership Specialist for Strafford County.

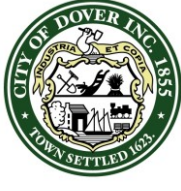
Mr. Perrin gave an overview of the 2020 Census Program.

City Manager Joyal gave an overview on the following items: COVID-19 situation, Broadway culvert project, water breaks on Horne Street in the past few weeks.

City Clerk Mistretta spoke about the availability of the September 8, 2020 NH Primary Ballots, the process to request an absentee ballot, and the need for election workers at the polls.

Councilor O'Connor recognized the Community Services work on Horne Street.

City Manager Joyal gave an overview of the new trash collection procedures.

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

Vote: 8/0.

10. APPROVAL OF MINUTES

A. July 8, 2020 - Regular Meeting

Deputy Mayor Ciotti moved to accept the Minutes; seconded by Councilor Cullen.

Vote: 8/0.

11. MAYOR'S REPORT

Mayor Carrier said he attended several ribbons cuttings. He attended a Zoom meeting with the Fidelity Homelessness Group. He spoke with the Mayor of Nashua regarding their Ordinance requiring face coverings. He spoke about the creation of the Anti-Racism Committee and for citizens to apply to serve. He said the School Board has accepted Indigenous People Day instead of Columbus Day.

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

Vote: 8/0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

1. CHAPTER 141, SECTIONS: 3, 13, 14, 18, 20, 30, 31, 33, 34, 37, 48, 49, 51, AND 52 SPONSORED BY MAYOR CARRIER BY REQUEST

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

Roll Call Vote: 9/0

2. CHAPTER 170 – ZONING – REVISING TERMS, SYNTAX AND NUMBERING SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Muffett-Lipinski.

Roll Call Vote: 9/0

 CITY OF DOVER	<table> <tr> <th colspan="2">CITY COUNCIL - MINUTES</th></tr> <tr> <td>Meeting Type:</td><td>Regular Meeting</td></tr> <tr> <td>Meeting Location:</td><td>City Hall, Council Conference Room</td></tr> <tr> <td>Meeting Date:</td><td>Wednesday, July 22, 2020</td></tr> <tr> <td>Meeting Time:</td><td>7:00 pm</td></tr> </table>	CITY COUNCIL - MINUTES		Meeting Type:	Regular Meeting	Meeting Location:	City Hall, Council Conference Room	Meeting Date:	Wednesday, July 22, 2020	Meeting Time:	7:00 pm
CITY COUNCIL - MINUTES											
Meeting Type:	Regular Meeting										
Meeting Location:	City Hall, Council Conference Room										
Meeting Date:	Wednesday, July 22, 2020										
Meeting Time:	7:00 pm										

3. CHAPTER 170 – ZONING – CITYWIDE AREA REZONING, AND TEXT AMENDMENTS REVISING TRANSFERS OF DEVELOPMENT RIGHTS (TDR) AND ALTERNATIVE ENERGY CODE
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD REPRESENTATIVE

Deputy Mayor Ciotti moved for its adoption; seconded by Councilor Shanahan. Assistant City Manager Parker gave an overview of the Ordinance, and answered questions from the Council.

Deputy Mayor Ciotti moved to make the first of three amendments as follows:

Amend amendment 2, on page 4 to include Map H lot 11 A.

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “Gateway” (G) District an area of approximately 7.4 acres located along Durham Road, consisting of Map H lot 11, and Map I lot 7”

Should be amended as follows:

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

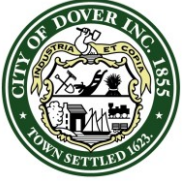
“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “Gateway” (G) District an area of approximately 7.47.73 acres located along Durham Road, consisting of Map H lots 11 and 11A, and Map I lot 7”

Motion was seconded by Councilor O'Connor.
Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved to make the second of three amendments as follows:

Also Amend amendment 4 to on page 7 to clarify that the area is going from R-12 to Commercial:

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, July 22, 2020**
Meeting Time: **7:00 pm**

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Hotel/Retail” (B-4) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200’ and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood.”

To

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “~~Hotel/Retail~~Commercial” (B-4C) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200’ and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood.”

Motion was seconded by Councilor Manley.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved to make the third of three amendments as follows:

Also Amend amendment 6 to on page 8/9 to clarify that the areas are going to Commercial:

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Rural Residential” (R-40) to “~~Hotel/Retail~~Commercial” (B-4C) District an area of approximately 39 acres located along Durham Road and Mast Road, consisting of Map H lots 4-2, 4-B, 4-G, 4-L, 5 and 5A and Map I lot 22A, and the portion of Map I lot 22 that is 225’ off the centerline of Mast Road and 194’ off Durham Road.”

AND

 CITY OF DOVER	CITY COUNCIL - MINUTES Meeting Type: Regular Meeting Meeting Location: City Hall, Council Conference Room Meeting Date: Wednesday, July 22, 2020 Meeting Time: 7:00 pm
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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “~~Hotel/Retail Commercial~~” (B-4C) District an area of approximately 3.4 acres located along Durham Road and Mast Road, consisting of Map I lots 20-E, 20-F, 20-G, 20-H, 21, and 20-J.”

Motion was seconded by Councilor Manley.
Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of the amended Resolution; seconded by Councilor Manley.
Roll Call Vote: 8/0.

B. ORDINANCES IN THE 3RD READING

C. RESOLUTIONS

1. AMENDMENT TO COUNCIL RULES - RULE VII(B), (C), AND (D) (REQUIRES A 2/3 MAJORITY VOTE OF THE COUNCIL) SPONSORED BY MAYOR CARRIER BY REQUEST

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

2. RESCIND LOT LINE RESTORATION FOR NEW ROCHESTER ROAD SPONSORED BY MAYOR CARRIER BY REQUEST

City Manager Joyal recommended this resolution be referred to a public hearing on August 12, 2020
Deputy Mayor Ciotti moved to refer to a public hearing on August 12, 2020; seconded by Councilor Williams.
Vote: 8/0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. LIBRARY BOOKS & MEDIA PURCHASES SPONSORED BY MAYOR CARRIER BY REQUEST



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, July 22, 2020**
Meeting Time: **7:00 pm**

**2. COMPUTER EQUIPMENT STATE OF NH CONTRACT WITH DELL MARKETING LP
SPONSORED BY MAYOR CARRIER BY REQUEST**

Moved to follow Item 13.B.1.

**3. COMPUTER SOFTWARE STATE OF NH CONTRACT WITH SHI
INTERNATIONAL CORP
SPONSORED BY MAYOR CARRIER BY REQUEST**

Moved to follow Item 13.B.1.

**4. CONSTRUCTION SUPPORT ENVIRONMENTAL CONSULTING SERVICES FOR
BROADWAY RAILROAD CULVERT SOIL CHARACTERIZATION AND
MANAGEMENT WITH RANSOM CONSULTING LLC
SPONSORED BY MAYOR CARRIER BY REQUEST**

**5. APPROVAL OF SECOND AMENDMENT TO MCCONNELL CENTER LEASE
AGREEMENT BETWEEN CITY OF DOVER AND DOVER ADULT LEARNING
CENTER DATED JUNE 13, 2006
SPONSORED BY MAYOR CARRIER BY REQUEST**

**6. SETTING VOTING HOURS FOR THE SEPTEMBER 8, 2020 NEW HAMPSHIRE
PRIMARY AND NOVEMBER 3, 2020 STATE GENERAL ELECTION
SPONSORED BY MAYOR CARRIER BY REQUEST**

COMMITTEE REPORTS

- | | |
|---|--|
| 1. School Board | 16. Pool Advisory Committee |
| 2. Planning Board | 17. Recreation Advisory Board |
| 3. 400th Anniversary Committee | 18. Solid Waste Advisory Commission |
| 4. Appointments Committee | 19. Transportation Advisory Commission |
| 5. Arena Commission | 20. Waterfront TIF Advisory Board |
| 6. Arts Commission | 21. City Council / School Board Collaborative Committee |
| 7. Conservation Commission | 22. Joint Building Committee – Dover High School
and Regional Career Technical Center |
| 8. Downtown TIF Advisory Board | 23. COAST |
| 9. Energy Commission | 24. Cochemo Waterfront Development Advisory
Committee |
| 10. Heritage Commission | 25. Dover Main Street |
| 11. Legislative Liaison | 26. Strafford Regional Planning Commission |
| 12. Library Board of Trustees | 27. Tri-City Homelessness Task Force |
| 13. McConnell Center Advisory Committee | |
| 14. Ordinance Committee | |
| 15. Parking Commission | |

Deputy Mayor Ciotti moved for the adoption of Consent Calendar.

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

Deputy Mayor Ciotti pulled the Appointments Committee Report.

Councilor O'Connor pulled the Pool Advisory Committee.

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

Roll Call Vote: 8/0.

 CITY OF DOVER	CITY COUNCIL - MINUTES Meeting Type: Regular Meeting Meeting Location: City Hall, Council Conference Room Meeting Date: Wednesday, July 22, 2020 Meeting Time: 7:00 pm
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Deputy Mayor Ciotti gave an overview of the Appointment Committee's Report and recommended the following appointments:

Cathleen Beaudoin as an alternate member to the Cemetery Board

Brian Murphy as an alternate member to the Recreation Advisory Board.

Deputy Mayor Ciotti moved to accept the Appointments Committee Report; and seconded by Councilor Muffett-Lipinski.

Vote: 8/0.

Councilor O'Connor gave an overview of the Pool Advisory Committee Report to the Council.

Deputy Mayor Ciotti moved to accept the Pool Advisory Committee Report; seconded by Councilor Muffett-Lipinski.

Vote: 8/0.

B. RESOLUTIONS

1. COMPUTER AIDED PUBLIC SAFETY DISPATCH & RECORDS MANAGEMENT SYSTEM

SPONSORED BY MAYOR CARRIER BY REQUEST

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

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.2.; seconded by Councilor Manley.

Roll Call Vote: 8/0.

Deputy Mayor Ciotti moved for the adoption of Item 13.A.3.; seconded by Councilor Muffett-Lipinski.

Roll Call Vote: 8/0.

C. ORDINANCES IN 1ST READING

1. CHAPTER 97, SECTION 1 – LICENSING BOARD (TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 12, 2020)

SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Ciotti moved to refer to a public hearing on August 12, 2020; seconded Councilor Manley.

Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Conference Room**
Meeting Date: **Wednesday, July 22, 2020**
Meeting Time: **7:00 pm**

**2. CHAPTER 170 – ZONING – Sections 8 and 12
(TO BE REFERRED TO A PUBLIC HEARING ON AUGUST 12, 2020)
SPONSORED BY DEPUTY MAYOR CIOTTI AS PLANNING BOARD
REPRESENTATIVE**

Deputy Mayor Ciotti moved to refer to a public hearing on August 12, 2020;
seconded Councilor O'Connor.
Vote: 8/0.

14. COUNCIL CORRESPONDENCE

15. COUNCIL MATTERS OF INTEREST

Councilor O'Connor thanked Assistant City Manager Parker and everyone who worked on the Chapter 170 Ordinance.

Mayor Carrier spoke about being careful, wear a mask and social distance.

16. ADJOURN

Councilor O'Connor moved to adjourn; seconded by Councilor Muffett-Lipinski.
Vote: 8/0.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Conference Room
Meeting Date: **Wednesday, August 5, 2020**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Councilor Manley led the Pledge of Allegiance.

4. ROLL CALL ATTENDANCE

Present: Mayor Carrier, Deputy Mayor Ciotti, Councilor Cullen, Councilor Manley, Councilor Shanahan, Councilor O'Connor, and Councilor Williams. Councilor Thibodeaux attended the meeting virtually.

Absent: Councilor Muffett-Lipinski.

Also Present: City Manager Joyal, City Attorney Wyatt, and City Clerk Mistretta.

5. CITIZEN'S FORUM

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

Email correspondence must be directed to CityCouncil-All@dover.nh.gov, Voicemails must be left at (603) 516-6338, and written letters or correspondence must be directed to City of Dover, ATTN: City Council, 288 Central Avenue, Dover, NH 03820.

Correspondence that does not state the individual's name and Dover address shall not be placed on file with the Council public meeting record.

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

6. DISCUSSIONS

A. EXPLORING STORMWATER & FLOOD RESILIENCE FUNDING STRATEGIES

Community Services Director Storer introduced the presenters to the Council.

Mr. Sweeney gave a PowerPoint presentation to the Council regarding Establishing a Task Force to Explore Stormwater & Flood Resilience Funding.

City Manager Joyal recommended that a resolution be brought forward to the Council to create a Stormwater Taskforce.

B. TOLEND ROAD LANDFILL UPDATE

Environmental Engineer. Dean Peschel gave a PowerPoint presentation to the Council regarding the Tolend Road Landfill.



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Workshop Session
Meeting Location: City Hall, Council Conference Room
Meeting Date: **Wednesday, August 5, 2020**
Meeting Time: **7:00 pm**

7. ADJOURNMENT

Councilor O'Connor moved to adjourn; seconded by Councilor Manley.
Vote: 8/0.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 12.A.1.

Ordinance Number: **O – 2020.07.22 – 008**
Ordinance Title: Licensing
Chapter: 97
Section: 1 Board established

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 97-1 Board established.

2. AMENDMENT

Chapter 97 entitled “Licensing” is hereby amended by revising Section 1. Board established as follows:

§ 97-1 **Board established.**

[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

A Licensing Board for the City of Dover is hereby constituted under the provisions of RSA 286:3, to consist of the ~~City Manager~~ Mayor, Chief of Police, and such other person as shall be appointed by the City Council, and all licenses issued by said Board shall be in accordance with the provisions of RSA 286. The Licensing Board shall only have the powers and authority as set forth herein and by statute. The Licensing Board shall not have authority to issue other licenses or permits exclusively within the discretion of the City Council, such as licenses or permits pursuant to RSA 31:100 (entitled “Street Fairs”), RSA 31:91 (entitled “Soliciting Funds”), or RSA chapter 287-A (entitled “Raffles”).

3. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

 CITY OF DOVER	CITY OF DOVER - ORDINANCE		Agenda Item#: 12.A.1.
	Ordinance Number:	O – 2020.07.22 – 008	
	Ordinance Title:	Licensing	
	Chapter:	97	
	Section:	1 Board established	

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

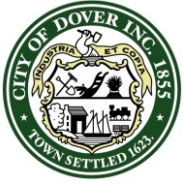
VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance is intended to clarify the membership of the City’s Licensing Board and that Board’s authority to issue permits and licenses.

The Licensing Board is constituted pursuant to [RSA chapter 286](#). While RSA 286:3 provides for “the mayor of such city” to be a member of the Licensing Board, the City’s charter and applicable law both provide that the City Manager exercises powers and authority prescribed by law for mayors of cities. *See* Dover Charter §§ C3-3, C5-5; *see also* RSA 49-C:16. The City’s Fire and Rescue Chief is included as the City’s appointee, but in compliance with the City’s charter the Fire and Rescue Chief is being appointed on an ex officio, non-voting basis.

The remaining textual changes clarify that the Licensing Board has limited authority and does not have authority over all license or permits within the City Council’s discretion.

 CITY OF DOVER	<table> <tr> <th colspan="2">CITY OF DOVER – ORDINANCE</th></tr> <tr> <td colspan="2">Agenda Item: 12.A.2.</td></tr> <tr> <td>Ordinance Number:</td><td>O – 2020.07.22 – 009</td></tr> <tr> <td>Ordinance Title:</td><td>Updating the Dover Zoning Ordinance</td></tr> <tr> <td>Chapter:</td><td>170</td></tr> <tr> <td>Section:</td><td>12 Applicability of Tables of Use and Dimensional Regulations by District</td></tr> <tr> <td></td><td>8 Zoning Map</td></tr> </table>	CITY OF DOVER – ORDINANCE		Agenda Item: 12.A.2.		Ordinance Number:	O – 2020.07.22 – 009	Ordinance Title:	Updating the Dover Zoning Ordinance	Chapter:	170	Section:	12 Applicability of Tables of Use and Dimensional Regulations by District		8 Zoning Map
CITY OF DOVER – ORDINANCE															
Agenda Item: 12.A.2.															
Ordinance Number:	O – 2020.07.22 – 009														
Ordinance Title:	Updating the Dover Zoning Ordinance														
Chapter:	170														
Section:	12 Applicability of Tables of Use and Dimensional Regulations by District														
	8 Zoning Map														

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by rezoning a parcel of land from residential to mixed use and related amendments.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Cochecho Waterfront District (CWD) by adding a general footnote “[*]: Deviations from these requirements are permitted by Conditional Use Permit, subject to the requirements of Section 170-20.B(1), where applicable.”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from Medium-Density Residential (R-12) District to Cochecho Waterfront (CWD) District an area of approximately 29 acres located along Washington Street Extension and Towne Drive, consisting of Map 22 lot 1 not currently in the CWD, and Map 22 lot 42 all but the first 400’ into the property off Henry Law Avenue.”

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium-Density Residential (R-12) District to Cochecho Waterfront (CWD) District an area of approximately 12.56 acres located along Henry Law Avenue and Towne Drive, consisting of Map K lots 5, 4B and 4C.”

4. TAKES EFFECT

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

REQUIRES A PUBLIC HEARING



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item: 12.A.2.

Ordinance Number: **O – 2020.07.22 – 009**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170
Section: 12 Applicability of Tables of Use and Dimensional Regulations by District
8 Zoning Map

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Deputy Mayor Dennis Ciotti,
City Council Planning Board
Representative

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Agenda Item: 12.A.2.

Ordinance Number: **O – 2020.07.22 – 009**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170
Section: 12 Applicability of Tables of Use and Dimensional Regulations by District
8 Zoning Map

ORDINANCE BACKGROUND MATERIAL:

On January 8, 2019 the Dover Planning Board approved the rezoning of areas along Towne Drive and the Cochecho River to be rezoned from Medium Density Residential (R-12) to Cochecho Waterfront (CWD). The rezoning is consistent with the goals outlined in the City's Master Plan to increase commercial zoning in the City.

The Planning Board unanimously approved the rezoning, however staff did not bring it forward to the City Council at the time as there were discussions with a private property owner abutting the property to purchase a portion of the City parcel. This land swap was authorized by the Dover City Council in June of 2019. The lot line adjustment plan was approved by the Dover Planning Board in July of 2019, and the deeds were conveyed later that summer.

All of the land in question being rezoned is owned by the City or Dover or Dover Youth Softball.

A neighborhood letter will need to be sent to all abutters inviting them to a public hearing prior to the Council reviewing and ratifying the Planning Board's vote. City staff is not requesting that the City Council waive the first class mailing to landowners and abutters.

In addition to this background, please find the following attached for reference:

- Background memorandum to City Council dated July 16, 2020;
- The property owner letter sent by the Planning Board.
- A Rezoning Analysis;
- A map entitled "Proposed Rezoning of Maglaras Park";

To: Dover City Council
From: Christopher Parker, AICP
CC: J. Michael Joyal, City Manager
Dover Planning Board
Date: July 16, 2020
Re: Zoning Amendment - Maglaras

ISSUE:

On January 08, 2019, the Planning Board unanimously approved a recommendation to amend to the City's Zoning Map.

INTENT:

This memo will briefly describe the findings of the Planning Board and ensure compliance with Chapter 170-53(F) of the Code.

GOALS:

The proposed zoning amendment must meet certain criteria for the Planning Board to support their adoption. This memo reviews the report criteria laid out in Chapter 170 to explain the findings of the Planning Board.

PROCESS:

The Planning Board posted the amendments after consideration on in December of 2018. It held a public hearing on January 08, 2019. The Board unanimously approved the requested amendment at the conclusion of the January 08th hearing and forwarded it to the City Council for ratification.

ATTACHMENTS:

- Map of area
- Rezoning Analysis
- Property owner letter

As per section 170-53(F), the Planning Board shall provide to the City Council a report on each proposed amendment that has been proposed and endorsed by it. This report shall include the Board's findings and recommendations on the following:

The consistency of the proposed amendments with the Master Plan;

The 2015 update to the City's Land Use Chapter of its Master Plan is entitled "It's All About Tomorrow." This chapter includes references to increasing the City's commercial tax base through economic development. The rezoning is consistent with the other uses along the Cochecho River.

The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the Board and the City;

The proposed amendments do not conflict with any other plans, studies or technical reports. It is consistent with the plans to develop the waterfront and Maglaras Park.

The effect of the proposed amendment on the City's municipal services and capital facilities as described in the Capital Improvements Program;

The proposed amendments do not conflict with the Capital Improvements Program. It is consistent with the plans to develop the waterfront and Maglaras Park.

The effect of the proposed amendment on the natural, environment, and historical resources of the City;

The Planning Board found that any development is going to effect the natural, environmental and historical resources, however the impact would be less for non-residential.

The effect of the proposed amendment on neighborhood including the extent to which nonconformities will be created or eliminated;

The areas has been developed as active and passive recreation. The City controls the majority of the land and Dover Youth Softball controls the additional piece. Neither property is intended for intense buildout and the Softball parcel has a deed restriction against extensive build out.

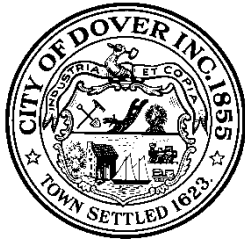
The effect of the proposed amendment on the City's economy and fiscal resources;

The amendment will have a positive impact on the economy of the City, while not creating any material burden on municipal services, capital facilities or any natural or historic resources in Dover.

The recommendation of the Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

The Planning Board approved the amendments by a unanimous vote and hereby submits them to the City Council for ratification.

Christopher G. Parker, AICP
Assistant City Manager
Planning and Strategic Initiatives
c.parker@dover.nh.gov



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

City of Dover, New Hampshire

Department of Planning & Community Development

July 27, 2020

Dear Dover Property Owner:

In January of 2019, after the Dover Planning Board held a Public Hearing, it voted to recommend that Maglaras Park, and the Dover softball property be rezoned from R-12 to Cochecho Waterfront. That item was put on pause, as the City and an abutter contemplated a lot line revision between their lot and Maglaras Park. That lot line adjustment was completed in late 2019, and the City Council is now moving forward with the review of the rezoning.

On **Wednesday, August 12, 2020, the City Council will hold a Public Hearing** regarding a proposed amendment to the Dover Zoning Ordinance. You are invited to attend the hearing which will be held in **City Hall's City Council Chambers, 288 Central Avenue, Dover NH at 7:00 PM.** The amendment is the result of a review by City staff of proposed uses in conjunction with planned future waterfront development. The City seeks to involve the public in the process. The amendments are designed to promote economic growth and contribute to a vibrant community. The text of the amendments are below and a map of the proposed lot to be rezoned is located on the backside.

PROPOSED ZONING ORDINANCE AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 "Applicability of Tables of Use and Dimensional Regulations By District" by revising the Dimensional Regulations Table in the Cochecho Waterfront District (CWD) by adding a general footnote "[*]: Deviations from these requirements are permitted by Conditional Use Permit, subject to the requirements of Section 170-20.B(1), where applicable."

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

"The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium-Density Residential (R-12) District to Cochecho Waterfront (CWD) District an area of approximately 29 acres located along Washington Street Extension and Towne Drive, consisting of Map 22 lot 1 not currently in the CWD, and Map 22 lot 42 all but the first 400' into the property off Henry Law Avenue."

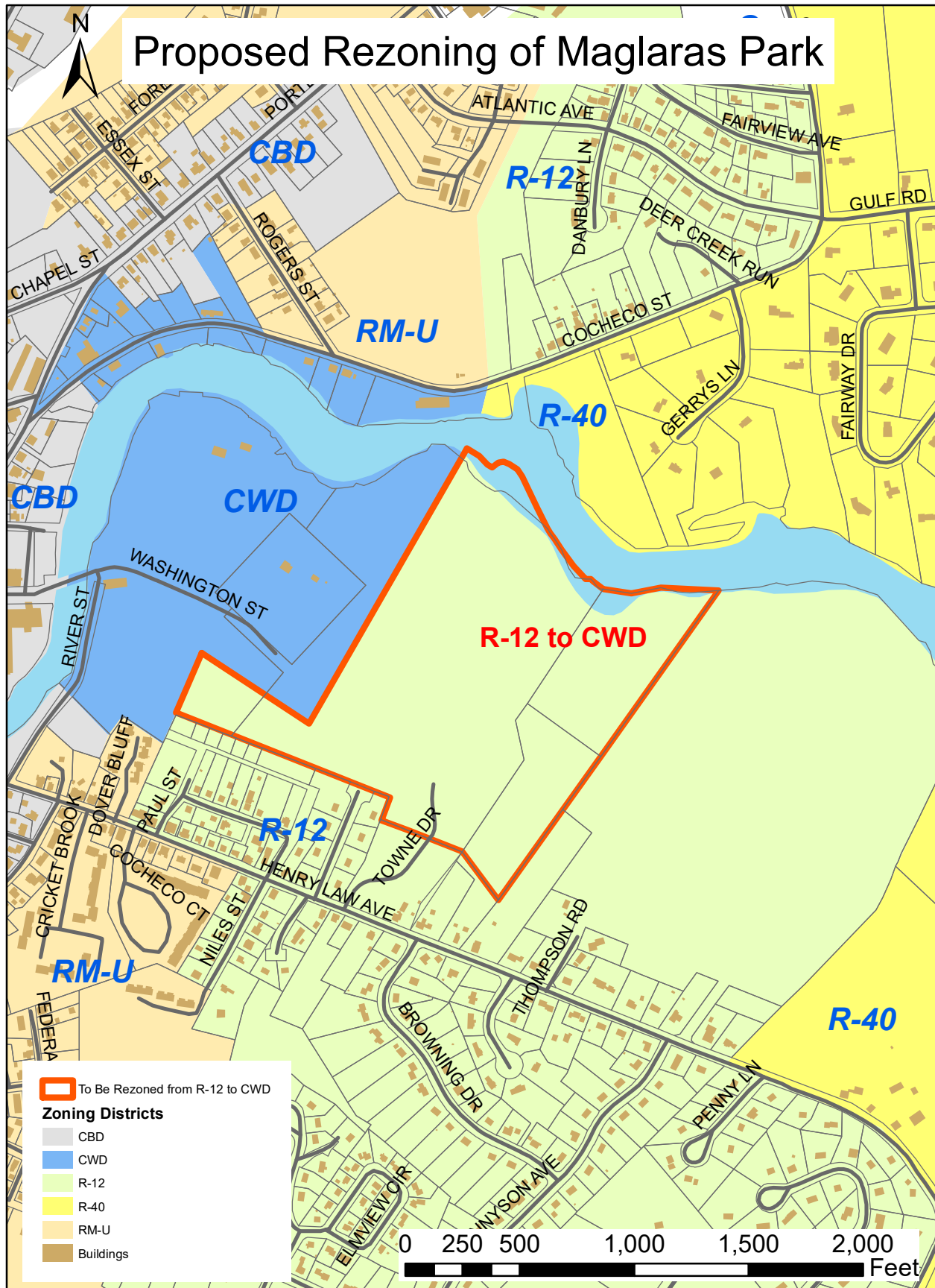
AND

"The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium-Density Residential (R-12) District to Cochecho Waterfront (CWD) District an area of approximately 12.56 acres located along Henry Law Avenue and Towne Drive, consisting of Map K lots 5, 4B and 4C."

A Map is provided on the back of this letter.

Please review and comment on the proposal at the hearing, by calling 516-6338, or by letter, or email (Dover-Planning@dover.nh.gov).

Proposed Rezoning of Maglaras Park





- ▶ PROPOSED CHANGE .. 1
- ▶ AT A GLANCE 1
- ▶ PURPOSE STATEMENT. 2
- ▶ CONCEPTS 2
- ▶ DIMENSIONAL REGS.... 3
- ▶ STORMWATER REGS ... 3
- ▶ ALLOWED USES 4
- ▶ ENVIRONMENTAL 5
- ▶ INFRASTRUCURE 5
- ▶ BIG PICTURE 6

City of Dover Department of Planning and Community Development

Rezoning Analysis

PROPOSED REZONING OF ASSESSORS MAP 22 LOT 42

Proposed

Background

In January 2016, the Dover City Council set a goal of reviewing the balance between commercial and residential property valuations within the City, and pursuing changes to that balance. Rezoning property is one way to adjust this balance.

As part of the planning for the future waterfront redevelopment, Planning staff reviewed the zoning for the waterfront parcel and adjacent Maglaras Park parcel. The two are not zoned the same, but have overlap areas.

Area Description

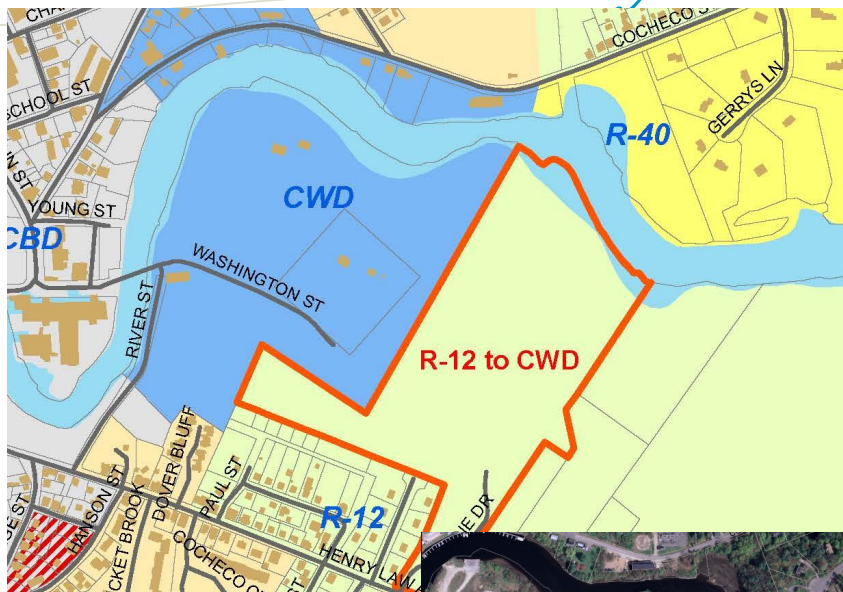
Map 22, Lot 42 AKA Maglaras Park, is a 29 acre parcel, with an approximate width of 800 feet and depth of 2,900 feet. It is located off Henry Law Avenue and the extension of Washington Street, and zoned Medium Density Residential (R-12). It is adjacent to the City's waterfront parcel, off River Street, which is located within the Cochecho Waterfront District (CWD) zone. The parcel is wooded and open, with ball-fields and gravel parking and access.

The parcel has over 800 feet of frontage along the Cochecho River.

Amendment

Currently, the boundary between the R-12 and CWD districts runs along the property boundary between the waterfront parcel and the Maglaras Park parcel, shown to the right.

The proposed change relocates this boundary to include Map 22, Lot 42 within the CWD district. This new boundary would be at the southeasterly side of the property. This would create non-residential land on a public road, with access to utilities, so no new roadway would be created. It would exchange 29 acres between the residential and non-residentially zoned land.



AT A GLANCE:

Total Acreage (Land Use):	1.2
Citywide:	15,557
Residential:	8,016
Non-Residential:	3,620
Area of Interest :	16
Current Unit on lot #:	5

Potential Unit # (No zone change):	16
Commercial Development potential	40,000 sf
Public Road Potential? (Y/N):	Y
Open Space Subdivision? (Y/N):	Y
Water (Y/N):	Y
Sewer (Y/N):	Y

Purpose Statements

Purpose statements for each zoning district assist planners and property owners in understanding the spirit and intent of the specific zone. This ensures more efficient and clear use of property.

Medium Density Residential:

The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than twelve thousand (12,000) square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some non-residential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child care facilities.

Cochecho Waterfront:

The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum LOT size, frontage or setback requirements and a density of forty three (43) dwelling units per acre. Several water related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water related education and resource centers. The architect-

Development Concept Scenarios ^{1,2,4}



Description.

A residential development, similar in scale and scope to those on Nantucket Court, might be appealing either as part of development with the waterfront bluffs. In this case the 5 acre section could be separated off, with the remaining portion of the lot being public park. 11 new single family homes, with a public road, created to access them are proposed. Similar to Nantucket Court, the average assessed value of the homes is \$300,000.

Tax Impact

Dover's estimated tax rate is \$26.29. This provides tax revenue of approximately \$7,887 per house. A single family home in Dover provides .5 a student into the school system. The cost to educate a child

is approximately \$15,000.

A new 1,000 foot public road would be constructed. There would be cost for maintaining and plowing this roadway and providing other services.

Traffic Impact

The Institute of Transportation Engineers identifies that 1 PM Peak hour vehicle trip per unit is generated for a single family home, resulting in 11 new trips, in the evening.

Abutter Impact

There is no restriction on lighting or placement of sheds/garages, other than 10 feet off a property line.

Description.

A mixed use scenario would allow for commercial recreation (aquatics center), Aquarium or similar maritime education use, as well as 30 condominium units similar to multifamily in the area. The large buildings would be placed by the ball fields and share parking, and the residential would be developed with the waterfront lot. The museum and aquatic center would be valued at 3 million each. The residential would be assessed at \$300,000 each.

Tax Impact

Dover's estimated tax rate is \$26.29. This provides tax revenue of approximately

\$78,870 per business, and \$7,887 per unit. In addition the non-residential buildings add to the local economy.

Traffic Impact

The Institute of Transportation Engineers identifies that .62 PM Peak hour vehicle trip per multi unit, and 1.45 per peak hour for the aquatics center and aquarium. This results in 130 vehicle trips per building, in the evening, during events. Trip generation would be more isolated due to shifts and variables such as flextime.

Abutter Impact

The residential would be similar to surrounding residential and the non-residential would be adjacent to current recreation facilities.

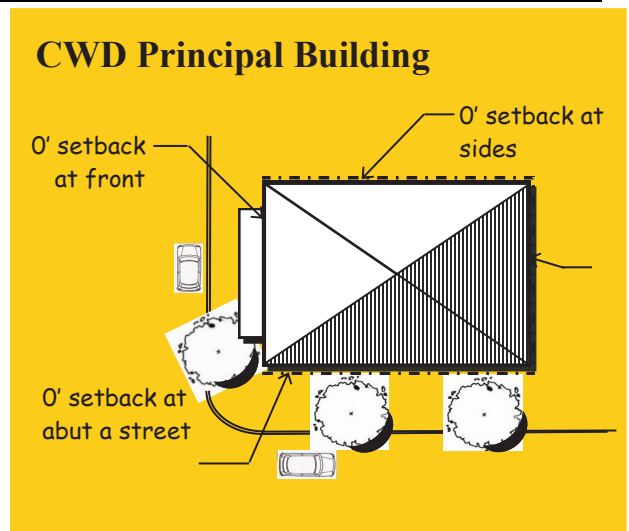
Dimensional Review³

	Medium Density Res (R-12)	Open Space Subdivision	Cochecho Waterfront (CWD)	Notes
LOT				
Minimum LOT Size	12,000 sf	8,000 sf	N/A	
Maximum Lot Coverage	30%	30%	75%	R-12 excludes driveway
Minimum Frontage	100 ft	20 ft	N/A	
PRINCIPAL BUILDING				
Front Setback	15-25 ft	10 ft	0 ft	
Abut a Street Setback	15-25 ft	10 ft	0 ft	
Side Setback	15 ft	10 ft	0 ft	
Rear Setback	30 ft	10 ft	0 ft	
Distance to existing structures	N/A	50 ft	75 ft	In CWD it is from boundary
OUTBUILDING/ACCESSORY USE				
Front Setback	15-25 ft	10 ft	0 ft	
Abut a Street Setback	15-25 ft	10 ft	0 ft	
Side Setback	10 ft	10 ft	0 ft	
Rear Setback	10 ft	10 ft	0 ft	
HEIGHT OF BUILDING				
Principal Building	35 ft max	35 ft max	55 ft max	
Outbuilding	35 ft max	35 ft max	55 ft max	

Mitigating Abutter Impact

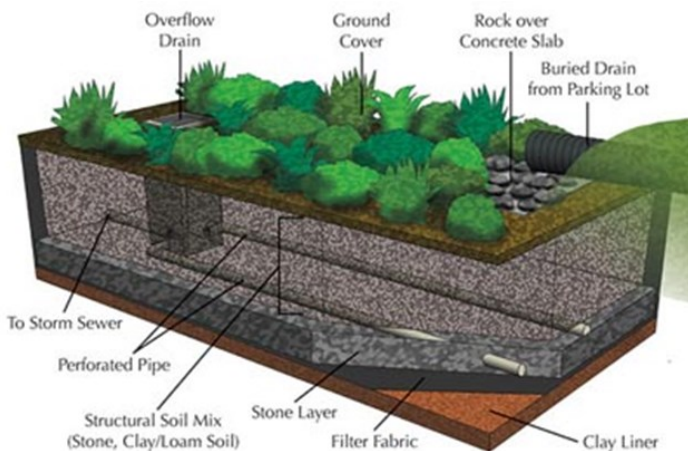
Dover's zoning and site regulations are sensitive to impacts on residential abutters from commercial development. Examples of protections include, retention of existing trees, as a landscape buffer between projects, extensive landscaping and lighting requirements, and requirements that loading facilities, parking and accessory elements be screened and sighted away from abutters. While there is no residential property maintenance regulations, there are requirements for commercial properties, per site plan approval.

During development review, the context of all projects is reviewed, to ensure that impacts are reviewed and mitigated on a site by site basis, understanding that each project and parcel is unique.



NOT TO SCALE

Stormwater Management



Dover leads the state with recently amended regulations related to Stormwater Management, within our Site Plan Regulations. The effects of development whether residential, parking lots, or commercial all impact stormwater management. The regulations manage stormwater runoff, protect water quality and quantity, minimize the contribution of a pollutant for which a water body is impaired to the maximum extent practicable, cause no discharge of runoff to an adjacent property in excess of runoff discharge in the existing developed or undeveloped condition, and encourage the use of low impact development strategies.

For new development, runoff of impervious surfaces, total suspended solids, pollutants, infiltration, water table, and plantings are all considered and regulated. The minimum protections and management standards require that all development comply with EPA Phase II stormwater rules and the City's MS4 permit, existing waters be protected by buffers, and

best management practices are in place, low impact development strategies must be used, the use of salt and other winter maintenance items are also covered to make sure no discharge to receiving waters is possible. To prevent issues such as pollutants entering the water system, flooding, and more new developments must go through the City's stormwater regulations.

Allowed Uses³

Medium Density Residential (R-12)#

ACCESSORY DWELLING UNIT	FARM*
ASSEMBLY HALL	FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling*
CHILD CARE HOME	ROADSIDE FARM STAND*
CONSERVATION LOT	
EDUCATIONAL INSTITUTION, K-12	
BED and BREAKFAST	ONDARY
CHILD CARE FACILITY	OFFICE*
DWELLING, TWO FAMILY*	PUBLIC RECREATION
DWELLING, SINGLE FAMILY*	Public Utility*
EDUCATIONAL INSTITUTION, POST SEC-	
Bank	PERSONAL SERVICE ESTABLISHMENT
COMMERCIAL PARKING FACILITY	Retail Store
COMMERCIAL RECREATION	Theater
Dwelling, 3 To 4 Family*	WATER RELATED EDUCATION/RESOURCE CENTER
DWELLING, MULTI-FAMILY*	
Eating and Drinking Establishments*	WATERBORNE PASSENGER TRANSPORTATION FACILITY
HOTEL/RETAIL	
MARINA	

Common#

Cochecho Waterfront (CWD)#

Medium Density Residential (R-12) Uses Permitted by Special Exception*

- ELDERLY ASSISTED CARE HOME

Cochecho Waterfront (CWD) Uses Permitted by Special Exception

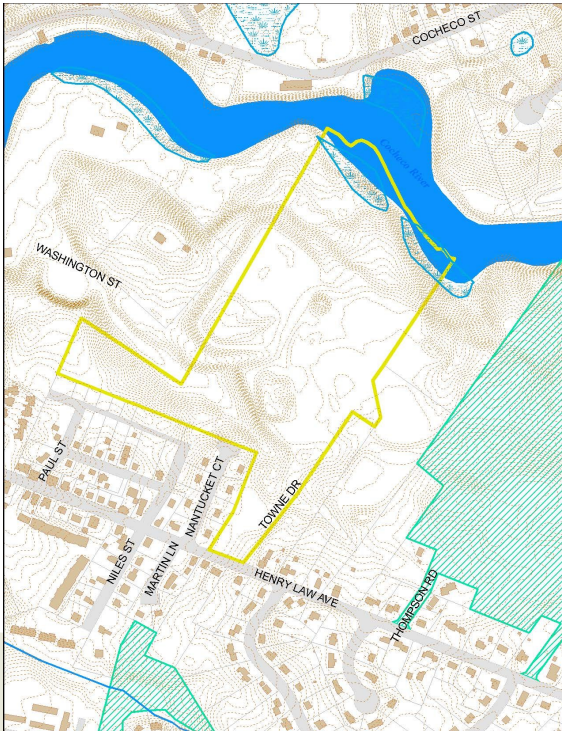
- Conversion of existing dwelling to accommodate additional residential units [5]
- Helicopter Take Offs & Landings

* see zoning tables for footnotes.

Uses allowed, which could not be done on this parcel are not shown

WORDS IN ALL CAPS are defined in ordinance

Environmental Review²



Introduction.

Prior to any development of a site, the developer would be required to review and document environmental and topographic constraints that exist on the parcel. This concept review was completed using the City's Geographic Information System Data.

Property Description

The 29 acre parcel is roughly arranged in a rectangular shape, with a width of 800 feet and a depth of 2,900 feet. It has a wider portion that stretches behind the Paul Street neighborhood. The parcel is mostly open, with wooded areas along the River and Paul and Nantucket Court neighborhoods. It has access from both Washington Street and Henry Law Avenue.

Wetlands/Soils

The property appears to have an area of wetlands contained upon it, especially along the Cochecho River and in a small ravine area

Floodplain Development

There appear to be no major flooding concerns for the property, other than normal shore land requirements common along rivers.

Topography

The parcel is relatively flat with an elevation of approximately 80 feet above sea level. The parcel slopes towards the Cochecho River, which border it on the north of the parcel. The river's edge is cliff like in places, and more gradual in others.

Transportation and Infrastructure²



Introduction

When reviewing the appropriateness of developing a parcel, transportation and utility infrastructure are reviewed to understand development costs.

Transportation Network

As seen above, the subject parcel is within half a mile of downtown dover, and is connected to NH Routes 108, 4 and 9 through downtown. The infrastructure in Washington Street has been upgraded to accommodate multiple modes

of transit, including delivery truck traffic, and mass transit.

Should the property be developed the extension of Washington Street would be constructed to the standards necessary for mixed use operations. While there is access to Henry Law Avenue, it would not be a principle access point, rather an accessory access or egress point.

Any development of the proposed lot would include a traf-

fic analysis, which would look, amongst other things, at any improvements necessary to the road network, especially as the development ties into River Street and downtown Dover.

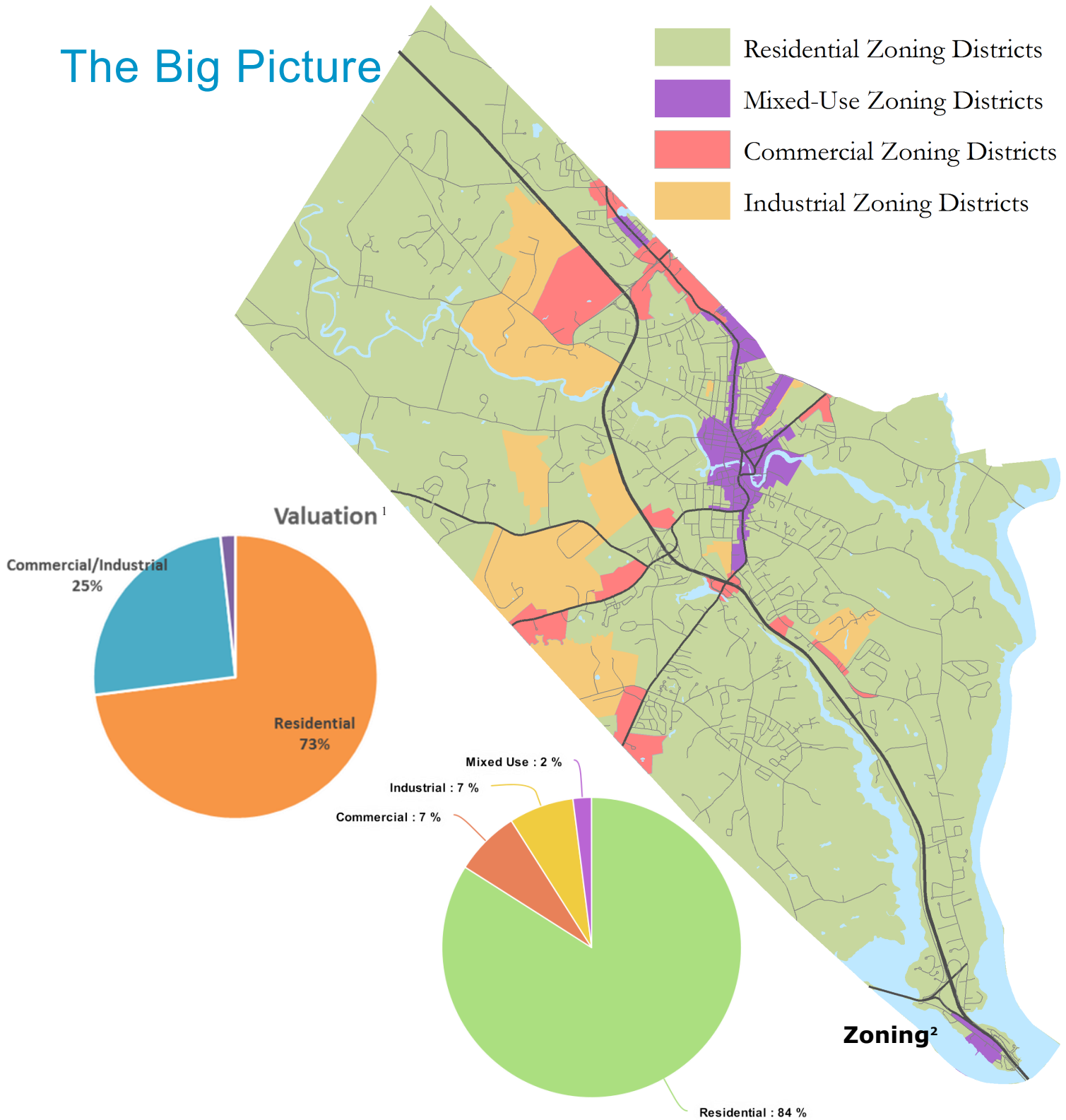
Utilities—Public

A XX inch municipal water line is located in Henry Law Avenue and an XX inch line is in Washington Street. Sanitary sewer is located on River Street.

Utilities—Private

Eversource provides electric power to the parcel via service off Washington Street. Natural Gas and Telecommunications lines are located within the ROW of XXX.

The Big Picture



City Council Goal and Objective:

In Dover, after taking office, a new City Council will meet and create goals for its term.

The 2016—2017 Council goals include the following:

“Goal: Implement Long-Term Economic Development

Strategic Objective 3: Identify and rezone appropriate property parcels to spur/enhance commercial development to further balance the commercial-to-residential ratio by five percent in 10 years (measured annually)”

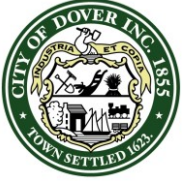
Sources

1 = Tax Assessment Data

2 = Planning Department Land Use Data/Analysis

3 = Chapter 170, Zoning, of the City Code

4 = School District Enrollment Data and FY17 Budget



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.07.08 – 117**

Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration
for 33 New Rochester Road

WHEREAS: RSA 674:39-aa allows property owners whose property has been involuntarily merged by a municipality prior to September 18, 2010 to apply to the City Council to unmerge the lots provided certain statutory conditions are met; and

WHEREAS: On or about January 24, 2020, an Application for Lot Restoration was filed by Wolcott Holdings, LLC, as the owner of property at 33 New Rochester Road, Dover (Assessor's Map 39, Lot 63) made up of seven (7) original lots which had been merged into one (1); and

WHEREAS: The City's Tax Assessor and Zoning Administrator reviewed the application and related materials and, though some evidence indicated voluntary merger, staff found these circumstances alone were insufficient evidence of consent to merger at the time for the four lots the applicant sought to be restored; and

WHEREAS: By resolution passed on March 11, 2020 ([R-2020.03.11-034](#)), the City council approved the restoration of four of the original seven lots; and

WHEREAS: Since March 11, 2020, City staff have learned of additional, material information and circumstances that was not included with the original application (and its accompanying materials) indicating voluntary merger has occurred and the owner was estopped from seeking restoration, namely: (1) location (or relocation) of an unpermitted structure apparently over or within applicable setbacks to one historic lot line; (2) a building permit obtained from the City in 2001 accompanied by the owner's sketch showing only one lot; (3) use of a preexisting (now removed) outbuilding to service all lots and constituting a single property; (4) a now-removed but preexisting fence placed around the parcels enclosing them as a single lot; and

WHEREAS: RSA 674:39-aa also provides that voluntary merger in the chain of title affirmatively estops even a request for restoration, *see* RSA 673:39-aa, II(a); and

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

The facts recited above and in the background of this resolution warrant rescinding, revoking, and withdrawing, and the City Council does hereby rescind, revoke and withdraw, the City Council approval March 11, 2020 (R-2020.03.11-034) of the lot line restoration application filed by Wolcott Holdings, LLC.

AND BE IT FURTHER RESOLVED THAT:

Upon further consideration of the facts recited above and in the background of this resolution, the City Council finds that Wolcott Holdings, LLC is estopped from seeking lot line restoration as one or more owners in the chain of title for 33 New Rochester Road (Assessor's Map 39, Lot 63) voluntarily merged his or her lots within the meaning of RSA 674:39-aa. As such, the aforesaid lot line restoration request is denied by the City Council.

TO BE REFERRED TO A PUBLIC HEARING



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.07.08 – 117**
Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration
for 33 New Rochester Road

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By request

Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

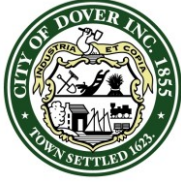
Recorded by: Susan M. Mistretta
City Clerk

DOCUMENT HISTORY:

First Reading Date: 07/08/2020	Public Hearing Date: 07/22/2020 08/12/2020
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 12.C.1. Resolution Number: R – 2020.07.08 – 117 Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration for 33 New Rochester Road
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RESOLUTION BACKGROUND MATERIAL:

The attachments to the March 11, 2020 resolution are incorporated by reference. In the course of the prior application, the applicant acknowledged that three of the lots (containing an existing house and garage) have been voluntarily merged. As for the remaining lots, upon receiving and reviewing the original application, insufficient evidence of voluntary merger was found. Two circumstances supported a finding of voluntary merger: (1) the parcels had been conveyed in a single deed (some combined as one tract), and (2) the property has been taxed as a single parcel for several years. However, those two circumstances provide some evidence of voluntary merger, but standing alone do no warrant a finding of voluntary merger. *See Roberts v. Town of Windham*, 165 N.H. 186, 192 (2013).

Subsequent to the City Council’s approval on March 11, 2020, City staff learned several facts outlined below indicating “voluntary merger.” There is no statutory restriction on the ability to rescind, revoke or withdrawal an approved lot restoration. *Compare, e.g.*, RSA 676:4-a. Neither are the elements of municipal estoppel or in the nature of estoppel met, as, at a minimum, the City did not knowingly or falsely represent or conceal material facts, the applicant was or should have been aware of most or all the facts outlined below, and the applicant has been aware of the potential revocation of this restoration for some time and is still considering various development concepts. *See Thomas v. Town of Hooksett*, 153 N.H. 717, 722-23 (2006). And, the applicant is independently estopped as a matter of law by the facts and the statute, *see* RSA 674:39-aa, II(b).

As a courtesy and prior to submitting this resolution, City staff on several occasions communicated and met with counsel for the applicant to get additional information and explore potential resolution of the matter, though such meetings have not, to date, been successful. Nor has the applicant provided adequate explanation of why the facts outlined below do not warrant a finding of voluntary merger.

The following facts learned after the prior approval, when viewed with the other facts and circumstances, warrant a finding of “voluntary merger” and rescission, revocation, and withdrawal of the March 11, 2020 approval. The statute defines “voluntary merger” as “any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.” RSA 674:39-aa, I(c). The City carries the burden of proving voluntary merger. *See* RSA 674:39-aa, II(b).

1. Unpermitted Structure Within Setbacks of Historic Property Line: City staff have learned, and the lot restoration application by Wolcott Holdings, LLC did not disclose, that in the past a structure (presumably, the outbuilding/shed referenced further below) had apparently been located (presumably re-located) over one historic property line or within setbacks for one historic property line. The issue came to light after the City’s Mapgeo system had been updated (after the lot line restoration approved March 11, 2020) to show one historic boundary line, at which time City staff then noticed (1) the existence of a structure extending from the garage, and (2) the location of that structure either over the historic boundary line or encroaching on it, as shown in the excerpt below:



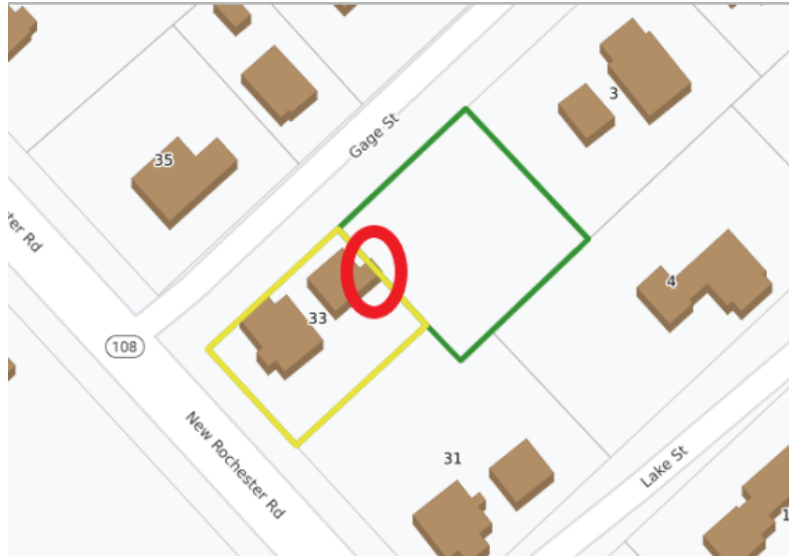
CITY OF DOVER

CITY OF DOVER - RESOLUTION

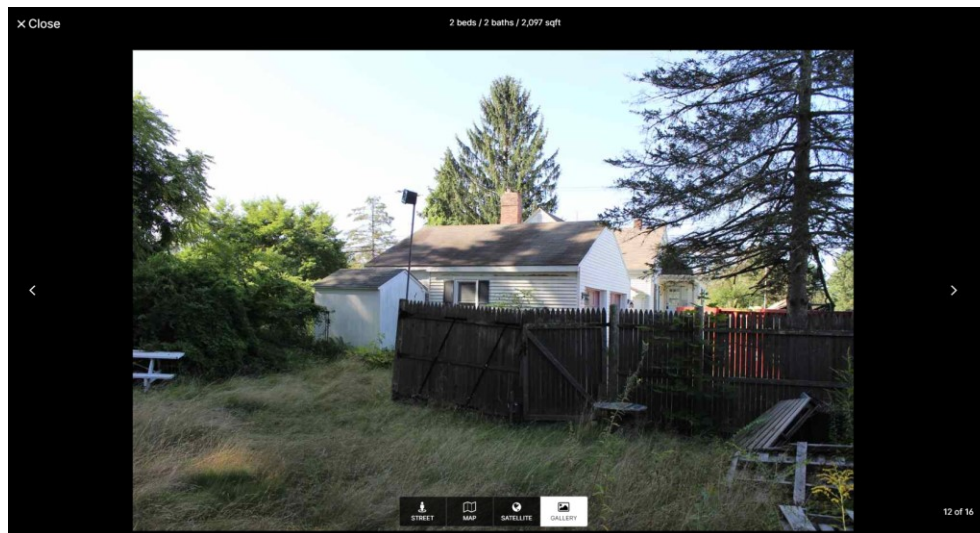
Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.07.08 – 117**

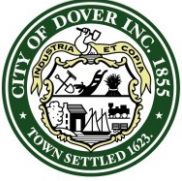
Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration
for 33 New Rochester Road



Given the structure's location, and even allowing ten additional feet *arguendo* margin of error for Mapgeo, the structure still appears to have been located within the rear setback. Upon further investigation, it appears that the structure existed at the time of the real estate listing in August 2019, as shown in the listing photograph below:



It appears that the structure was recently removed, as shown in the photograph below taken during a site visit by City staff on June 18, 2020:



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.07.08 – 117**

Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration
for 33 New Rochester Road



The lot restoration plan submitted by Wolcott Holdings, LLC did address the existence of this preexisting structure/extension or its distance in relation to the historic property line. No City records have been located authorizing the placement (or re-location) beside the garage or demolition/removal of the structure, as would be required. *See* [Dover Code 57-8\(A\)](#). The structure would be subject to an accessory building rear setback of 10 feet. *See* Dover Code 170-12 & Dimensional Regulations for Office (O) District (currently 10 feet). If the structure was not connected to the garage, then it appears to also have been out of compliance with provisions requiring a certain amount of open space between structures.

2. 2001 Building Permit: Representations made in a building permit application can indicate voluntary merger. *See* RSA 674:39-aa, I(c); *Town of Newbury v. Landrigan*, 165 N.H. 236, 239-240 (2013). Below is an excerpt from a 2001 building permit (attached hereto) certified and obtained by the owner of the subject property for the on-site construction and location of an outbuilding/structure. The application included a plot plan showing the property as one lot as shown in the excerpt below, which closely resembles how the historic tax map showed the property (with one lot but two courses on Gage Street):



CITY OF DOVER

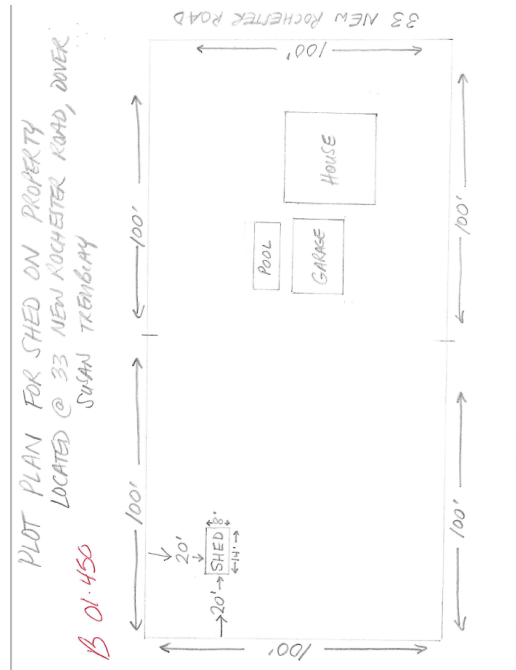
CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

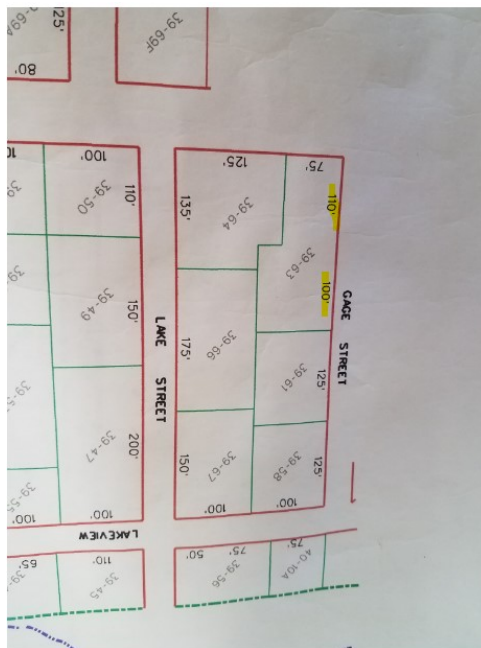
Resolution Number: **R – 2020.07.08 – 117**

Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration
for 33 New Rochester Road

Excerpt of 2001 Building Permit Application:



Excerpt of 2000 Tax Map:





CITY OF DOVER

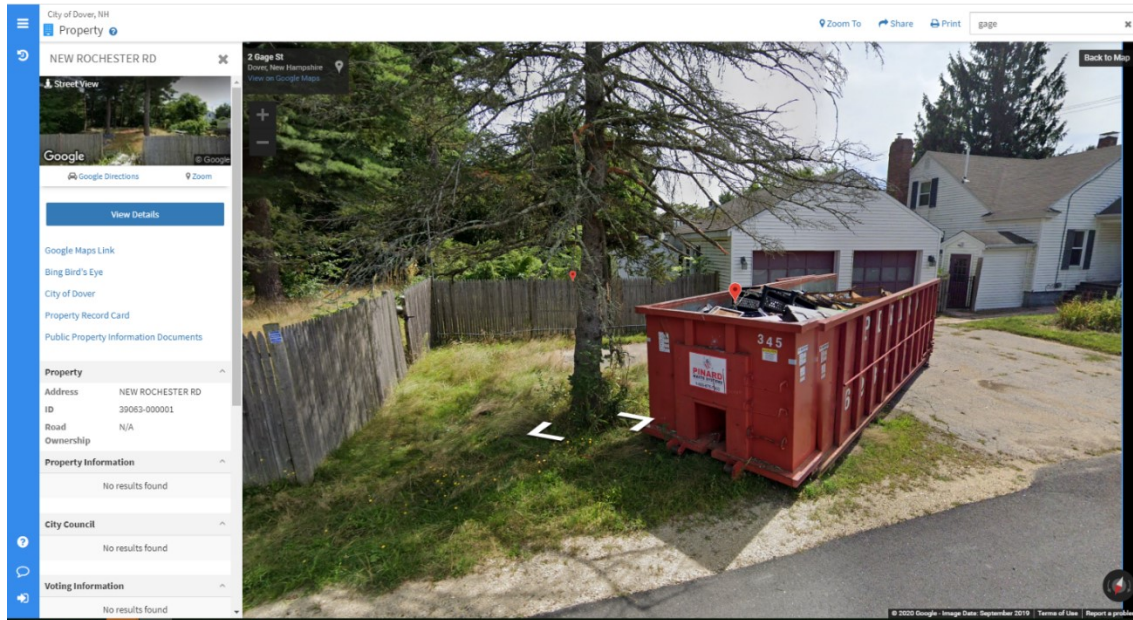
CITY OF DOVER - RESOLUTION

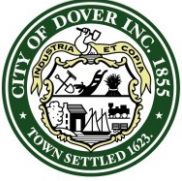
Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.07.08 – 117**

Resolution Re: Rescission, Revocation, and Withdrawal of Lot Restoration
for 33 New Rochester Road

3. Use of the Outbuilding: As shown on the 2001 building permit, the outbuilding was presumably for storage of lawn care materials, other household materials, and/or possibly a preexisting pool on the property. As such, the outbuilding was apparently intended to service the remaining structures and improvements as a single parcel, consistent with the depiction in the building permit application. Similar to the facts in *Roberts v. Windham*, where the location of a bunkhouse tended to show a merged waterfront estate, here the location of a structure intended to be used in connection all lots “evin[ces] an intent to use the lots as one.” *Roberts*, 165 N.H. at 193; *see also Blevens v. Town of Bow*, 2015 N.H. LEXIS 333 (N.H. June 22, 2015) (unpublished disposition).
4. Fence: City staff have now learned that a fence used to surround the lots, at least on the Gage Street side. Excerpted below are September 2019 Google Earth photographs showing a single fence on that side of the property, and enclosing the subject lots as one:





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 12.C.1.

Resolution Number: **R – 2020.07.08 – 117**

Resolution Re: **Rescission, Revocation, and Withdrawal of Lot Restoration for 33 New Rochester Road**



The fence was not disclosed in the application or shown on Wolcott Holdings, LLC's restoration plan. Apparently, the fence existed when the property was listed in 2019 (as shown in the listing for the property and above Google photographs), but had been removed at some time before Wolcott Holdings, LLC submitted its lot restoration application to the City. (The deed conveying the property (Book 4700, Page 309) is dated in November 2019). Within the property listing documents is a photograph from the August 2019 listing for the property by Keller Williams showing the fence.



CITY OF DOVER
APPLICATION FOR BUILDING PERMIT* OR CHANGE IN LAND USE

sub 8/10/01

Industrial _____ Commercial _____ Residential X

OFFICE USE ONLY	
Building Permit	B01-450
Est. Cost:	1600
Fee:	35
Date:	8/30/01

Location: 33 NEW ROCHESTER ROAD Zone: R-12 Map: 39 Lot: 63

1. Owner's Name and Address: SUE TREMBLAY 33 NEW ROCHESTER ROAD Tel: 749-3960
2. Lessee's Name and Address: _____ Tel: _____
3. Contractor's Name and Address: _____ Tel: _____
4. Architect: _____ Specs: _____ Plans: _____

Current Use: Sub E Filing During No. Families: 1
Proposed Use: NO CHANGE No. Families: _____

This Application For:
Dwelling Garage Masonry Metal Alterations Additions
Demolitions Change of Use Removal X Other: SHED

Present Building Size: X No. Stories _____ No. Bedrooms _____
New Building or Addition Size: 8' X 12' No. Stories 1 No. Bedrooms _____

*NOTES TO APPLICANT:

1. Separate permits are required by the installers of plumbing and electrical.
2. It is the applicant's responsibility to notify the Building Inspector's Office for inspections upon completion of the following: Footings; Foundation; Framing; Wiring; Plumbing; Insulation; and Final.
3. Construction features must be supplied on plans or separate listing as per the Building Permit Application Requirements.
4. The issuance of the Building Permit No. 01-450 to: SUE TREMBLAY shall not be construed as a right to occupy and/or use such building or structure upon completion of work. A final inspection by the Building Inspector, with approvals from the Planning Director, Public Works Director, and Fire and Police Chief's are required prior to the issuance of a Certificate of Occupancy by the Building Inspector. Failure to comply with the foregoing could result in fines and/or legal action.

The above numbered permit is issued upon the condition that the building, structure or land use must conform in all respects to the provisions of the zoning ordinance and other applicable city ordinances. The City of Dover, by issuing the permit, does not express or imply that the ordinances have been complied with.

I certify that the above information given is true and correct to the best of my knowledge. No major changes will be made without approval of the Building Inspector. Responsibility for compliance with the City ordinances is that of the applicant.

SUSAN TREMBLAY
Applicant's Name (please print)

Susan Tremblay
Applicant's Signature

Thomas L. Clark
Building Inspector's Signature

Application Fee: \$35 Check # 1720 Cash: _____ Date: 9/7/01 Initials: MB

White - Applicant's Copy Canary - Inspector's Copy Pink - Assessor's Copy

RETURN TO
BUILDING INSPECTOR

DOVER, NEW HAMPSHIRE
BUILDING PERMIT APPLICATION REQUIREMENTS

DESCRIPTION: Shed REQ. _____

A. BUILDING PERMIT APPLICATION ✓

B. PLOT PLAN (setbacks) ✓

C. LIST OF MATERIAL & CONSTR. SPECIFICATIONS (2 sets) ✓

D. CONSTRUCTION VALUE (labor & materials) \$ 1,589 - ✓
(If owner doing work – Cost of material times 2 = constr. Value)

IF APPLICABLE:

CITY WATER _____ CITY SEWER _____ SEPTIC SYSTEM _____

WELL _____ APPROVED SEPTIC # _____

ELECTRICAL YES NO PLUMBING YES NO

CITY OF DOVER

NEW HAMPSHIRE



BUILDING PERMIT

PERMIT NO. 01-450 DATE 8/30/2001

This Certifies That ESSA TREMBLAY NAME OF OWNER
Dover ADDRESS OF OWNER

has permission to construct a garage

Accessary Structure (See Site)

at 33 New Rockway Rd
ADDRESS WHERE WORK IS TO BE DONE

Thomas L. Clark
BUILDING INSPECTOR

IMPORTANT

This Building Permit (1) is subject to any applicable ordinances; (2) is void if work is not begun within six months of the above date; and (3) is issued based on the plans and/or specifications submitted.

This permit is not an authorization to occupy and/or use such building or structure upon completion of work.

THIS CARD MUST BE CONSPICUOUSLY POSTED AT THE FRONT OF THE PREMISES AND MUST NOT BE REMOVED UNTIL THE COMPLETED WORK HAS BEEN APPROVED BY THE BUILDING INSPECTOR.

THOMAS L. CLARK
Building Inspector
Zoning Administrator



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 743-6038
Fax: (603) 743-6097

City of Dover, New Hampshire

OFFICE OF THE BUILDING OFFICIAL

PERMIT-PLAN REVIEW

THE FOLLOWING SHALL BECOME PART OF THIS APPLICANT'S OFFICIAL RECORD.

B.P.# *01-450*

PG. 1 OF 1

LOCATION	<i>33 New Rochester Rd</i>
PROJECT DESCRIPTION:	<i>SHED</i>
<i>1)</i>	<i>SEPPU LOT PLAN INDICATES PROPOSED SHED LOCATION</i>

ORIGINAL TO APPLICANT; COPY TO FILE *Black* DATE: *9/6/01*

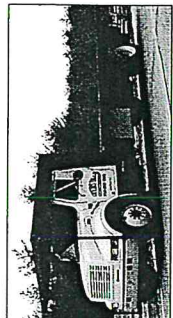
Built To Last

Sheds USA® stands apart from the competition in both quality and service. Made from durable materials, our sheds are built with your specifications in mind—all backed up with our lifetime warranty. Unlike most shed companies, Sheds USA will deliver and assemble your shed for you, at no extra charge. From gardening tools to art supplies to sporting equipment, we have a shed for your storage needs.

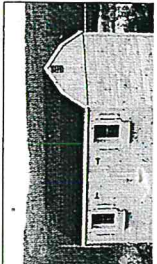
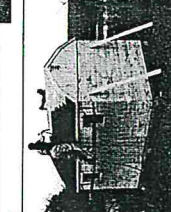
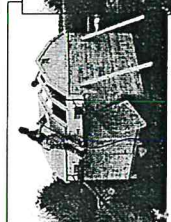
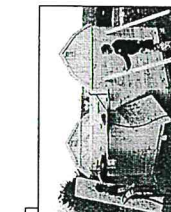
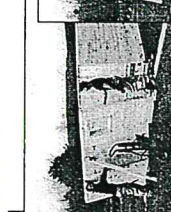
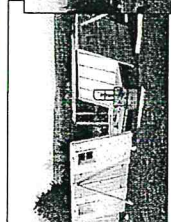
How To Order Your Shed

Sheds USA offers a uniquely flexible program for customizing a shed to both your individual budget and needs—and it's easy.

- A** To choose a shed size and style, review **Standard Sizes and Pricing** to determine which size shed will fit your needs and budget. See **Standard Features and Materials** for more information about standard sheds.
- B** See **Standard Features and Materials** for roof styles and shingle colors.
- C** If you have specific requirements, read **Options and Upgrades** for details.
- D** Read **Site Requirements** carefully.
- E** Read our **Delivery** information carefully for certain requirements and delivery schedule.
- F** See a Mill Store associate to fill out the Sheds USA Order Form.



Sheds USA offers free delivery (most areas) and on-site construction.



Sheds USA takes pride in its experienced staff of builders. Most sheds are built within 3 hours of arrival—satisfaction guaranteed.



"Many thanks...the quality of your product will be brought to the attention of neighbors and others..."

R. & A. Perreault, MA

01/20
FSSA

P.O.
PORTSMOUTH
603-433-0453 OFFICE
603-964-9752 HOME

SHEDS USA
PORTSMOUTH, NH

DAVID HERN
2470 LAFAYETTE RD. ROUTE 1



FREE Delivery (most areas)
Built On Your Site

Customize your shed with
FREE choice of roof style
Custom placement of
doors and windows

SHEDS USA
PORTSMOUTH, NH



8x12 Pine

10x16 Cedar (with optional 26" door)

STYLE		
T-111	PINE	CEDAR
\$	895.00	\$ 1,179.00
\$	955.00	\$ 1,299.00
\$	999.00	\$ 1,379.00
\$	1,229.00	\$ 1,529.00
\$	1,469.00	\$ 1,829.00
\$	1,739.00	\$ 2,089.00
\$	1,999.00	\$ 2,339.00
\$	1,525.00	\$ 1,669.00
\$	1,889.00	\$ 2,279.00
\$	2,150.00	\$ 2,569.00
\$	2,375.00	\$ 2,939.00
\$	2,599.00	\$ 3,325.00
\$	2,899.00	\$ 3,635.00
\$	2,139.00	\$ 2,359.00
\$	2,399.00	\$ 2,589.00
\$	2,699.00	\$ 2,949.00
\$	3,049.00	\$ 3,275.00
\$	3,399.00	\$ 3,649.00

Options

ding options available. All sidings are unfinished.

1 Features

- Vertical exterior plywood siding
- Durable
- Same quality features as cedar and pine models
- Economical

Features

- Most popular material
- Withstands all types of weather
- Classic tongue-and-groove construction
- Affordably priced

Features

- Pleasant aroma naturally repels insects and resists rotting
- Ages beautifully
- Excellent base for stains and paint
- A very stable lumber—resists warping and buckling

Handwritten notes:
\$1589
\$1589.90
\$158.90
\$158.90

Roofs

- 2"x4" construction, 24" on center
- Texture-111: exterior plywood siding (vertical)
- Pine: 6" tongue & groove (horizontal)
- Cedar: 6" or 8" tongue & groove (horizontal)
- Wall height = 71"

Roof (Your choice of peak, gambrel or saltbox)

- 1/2" plywood
- 2"x4" construction, 24" on center
- Self-sealing asphalt shingles with 20-year warranty available in black, white/gray or brown
- 6' wide sheds available in peak roof only

Roof Heights

- 6' wide peak = 8'3"
- 8' wide peak = 8'3"
- 8' wide gambrel = 9'
- 10' wide peak = 8'11"
- 10' wide gambrel = 9'5"
- 12' wide peak = 9'6"
- 12' wide gambrel = 9'10"

Floor (Floor sizes are approximate)

- 5/8" plywood
- 2"x4" construction, 16" on center for 6' & 8' wide units
- 2"x6" construction, 16" on center for 10' & 12' wide units
- Concrete block supports—4 corners, front & back center of outside frame
- If preparing your own foundation/footings please call Sheds USA for exact outside floor dimensions.

Windows

- Functional windows w/flower boxes and shutters
- 6x6, 6x8, 8x8, 8x10 and 10x10 units include one window
- All others include two

Doors

- 40" double door standard. * (6x6 sheds come with 26" single door standard)

Options & Upgrades

Note: The options are an additional cost to the standard pricing.

Floor Upgrades

Pressure treated plywood floor \$ 1.20/sq ft
2"x6" floor joists upgrade for 6'x8' wide units \$.92/sq ft
(upgraded joists are pressure treated)

PRESSURE TREATED FLOOR JOISTS

6x6	\$ 25.00	10x14	\$ 70.00
6x8	\$ 30.00	10x16	\$ 75.00
8x8	\$ 30.00	10x18	\$ 100.00
8x10	\$ 30.00	10x20	\$ 125.00
8x12	\$ 40.00	12x12	\$ 76.00
8x14	\$ 40.00	12x14	\$ 88.00
8x16	\$ 50.00	12x16	\$ 100.00
10x10	\$ 55.00	12x18	\$ 125.00
10x12	\$ 60.00	12x20	\$ 150.00

Door Upgrades

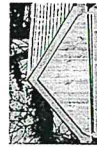
(Note: Larger door sizes may not fit on all shed walls)

Size

- Standard 40" double door to 54"
- Standard 40" double door to 66"
- Standard 40" double door to 78"

Price

- \$50.00
- \$95.00
- \$125.00



Peak



Gambrel



Black



Brown



White/
Gray



Heavy Duty
PT 2x4 or
2x6 Floor
Construction



Window
(with
optional
screen)



Standard
40" Double
Door

- Extra 40" double door \$108.00
- Extra 54" double door \$120.00
- Extra 66" double door \$150.00
- Extra 78" double door \$160.00
- Additional window \$60.00

(includes flower box and shutters)

Window screen (each) \$15.00

Aluminum gable vents (pair) \$30.00

12" x 8" Shelf \$45.00

4" pressure-treated ramp \$50.00 FREE

4' storage-loft for 8' wide sheds \$65.00

4' storage loft for 10' wide sheds \$80.00

4' storage loft for 12' wide sheds \$95.00

(loft storage space will vary with roof style)

Site Requirements

- **Clearance** Shed site needs to be located at least 3' from any fences, trees, etc. Please remove tree branches, brush or other obstacles 3' around perimeter of shed and 12' above ground.
- **Land Grade** Land must be less than 6' slope, with no protruding rocks or stumps in the area. *
- **Access** Shed is delivered in prefab panels; clear access to site is necessary — stairs, narrow walkways, fences, gates, shrubs, curports, awnings, arbors, etc. may present difficulties and should be brought to the attention of Sheds USA prior to delivery. *
- **Land Quality** Consider other factors when choosing your site, including proper drainage, firmness of earth, etc.
- **Permits** Permits are the sole responsibility of the homeowner. Please contact your local town office soon after ordering your shed to determine any restrictions or setback requirements.

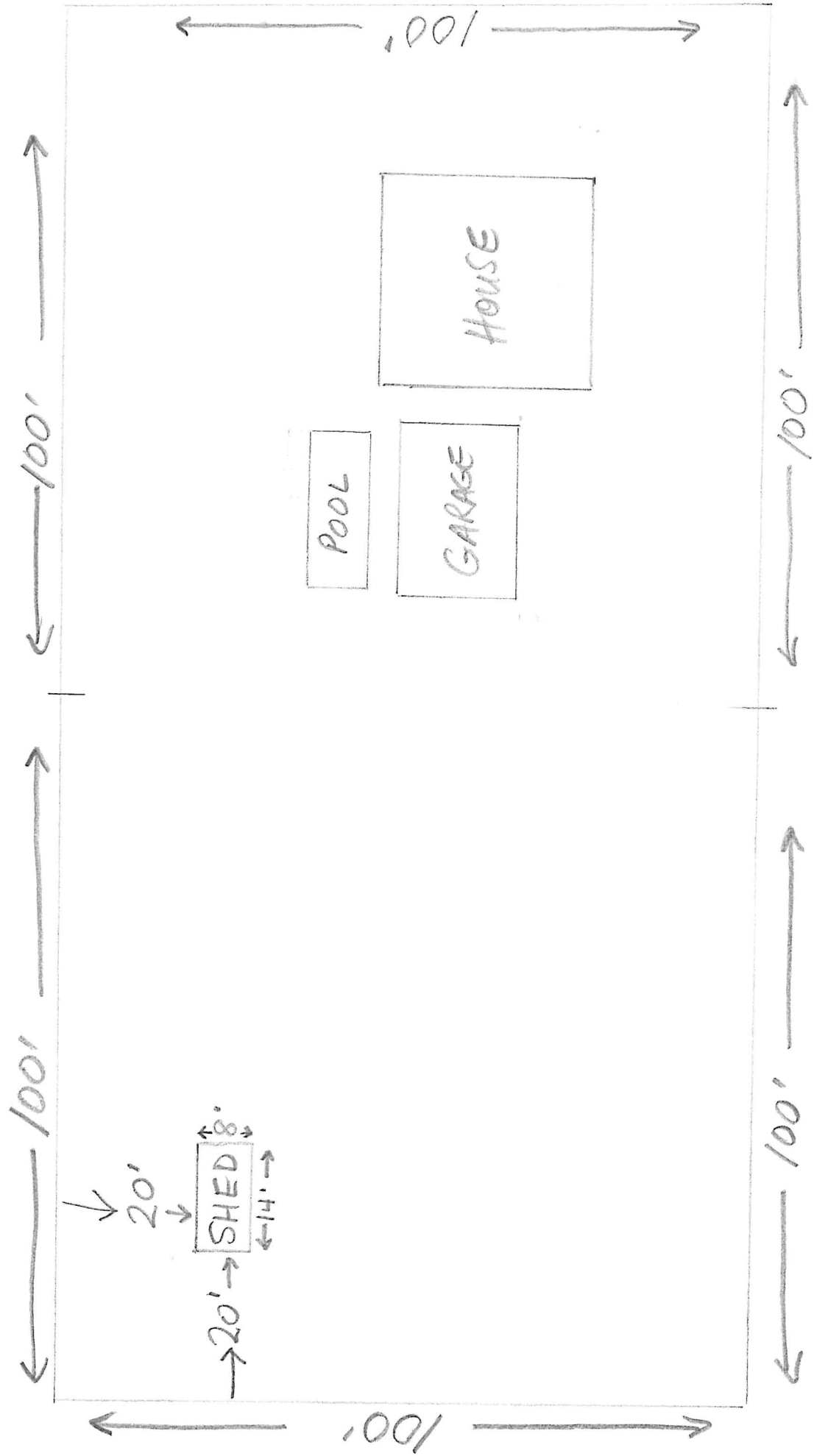
Delivery

- **Sheds USA** will acknowledge the receipt of your order by phone or by mail. Please provide a daytime phone number at time of purchase!
- **Sheds USA** will schedule delivery by contacting you 1 to 2 weeks in advance.
- **Delivery times** will fluctuate based on seasonal volume, weather conditions, etc.
- **Shed delivery date** and installation date may differ.
- **Note:** Shed sizes are approximate. Exact measurements for placement of door(s) and window(s) will not be honored.

*Additional Charges

- Shed site must be 150' or less from where a large tractor-trailer can park. Shed sites 150' - 300' from truck parking area will incur a \$50.00 fee payable to the delivery crew. If your site is farther than 300' please contact our main office.
- The above site requirements allow us to build a safe, sturdy shed for our customers. If any of these requirements are not met, your shed may not be built and a return fee of \$150.00 will be charged.
- **Sheds USA** will only reschedule a delivery/install date if forced to by events out of our control (weather concerns, illness, mechanical or other difficulties). Sheds USA crews deliver/install several sheds per day; therefore the status of one customer's order affects many others. To provide the best service for all of our customers, once a delivery/install date has been agreed to and scheduled by the customer and Sheds USA, postponement or cancellation by the customer will result in a 20% restocking fee.

PLOT PLAN FOR SHED ON PROPERTY
LOCATED @ 33 NEW ROCHESTER ROAD, DOVER
SUSAN TREMBLAY
B 01-450





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: Pope Memorial Humane Society - Cocheco Valley

Federal Tax ID number for Organization: 22-2561784

Check(☒) Nature of Organization:

Religious _____, Educational _____, Charitable ☒, Civic _____, Sports _____, Veterans _____, Fraternal or Political _____, Other _____
(Describe) Provide shelter + medical care + rehome animals.

Contact Person: Deborah Shelton Day Time Telephone: 603-953-3977

Address: 221 County Farm Rd Dover Email dshelton@popehumane.com

Purpose of Permit: 50/50 Virtual Raffle using RallyUp Platform

Date of Event: Aug 1 - Sept. 6 draw 9/8 Specific Time: 12 noon

Location of Event: Drawing at Pope Memorial Humane Society - CV

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

Prize (s) To Be Awarded: 1/2 of the total raised

Cost of Ticket: \$10 Date of Drawing: September 8

Place of Drawing: Pope Memorial Humane Society - CV

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

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

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

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

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

Police Department Block Party Approval Signature: _____

Printed Name: _____

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

SIGNATURE OF APPLICANT: Deborah H. Shelton DATE: 7/23/2020

(duly authorized)

PRINTED NAME: Deborah H. Shelton

Licensing Board Approval [Signature] Date: 7/24/2020



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2020.08.12 – 125**
Resolution Re: B12040 Continuation of Existing Agreement for
Miscellaneous Work Boots/Footwear with Red's Shoe Barn

WHEREAS: A Sealed Request for Bid #B12040 was issued and received for miscellaneous work boots, shoes and footwear on March 1, 2012 @ 2:00 pm; and

WHEREAS: Community Services, Police and Fire Department personnel are all entitled, by contract, to have the City provide work-related boots/footwear in a not-to-exceed specified annual amount; and

WHEREAS: Three bid responses were received and evaluated for consideration. The City has deemed the bid reply most advantageous to the City as being received from Red's Shoe Barn of Dover, NH due to store location, diverse quality product selection and a favorable discounted pricing schedule; and

WHEREAS: Both the City and Red's Shoe Barn have found the "as needed" agreement to be mutually satisfactory and financially beneficial at the 20% discounted pricing structure presently in effect and would like to continue. Total expenditures for FY2020 was approximately \$15,000.00.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Red's Shoe Barn of Dover, NH, given the discounts provided in conjunction with B12040, as needed, for miscellaneous work boots, shoes and footwear. The amount of this authorization shall be limited so as not to exceed available funding.

Financing

Account	Description	Appropriation	Balance
xxxx.1.xxx.xxxxx.4615.xxxxx.xx.	Clothing and Uniforms	\$129,897	\$99,504

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2020.08.12 – 125**
Resolution Re: B12040 Continuation of Existing Agreement for
Miscellaneous Work Boots/Footwear with Red's Shoe Barn

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R – 2020.08.12 – 125**
Resolution Re: B12040 Continuation of Existing Agreement for
Miscellaneous Work Boots/Footwear with Red's Shoe Barn

RESOLUTION BACKGROUND MATERIAL:

Certain City personnel are entitled to and are provided specific types of work-related footwear at the City's expense in accordance with various union contract language.

Bid Information:

A Sealed Request for Bid #B12040 was issued and received for miscellaneous work boots, shoes and footwear on March 1, 2012 @ 2:00 pm.

Award Information:

A purchase order will be issued to the vendor selected to authorize future expenditures as outlined in this resolution.

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Mailed:	75 emailed 3 mailed	Number of Responses:	3
Warranty:	Per Manufacturer	Terms:	Net 15, FOB Dover
Work Bonded:	No	Contract:	No
Prices will hold for:	One (1) Year	Estimated Delivery:	As needed
Recommended Award to:	Red's Shoe Barn Dover, NH	Fund:	CS, Police, Fire
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Waive Bid Process: Purchase exceeds \$10,000.00

[B12040 Bid Documents](#)



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2020.08.12 – 126**
Resolution Re: Emergency Service Repair of Secondary Clarifier #1 at WWTF

- WHEREAS: In July 2020, a service technician from Amwell, a division of the McNish Corporation of North Aurora, IL, was on site to evaluate the noise and vibration in Secondary Clarifier #1. Upon completion of the evaluation, it was determined that the issue was in the upper worm tower assembly; and
- WHEREAS: It is necessary to have the Secondary Clarifier #1 in service, Amwell provided an estimate to replace the upper worm tower assembly and to assist with installation in the approximate amount of \$22,766.00, and upon issuance of a purchase order will promptly begin work; and
- WHEREAS: The estimate of repair is approximately \$22,766.00 and over the \$10,000.00 threshold to conduct competitive bidding, as well as an emergency expense as determined by the City Manager.

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

3-37-A Emergency Purchases: The City Manager may waive the competitive bidding procedures where there exists an emergency as determined by the City Manager.

The Purchasing Agent is hereby authorized to issue a Purchase Order to Amwell, a division of the McNish Corporation of North Aurora, IL in the amount of \$22,766.00. 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
5320.1.300.43256.4725.04590.14.	WWTP - Facility Upgrade - Building Improvemen	\$1,132,917	\$1,121,868

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2020.08.12 – 126**
Resolution Re: Emergency Service Repair of Secondary Clarifier #1 at
WWTF

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2020.08.12 – 126**
Resolution Re: Emergency Service Repair of Secondary Clarifier #1 at WWTF

RESOLUTION BACKGROUND MATERIAL:

In July 2020, a service technician from Amwell, a division of the McNish Corporation of North Aurora, IL, was on site to evaluate the noise and vibration in Secondary Clarifier #1.

The unit is critical with the performance of Dover's MLE Process for Nitrogen removal and even more critical in handling the extreme flows that the facility receives every time there is a rain event due to the inflow and infiltration issues that Dover has.

Bid Information:

3-37-A Emergency Purchases: The City Manager may waive the competitive bidding procedures where there exists an emergency as determined by the City Manager.

Purchasing Information:

Type:	Purchase Order	Advertised:	N/A
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	Per Manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	N/A	Contract:	N/A
Prices will hold for:	Until Completed	Estimated Delivery:	2020
Recommended Award to:	Amwell, a Division of the McNish Corporation	Fund:	5320 Sewer Fund
Other Approvals Required:	No	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	3-37A Emergency Purchase



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2020.08.12 – 127**
Resolution Re: Affinity LED Lighting Upgrades (B15021) at the Three Fire Stations and Eversource Lighting Incentives

WHEREAS: A sealed Request for Proposal #B15021 was issued and received for qualified firms to provide and install LED lighting at the Dover Arena with the option to include other City buildings in the future should it be advantageous for the City to do so. A prebid meeting was conducted on December 2, 2014 and proposals were received on January 6, 2015 at 11:00 am; and

WHEREAS: Eight vendors submitted proposals and the City selected the three top qualified firms to interview on February 5, 2015. The proposal deemed most advantageous was submitted by Affinity LED Lighting of Dover, NH and award was made via council resolution [R-2015.03.11-027](#); and

WHEREAS: Affinity LED Lighting submitted a proposal to the City for LED lighting upgrades at the North, Central and South fire department stations in the amount of \$115,656.00. The proposal was sent to PSNH d/b/a/ Eversource Energy and lighting incentives are available in the amount of \$36,698.25, along with an estimated annual energy savings of \$17,479.00.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Affinity LED Lighting of Dover, NH for the LED lighting upgrades at the three fire stations in the amount of \$115,656.00. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

AND FURTHER BE IT RESOLVED:

The City Manager, or designee, is hereby authorized to apply for and expend any Eversource incentives and rebates received for the purpose of this project.

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

Financing			
Account	Description	Appropriation	Balance
1000.1.190.41991.4840.00000.00	Misc. General Gov't Contingency	284,298	281,798

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal: Joshua Wyatt
Form and Compliance: City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2020.08.12 – 127**
Resolution Re: Affinity LED Lighting Upgrades (B15021) at the Three Fire Stations and Eversource Lighting Incentives

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2020.08.12 – 127**
Resolution Re: Affinity LED Lighting Upgrades (B15021) at the Three Fire Stations and Eversource Lighting Incentives

RESOLUTION BACKGROUND MATERIAL:

The city solicited a request for proposals for qualified vendors to provide and install LED lighting upgrades to the Dover Arena. Firms were asked to provide details in the proposal of a full lighting audit, utility rebate process, and detailed payback proposal. The city used the Dover Ice Arena as the initial test site and the Indoor pool for the next site, with potential to include several other city buildings that could benefit from this service that may be incorporated in the future to the selected vendor. Vendors were instructed that it is probable that the economic success of these projects will depend on funding sources. These funds may derive from a variety of sources including rebates, lighting incentives and renewable energy credits.

Additional City sites included the McConnell Center LED Lighting Upgrade as approved by City Council via resolution [R-2015.08.26-118](#) ; the Dover Public Works Facility LED Lighting Upgrade as approved by City Council via resolution [R-2017.03.08-018](#); and Dover LED Street Lighting Improvements through a co-operative purchasing request with Portsmouth, NH as approved by City Council via resolution [R-2017.01.25-005](#).

The lighting upgrades to the three fire stations will cost \$115,656.00, with net cost being \$78,957.75, after Eversource incentives and rebates of \$36,698.25. The projected annual savings for electricity costs at the three stations is \$17,479.00. This would result in a 5 year payback period.

Bid Information:

A Sealed Request for Proposal #B15021 was issued and received for LED Lighting Upgrade for the McConnell Center and potentially other City facilities on January 6, 2015 at 11:00 am.

Award Information:

It is the intent to award this LED Lighting project at the North, Central and South fire department stations and potential future city LED Lighting projects to the selected vendor Affinity Lighting of Dover, NH, contingent upon available funding.

Purchasing Information:

Type:	Contract	Advertised:	N/A
Invitations Mailed:	N/A	Number of Responses:	N/A
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	N/A	Contract:	Yes
Prices will hold for:	Until Competed	Estimated Delivery:	As needed
Recommended Award to:	Affinity LED Lighting of Dover NH	Fund:	Operating
Other Approvals Required:	Yes, Eversource for Lighting Incentives	References Checked:	Satisfactory
Previously Worked for City:	Yes	Reason for Council Approval:	Purchase to exceed the \$25,000 amount requiring Council approval subsequent to a bid solicitation



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2020.08.12 – 128**
Resolution Re: **Approval of Acceptance of Donation by the Dover Rotary Club**

WHEREAS: Dover Rotary Charities, Inc. (“Dover Rotary Club”) has offered to donate 14 bicycle racks to the City of Dover;

WHEREAS: The bicycle racks would be installed to assist and facilitate use of bicycles within the City generally, increase safety, and encourage exercise and healthy lifestyles;

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

The City of Dover accepts the generous donation of bicycle racks from the Dover Rotary Club.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

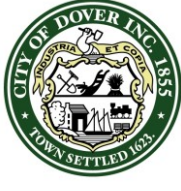
Resolution Number: **R – 2020.08.12 – 128**
Resolution Re: **Approval of Acceptance of Donation by the Dover Rotary Club**

DOCUMENT HISTORY:

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

DOCUMENT ACTION:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

 CITY OF DOVER	CITY OF DOVER - RESOLUTION Agenda Item#: 13.A.5. Resolution Number: R – 2020.08.12 – 128 Resolution Re: Approval of Acceptance of Donation by the Dover Rotary Club
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RESOLUTION BACKGROUND MATERIAL:

The bicycle racks are the latest in a long list of generous donations from the Dover Rotary Club.

The donation’s value is estimated at \$5,000. The donation consists of: (1) eight Cycle-safe vintage bicycle racks—style “Plymouth” or equal, all metal, finished with powder coat black (schematic image inserted at end of background section below); and (2) six multi-bicycle tubular racks.

The City has reviewed locations for the bicycle racks and determined they will likely be permanently placed in the following locations.

Five Bike

- City Hall
 - In the back parking lot, parallel with the building, into the loading area
- Henry Law Park
 - In the grass island on the right as you enter the parking lot
- Waldron Court
 - Behind the granite blocks on the Orchard Street side
- Parking Garage
 - By internal entrance to the Police Station
- Franklin Plaza
 - Remove the second bench in from Central Ave/Second Street and replace with rack
- Mill Court Yard

Spindle

- Community Trail, installed as part of phase 3
- 90 Washington St
 - Between Traffic Light control box and street
- Belknap St parking lot
 - In the mulch island to the right of the entrance
- Fish Ladder park
 - As part of the design for the park
- Waldron Court
 - Central Ave side
- City Hall
 - On Hale Street near fence enclosure

While the City is preparing these sites, the Dover Rotary Club is performing the installations.



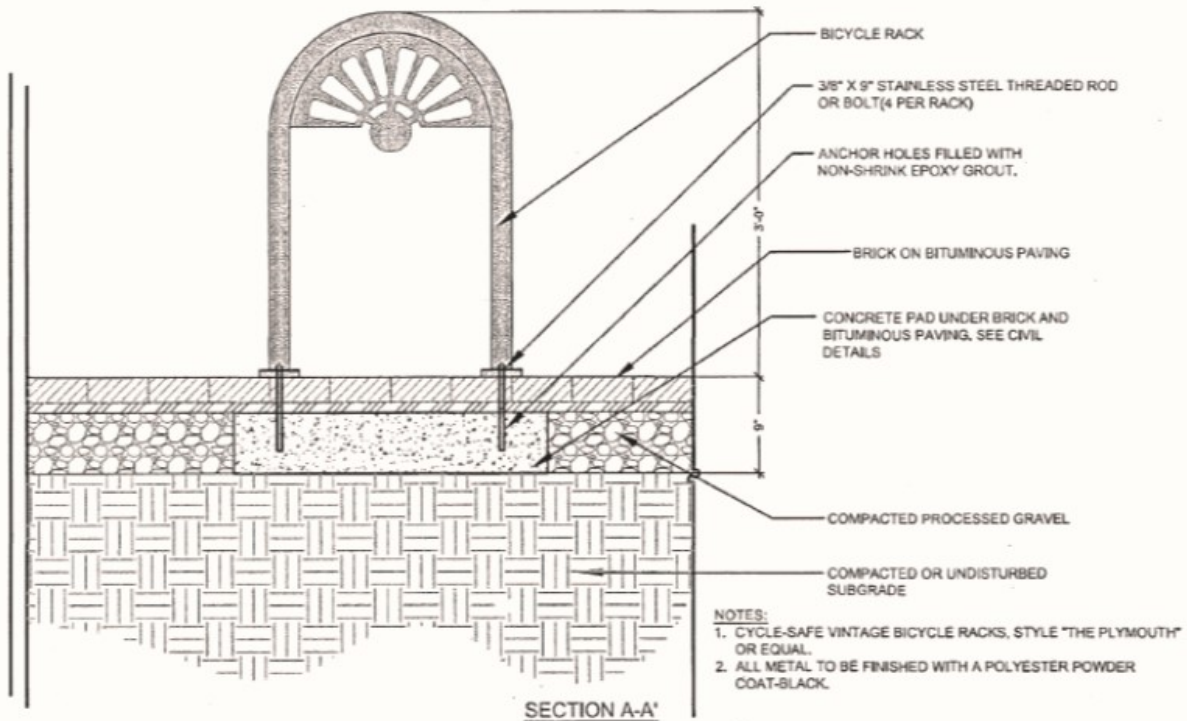
CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2020.08.12 – 128**

Resolution Re: **Approval of Acceptance of Donation by the Dover Rotary Club**

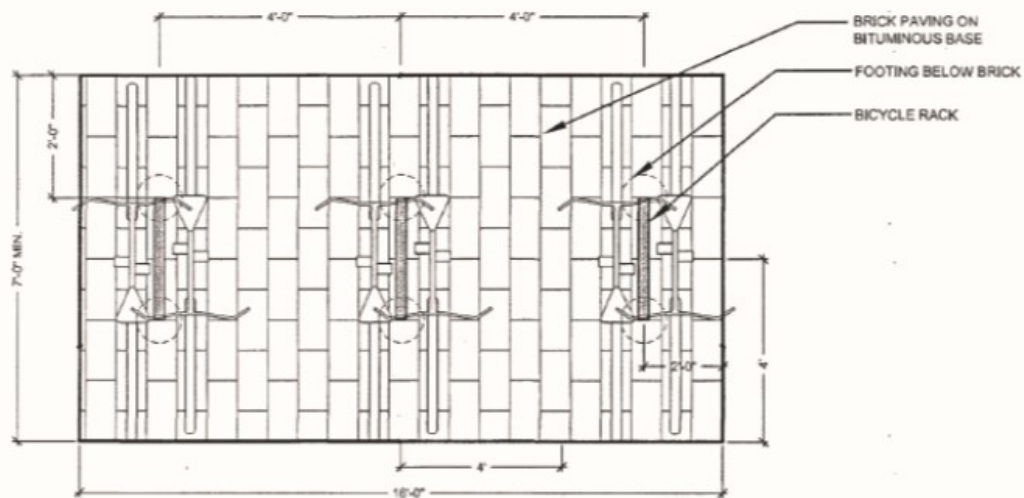


Bicycle Rack Installation

Not to Scale

©IRONWOOD 2014

2
L7



NOTES:
1. SEE PLAN FOR NUMBER OF BIKE RACKS IN EACH GROUPING.

Bicycle Rack Grouping

Not to Scale

©IRONWOOD 2014

3
L7

FOREST STEWARDSHIP PLAN

Prepared for the property of the

City of Dover

257.5 +/- Total Acres

Dover & Madbury, NH

February 2020

Prepared by:
Timothy R. Nolin
Forester, NH LIC #356



Forest Land Improvement Inc., P. O. Box 385, Chocorua, N. H 03817, (603) 323-8298

TABLE OF CONTENTS

1. Background	
• Introduction.....	page 3
• Goals and Objectives	page 3
2. WOODLOT DESCRIPTION	
• Location - Description	page 4
• Boundary Lines.....	page 7
• Land History	page 8
• Topography and Aspect.....	page 9
• Aerial Photo	page 10
• Soils Map..	page 11
• Soils	page 12
• Access	page 13
3. FOREST RESOURCES	
• Forest Categorization.....	page 16
• Stand Descriptions	page 18
• Forest Type Map.....	page 19
• Stand Technical Data and Recommendations	page 20
• Timber Volumes and Values	page 26
4. OTHER RESOURCES	
• Wildlife	page 27
• Wetlands and Water Resources	page 29
• Aesthetics	page 30
• Recreation.	page 30
• Cultural Features.....	page 31
• Rare and Endangered Plant & Animal Species	page 31
5. OTHER RECOMMENDATIONS	
• Stabilizing and Reseeding.....	page 32
• Safety	page 32
• Best Management Practices.....	page 32
• Forest Protection – Fire Hazard.....	page 33
• Insects and Diseases	page 34
6. MANAGEMENT SUMMARY	
• Schedule of Priorities.....	page 35
7. APPENDIX	
•	page 36

INTRODUCTION

This Forest Stewardship Plan is being prepared at the request of the City of Dover's Planning Department and Conservation Commission. It is designed to document the forest resources in their current state and formulate management recommendations to meet the landowner's long term goals and objectives. In addition to the landowner's interests, this Stewardship Plan will take into account the environmentally sensitive surrounding area and the close proximity of the City of Portsmouth's water supply.

GOALS AND OBJECTIVES

The City of Dover acquired the 11 large parcels that make up this ownership in various ways over a long period of time. The original property was used as a landfill and the surrounding lots acted as a buffer and provided room for possible expansion. Their current goals as they pertain to the management of the property include:

- The maintenance and enhancement of the wildlife habitat offered by the property.
- The protection of the surface and subsurface water quality as it could have significant impact on the Bellamy Reservoir.
- The improvement of the timber resources.
- The protection of the extensive wetland areas.
- If possible/practical, providing public open space for passive recreational activities.

Additionally, it is of utmost importance to protect the integrity of the monitoring wells that are located in the woodland areas surrounding the old landfill site. They are part of a federally mandated monitoring program associated with the remediation efforts on this Superfund site.

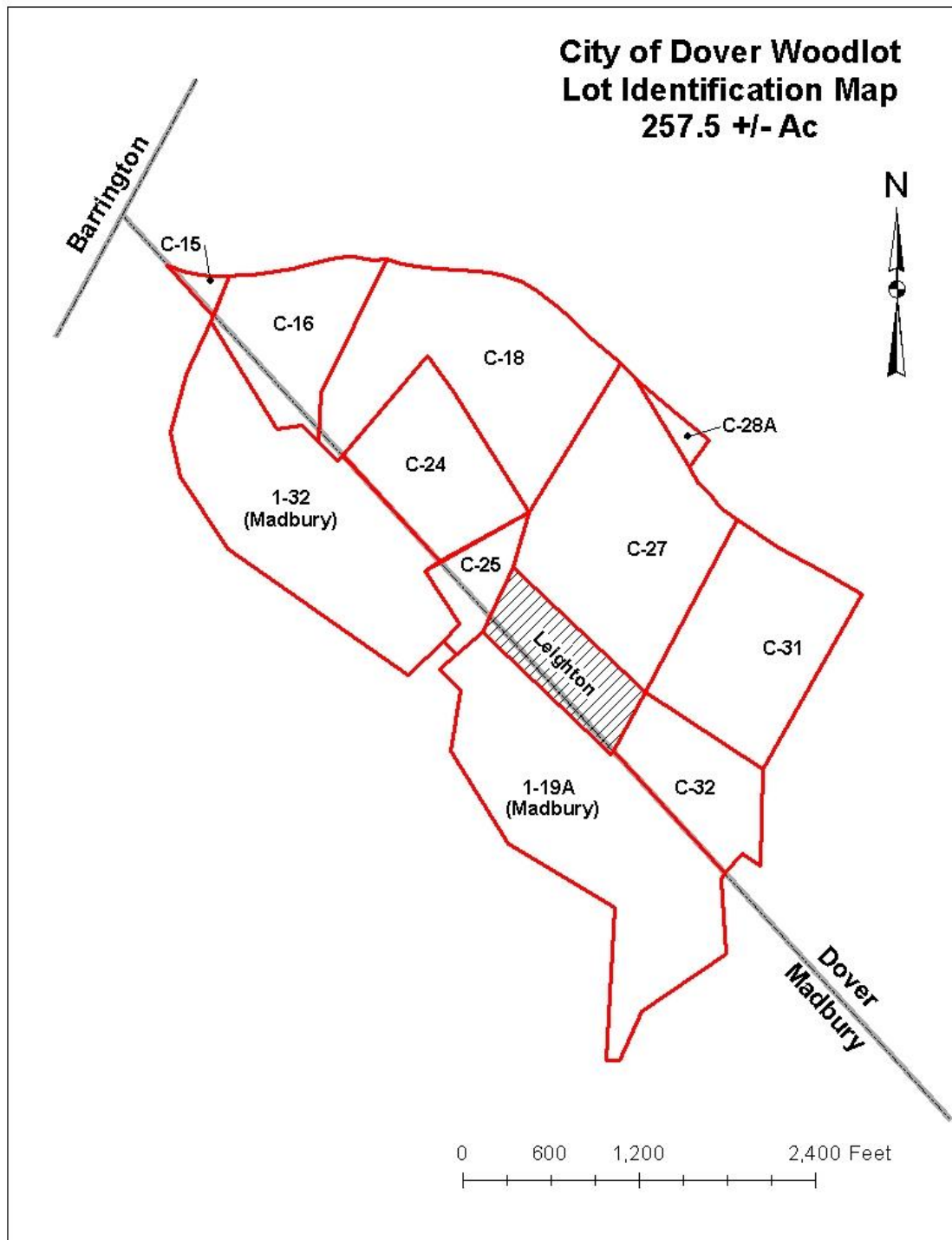
CHAPTER 2: WOODLOT DESCRIPTION

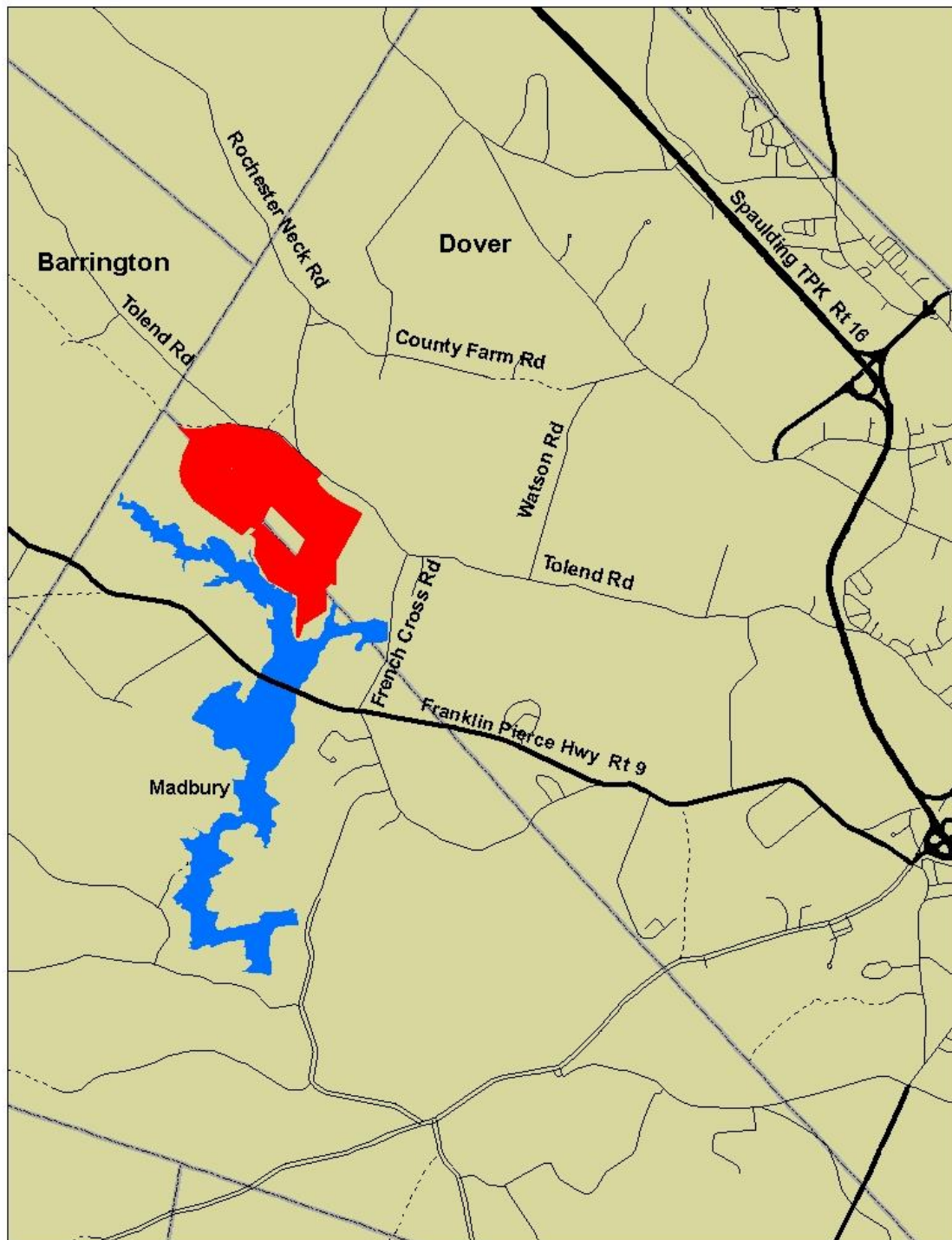
LOCATION - DESCRIPTION

The City of Dover's property is quite irregular in shape and located in the extreme southwestern corner of the City, straddling the City Line and extending into Madbury. It is comprised of 11 separate lots of record, totaling approximately 257.5 acres. The following table provides pertinent information about each lot, including the recording locations at the Strafford County Registry for any deed references or survey maps I found helpful.

Map & Lot #	Municipality	Assessed acreage	Pertinent Deeds/Plans Strafford Co. Registry
C-15	Dover	1 Ac	Book 3915, Page 460
C-16	Dover	11 Ac	
C-18	Dover	42 Ac	
C-24	Dover	21 Ac	Plan P 0022 – 0015
C-25	Dover	4 Ac	Book 4641, Page 86
C-27	Dover	34 Ac	Book 1578, Page 468
C-28A	Dover	3.42 Ac	Book 1578, Page 469
C-31	Dover	26 Ac	Book 4260, Page 422
C-32	Dover	16.2 Ac	Book 4554, Page 170 Plan P 0115 – 0062
1 – 19A	Madbury	53.1 Ac	Book 4554, Page 170 Plan P 0115 – 0062
1-32	Madbury	45.5 Ac	

Other pertinent deeds that I found include the deed for the Leighton property (the inholding), recorded at the Strafford County Registry, Book 883, Page 394.





BOUNDARY LINES

The boundary lines of the City of Dover property are in generally terrible condition and were largely unable to be found. The boundary line between Dover and Madbury, was not able to be located. A couple corner markers were able to be located on the land in Madbury and around a portion of the Leighton property, and while they agreed with the survey of that lot that I found, they did not agree with the configuration shown on the Madbury Tax Maps. Dean Peschel, Consultant to the City, shared some unrecorded survey information with me that had been done in conjunction with the environmental remediation on the site. This helped to clarify some of the field evidence I found, and allowed me to create as accurate a map as possible. This survey work showed, in general, that several of the lots extend over the Town line into Madbury, but is not shown as such on the Madbury Tax Maps. The configuration of lot 1-32 (Madbury) is was based solely on deed descriptions and was part of the unrecorded survey work that Dean Peschel shared with me.

The southern boundary of this property is largely against land owned by the Town of Madbury, the Dickerson family, and lands owned by the City of Portsmouth for the Bellamy Reservoir. While it is always a good idea to have well defined boundary lines, there is little risk of activity on the abutting lands straying over the line onto the City's land due to the general wetness and inaccessibility of the area.

The biggest potential issue I can see is the lack of boundary evidence on the Leighton lot, which is an inholding within the City of Dover property. I was able to find markers at 2 of the 4 corners and there is flagging at the approximate location of the southeast corner. The northwest corner could not be identified during the field work for this plan, and appears to be located just to the southwest of the intersection one comes to after passing the gate on the old "Wolf Path" road. There was a piece of flagging approximately 50' from where I felt the corner should be. As with the other land in Madbury, the Tax Maps do not give an accurate representation of the boundary configuration based on field evidence and deed descriptions.

It would take the services of a licensed land surveyor to establish the outer boundary lines of the City of Dover's property to the south of Tolend Road. I feel it would require a full blown survey to establish the lines and corners (not marking them based on old surveys and field evidence) and would cost well in excess of \$20,000. The boundaries of the Leighton property are the most important to establish, as they directly affect management access associated with use of the old "Wolf Path". Instead of attempting to establish these lines, it may be easier and cheaper to try to acquire this parcel. It is only 12.5 acres in size (by deed), is largely wetland, and does not front on a City Road. It's fair market value is likely significantly less than it would cost a surveyor to establish the lines and corners. I recommend contacting the Leightons and seeing if they are interested in selling the land to the City. In conversations with Dean Peschel, he indicated that the Leightons have previously showed interest in selling the land to the City.

LAND HISTORY

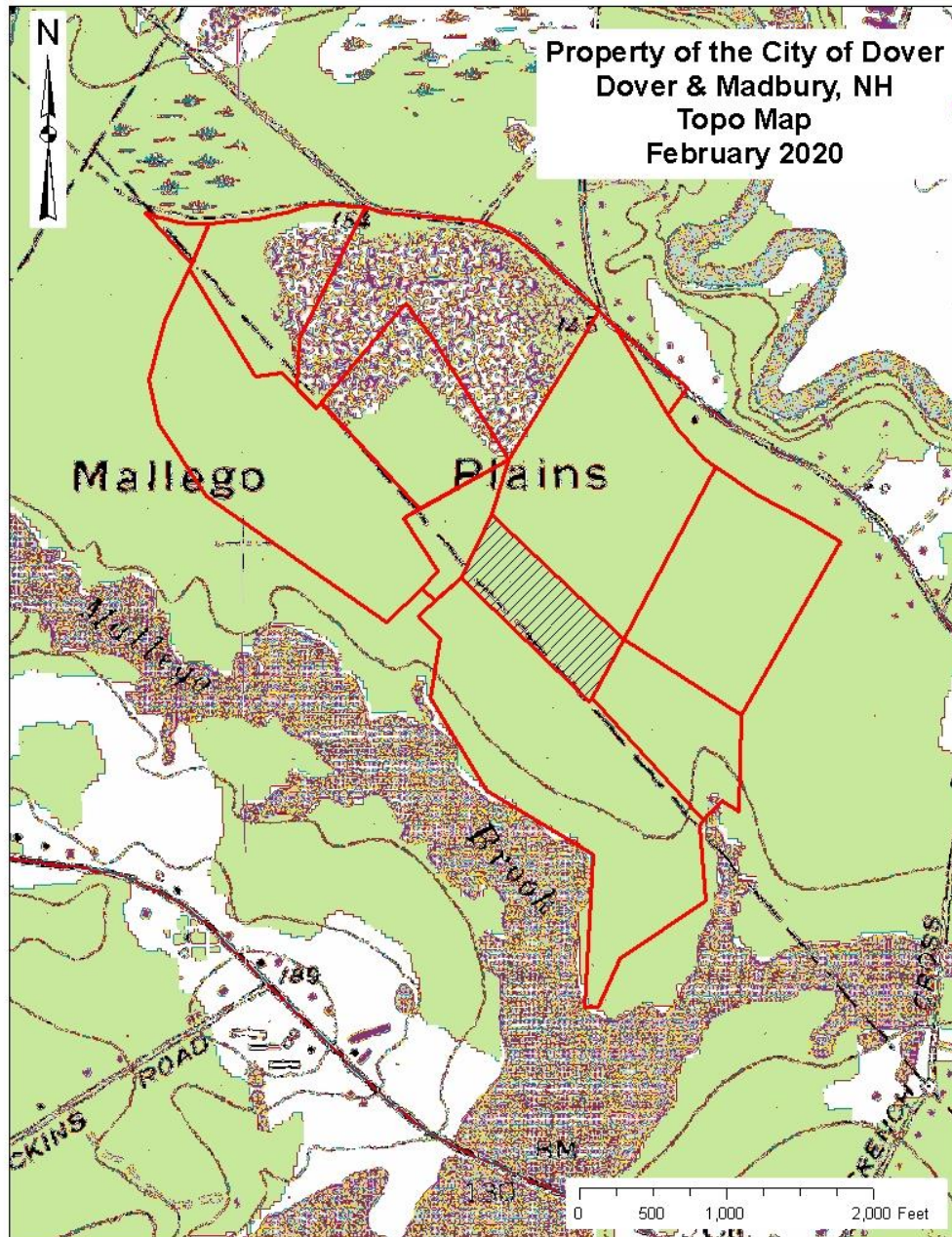
The City of Dover's ownership of this area centered on its landfill, which was active between 1961 and 1978 when the New Hampshire Water Supply and Pollution Control Commission found contaminated wells in the area and use of the landfill was discontinued. Throughout the 1980's, sampling wells were installed and the site was monitored. Eventually, a system was installed to capture and pump the groundwater leaving from the site to keep the surrounding areas (and nearby public water supplies) from being contaminated.

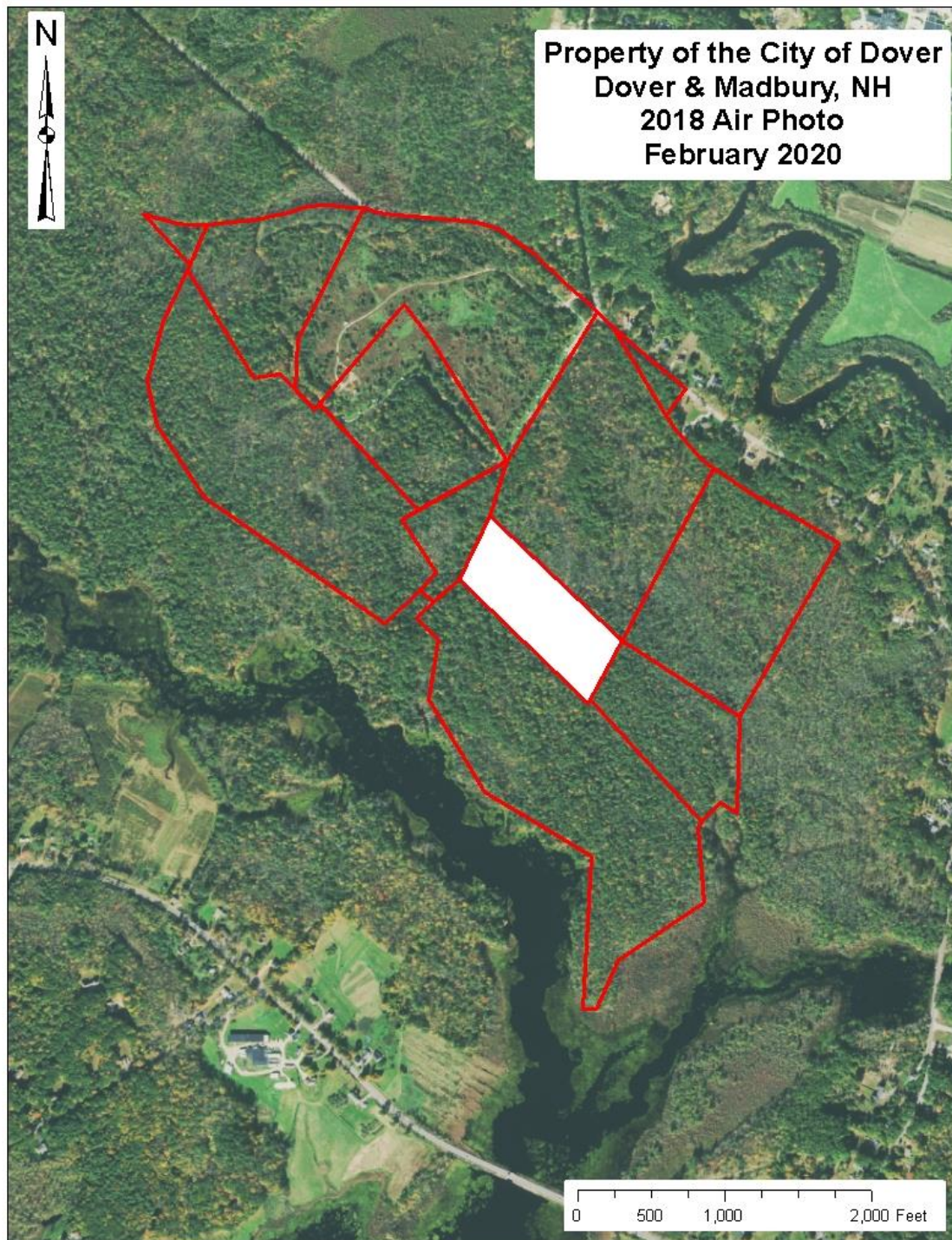
In the far southwestern section of the property (in Madbury), directly adjacent to where I felt a boundary line should be, I found the remnants of a foundation that, based on evidence, may have been an old mill site.

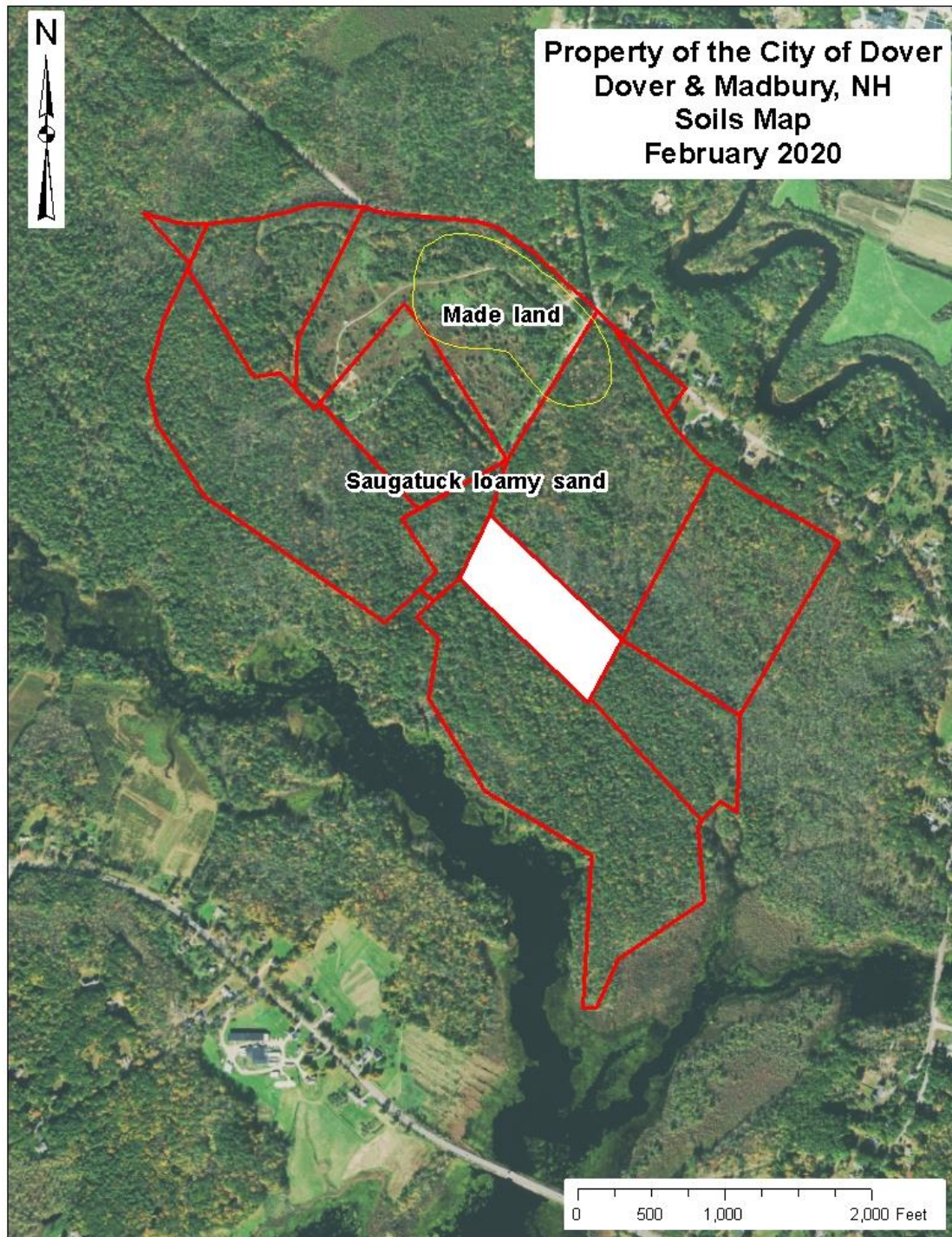
Much of the property was likely cleared for pasture land, and the lack of stoniness may have allowed for some areas to be tilled. The high water table could have hampered agricultural activities associated with tillable soil and much of it was likely pasture or hay land.

TOPOGRAPHY - ASPECT

The topography on the City of Dover's property is nearly level across its extent. The only real elevation change comes as a result of the landfill area and is man made. There is less than 20 feet of elevation difference on the remainder of the property.







SOILS

A single soil type underlays the entirety of the wooded acreage on the City of Dover's property. The Saugatuck loamy sand is poorly drained with a seasonal high water table generally within 12 inches of the surface. Productivity of this poorly drained soils is typically less than soils in other groups, however, some sections of white pine exhibit fairly good growth form.

Successional trends are toward climax stands of shade tolerant softwoods, i.e., spruce in the north and hemlock further south. Balsam fir is a persistent component in forest stands in northern New Hampshire and red maple is common on these soils further south. Due to abundant natural reproduction in northern New Hampshire, these soils are generally desirable for production of spruce and balsam fir, especially pulpwood. Red maple cordwood stands or slow-growing hemlock sawtimber are common in more southerly areas. However, due to poor soil drainage, forest management for timber is somewhat limited. Severe wind throw hazard limits partial cutting, frost action threatens survival of planted seedlings, and harvesting is generally restricted to periods when the ground is frozen.

ACCESS

Obtaining, developing and maintaining management access is one of the most important factors when planning for the long term stewardship of a property. The City of Dover's property has substantial frontage on Tolend Road and Green Hill Road, a Class VI road, but much of this frontage is unusable due to the location of the landfill site and the extreme wetness associated with much of the ground. In fact, there are significant areas of the property that are not suitable to conduct any sort of timber harvest activities because the ground would not support use by heavy equipment. The areas of the property that are slightly drier, and do have potential for active forest management, are still situated on Hydric B soils and will require extreme care in planning and implementing any activity involving heavy equipment.

As a separate concern on this property, there are a multitude of groundwater monitoring wells on the property that will need to be protected during any planned management activity. I have included a sketch map in the Appendix of this plan showing the approximate location of the monitoring wells on the City of Dover's property. During the layout for any potential forest management activities, it is imperative that any wells within the area of operation be given appropriate buffers. On past projects with similar infrastructure I have used protective buffers approximately one tree height in width.

The main loop road that runs around the landfill site could be used to obtain management access provided it does not damage the infrastructure in place to manage the contaminated ground water. Using the more easterly (not commonly used) entrance onto Tolend Road would provide a better approach angle for large trucks, but would need to be improved prior to use. Where the "Wolf Path" intersects this access road, the first landing area could be created in which the harvested wood products are loaded on trucks. This staging area will need to be large enough to turn tractor-trailer trucks around, stacks large piles of logs and pulpwood, and provide access for the logging equipment. Following use, the area should be smoothed and seeded to a fast growing perennial grass mixture. As part of the development process for this plan, I met with Dean Peschel, the engineer in charge of the environmental cleanup and monitoring, about using the site. His concern, justifiably, is the close proximity of the costly infrastructure in the ground within the area of this road. We discussed the potential access improvement project and feel that, if carefully planned, constructed and implemented, it could be done with no adverse impact to the site. His further involvement with the planning of any project would be necessary.

While there are pockets of dry(ish) ground scattered throughout the property, the largest contiguous area that is also able to be accessed is adjacent to and near this proposed landing area. Much of the area is south of the Leighton property, accessed by the old "wolf path", which likely crosses the obscure boundary line. The scattered areas of dry(ish) ground to the west of the landfill would have to be accessed via a landing area

CHAPTER 2: WOODLOT DESCRIPTION

within the old landfill site. This landing would service that portion of stand 1 that occurs mostly in the Town of Madbury on lot M-32. Prior to the planning stages of a harvest, a meeting with Dean Peschel on the site would be required to verify that the proposed location within the landfill site would be suitable for use and would not impact the underground infrastructure.

A second landing area could be constructed within the landfill site, to the west side of the westerly leg of the loop road. This landing would service a smaller area of woodland, primarily that portion of stand 1 located on Map 1 Lot 32 in Madbury. As with the first landing, Dean Peschel's input would be necessary to determine if the exact location and access route could be used without having adverse impacts on the mitigation infrastructure. Both of these landing locations are shown on the Forest Type Map.

There are many types of logging equipment currently being employed in New Hampshire's woods, each having associated benefits and liabilities. They range from the old fashioned cable skidder and men with chainsaws, to the mechanized whole-tree harvesting where the entire tree is removed from the woods with grapple skidders, to the state of the art Cut-to-length equipment, where the trees are felled, limbed and processed into their saleable lengths in the woods and then carried out of the woods to the landing area by a kind of hybrid log truck/tractor.

When recommending the type of logging equipment to use in the event that a commercial timber harvest is conducted on the City of Dover's property, the single most significant factor is the wetness of the ground and the potential to cause negative impacts. Logging equipment is large, heavy and, when used during inappropriate ground conditions, can quickly cause significant damage in the form of rutting. The soils on the City of Dover's land are all considered Hydric B and, while not precluding use by equipment, need to be approached very cautiously. The only time that I would consider implementing a timber harvest would be in the dead of winter when the snow cover and cold will hopefully allow the project to be implemented without undue damage to the ground. In southern New Hampshire, getting extended periods of this type of cold and snow is not a sure thing, and it may take several years to get logger availability, favorable wood markets and suitable weather to coincide.

I feel that the cut-to-length type of logging equipment would be most suited to any activity that were to occur on the City of Dover's property. This timber harvesting system consists of three pieces of equipment. The first is an excavator type machine with a saw head on it that cuts the trees down called a feller-buncher. The second is also an excavator type machine, but this one has a complex head on it that takes the felled trees, strips them of their limbs, then measures and cuts them into the saleable lengths. This type of machine is called a processor. The third piece of equipment in this system is called a forwarder. This large rubber tired machine is equipped with a cherry picker and a large bunk and drives out through the woods, picking up the logs and pulpwood, carrying them back to the landing area, and stacking them in sorted piles based on what market

CHAPTER 2: WOODLOT DESCRIPTION

they are being sold to. If you go to YouTube and search for “cut to length logging equipment” you will get an idea of what I’m describing. Keep in mind, the quality of the work and the silviculture shown is not necessarily representative of what would occur on the City’s property.

There are several benefits to this type of logging system. First, because there are not whole trees or long lengths of trees being dragged through the woods, it allows easier access, with the skid trails not having to be straight. The processor puts all the brush in the skidroads which then acts as a buffer to the ground, minimizing the impact to the soil. As the machinery continues to run on the brush, it crushes/mulches it up.

Because it is a fully mechanized operation, they are able to move a lot of wood in a short amount of time, and can afford to cut a large volume of low value pulpwood that would not be economical to harvest with conventional logging equipment.

There are substantial areas of the property (the entirety of stand 3 and scattered pockets/areas within stands 1 & 2) that are so wet that conducting any type of mechanized operation is impractical. There are small sections of stand 1 that do not have access and cannot be reached for management activity, largely to the west and south of the old landfill site.

FOREST CATEGORIZATION & INVENTORY

There are many ways a forester can categorize a woodland. The most common way is to break a larger forested area (be it a whole property, compartment, management unit, etc.) down into stands; areas of the forest with similar characteristics (i.e. species composition, size class, and density or stocking). These stands can then, based on their similarity of character, be treated in a uniform manner.

For ease of reference, these stands are given a numerical label (Stand 1, 2, 3, etc.). These stands can then be broken down into sections (1-1, 1-2, 1-3 etc.). Stands are then given a short coded description on the Forest Type Map to give someone in the field with the map a coarse description of the stand without reading the more involved description contained in the plan. This coded description deals mainly with the overstory by selecting the segment of each of the following categories that best describes the stand.

SPECIES TYPE	SIZE CLASS	STOCKING LEVEL
H: Hardwood	1: Saplings (1-4")	A: Over stocked
M: Mixedwood	2: Poles (5-11")	B: Fully stocked
S: Softwood	3: Sawtimber (12"+)	C: Under stocked
WP: White Pine		

For example, H2A would indicate an overstocked hardwood pole stand, M3C an understocked sawtimber sized mixedwood stand, or WP1B a fully stocked white pine sapling stand. If information regarding the understory were needed to be given in conjunction with overstory information, it would be recorded as ^{WP3C}/_{H1A}, in this case an understocked white pine sawtimber stand with an overstocked understory of hardwood saplings.

CHAPTER 3: FOREST RESOURCES

The following is a list of the abbreviations of the common trees found on the City of Dover's property. These abbreviations can be found throughout the detailed stand descriptions.

Species	Abbreviation	Species	Abbreviation
White Pine	WP	Red Pine	RP
Spruce	SP	Balsam Fir	BF
Hemlock	HM	Other softwood	OS
Red Oak	RO	Red Maple	RM
Sugar Maple	SM	White Birch	WB
Yellow Birch	YB	White Ash	WA
Aspen	AS	Beech	BE
Basswood	Bsw	Other Hardwood	OH

On the Dover property, a total of 40 inventory points were recorded using a 20 basal area factor (BAF) prism. Each inventory point was located on a grid spacing of 500' by 500'. At each inventory point, data was recorded regarding tree species, dbh, merchantable height by various product, and overall tree quality. This information was analyzed by the **Forest Tally** computer program, developed by Lee Goldsmith.

Detailed descriptions of each stand can be found in the **STAND DESCRIPTIONS** and **STAND RECOMMENDATIONS** sections of the Management Plan.

CHAPTER 3: FOREST RESOURCES

STAND DESCRIPTIONS

STAND	CODE	ACREAGE	DESCRIPTION
1	M2/3A	117	Fully to over stocked, pole to sawtimber sized white pine, hemlock, northern hardwoods and red oak. Fair to good quality. 60+ year old.
2	H2A/B	25.5	Fully stocked, pole to small sawtimber sized red maple and red oak with scattered white pine and hemlock. Fair quality 50+ year old.
3	H2/3B	60	Forested wetland. Fully stocked red maple with scattered hemlock and white pine with a dense understory of winterberry and other wetland shrubs. Generally inaccessible.
		55	Landfill area
		257.5	Total Acreage

Prepared By
Forest Land Improvement
Chocoma, NH
Timothy Nollin, Forester

Forest Type Map
prepared for the
City of Dover
257.5+/- Ac, Dover & Madbury, NH



February 2020

Legend

Boundary Lines

Interior Boundary Lines

Town Line

Town Road

Access Road

Class VI Road

Woodsroad

River

Stream

Stand 1

Stand 2

Stand 3

Old Landfill Area

Bellamy Res

Potential Landing Area

Wetland

Iron Pipe

Stone Bound

STAND DESCRIPTIONS

STAND	CODE	ACREAGE	DESCRIPTION
1	M2/3A	117	Fully to over stocked, pole to sawtimber sized white pine, hemlock, northern hardwoods and red oak. Fair to good quality. 60+ year old.
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55 Landfill area
257.5 Total Acreage

STAND CODE DESCRIPTION

SPECIES TYPE	SIZE CLASS	STOCKING LEVEL
H: Hardwood	1: Saplings (1-4")	A: Over stocked
M: Mixedwood	2: Poles (5-11")	B: Fully stocked
S: Softwood	3: Sawtimber (12"+)	C: Under stocked
WP: White Pine		



1 inch = 600 feet

Rt 9 Franklin Pierce Hwy

STAND TECHNICAL DATA AND RECOMMENDATIONS

STAND 1 M2/3A 117 Acres

TECHNICAL DATA:

Species Composition by Percent	WP-39%, HM-27%, RM-23%, RO-6%, Other-5%
Mean Stand Diameter	10.6"
Mean Merchantable Stand Diameter	11.7"
# Trees per acre (4"+)	233
Basal Area/Acre	134.1 sq. ft./acre

MANAGEMENT GOAL: To improve growth of existing timber as it develops into sawlogs, develop desirable regeneration, and promote softwood cover as wildlife habitat.

TIME FRAME: 2020-2030

STAND 1 RECOMMENDATIONS:

Stand 1 is the largest of the three forest stands on the City of Dover's property and encompasses much of the dry (ish) ground. It is well stocked with a mixture of white pine, hemlock, northern hardwood and red oak. Quality is generally good, with some of the white pine being of better than average growth form. The stand has seen very little harvesting in the recent past, so it is fairly uniform in age structure with only a very few scattered pockets of young growth (regeneration).

Management of this stand will focus on promoting the softwood (white pine and hemlock) growth and attempting to develop regeneration of these two species. Planning and implementing a timber harvest to accomplish these goals will be challenging, given the extremely wet nature of the soil that underlays the site and the relative lack of access.

Using cut-to-length equipment, a widespread thinning harvest would seek to reduce the basal area (the measure of tree density) of the stand from its current level of around 134 sq.ft./acre to around 90-95 sq.ft./acre, removing roughly 30% of the stocking. How this 30% is distributed will vary depending on the exact makeup of the forest in specific areas.

In the areas of the stand that are dominated by pine, the treatment will be fairly uniform in nature, seeking to thin the stand, providing space between the residual pine crowns for expansion. The poorer quality stems and less desirable species such as red

maple would be targeted for removal. Within these areas, the goal would be to provide room for the better quality residual trees to expand their crowns and increase their growth rates. Thinning the overstory will allow for increased sunlight to reach the forest floor and should promote the development of regeneration through the germination of seed from the overstory trees and the coppice sprouting from the stumps of hardwood trees that are cut. By leaving an overstory of predominantly white pine, we would hopefully achieve a significant amount of white pine seedling development. Over time, as these seedlings turn into saplings and grow taller, the overstory will need to be thinned in stages to allow additional sunlight to reach the developing understory. These thinnings are usually spaced 10-20 years apart and by the time the last of the parent overstory is removed, it is time to start commercially thinning the next crop of trees. Silviculturally, this type of management technique is referred to as the shelterwood system of regeneration and is the most common and effective way to handle white pine.

Where the stocking is dominated by hemlock and hardwoods and white pine is a more scattered component, a slightly different approach will be employed. Rather than conducting the uniform thinning as in the pine areas, the harvesting would be more irregular in nature, removing small groups or patches of trees, and leaving other areas relatively untouched. The thought behind this management strategy is to create openings in the forest canopy in order to encourage small patches of regeneration. By leaving desirable seed sources (pine and oak) around the outer edges of these groups, the regeneration will hopefully skew towards these species. The edges of these group openings see less sunlight than the center, and this allows for the slower growing (but very shade tolerant) hemlock seedlings/saplings to compete against the faster growing (but less shade tolerant) pine and hardwoods. The group openings should range from 50-100' in diameter and be spaced 100-200' apart. Over time, repeated entries (every 10-20 years) into the stand using this manner of harvesting will create a forest stand with multiple age classes and much structural diversity. This diversity of age and height structure is not only good forest management, but greatly increases the quality of the habitat for many species, particularly woodland bird species.

Red oak is the most important mast producing species in this area of the country. Healthy beech can produce crops of nuts periodically, but the beech bark disease has affected the overall health of the trees and there does not seem to be regular nut crops like has historically occurred. White oak acorns are favored over red oak, but white oaks make up a much smaller component of our woodlands. The importance of red oak cannot be understated, as it is plentiful throughout much of New England and consistently produces large crops of protein rich acorns.

Red oak will begin bearing acorns at 30+ years of age, but peak production does not occur until they reach 18-24" in diameter, often at 100+ years old. In general, the larger and healthier the trees, the greater the acorn production. As with all trees, health is generally in direct correlation to the size of the crown (photosynthetic area) and trees with

ample room to spread out their crown instead of competing with neighboring trees for space tend to be healthier.

The red oak in stand 1 is just reaching the age and size where it is entering substantial acorn production. There was ample evidence of this fall's prolific mast crop being fed upon by deer and turkeys during the field work for this plan. During any timber harvests, oak should be favored and the larger, healthy individuals retained wherever possible.

Hemlock, from a timber standpoint, is one of the least valuable of our native species. The lumber does not have any of the good qualities that make white pine so desirable. It is used mostly for industrial packaging and the like, and as a result, has a value roughly 25% that of pine. However, from a wildlife standpoint, no softwood tree is more important as a source of winter cover and habitat. The dense canopy that stands of hemlock create blocks harsh winter winds, keeps snow depths to a minimum and actually traps daytime heat, offsetting some of the affect of nighttime radiational cooling. Deer in particular seek out these hemlock stands during the winter months when snow depth makes living in the open hardwoods arduous. Many species of songbird favor these areas during the winter as well, seeking shelter in the dense canopy. While promoting hemlock from a timber standpoint makes no economic sense, its value to wildlife makes it an important feature in the forest and its health and future growth must be taken into consideration.

Gross stumpage proceeds from the recommended timber harvesting in section 1, that area surrounding and to the south of the Leighton property, would likely be in the neighborhood of \$16,000-\$21,000, depending on actual harvested volumes and markets at the time of the operation. There will likely be some access improvement costs associated with the landing construction (gravel) that would come out of this figure as well as the forestry costs for marking, supervising and administering the sale. A secondary sale, using the proposed landing area within the landfill and working the accessible area of section 2, located to the west and south, would likely gross in the neighborhood of \$9,000-\$12,000, would likely have less significant access improvement costs, but would still have the forestry supervision fees.

STAND 2 H2AB 25.5 Acres

TECHNICAL DATA:

Species Composition by Percent	RM-60%, RO-20%, WP-10%, Other-10%
Mean Stand Diameter	9.5"
Mean Merchantable Stand Diameter	10.6"
# Trees per acre (4" +)	233
Basal Area/Acre	114 sq. ft./acre

MANAGEMENT GOAL: To improve timber growth and establish early successional habitat.

TIME FRAME: 2020-2030

STAND 2 RECOMMENDATIONS:

Stand 2, in contrast to the mixture of softwood and hardwood found in stand 1, is dominated by pole to small sawtimber sized red maple and red oak, with scattered pockets of white pine and hemlock. The largest section of this stand is found along the eastern edge of the old landfill area to the south of Tolend Road. It has a similar makeup to stand 3, but occupies the slightly drier ground and is able to be looked at as having potential for management.

The quality of the timber in this stand is fair to good. Red maple makes up the majority of the stocking. This species has very limited potential value, especially on this site where it appears to be prone to developing rot by the time it reaches sawlog size. This is likely do to the extremely high water table. On more well drained sites that still have high fertility, red maple is capable of producing good quality sawlogs, but even at their best, they are worth only about a third of the more highly valued species such as red oak and sugar maple. From a wildlife perspective, once reaching pole size, they do not offer much value. The young saplings are a highly sought after food source (as browse) during the winter months by deer and moose. They do not produce substantial mast like oaks and beech, producing small light seeds that are only an afterthought as a food source for several bird species.

The oak component of the stand is of relatively good quality and has potential to develop into valuable sawtimber. It is just reaching a size where it is starting to produce substantial quantities of acorns and there was evidence of deer and turkeys seeking them out as a food source during the field work for this plan.

Management of this area, rather than being focused primarily on timber production, should seek to create several patches of early successional growth for wildlife

habitat. The majority of the woodlands on the City of Dover's property are relatively even age and the harvesting recommendations in stand 1, while certainly producing some regeneration, will not produce the widespread patches of very young growth that benefits so many species of wildlife, particularly songbirds. The close proximity of this stand to the old landfill site and the large expanses of young growth, grasses and shrubs (many of which are deleterious invasive species but good for wildlife) make the diversification of the age structure all the more appropriate, as the species that would utilize this habitat type already exist on the property and will be able to expand into this area of woods that had previously been unsuited to them.

By creating several larger group openings or small clearcuts (up to about 2 acres in size), throughout the stand, focusing on the areas where the stocking is dominated by red maple, areas of young forest growth could be created. In addition to song bird species, both ruffed grouse and woodcock utilize this early successional growth as nesting/brooding habitat. Deer will seek out these areas during the winter months to browse on the low growing hardwood saplings. Having patches of browse within easy striking distance of the winter cover that the hemlock provides in stand 1 makes for a more complete habitat within the property.

In between the patch cuts, the stand should be lightly thinned for quality, removing some of the more poorly formed stems, providing ample room for the better quality trees to expand their crowns and increase growth. The red oak component of the stand should be favored wherever possible during the thinning operation.

There is a scattered white pine component in this stand that appears to be very susceptible to wind throw, with dozens of trees having blown over in the last few years. This is due to the high water table and the inability for the trees to develop deep root systems. Sticking up higher than all the surrounding hardwoods and keeping their foliage during the winter months make them particularly susceptible to blowing over. At this point, trying to manage for the pine component within stand 2 seems impractical. I recommend trying to remove what little remains of the standing pine in this stand, capturing its value before it blows over.

Gross stumpage proceeds for the recommended work in stand 2 would likely total around \$4,000-\$5,000. This work should be conducted at the same time as the recommended work in stand 1, sharing in the access development costs.

STAND 3 H2/3B 60 Acres

TECHNICAL DATA:

Species Composition by Percent	RM-76%, WP-8%, HM-7%, Other-9%
Mean Stand Diameter	9.5"
Mean Merchantable Stand Diameter	10.7"
# Trees per acre (4"+)	204
Basal Area/Acre	105.1 sq. ft./acre

MANAGEMENT GOAL: To protect the integrity of this wooded wetland.

TIME FRAME: 2020-2030

STAND 3 RECOMMENDATIONS:

Stand 3, while similar in tree size and composition to stand 2, is considerably wetter, being just a little lower in elevation, and is filled with areas of standing water and wetland shrubs/grasses. While New Hampshire Timber Harvesting Laws technically do not prohibit harvesting in areas such as this, the conditions that must be met (the lack of soil disturbance) would require such an exceptionally cold and snowy winter, careful operation, and frankly, extremely good luck, that I cannot in good conscience recommend any management activities.

This area in particular, with its close proximity to Bellamy Reservoir, is even more important to protect than a similar stand in another area of the State. The risk of, and probability of, having a project go horribly wrong and cause significant damage is just too great.

For this reason, the timber volumes found in stand 3 were not considered in the timber appraisal report for the property.

ESTIMATED TIMBER LIQUIDATION VOLUMES AND VALUES

City of Dover Property, Stands 1 & 2

December 2019

Species	Total Volume	Stumpage Value	Total Value
<i>Sawlogs</i>			
White Pine	695 MBF	\$140/MBF	\$97,300
White Pine Box	17 MBF	10/MBF	170
Hemlock	126 MBF	40/MBF	5,040
Red Oak	35 MBF	300/MBF	10,500
Red Maple	4 MBF	75/MBF	300
Mat/Tie Logs	41 MBF	70/MBF	2,870
Hardwood Pallet	68 MBF	30/MBF	2,040
Total Sawlogs	771 MBF		\$118,220
<i>Pulpwood</i>			
Hardwood	3,447 tons	\$4.00/ton	\$13,788
Softwood	2,428 tons	1.00/ton	2,428
Total Pulpwood	4,689 tons		\$16,216
		Total	\$134,436

TIMBER VALUE PER ACCESSABLE FORESTED ACRE (142.5 AC): \$943/AC

Notes:

- **MBF** is the abbreviation for "thousand board feet", the standard unit of measurement for sawlogs.
- **Tons** can be converted to **Cords** using the following conversion rates;
Hardwood 2.55 tons/cord
Softwood 2.2 tons/cord

WILDLIFE

From observed sign, a fairly modest variety of wildlife are using the City of Dover property. Sign of deer, coyotes, bobcat, fox, squirrel, raccoon, skunk, porcupine, pileated woodpecker, raven, hawk, owl, and a myriad of songbirds were encountered during the field work for this plan. Seasonally, there are probably many more species that use the property, particularly the wetland areas in the summer. I would imagine that several species of ducks, a myriad of songbirds, as well as countless amphibian and reptile species can be found within the wetlands areas on this and abutting properties.

Periodic cutting maximizes forest succession to the benefit of many forms of wildlife. A dynamic mix of all age classes is considered advantageous for many species for both food and cover. Mast species, especially oak, should be favored and left to grow freely. Larger crowns provide increased nut production and are more valuable for wildlife, especially deer, bear, and squirrels. A main objective would be to retain at least 6 to 12 good mast trees per acre in the large sawtimber size class. There are relatively few large mast producing oaks on the property and they should be retained whenever possible.

Trees containing cavities should be left for cavity dwelling birds and animals. Any standing rotten trees should be left as habitat for insects upon which woodpeckers and bear feed. Larger, poor quality, oversized (non-marketable) trees are usually decreasing in vigor which makes them good candidates for future "critter condos". Maintaining a minimum of 6 cavity/snag trees per acre with one exceeding 18" in diameter and 3 exceeding 12" in diameter is recommended. The relatively young age of the forests on this property mean that there are not many extremely large snags. Whenever present, they should be retained.

The old landfill area, while a massive ecological and financial liability to the City of Dover, provides an extremely important addition to the wildlife habitat that the property provides. The vegetative cover ranges from sapling and small pole trees, to expansive areas of brush and shrubs, to open grassland. This varied type of low, early successional cover is ideal habitat for a large number of native songbirds including some that are listed as Threatened in the area. During the field work for this plan, I encountered at least a dozen cardinals in the area of the old landfill.

The open/grassy/shrubby cover in the old landfill area is a habitat type that is rapidly declining in our State. Areas such as this provide necessary habitat for about 22% of New England's wildlife species and seasonally important habitat to nearly 70%, including species of greatest conservation need such as eastern towhee and New England cottontail. Other species with declining population numbers that rely heavily on this type of habitat include black racer and milk snakes, woodcock, brown thrasher, whip-poor-will, chestnut sided warbler, common yellowthroat, indigo bunting, meadow vole, and

CHAPTER 4: OTHER RESOURCES

meadow jumping mouse. The list of common songbirds and small mammal species that utilize this habitat type is too extensive to list.

With such great habitat for these small creatures, it only stands to reason that the predator species (both mammalian and avian) will spend a great deal of time hunting in these areas. The snow cover at the time of the inventory allowed tracks of coyote, fox and bobcat to be seen in the landfill area.

Maintaining the brushy/open characteristics of the landfill site and preventing it from growing back into more mature forest would continue to benefit the same suite of wildlife as currently utilize the site. I recommend contacting the New Hampshire Fish and Game Department to inquire about the appropriateness of considering Eastern Cottontail habitat when planning for future work on the landfill site. While the City of Dover's property is outside of the Seacoast Focus area (by about ½ mile) they may still be interested in providing technical advice or, possibly, funding towards planning and implementing habitat improvement projects designed to promote cottontail habitat.

According to the NH Wildlife Action Plan, (an ecological assessment of habitat types and co-occurrence), the eastern 2/3 of the City of Dover's property is Highest Ranked Habitat Within The Biological Area or Highest Ranked Habitat Within the State. This is likely a result of the co-occurrence of the wetland/hydric soils, the various habitat types, the proximity to open water/wetlands, and it being part of a fairly large (for southern NH) block of undeveloped land.

The timber management recommendations set forth in stands 1 & 2 address several habitat types and will serve to increase the diversity of the property and improve the functionality of the existing habitat. Promoting softwood growth in stand 1 will improve the winter cover and the development of patches of early successional forest growth in stand 2 will produce nesting/brooding habitat for birds and browse for deer.

WETLANDS - WATER RESOURCES

The most significant wetland resource is not on the property, but is directly adjacent to the southern boundary, and consists of the Bellamy Reservoir. This is the municipal water source for several Towns and Cities in this area of New Hampshire, including portions of Dover, Madbury, Portsmouth, and Durham. The importance of protecting the integrity of this water source cannot be understated. There are Easements in place on portions of the City of Dover's land that prohibit development but would allow for the management of the woodland as long as it is conducted in a responsible manner.

Being underlaid by the Saugatuck loamy sand, which is a hydric B soil, the vast majority of the City of Dover's property could be considered forested wetland. While management of these areas is not prohibited by State statutes, extreme care must be taken not to cause undue soil disturbance which means limiting harvesting to frozen, snow covered conditions. There are many areas of the property that show signs of being more significant forested wetlands, complete with wetland shrub vegetation, and I cannot in good conscience plan or attempt to implement any activities there, knowing the probability of accomplishing said activity without disturbance is virtually non-existent.

There are two seasonal streams/drainages on the property. The State of New Hampshire regulates work in any of these jurisdictional wetlands. Appropriate buffers (75') should be retained along wetlands/streams in which 50% of the crown cover is maintained and soil disturbance is minimized.

Before crossing any watercourse, either seasonal or perennial, with logging equipment, or constructing a permanent crossing during woodsroad construction, it is necessary to file a ***Statutory Permit by Notification - Forestry*** with the State of New Hampshire's Department of Environmental Services. Crossings must be constructed, in accordance with the standards set forth by the State of New Hampshire's ***Best Management Practices for Erosion Control on Timber Harvesting Operations***. Using the appropriate method to cross a stream will prevent the addition of sediment through soil erosion, which is highly problematic as the levels of particular matter increase.

AESTHETICS

When planning and implementing any management activity, the affect on the aesthetics of the property should be taken into consideration. This is particularly important when considering management on a municipally owned property, where public perception and input must be taken into consideration. Logging in particular can have negative impacts on aesthetics. Matching the kind of logging operation to the needs of the forest as well as aesthetic considerations is important. Having conscientious operators goes a long way towards leaving a site with a reasonable post-harvest appearance. It is the job of the forester who is marking and laying out the harvest to take these concerns in mind and make sure the logging contractor does what is needed to minimize the visual impact.

RECREATION

There is currently no municipally sanctioned recreational trails on the property. The area around the old landfill is fenced (partly) off as there is a need to keep the public away from the potentially hazardous site. Because the only current access points occur within the old landfill area, if a recreational trail were to be constructed, it would require developing new access off Tolend Road.

The extremely wet ground conditions on much of the lot, coupled with the proximity of the landfill, make recreational development somewhat impractical. There are very few areas where a trail could be constructed that would not be too wet to use during many periods of the year.

If an attempt were made to create a recreation trail system, I feel the best approach would be to contact the Town of Madbury and the abutting landowner Dickerson. There are several trails on these abutting properties that could be used to tie into the existing woods roads and trails on the City's property and generally can be found on slightly drier ground. Some of these existing trails offer excellent vistas over the Bellamy Reservoir.

CULTURAL FEATURES

The only Cultural Feature that I located on the property during the field work for this plan is the remains of a small foundation, directly adjacent to the southwest boundary line in Madbury, right near where I was looking for (and unable to find) a property corner. It was very close to a stream and I believe it may have been an old mill site. The location of this site is shown on the Forest Type Map.

RARE AND ENDANGERED PLANT & ANIMAL SPECIES

There were no rare or endangered plant or animal species encountered during the field work for this plan. That is not to say that none occur.

The Natural Heritage Bureau's databases were queried, and there are no known occurrences of any rare or endangered plant or animal species on or near the property. There are however, several known occurrences within 1 mile of the property. These include the Ringed Bog haunter (one of the rarest dragonflies in North America), Eastern Meadowlark, Banded Sunfish, Spotted Turtle, and Red Maple Floodplain Forest. A copy of the NHB report can be found in the Appendix of this plan.

The management recommendations set forth in this plan should have little to no impact on the potential presence of these species or habitat types.

STABILIZING AND RESEEDING

When any harvest operation or road construction project is completed, all critical skid roads and landings should be stabilized. Steep skid roads and truck roads should be waterbarred, outsloped, ditched and smoothed. Truck roads, major skid roads and landings should be limed, fertilized, reseeded with conservation seed mix and mulched with hay where needed. This will help stabilize the soil, provide feed for wildlife, help control woody plant growth and provide an aesthetically pleasing road or trail. Conservation Mix, combined with white clover is the recommended seed mixture in most applications.

SAFETY

In the forested areas, the safety hazard is currently low. There have been no recent logging operations or damaging storms that have created the hazard of falling limbs.

BEST MANAGEMENT PRACTICES

All woods road construction, use, maintenance, wetland and brook crossings should follow recommendations as made, (and required by law on brook crossings), in the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire", a resource manual by J.B.Cullen, DRED, Division of Forests and Lands. A copy of this publication can be requested through the above contact at the Department of Resources and Economic Development, P.O. Box 856, Concord, NH 03301 or call 271-2214.

NOTES: Before crossing a stream/wetland for the purpose of logging or road construction with the eventual intent of logging, a **Statutory Permit by Notification - Forestry** (see **Appendix**) form must be filed with the N.H. Wetlands Bureau.

FOREST PROTECTION - FIRE HAZARD

Practicing good forestry by maintaining species diversity, avoiding monoculture and promoting varied stages of forest succession should minimize mortality from common pathogens, and environmental stress.

There is no significant fire threat on the property. The care, maintenance and development of access roads/trails will provide access to the property should the need for fire suppression occur.

There is a massive infestation of invasive plant species on the 55 acre old landfill site. Species include multiflora rose, bittersweet, Japanese knotweed, barberry, honeysuckle and glossy buckthorn. Anywhere that is not maintained by mowing seems to have varying degrees of infestation, ranging from moderate to severe. The fragile nature of the site precludes widespread mechanical treatments and doing large scale herbicide treatments does not seem practical. This type of issue, on this particular site, is beyond my area of expertise, and should the City want further information, an expert in invasive vegetative management should be contacted.

Where these species are beginning to spread into the surrounding forests, they should be controlled whenever possible. A combination of mechanical and chemical treatments could hopefully knock back the existing infestation while still scattered and hopefully curtail its spread. Again, an invasive vegetative management professional should be utilized, someone with the expertise to recommend and implement the specific practices that would work best, taking into account the importance of maintaining clean ground and surface water on this property, with the proximity of the Bellamy Reservoir being a major factor.

INSECTS AND DISEASES

From observed evidence, there is fairly low occurrence of forest disease problems on the City of Dover's property. The only widespread tree disease that was noted during the field work is the presence of Beech Bark Disease. Nothing can be done to treat trees infected with this widespread malady. Some trees have clean, smooth trunks, being resistant to the beech scale insect, which creates the wounds that enable the *Nectria* fungus to gain a foothold. These resistant trees should be left in stands and their regeneration encouraged.

The impending infestation of emerald ash borer seems inevitable at this point. It has been discovered within much of the State and is spreading rapidly. There is nothing to be done to treat infected trees and the State of NH is recommended preemptively salvaging ash sawtimber during timber harvests. Ash plays such a small part in the forests on the City's property that an infestation by this insect will hardly be felt. During any timber harvest that occurs, living ash should be cut to capture the value before they are lost.

Another insect species that has real potential to occur on the property, but was not encountered, is the hemlock woolly adelgid. This scale insect infests, weakens, and potentially kills hemlock by feeding on their foliage. If found, the State of NH should be notified, and they would spearhead a plan to quarantine and hopefully eradicate the infestation. This insect appears as a white, wooly substance on the underside of hemlock needles.

MANAGEMENT SUMMARY – SCHEDULE OF PRIORITIES

2020-30

Stands	Recommendation	Goal	Page Reference
	Contact the Leighton family to see about acquiring their property.	Cleaning up ownership and access issues.	7
	Contact an invasive vegetation management expert to get their opinion about potential remediation efforts on the old landfill site.	Combat the extensive invasive species problems on the site.	33
	Contact NH Fish and Game regarding Cottontail habitat management on the old landfill site.	Potential promote habitat for threatened species.	28
Stand 1-1 Stand 2	Plan and implement timber harvest per recommendations as well as associated access improvements.	Timber growth/stocking improvement, and wildlife habitat work.	13-15 20-24
Stand 1-2	Plan and implement timber harvest per recommendation as well as associated access improvements.	Timber growth/stocking improvement, and wildlife habitat work.	13-15 20-22

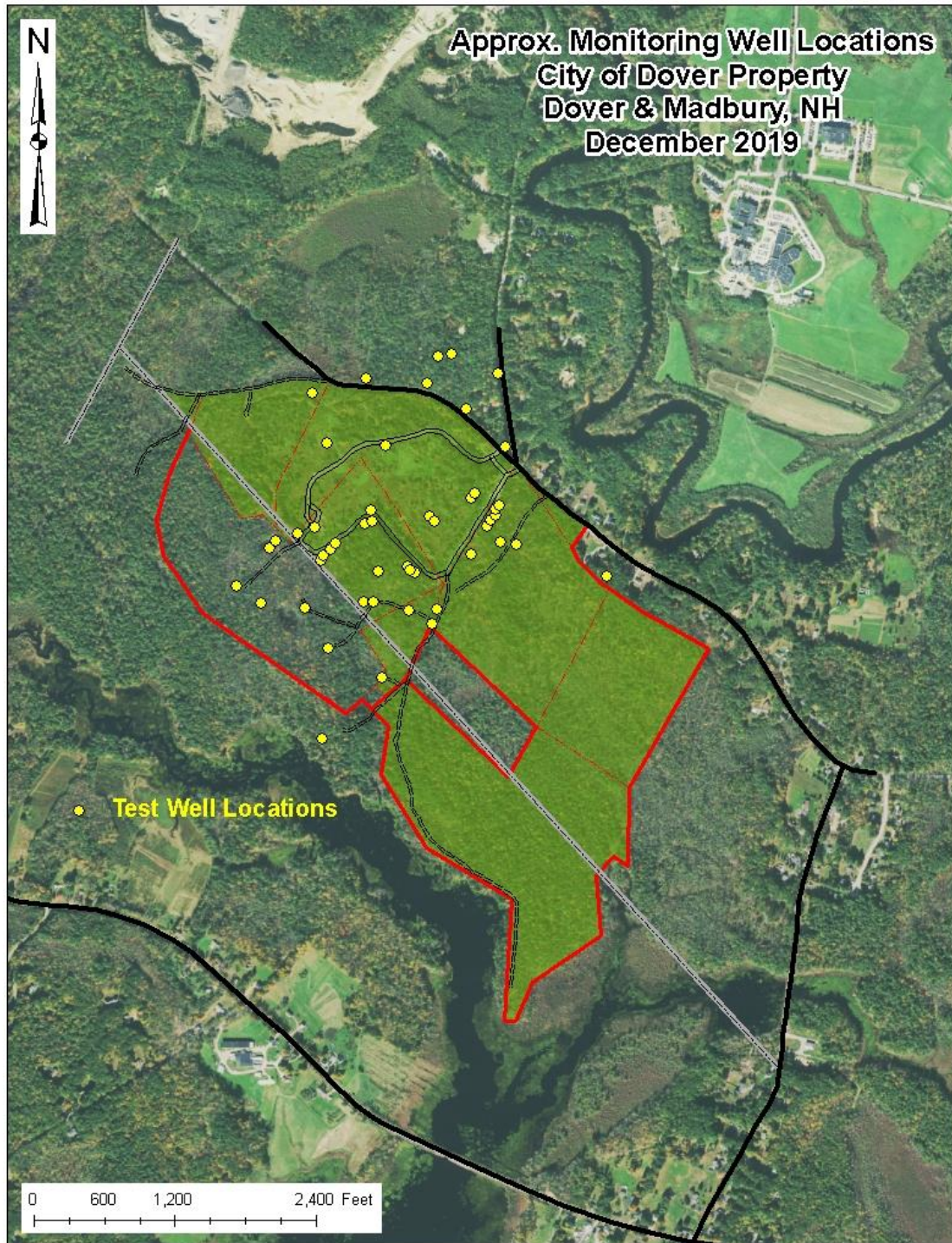
APPENDIX

APPENDIX

~Monitoring Well Location Map

~Statutory Permit by Notification – Forestry

~NH Natural Heritage Bureau Report





FORESTRY
STATUTORY PERMIT-BY-NOTIFICATION (SPN)
 Water Division/Land Resources Management
 Wetlands Bureau



[Check the Status of your Notification](#)

RSA/Rule: RSA 482-A:3, V/ Env-Wt 308; Env-Wt 520

LOGGER/FORESTER LAST NAME, FIRST NAME, M.I.:

Administrative Use Only	Administrative Use Only	☐ SPN complete and project as described conforms with all applicable requirements.	
		☐ SPN incomplete and/or project as described does not conform with all applicable requirements.	
		File No.:	Reviewer's Initials:
		Check No.:	Amount:

Terms in **bold font** are defined on the attached Definition of Terms page.

SECTION 1 - PROJECT CRITERIA

SECTION 1A - WILL THE PROPOSED ACTIVITY:

Exceed 3,000 square feet (SF) of permanent **wetlands** impacts per crossing (except for corduroy) (Env-Wt 520.05(b)(2))? ☐ Yes ☐ No

Propose impacts to a **bog, marsh, sand dune, tidal wetlands**, or undisturbed **tidal buffer zone** (Env-Wt 520.05(c)(2))? ☐ Yes ☐ No

Propose impacts in an area with documented occurrences of a **protected species or habitat** where the responsible party has not received recommendations from the Department of Natural and Cultural Resources' Natural Heritage Bureau (NHB) or NH Department of Fish and Game (NHF&G), or both, as applicable, regarding the impacted **protected species or habitat** (Env-Wt 407.02(c); 520.05(c)(3))? ☐ Yes ☐ No

If you answered "Yes" to any of the above questions, you cannot use this form. If you answered "**No**" to **all** the above questions, continue to Section 1b.

SECTION 1B - ELIGIBLE ACTIVITIES (Env-Wt 520.05(a))

Will the proposed work be limited to one or more of the activities listed in Section 1B? ☐ Yes ☐ No

If "No", you cannot use this form. If "Yes", check all proposed activities:

forestry@des.nh.gov or (603) 271-2147

Wetlands Bureau, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095

www.des.nh.gov

☐ **Roadway** construction through forested **wetlands** for the purpose of conducting forest management activities where:

- Roads are cleared only by felling timber in the **roadway**;
- The road base is constructed using no **fill** other than:
 1. Snow pushed onto and frozen over the road base; or
 2. Stumps inverted in places where support of the road base is necessary;
- The minimum length and number of ditches necessary to create and maintain adequate drainage are constructed in accordance with the *New Hampshire Best Management Practices for Erosion Control on Timber Harvesting Operations (Forestry BMPs)* and water quality protection measures;
- Each road crossing is no more than 15 feet wide;
- **Stream crossings** incorporate pole fords with no removal of stumps within the stream **banks**;
- Spring retirement of winter roads includes soil stabilization and drainage, such as water bars, necessary to prevent the **roadway** from redirecting or channeling surface water runoff; and
- A corduroy skid trail for any single forested **wetland** crossing does not exceed 1,000 feet in length, measured along the proposed skid trail.

☐ Installation of a permanent crossing, such as a culvert, stone ford, and associated **fill**, to permit vehicular access to a parcel for forest management, only if:

- Access is not used for subdivision, development, or other land conversion to non-forestry uses, except that forestry uses may be combined with **normal agricultural operations** or **trail** construction or maintenance, or both;
- **Roadway** width exclusive of side slopes, at the crossing does not exceed 20 feet;
- **Roadway** width, measured at the toe of the **roadway** side slopes is minimized and does not exceed 50 feet;
- **Fill** for any single **wetland** crossing does not exceed 50 feet in length, measured along the proposed access way;
- **Wetland** crossings are limited to those that:
 1. Do not impact any **bogs, vernal pools, marshes, sand dunes, tidal wetlands**, undisturbed **tidal buffer zone**;
 2. Are not located in **designated prime wetlands** or **duly-established 100-foot buffers** unless a prime wetlands waiver has been obtained in accordance with Env-Wt 700;
 3. Only cross a **swamp** or **wet meadow** if such **swamp** or **wet meadow** has no standing water for 10 months per year or more; and
 4. Are not located in a **protected species** habitat unless authorized under Env-Wt 407; and
 - For **stream crossings**, the scoured stream width is no wider than 8 feet.

- ☐ Construction of a temporary crossing on a non-tidal **watercourse** of any width for the transportation of forest products, only if the temporary crossing:
- Is not in or adjacent to **designated prime wetlands** or a **duly-established 100-foot buffer** unless a prime wetlands waiver has been obtained in accordance with Env-Wt 700;
 - Is not located in a **protected species** habitat unless authorized under Env-Wt 407;
 - Is not used for access to property that has been converted to non-forestry uses, except that forestry uses may be combined with **normal agricultural operations** or **trail** construction or maintenance or both;
 - Incorporates not more than one pier or post per 15 feet of span;
 - Incorporates one or more abutments in the stream **bank(s)** if necessary; and
 - If other than corduroy, is removed within 2 years of the date the SPN is issued by the NHDES Wetlands Bureau, provided that if weather conditions preclude the removal of the crossing when the work is completed, the crossing may remain in place until weather conditions allow its removal.

- ☐ Repair of existing forestry road crossing that:
- Crosses a **watercourse** for which the scoured channel is 8 feet wide or narrower;
 - Is not in **designated prime wetlands** or a **duly-established 100-foot buffer** unless a prime wetlands waiver has been obtained in accordance with Env-Wt 700;
 - Is not located in a **protected species** habitat unless authorized under Env-Wt 407.
 - Is not used for access to property that has been converted to non-forestry uses, except that forestry uses may be combined with **normal agricultural operations** or **trail** construction or maintenance or both.
 - The structure disturbs less than 3,000 SF.

SECTION 2 - JOB SITE LOCATION (RSA 482-A:3, V(b)(3))

(A separate notification must be filed with each municipality where jurisdictional impacts are proposed)

TOWN/CITY:

TAX MAP/LOT NUMBER:

SECTION 3 - PROPERTY OWNER(S) (RSA 482-A:3, V(b)(1))

LAST NAME, FIRST NAME, M.I.:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

SECTION 4 - LOGGER / FORESTER (CIRCLE ONE) (RSA 482-A:3, V(b)(2))

LAST NAME, FIRST NAME, M.I.:

MAILING ADDRESS:

TOWN/CITY:

STATE:

ZIP CODE:

SECTION 5 – ATTACHMENTS

Verify the following attachments are submitted with this form by checking each box below and filling all required information.

☐ **DataCheck** identification number and an affirmation that recommendations have been received (Env-Wt 308.05(a)(2)).

Natural Heritage Bureau Identification ID: NHB -

Questions related to completing this process should be directed to the Natural Heritage Bureau.

☐ **United States Geological Survey (USGS) topographic map** or Natural Resources Conservation Service (NRCS) soils map, with the type and location of all **wetland** and waterbody crossings clearly indicated (RSA 482-A:3, V(b)(4)).

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☐ Such information as is needed to demonstrate the criteria for minimum impact projects are met (Env-Wt 308.05(a)(2)(b)).

If any work is proposed within **designated prime wetlands** or **duly-established 100-foot prime wetlands buffers**, a written waiver must be obtained in accordance with Env-Wt 706. Please check the box corresponding to your project:

☐ No waiver required.

☐ NHDES issued a waiver on (enter date the waiver was issued): / /

☐ I am filing a waiver request with this notification. Please include the request form and the \$200 waiver request fee, per Env-Wt 706.04(b)(5).*

* **NOTE:** If you submit a waiver request with this notification, you may not begin work until the waiver is issued. NHDES must wait 14 days for the Municipal Conservation Commission to review the prime wetlands waiver request before acting upon it (RSA 482-A:11, IV(b)(3)).

☐ \$25 filing fee (RSA 482-A:3, V(c)).

SECTION 6 - REQUIRED CERTIFICATIONS

By initialing each item and signing this notification, the person responsible for the activity affirms that (Env-Wt 308.05(b)(2)):

Initials: 	The project is not located in a Priority Resource Area (PRA) , except as provided in Env-Wt 407.
Initials: 	All recommendations of NHB and NHF&G have been received. And
Initials: 	The person responsible for the activity is aware of the limits of the SPN and applicable BMPs for the project, and will adhere to both.

By initialing each item and signing this application, the person responsible for the activity certifies that (Env-Wt 308.05(b)(1)):

Initials: 	To the best of the signer's knowledge and belief, all required notifications have been provided.
Initials: 	The information submitted on or within this notification is true, complete, and not misleading to the best of the signer's knowledge and belief. And
Initials: 	The signer understands that: - The submission of false, incomplete, or misleading information constitutes grounds for NHDES to: - Deny the application - Revoke any approval that is granted based on the information. - If the signer is a certified wetland scientist, licensed surveyor, or professional engineer licensed to practice in New Hampshire, refer the matter to the joint board of licensure and certification established by RSA 310-A:1. - The signer is subject to the penalties specified in New Hampshire law for falsification in official matters, currently RSA 641. - The signature shall constitute authorization for the department to inspect the site of the proposed project, pursuant to RSA 482-A:6, II.

Initials: [REDACTED]	The filing of an intent to cut form under RSA 79:10 shall be considered as permission to the Department or the Department of Natural and Cultural Resources, or their agents, to enter the property for determining compliance with RSA 482-A (RSA 482-A:3, V(d)).	
Initials: [REDACTED]	If the applicant is not the owner of the property, each property owner signature shall constitute certification by the signer that he or she is aware of the application being filed and does not object to the filing.	
SECTION 7 - REQUIRED SIGNATURE (Env-Wt 308.05(b)(2); Env-Wt 311.11)		
SIGNATURE (OWNER): [REDACTED]	PRINT NAME LEGIBLY: [REDACTED]	DATE: [REDACTED]
SIGNATURE (LOGGER/FORESTER): [REDACTED]	PRINT NAME LEGIBLY: [REDACTED]	DATE: [REDACTED]
SIGNATURE (AGENT, IF APPLICABLE): [REDACTED]	PRINT NAME LEGIBLY: [REDACTED]	DATE: [REDACTED]



FORESTRY STATUTORY PERMIT-BY-NOTIFICATION (SPN) CONDITIONS



Water Division/Land Resources Management Wetlands Bureau

(Keep this sheet for your reference; do not submit it with your application)

All forestry activities are subject to the following general conditions:

1. The work shall be done in compliance with all applicable conditions in Env-Wt 307 (Env-Wt 308.08(a)).
2. All SPN projects shall be carried out in accordance with the applicable Best Management Practices (BMPs) (Env-Wt 308.08(c)).
3. In addition to meeting the criteria established in Env-Wt 300, the department shall not approve a forestry project unless the following criteria are met (Env-Wt 520.02):
 - (a) The project shall be exclusively for the purpose of timber harvesting and forest management;
 - (b) Skid trails and truck roads associated with the project are exclusively for the purpose of accessing viable tree stands and conducting forestry projects;
 - (c) The project will be conducted in accordance with RSA 227-J, RSA 482-A, RSA 483, RSA 483-B, RSA 485-A, and RSA 212-A; and
 - (d) The project will be conducted in accordance with the design and construction requirements specified in Env-Wt 520.04.
4. In addition to the design and construction requirements specified in Env-Wt 300, the following requirements shall apply to forestry activity projects (Env-Wt 520.04):
 - (a) Impacts to **surface waters** and **wetlands** from logging activities shall be planned, designed, constructed, and stabilized in accordance with the **New Hampshire Best Management Practices for Erosion Control on Timber Harvesting Operations (Forestry BMPs)**;
 - (b) All skid trails, truck roads, and log landings shall be:
 - (1) Avoided and minimized to the maximum extent practicable in accordance with the **Forestry BMPs**;
 - (2) Located far enough away from **surface waters** and **wetlands** that waterborne soil particles will settle out before reaching the **surface waters** or **wetlands**;
 - (3) Laid out and constructed using appropriate erosion control devices and water quality protection techniques as explained in the **Forestry BMPs**, so that grade approaching **surface waters** or **wetlands** is broken and surface runoff is dispersed; and
 - (4) Culverts, pole fords, or other crossings shall be properly sized and installed on skid trails and truck roads at all **stream crossings** in accordance with the **Forestry BMPs**; and
 - (c) Crossings shall be removed when logging is completed in the area serviced by the crossing, except that corduroy crossings at locations where there is no defined stream channel may be left in place.

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FORESTRY STATUTORY PERMIT-BY-NOTIFICATION (SPN) ADDITIONAL INSTRUCTIONS



Water Division/Land Resources Management
Wetlands Bureau

(Keep this sheet for your reference; do not submit it with your application)

Applicability:

The Forestry Statutory Permit-by-Notification (SPN) is available for use by public or private entities who are proposing to conduct forestry activities which impact **wetlands, surface waters**, and other areas that are protected under RSA 482-A. Proposed activities must meet the requirements of minimum impact activities. To determine if your forestry project is a minimum impact project eligible for an SPN, please refer to Section 1 of the notification.

The project must also be in accordance with the New Hampshire Best Management Practices for Erosion Control on Timber Harvesting Operations (**Forestry BMPs**) published by the NH Department of Natural and Cultural Resources, Division of Forests and Lands and the UNH Cooperative Extension (2016; Env-Wt 307.03(b)(2)(a)). Please obtain and review a copy of the **Forestry BMPs** to determine if the proposed work is covered under this process and if the conditions described can be met. Although other manuals may provide guidance on various erosion and sedimentation control practices, to use the Forestry SPN, your project must meet the **Forestry BMPs**.

The Forestry SPN may be used for one or more forestry activities, as long as they are located in the same municipality. If the work extends beyond a town boundary, a separate Forestry SPN must be filed for work within each individual municipality.

Designated Prime Wetlands and Duly-Established 100-foot Buffer:

Maps of **designated prime wetlands** and **duly-established 100-foot buffers** can be found on the Prime Wetlands in NH Communities webpage. Original prime wetlands maps can also be found at the municipal offices.

In order to propose impacts within **designated prime wetlands** or within a **duly-established 100-foot buffer**, you must request a waiver in accordance with Env-Wt 700. Please note that if you submit the prime wetlands waiver request with this notification, you may not begin work until the waiver is issued. NHDES must wait 14 days for the municipal Conservation Commission to review the prime wetlands waiver request before acting upon it (RSA 482-A:11, IV).

Submitting the Notification to NHDES:

Please mail or deliver the notification with all attachments to the address at the bottom of this page.

Prior to Commencing Work:

Monitor your notification status on [OneStop](https://onestop.nh.gov). If the department determines that a notification is complete and that the project as described meets the requirements for a SPN, within 5 working days of receipt of the notification, the department will change the status on [OneStop](https://onestop.nh.gov) to "complete" (Env-Wt 308.05(c)). Notifications issued by the department are valid for 2 years (RSA 482-A:3, V. (a)).

If you proceed with the work covered by the notification without first filing a complete and correct SPN form or obtaining a different type of authorization, then:

- (1) All work done shall be deemed to have been done without a permit or exemption.
- (2) The person shall file an application for an after-the-fact standard permit (Env-Wt 308.05(f)).

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Prior to commencing the work covered by the SPN, the person responsible for a project must post at the site a copy of the SPN posted by the Department on its website or provided by the Department pursuant to Env-Wt 308.05(d)(2) (Env-Wt 308.07(a)).

The certificate issued under RSA 79:10 shall also be posted upon receipt. Prior to receipt of such certificate, a copy of the intent to cut form, signed by the appropriate municipal official, shall be available on the job site, and shall be shown to any person who asks to see it (RSA 482-A:3, V(e)).

Within 10 Calendar Days Following Completion of the Work Covered by the SPN:

The person responsible for the project shall submit to the Department confirmation of completion of the project, either by paper copy or electronically (Env-Wt 308.07(b)).



FORESTRY STATUTORY PERMIT-BY-NOTIFICATION (SPN) DEFINITION OF TERMS



Water Division/Land Resources Management Wetlands Bureau

(Keep this sheet for your reference; do not submit it with your application)

482-A Jurisdiction: Jurisdiction means the regulatory authority conferred by RSA 482-A (Env-Wt 103.24).

Bank: The transitional slope adjacent to the edge of a **surface water** body, the upper limit of which is usually defined by a break in slope, or for a **wetland**, where a line delineated in accordance with Env-Wt 400 indicates a change from **wetland** to upland (Env-Wt 102.15).

Best Management Practices for Forestry Operations (Forestry BMPs): Means "New Hampshire Best Management Practices for Erosion Control on Timber Harvesting Operations" dated 2016, published by the University of New Hampshire Cooperative Extension (Env-Wt 102.19).

Bog: A **wetland** distinguished by stunted evergreen trees and shrubs, peat deposits, poor drainage, highly acidic soil conditions, highly acidic water conditions, or any combination thereof, as determined using the federal classification method (Env-Wt 102.30).

Corduroy: Means logs, limbs, or branches placed perpendicular to the direction of travel to provide support for logging equipment crossing a wet area that has no standing water, no defined channels, and no vernal pools (Env-Wt 102.44).

DataCheck: The results of using the **DataCheck Tool** (Env-Wt 102.47).

DataCheck Tool: An online data screening tool provided by NHB where the public can screen for known locations of rare species and exemplary natural communities (Env-Wt 102.48).

Designated Prime Wetlands: Any contiguous areas falling within the jurisdictional definitions of RSA 482-A:2, X and RSA 482-A:4 that, because of their size, unspoiled character, fragile condition, or other relevant factors, make them of substantial significance (482-A:15, I-a).

Duly-Established 100-foot Buffer: The buffer recognized in RSA 482-A:11, IV for **prime wetlands** designated on or after September 11, 2009 but before August 17, 2012 (Env-Wt 102.63).

Fill (as a noun): Any rock, soil, gravel, sand, or other natural or man-made material that has been deposited or caused to be deposited by human activity (Env-Wt 103.04).

Floodplain Wetland: A wetland located within a 100-year floodplain (Env-Wt 103.10).

Marsh: A **wetland** that is distinguished by soft-stemmed herbaceous plants such as grasses, rushes, and sedges, where the water table is at or above the surface throughout the year but can fluctuate seasonally, as determined using the federal classification method. The term includes freshwater marshes and tidal marshes (Env-Wt 103.37).

Normal Agricultural Operations: Those activities that are customary to, and necessary to sustain, an agricultural operation as described in RSA 21:34-a, II (Env-Wt 103.48).

Priority Resource Area (PRA): A jurisdictional area that:

- a) Has documented occurrences of **protected species or habitat**.
- b) Is a **bog**.
- c) Is a **floodplain wetland** contiguous to a tier 3 or higher **watercourse**.
- d) Is designated **prime wetlands**.
- e) Is a **duly-established 100-foot buffer** zone.

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- f) Is a **sand dune, tidal wetland**, tidal water, or undeveloped **tidal buffer zone**. Or
- g) Is any combination of the resources listed above (Env-Wt 103.66).

Protected species or habitat: Means:

- a) Any threatened wildlife species as defined in RSA 212-A:2, V, endangered wildlife species as defined in RSA 212-A:2, IV, the federal endangered species act, eagles protected under RSA 209:9 and the federal Protection of Bald and Golden Eagles Act, 16 U.S.C. Subchapter II, or any habitat of such species that is determined to be critical by the executive director of NHF&G under RSA 212-A:9, III. And
- b) Any federally-designated threatened or endangered plant species, any threatened species of plant as defined in RSA 217-A:3, XX, any endangered species of plant as defined in RSA 217-A:3, IV, or any exemplary natural community as identified by NHB (Env-Wt 103.69).

Roadway: A legally-existing structure that is designed, constructed, or improved to provide and support safe passage for public or private vehicular traffic (Env-Wt 104.10).

Sand Dune: A hill or ridge of sand piled up by the wind and commonly found on the seacoast (RSA 482-A:2, VII).

Stream crossing: A structure placed within a watercourse or on its associated upland or wetland approaches, or both, that is intended to provide human, animal, or vehicular passage over the watercourse (Env-Wt 104.28).

Surface Water: Those portions of waters of the state that have standing or flowing water at or on the surface of the ground. The term includes but is not limited to watercourses, lakes, ponds, marshes, and tidal waters (Env-Wt 104.33).

Swamp: A forested **wetland** that is dominated by trees, as determined using the federal classification method (Env-Wt 104.35).

Tidal Buffer Zone: The area identified in RSA 482-A:4, I as bordering on tidal waters within 100 feet of the highest observable tide line, which can contain **banks**, upland areas, **bogs**, salt **marsh**, **swamps**, meadows, flats, or other lowlands subject to tidal action (Env-Wt 602.52).

Tidal Wetland: A **wetland** whose vegetation, hydrology or soils are influenced by periodic inundation of the tides (Env-Wt 602.60).

Trail Activities: Activities necessary for trail construction and management, as described in Env-Wt 517, including but not limited to cutting roads and pathways through forests (Env-Wt 104.37).

United States Geological Survey (USGS) Topographic Map: A map published by the United States Geological Survey at a scale of 1:24,000 or a scale that provides greater detail (Env-Wt 104.41).

Vernal Pool: A **surface water** or **wetland**, including an area intentionally created for purposes of compensatory mitigation, that provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and that:

- (a) Is not the result of on-going anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to:
 - (1) Gravel pit operations in a pit that has been mined at least every other year. And
 - (2) Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules. And
- (b) Typically has the following characteristics:
 - (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year.
 - (2) Forms in a shallow depression or basin.
 - (3) Has no permanently flowing outlet.
 - (4) Holds water for at least 2 continuous months following spring ice-out.
 - (5) Lacks a viable fish population. And
 - (6) Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators (Env-Wt 104.44).

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Watercourse: Any **surface water** that develops and maintains a defined scoured channel, with evidence of sediment transport, or that is a continuous channel that flows to or from a **wetland** or other **surface water**. The term includes rivers and streams (Env-Wt 104.48).

Wetland: an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions (RSA 482-A:2, X).

Wet Meadow: an herb-dominated jurisdictional area typically with non-woody vegetation less than 3 feet in height, saturated for long periods during the growing season, but seldom flooded, as determined using the federal classification method. Wet meadows develop on predominantly drier, poorly drained soils (Env-Wt 104.53).



New Hampshire Natural Heritage Bureau

DNCR - Division of Forests & Lands

172 Pembroke Road, Concord, NH 03301

Phone: (603) 271-2214 Fax: (603) 271-6488

To: Timothy Nolin

Forest Land Improvement
PO Box 385
Chocoma, NH, 03817

From: NH Natural Heritage Bureau

Date: 2019-12-11

Re: Review by NH Natural Heritage Bureau of request dated 2019-12-09

NHB File ID: 3379

Project type: Landowner Request

Town: Dover, NH

Location: Dover & Madbury, C-15,16,18,24,25,27,28A,31,32 & 1-19A

We have searched our database for records of rare species and exemplary natural communities on the property(s) identified in your request. Our database includes known records for species officially listed as Threatened or Endangered by either the state of New Hampshire or the federal government, as well as species and natural communities judged by experts to be at risk in New Hampshire but not yet formally listed.

NHB records on the property(s): **None**

NHB records within one mile of the property(s):

	Last Reported	Listing Status		Conservation Rank	
Invertebrate Species (For more information, contact Kim Tuttle, NH F&G at 271-6544)		Federal	NH	Global	State
Ringed Boghaunter (<i>Williamsonia lintneri</i>)	2004	--	E	G3	S2
Natural Community		Federal	NH	Global	State
Red maple floodplain forest	2004	--	--	GNR	S2
Vertebrate Species		Federal	NH	Global	State
Eastern Meadowlark (<i>Sturnella magna</i>)	2018	--	T	G5	S3B
Banded Sunfish (<i>Enneacanthus obesus</i>)	2005	--	SC	G5	S3
Spotted Turtle (<i>Clemmys guttata</i>)	2014	--	T	G5	S2

Listing codes: T = Threatened, E = Endangered, SC = Special Concern

NOTE: This review cannot be used to satisfy a permit or other regulatory requirement to check for rare species or habitats that could be affected by a proposed project, since it provides detailed information only for records actually on the property.



New Hampshire Natural Heritage Bureau

DNCR - Division of Forests & Lands

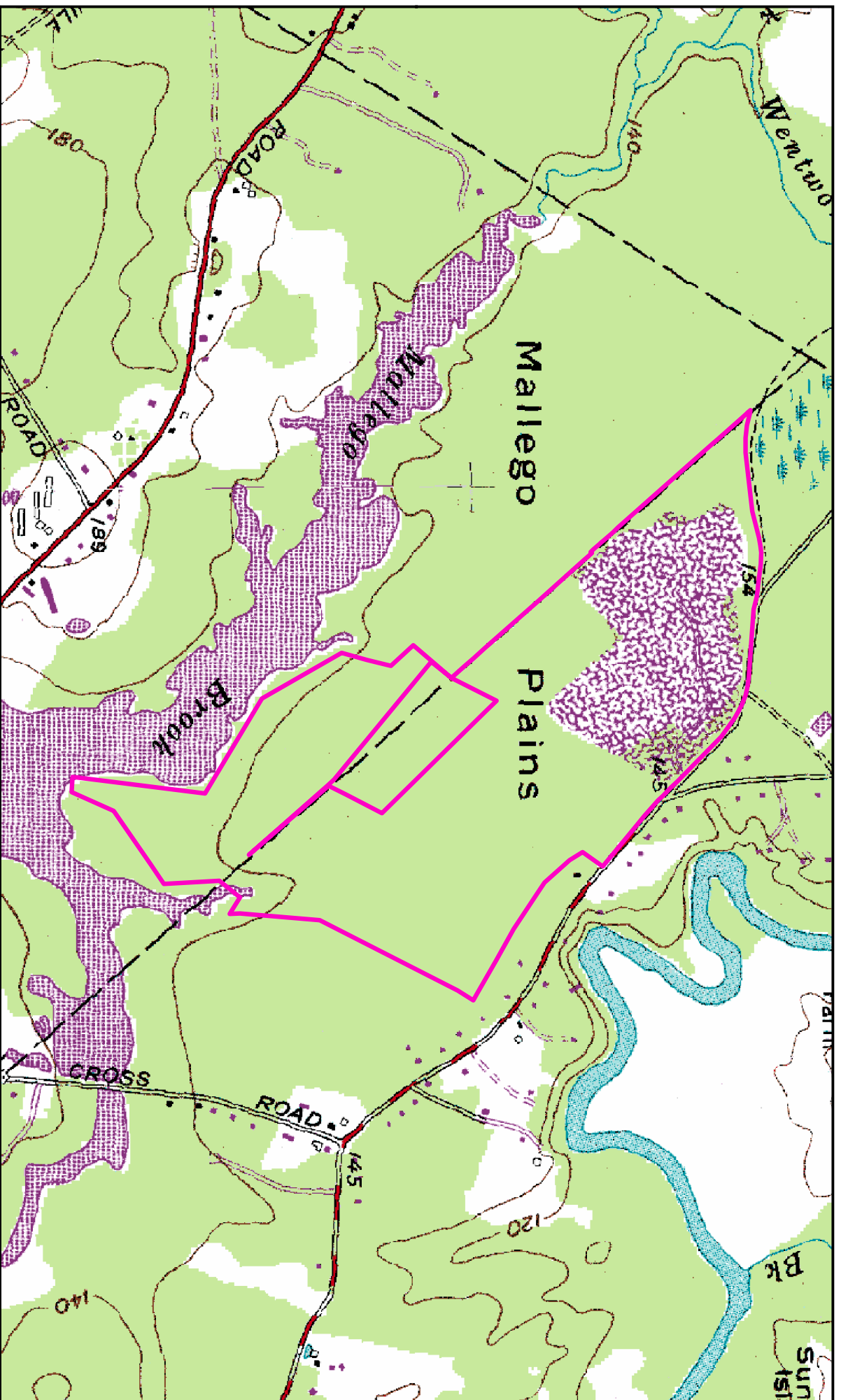
172 Pembroke Road, Concord, NH 03301

Phone: (603) 271-2214 Fax: (603) 271-6488

Rank prefix: G = Global, S = State, T = Global or state rank for a sub-species or variety (taxon)
Rank suffix: 1-5 = Most (1) to least (5) imperiled. "-", U, NR = Not ranked, B = Breeding population, N = Non-breeding, H = Historical, X = Extirpated.

A negative result (no record in our database) does not mean that no rare species are present. Our data can only tell you of known occurrences, based on information gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed for certain species. An on-site survey would provide better information on what species and communities are indeed present.

NOTE: This review *cannot* be used to satisfy a permit or other regulatory requirement to check for rare species or habitats that could be affected by a proposed project, since it provides detailed information only for records actually on the property.



Natural Heritage Bureau Landowner Report

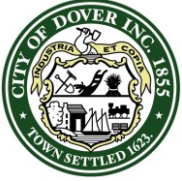
Project ID Number: 3379

NOTE: Any rare species and/or exemplary natural communities in this area are not shown unless they occur, at least in part, within the property bounds.



	<i># of Records</i>
Property Bounds	
Plant Occurence	0
Animal Occurence	0
Natural Community	0
Ecological System	0





CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2020.08.12 – 129**

Resolution Re: Ensuring Public Awareness About the Importance of Wearing Face Coverings and Requesting All Those Able to Wear Face Coverings in Public

- WHEREAS: The condition known as coronavirus disease 2019 (“COVID-19”), which is caused by the novel coronavirus (SARS-CoV-2), is presently affecting individuals throughout the United States and the State of New Hampshire; and
- WHEREAS: COVID-19 is potentially fatal, predominantly but not exclusively for those at high risk; and
- WHEREAS: Continuing study into COVID-19’s non-fatal effects increasingly reveals damage, including long-term irreversible damage, to various human organs, including the lungs, heart, and possibly the brain and other organs or organ systems; and
- WHEREAS: On March 13, 2020, Governor Christopher Sununu issued Executive Order 2020-04, declaring a state of emergency in New Hampshire with respect to COVID-19 (novel coronavirus); and
- WHEREAS: The Governor, the federal Centers for Disease Control and Prevention (“CDC”), President Trump, and the World Health Organization (“WHO”) have issued or recommended further restrictions aimed at minimizing exposure to the novel coronavirus, including social distancing, hygienic practices (*e.g.*, handwashing), and, now, face coverings; and
- WHEREAS: Having had the opportunity to study the virus for several months, the CDC has confirmed that the virus spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (*e.g.*, shouting, chanting, singing); and
- WHEREAS: The CDC has also confirmed that a significant number of those infected with the virus are either asymptomatic or pre-symptomatic, yet can still readily transmit the virus to others unknowingly; and
- WHEREAS: Multiple independent studies confirm, and agree, that widespread wearing of face coverings helps drastically reduce transmission of the virus to others by (i) reducing the amount of viral load exhaled or expelled into the air surrounding an infected person, and (ii) reducing the distance which that viral load travels or can travel; and
- WHEREAS: Face coverings, and particularly medical grade ones, may also help protect the wearer to some degree; and
- WHEREAS: Guidance from medical experts across the country strongly recommends the wearing of face coverings when in public, and particularly where a person is not able to maintain adequate distance from another person; and



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2020.08.12 – 129**

Resolution Re: Ensuring Public Awareness About the Importance of Wearing Face Coverings and Requesting All Those Able to Wear Face Coverings in Public

WHEREAS: It is incumbent upon every resident and visitor in the City of Dover to take all measures reasonably possible to protect the public health; and

WHEREAS: The purpose of this resolution is to ensure public awareness of the importance of face coverings, as well as ensure business owners are aware that they have the right, as a property owner or possessor, to control the manner of use of their property.

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

All residents and visitors within the City of Dover who are medically able to are hereby requested, in the strongest of terms, to wear appropriate face coverings while in public. Face coverings should cover the nose and mouth of the person wearing it.

AND, BE IT FURTHER RESOLVED THAT:

All business owners and places of public accommodation, to the extent not already covered within guidance issued by the Governor, are requested to develop policies and procedures, including appropriate signage or notices, urging or requiring visitors to wear face coverings.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2020.08.12 – 129**
Resolution Re: Ensuring Public Awareness About the Importance of Wearing Face Coverings and Requesting All Those Able to Wear Face Coverings in Public

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The CDC's current guidance concerning face coverings can be found at [this link](#).

The WHO's guidance and information can be found at [this link](#).



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2020.08.12 – 130**

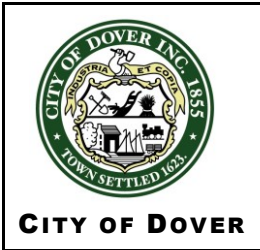
Resolution Re: Formation of Ad Hoc Committee to Study Stormwater and Flood Resilience Funding

- WHEREAS: Stormwater (rainwater or meltwater) travels across rooftops, roads, parking lots and other impervious surfaces in the City of Dover; and
- WHEREAS: The City of Dover’s stormwater discharges are regulated by the United States Environmental Protection Agency’s (“EPA”) Small Municipal Separate Stormwater Sewer Systems (“MS4”) permit; and
- WHEREAS: Climate change is, or is expected to, result in increased coastal flooding, as confirmed by recent studies by the New Hampshire Department of Environmental Services (“NHDES”) and other organizations; and
- WHEREAS: The City Council conducted a workshop meeting on August 5, 2020, with a presentation by representatives of the NHDES and the Piscataqua Region Estuaries Partnership (“PREP”), during which NHDES and PREP outlined the need for communities, particularly those in the Seacoast region, to explore funding for the present and future management of stormwater and planning/responses to coastal flooding; and
- WHEREAS: By this resolution, an ad hoc advisory committee is created, to be called the Committee to Study Stormwater and Flood Resilience Funding, in order to investigate, study, and identify and make recommendations to the City Council concerning various funding opportunities that may exist with respect to existing needs and future stormwater and flood resilience management planning.

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

A Committee to Study Stormwater and Flood Resilience Funding is hereby established and will be an ad-hoc, advisory committee to the City Council composed of fourteen members as follows:

- (a) Two City Councilors recommended by the Mayor and ratified by the City Council;
- (b) Two citizens at large recommended by the City Council’s appointments committee and ratified by City Council;
- (c) Two business owners or representatives in Dover recommended by the City Council’s appointments committee and ratified by City Council;
- (d) Two developers in Dover recommended by the City Council’s appointments committee and ratified by City Council;
- (e) Two commercial property owners in Dover recommended by the City Council’s appointments committee and ratified by City Council;
- (f) Two residential property owners in Dover recommended by the City Council’s appointments committee and ratified by City Council;
- (g) Two representatives of environmental advocacy programs or organizations recommended by the City Council’s appointments committee and ratified by City Council;



CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2020.08.12 – 130**

Resolution Re: Formation of Ad Hoc Committee to Study Stormwater and Flood Resilience Funding

AND, FURTHER BE IT RESOLVED THAT:

The Committee to Study Stormwater and Flood Resilience Funding will meet regularly, as deemed advisable, to assist the City Council with reviewing data, options, and other information, and ultimately will recommend to the City Council and City Manager whether to pursue one or more funding options with respect to existing needs and future stormwater and flood resilience management planning.

AND, FURTHER BE IT RESOLVED THAT:

The Committee to Study Stormwater and Flood Resilience Funding shall author and submit a final, written report to City Council no later than March 31, 2021, summarizing its findings, potential options, and the Committee's ultimate recommendations.

AND, FURTHER BE IT RESOLVED THAT:

The Committee to Study Stormwater and Flood Resilience Funding shall consult with NHDES and PREP representatives as deemed necessary and advisable.

AND, FURTHER BE IT RESOLVED THAT:

The Committee to Study Stormwater and Flood Resilience Funding shall adopt rules to be approved by the City Council and elect a Chair and Vice Chair from its membership; 8 members of the Committee shall constitute a quorum, and the Committee to Study Stormwater and Flood Resilience Funding shall determine an appropriate meeting schedule.

AND, FURTHER BE IT RESOLVED THAT:

The Committee to Study Stormwater and Flood Resilience Funding is established for a period of one year from the date of this resolution's adoption and may be extended by further act of the City Council, barring which the Committee to Study Stormwater and Flood Resilience Funding shall automatically lapse and cease to exist.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2020.08.12 – 130**

Resolution Re: Formation of Ad Hoc Committee to Study Stormwater and Flood Resilience Funding

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

Resolution Number: **R – 2020.08.12 – 130**

Resolution Re: Formation of Ad Hoc Committee to Study Stormwater and Flood Resilience Funding

RESOLUTION BACKGROUND MATERIAL:

New Hampshire passed legislation in 2008 enabling communities to form a so-called stormwater utility by vote of the local legislative body. (See [RSA 149-I:6-b](#) & [RSA 149-I:10-a](#)). To date, no community in New Hampshire has formed such a utility.

In 2010, the City of Dover established an advisory, ad-hoc committee to study the feasibility of a stormwater utility ([R-2010-04.28.052](#)). In 2011, that former committee completed its work. A resolution was introduced to establish a stormwater utility ([R-2011.01.26-014](#)), which failed to pass by vote on February 9, 2011. In November 2011, a final report was submitted to NHDES outlining the work of the City of Dover, including positive outcomes from the study. A copy of the November 2011 report can be accessed through [this link](#).

Separate from stormwater, but related, are coast flooding risks, which NHDES has increasingly called to the attention of communities in the Seacoast. By statute, NHDES has been instructed to study storm surge, sea-level rise, precipitation, and other relevant considerations commencing July 1, 2019 and every five years thereafter. See [RSA 483-B:22](#). NHDES has since issued a series of publications outlining the science related to these issues and recommended planning initiatives, copies of which are available at the links below.

Below are several informational links from NHDES and the City of Dover's website providing additional information on stormwater and coastal flooding:

- <https://www.des.nh.gov/organization/divisions/water/stormwater/utilities.htm>
- <https://www.des.nh.gov/organization/divisions/water/wmb/coastal/flood-risk-summary.htm>
- <https://www.dover.nh.gov/government/city-operations/planning/stormwater/>



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2020.08.12 – 131**

Resolution Re: B19065 (AKA B20061) Dover Community Trail Phase III

WHEREAS: A Sealed Request for Bid #B19065 (AKA B20061) was issued and received for construction services for the Dover Community Trail Phase III project on May 6, 2020 at 2:30 pm. A non-mandatory pre-proposal meeting was conducted virtually on April 15, 2020 at 11:00 am with five firms attending; and

WHEREAS: Three bid responses were received and reviewed for necessary qualifications, experience, skills, project understanding, approach and ability to comply with proposed scope of services. The low bid meeting specifications was submitted by S.U.R. Construction, Inc. of Rochester, NH in the amount of \$575,390.00; and

WHEREAS: Several items deemed non-essential in the amount of \$57,475.00 were removed from the proposal. It is the recommendation to proceed with a contract in the amount of \$517,915.00 to S.U.R. Construction, Inc.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to S.U.R. Construction, Inc. of Rochester, NH for the construction of Dover Community Trail Phase III at rates provided in conjunction with Bid #B19065 (AKA B20061). 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
4020.1.180.43122.4715.03370.20	Land Improvements	110,000.00	110,000.00
4015.1.180.43122.4715.03370.15	Land Improvements	522,609.58	418,821.72

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Mayor Robert Carrier
By Request

Approved as to Legal
Form and Compliance: Joshua Wyatt
City Attorney

Recorded by: Susan Mistretta
City Clerk



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2020.08.12 – 131**

Resolution Re: B19065 (AKA B20061) Dover Community Trail Phase III

DOCUMENT HISTORY:

First Reading Date:

Public Hearing Date:

Approved Date:

Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2020.08.12 – 131**

Resolution Re: B19065 (AKA B20061) Dover Community Trail Phase III

RESOLUTION BACKGROUND MATERIAL:

The City has received a Transportation Alternative Project (TAP) grant from New Hampshire Department of Transportation (NHDOT). This expansion project is Phase III of the Community Trail. The trail follows the ROW of the former Newington and Dover railroad line and is utilized by many users as the modal means of avoiding vehicular routes.

The phase is in two segments. Segment 1 is the construction at the Fourth Street Bridge adjacent to the Down East Energy property to get multi-purpose trail users up/down a fairly steep slope. Segment 2 is the construction of required railings, signage, and clearing in the rail bed between the Fisher Street to Central Ave/Route 108 Section of the Community trail.

This trail is both recreational in nature, as well as a clear alternative mode of transportation for users. Additionally, the completion of the trail will provide alternative access routes for low to moderate income residents to follow to reach mass transit options (Wildcat Transit, COAST, the Downeaster) at the Dover Transportation Center. Lastly, the completion of the trail will bring closure to this important civic project, which since 2001 has seen local Conservation, LCHIP, and TE monies, as well as volunteer hours and donations.

The current portions of the Dover Community Trail traverses former railroad bed, 12 feet wide. The proposed continuation of the project would connect two portions of the trail, which are gaps. The first gap is two thousand eighty-five feet (2,085') between Central Avenue and Fisher Street. Work identified on this portion has been designed and partially engineered. During the design process, a wetlands crossing was identified and discussions with NHDES confirmed permitting needs and ways to minimize impact on a small drainage brook area created by the former railroad.

The other portion of the grant work would create a trail head at the top of a sloped area on private land. Once in place, the trail head and a stair/ramp system, similar to one previously used on the completed portion of the trail, would be installed to improve access along the trail down a sloped area. This slope area would require permitting and review as it is within twenty-five feet (25') of the Cocheco River. Additionally, this portion of the trail currently has some drainage way crossings, which may be improved, and would need environmental review.

S.U.R.'s scope of services and revised proposal to remove non-essential items in the amount of \$517,915.00 is related to construction services associated with Dover Community Trail Phase III.

Bid Information:

A Sealed Request for Bid #B19065 (AKA B20061) was issued and received for the Dover Community Trail Phase III Construction project on May 6, 2020 at 2:30 pm. A non-mandatory pre-proposal meeting was conducted virtually on April 15, 2020 at 11:00 am with five firms attending.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution.



CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2020.08.12 – 131**

Resolution Re: B19065 (AKA B20061) Dover Community Trail Phase III

Purchasing Information:

Type:	Purchase Order	Advertised:	Yes
Invitations Emailed:	322	Number of Responses:	3
Warranty:	Per manufacturer	Terms:	Net 30, FOB Dover
Work Bonded:	Yes	Contract:	Yes
Prices will hold for:	Until completed	Estimated Delivery:	2020
Recommended Award to:	S.U.R. Construction, Inc.	Fund:	CIP
Other Approvals Required:	Yes, NHDOT, approval rec'd 7/1/20	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

[B19065 \(AKA B20061\) Bid Documents and Vendor Lists](#)

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.1. Ordinance Number: O – 2020.08.12 – 010 Ordinance Title: Boards, Commissions and Committees Chapter: 9 Section: 1 Establishment; general provisions 26 Licensing Board 27 Ethics Commission
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The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 9 Boards, Commissions and Committees, Section 1, Establishment; general provisions, to include references to the City’s Licensing Board and Ethics Commission, as well add new sections 26 and 27 to Chapter 9 clarify the other provisions of the City’s Code and Charter applicable to those bodies.

2. AMENDMENT

Chapter 9 entitled “Boards, Commissions and Committees” is hereby amended by revising Section 9-1, “Establishment; general provisions” as follows:

§ 9-1 Establishment; general provisions.

A. There shall be the following boards, commissions and committees in the City of Dover:
[Amended 2-12-2020 by Ord. No. 2020.01.08-001]

- (1) Board of Health.
- (2) Cemetery Board.
- (3) Library Board of Trustees.
- (4) Recreation Advisory Board.
- (5) Dover Arena Commission.
- (6) Personnel Advisory Board.
- (7) Planning Board.
- (8) Dover Utilities Commission.
- (9) Zoning Board of Adjustment.
- (10) Trustees of the Trust Funds.
- (11) Solid Waste Advisory Commission.
- (12) Dover Arts Commission.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2020.08.12 – 010**
Ordinance Title: Boards, Commissions and Committees
Chapter: 9
Section: 1 Establishment; general provisions
26 Licensing Board
27 Ethics Commission

- (13) Transportation Advisory Commission.
- (14) [Repealed]
- (15) Dover Business and Industrial Development Authority.
- (16) McConnell Center Advisory Committee.
- (17) Parking Commission.
- (18) Conservation Commission.
- (19) Dover Pools Advisory Committee.
- (20) Dover Housing Authority.
- (21) Energy Commission.
- (22) Downtown Dover Tax Increment Finance Advisory Board.
- (23) Waterfront Tax Increment Finance Advisory Board.
- (24) Heritage Commission.
- (25) Licensing Board.
- (26) Ethics Commission.

3. AMENDMENT

Chapter 9 entitled “Boards, Commissions and Committees” is hereby amended by adding Section 9-26 “Licensing Board” and Section 9-27, “Ethics Commission” as follows:

§9-26 Licensing Board.

The membership and duties of the Licensing Board shall be as provided in Chapter 97, Licensing, of the Code of the City of Dover.

§9-27 Ethics Commission.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.1.

Ordinance Number: **O – 2020.08.12 – 010**
Ordinance Title: Boards, Commissions and Committees
Chapter: 9
Section: 1 Establishment; general provisions
26 Licensing Board
27 Ethics Commission

The membership and duties of the Ethics Commission shall be as provided in §C11-5 of the City Charter.

4. TAKES EFFECT

This ordinance shall take effect upon 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 Robert Carrier
By Request

Approved as to Legal Form and Compliance: Joshua M. Wyatt
City Attorney

Recorded by: Susan M. Mistretta
City Clerk

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.1. Ordinance Number: O – 2020.08.12 – 010 Ordinance Title: Boards, Commissions and Committees Chapter: 9 Section: 1 Establishment; general provisions 26 Licensing Board 27 Ethics Commission
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DOCUMENT HISTORY:

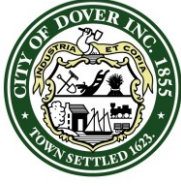
First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Ciotti		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance is intended to update the City's list of existing boards and commissions in Chapter 9 by including a reference to the City's existing Licensing Board (established in Chapter 97 of the City's Code) and the City's existing Ethics Commission (established by the City's Charter).

 CITY OF DOVER	CITY OF DOVER - ORDINANCE Agenda Item#: 13.C.2. Ordinance Number: O – 2020.08.12 – 011 Ordinance Title: Streets and Sidewalks Chapter: 125 Section: 9 Permit Required to Obstruct Public Road or Sidewalk
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The City of Dover Ordains:

1. **PURPOSE**

The purpose of this ordinance is to amend Chapter 125 Streets and Sidewalks, Section 9, Permit Required to Obstruct Public Road or Sidewalk, in order to align same with amendments to Chapter 97 of even or near even date with this ordinance.

2. **AMENDMENT**

Chapter 125 entitled “Streets and Sidewalks” is hereby amended by revising Section 125-9 “Permit Required to Obstruct Public Road or Sidewalk” as follows:

§ 125-9 Permit required to obstruct public road or sidewalk.

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, licenses or permits pursuant to RSA 31:100 (entitled “Street Fairs”) and RSA 286:2 (entitled “Theatricals; Parades; Meetings”)~~block parties, parades, and road toll permits~~ may be issued by the Licensing Board~~City Council, upon the recommendation of the Police Department, subject to~~ in accordance with Chapter 97, Licensing, of the Code of the City of Dover.

3. **TAKES EFFECT**

This ordinance shall take effect upon 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 Robert Carrier By request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#: 13.C.2.

Ordinance Number: **O – 2020.08.12 – 011**
Ordinance Title: Streets and Sidewalks
Chapter: 125
Section: 9 Permit Required to Obstruct Public Road or Sidewalk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Robert Carrier		
Councilor Michelle Muffett-Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor John O'Connor, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

This ordinance relates to separate textual amendments being presented in an ordinance amending Chapter 97 of the City's Code, which sets forth the authority and duties of the City's Licensing Board. The overall intent is to update the City's Code to clarify the role and authority of the Licensing Board throughout the Code.