



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover NH 03820
Meeting Date: **Tuesday, March 8, 2022**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- February 22, 2022 Regular Meeting Minutes

3. OLD BUSINESS

4. NEW BUSINESS

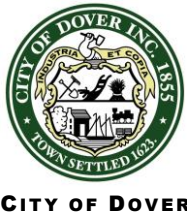
- A. Consideration and acceptance of a Subdivision using Transfer of Development Rights for DRVP Developers, LLC, Assessor's Map 14, Lot 10-G, zoned R-12, and located at Porch Light Drive. (Proposal is to convert existing 10 lot subdivision to a 9-lot subdivision with duplex construction and purchasing an additional 2 units using TDR). *(P19-80B)
- B. Consideration and possible vote on posting the proposed Amendments to Chapter 153 (Site Review Regulations). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.
- C. Consideration and possible vote on posting the proposed Amendments to Chapter 157 (Land Subdivision Regulations). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.
- D. Consideration and possible vote on posting the proposed Amendments to Chapter 170 (Zoning). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.

5. STAFF COMMENT

6. MEMBER COMMENTS

7. ADJOURNMENT

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>. The public is encouraged to leave comments in advance by emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, February 22, 2022**
Meeting Time: **7:00 pm**

Members Present: Fergus Cullen (Councilor), Tom Clark, Dave White, Kyle Pimental, Frank Torr, Dave Landry, Stephanie George (Alternate),

Members Not Present (excused): Gina Cruikshank (Chair), Mark Speidel, Erinn Reville (Alternate), Hayley Harmon (Vice Chair), Jackie Walker (Alternate)

Members Not Present (un-excused): None

Staff Present: Donna Benton, Director of Planning and Community Development

D. Landry called the meeting to order at 7:02 p.m. and noted he will sit for G. Cruikshank as Chair, K. Pimental will sit for H. Harmon as Vice Chair and S. George will sit for M. Speidel.

1. CITIZENS' FORUM

Citizens Forum Open

None

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

February 8, 2022 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes. Seconded by D. White. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Consideration and acceptance of a Site Review for the City of Dover, Assessor's Map D, Lot 1, zoned R-40, and located at 40-42 Smith Well Road. (Proposal is for an additional water storage tank). *(P22-02)

D. Benton explained that the City is looking to construct a new water tower to go online to allow the Garrison Hill water tower to be refurbished. The new water storage tank will be on the current Smith Well city-owned property. Part of this project is also running utilities to the existing Smith Well House and improving Smith Well Road for Fire Department access. Balloon tests were done and photo simulations are included from different viewpoints. The application appeared before the TRC on January 27, 2022. Per RSA 674:54, relief is not needed for the groundwater protection or building height.

Bill Boulanger, Deputy Community Services Director, represented the application. A major rehaul is scheduled for the existing water tower. In anticipation of that, they would like another tank for redundancy while they take the existing tank off-line.

Motion: F. Torr moved to accept and declared no regional impact. Seconded by D. White. Vote: U/A.

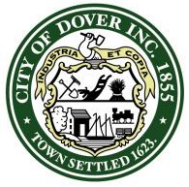
Public hearing opened.

None

Public Hearing closed.

STAFF RECOMMENDATION:

RSA 674:54 provides for Planning Board review of governmental land uses with nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations.



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Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following non-binding conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide:
 - a. a digital version of plan set
 - b. a CAD to the satisfaction of the Asset Management Administrator
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat.
 - b. Add LLS, PE and Architect signatures/stamps to final plan.
 - c. Add note that "no trespass" related signage for the water tower area will be added to the fence area and access road entrance
 - d. Provide generator distance/booster and site access to the satisfaction of the Building Official.
 - e. Add all applicable common site plan notes to the satisfaction of the Planning Director.

Conditions to Be Met Prior to any Construction Activity:

3. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer.
4. A pre-construction conference is held with representatives from the site excavation firm, Engineering Office, Planning Department, and Inspection Services.

Conditions to Be Met Prior to Issuance of a Building Permit:

5. Applicant shall pay sewer investment fee at time of request for service.

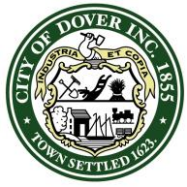
Conditions to Be Met Prior to Occupancy:

6. Issuance of a certificate of occupancy.

Motion D. White moved to approve the site plan application with the recommended conditions. Seconded by F. Cullen. Vote: U/A

- B. Consideration and acceptance of a Conditional Use Permit for American Durafilm Co., Inc. (Owner: AD Dover, LLC.), Assessor's Map D, Lot 11-1, zoned IT, located on Innovation Way and Venture Drive. (Proposal is to increase the amount of fill to improve the foundation support, creating an additional 553 square feet of impact to the wetland buffer increasing the previously approved impact of 7,419 square feet to 7,972 square feet). *(P22-06)

D. Benton noted that the Board conditionally approved a CUP and Site Plan for American Durafilm at their September 28, 2021 meeting. The applicant and their engineer have discovered that an additional 553 square feet of wetland buffer impact is necessary thus increasing the wetland buffer impact from 7,419 s.f. as approved to 7,972 s.f. as requested. The applicant is looking to increase the amount of fill to improve the foundation support. This is part of the site plan for a new manufacturing building and associated parking and drainage facilities. Since it was an increase to the amount of wetland buffer impacted, Conservation



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Commission reviewed and endorsed the new CUP application at their February 14, 2022 meeting (minutes attached).

Jase Gregoire, CivilWorks NE represented the application.

Motion: F. Torr moved to accept the application and noted that this is not a development of regional impact. Seconded by D. White. Vote: U/A

Public Hearing Opened.

None

Public Hearing Closed.

STAFF RECOMMENDATION:

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Staff feels that the applicant considered the criteria when designing the plan by placing the building as close to Innovation Way as possible, that wetland impacts have been avoided and that the wetland buffer with the primary impacts is an isolated wetland that is not connected to the larger wetlands to the northwest. The building placement is the only practicable alternative and the impacts were minimized such that no building or parking is in the buffer. Staff believes this proposal is consistent with the standards.

The Planning Department recommends the Planning Board vote to approve the application with the following conditions:

Condition to be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with:
 - a. Electronic copy of the revised impact plan including in PDF and DWG formats
 - b. Four full size copies of the plan.

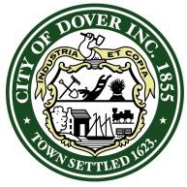
Motion: D. White moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by F. Torr. Vote: U/A

- C. Consideration and possible vote on posting the proposed Amendments to Chapter 153 (Site Review Regulations). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.

D. Benton reviewed all of the potential amendment language with the Board. The board members asked clarifying questions throughout and gave opinions on the topic of wildlife and habitats and whether the board has the authority to deny applications if information on wildlife habitats is presented.

D. Landry asked procedural questions and gave opinions about the process for abutter lists for Planning Board applications.

K. Pimental agreed it could be beneficial to have abutter input earlier in the process, but the public should be educated as to what their role is as an abutter in those earlier stages. For example, it may be beneficial for abutters to listen and become educated about applications at TRC, but that is not a forum for back-and-forth discussion or testimonies like it is at the Planning Board stage.



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D. White agreed and clarified that TRC is for staff members to review technical plans. Though the public is welcome to attend, there is no forum for public speaking.

Motion: D. White moved to table the posting until the March 8th, 2022 regular meeting. Seconded by F. Cullen. Vote: U/A

D. Consideration and possible vote on posting the proposed Amendments to Chapter 157 (Land Subdivision Regulations). The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.

D. Benton reviewed all of the potential amendment language with the Board.

Motion: D. White moved to table the posting until the March 8th, 2022 regular meeting. Seconded by T. Clark. Vote: U/A

5. STAFF COMMENTS

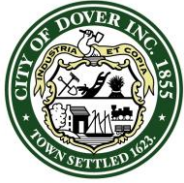
- No TRC since your last meeting but coming up there is 239 Knox Marsh Road, Unitil at 55 Applevale, a subdivision at 53 & 65 Tolend Road and 22 Sun Hawk Lane, and then the waterfront on March 10th.
- Fee schedule-annually staff reviews fees. Last year we increased them based on similar community fees, this year we are only proposing to increase the TDR fee from \$13,402 to \$15,000 based on an analysis after the Arch Street appraisal for acres conserved. Unless the Board objects, that is what the Department will present as part of the fee schedule in FY23.
- Congratulations to Jackson in the Planning Office and E.Reville who were married today.
- Wished Dave White well in his retirement.

11. MEMBER COMMENTS

- The Chair signed plans for the McIntosh Commons project.
- D. Landry thanked D. White for all of his years of service.

12. ADJOURNMENT

Motion: D. White moved to adjourn at 8:09pm. Seconded by T. Clark. Vote: U/A



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P19-80B

Application Type: TDR Subdivision
Applicant(s): DRVP Developers LLC
Owner(s): DVRP Developers LLC
Location: Cataract Ave (Assessor's Map 14, Lot 10-G)
Meeting Date: March 8, 2022

INTENT: To convert existing 10-lot subdivision to a 9-lot subdivision with duplex construction and purchasing an additional 2 units using TDR.

LOTS/UNITS PROPOSED: Duplexes, 18 Units

AGENDA ITEM: # 4-A

ACREAGE: 5.25±

ZONING DISTRICT: R-12

EXISTING LAND USE: Vacant

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential and Bellamy River

ZBA ACTION: None

ATTACHMENTS: Re-Subdivision Plan

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Abutter notices were sent by verified or first class mail to all abutters for this meeting

PERMITS REQUIRED:

- NHDES Wetlands Permit
- NHDES Shoreland Permit
- EPA NOI
- NHDES Sewer Discharge Permit
- NHDES AOT

WAIVER REQUESTED:

Previously Road length (§ 157-33.J)

Summary of Request and Background

On February 25, 2020 the Board approved the application for a subdivision of a vacant 5.25 acre lot on Cataract Ave.

In 2021, the Planning Board recommended to the City Council and the City Council approved an amendment to allow duplexes in the R-12 district by right. The applicant is coming back to the Board to reduce their previously approved subdivision from 10 lots to 9 lots. The applicant previously purchased two units, using TDR, and is now requesting to purchase another two units to total 18 units or 9 duplex lots.

The site is served by municipal water and sewer and was reviewed by the Technical Review Committee most recently on January 16, 2020.

Consistency with Land Use Regulations

Chapter 170-27.2 provides for additional density to be purchased through Transfer of Development Rights. This applicant is consistent with those regulations.

Chapter 157-15 (formerly 155-15) of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. Section 157-51 (formerly 155-51) allows the Board to grant waivers. Section 170.27.2 allows additional units to be purchased through Transfer of Development Rights.

STAFF RECOMMENDATION- Waiver:

The Planning Department recommends that the Planning Board accept the application, open the public hearing, and vote to grant the waiver with the following condition:

Condition to be Met Prior to the Signing of the Plans:

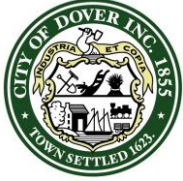
- 1.) Add a note that the PB approved a waiver to allow a road length of less than 500' and that the Board found criteria to Chapter 157-51.A have been met.

STAFF RECOMMENDATION- TDR:

The Planning Department recommends that the Planning Board vote to approve the selling of two additional units through TDR with the following condition:

Condition to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$13,402)



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PLANNING BOARD - STAFF MEMO FILE #P19-80B

Application Type: TDR Subdivision
Applicant(s): DRVP Developers LLC
Owner(s): DVRP Developers LLC
Location: Cataract Ave (Assessor's Map 14, Lot 10-G)
Meeting Date: March 8, 2022

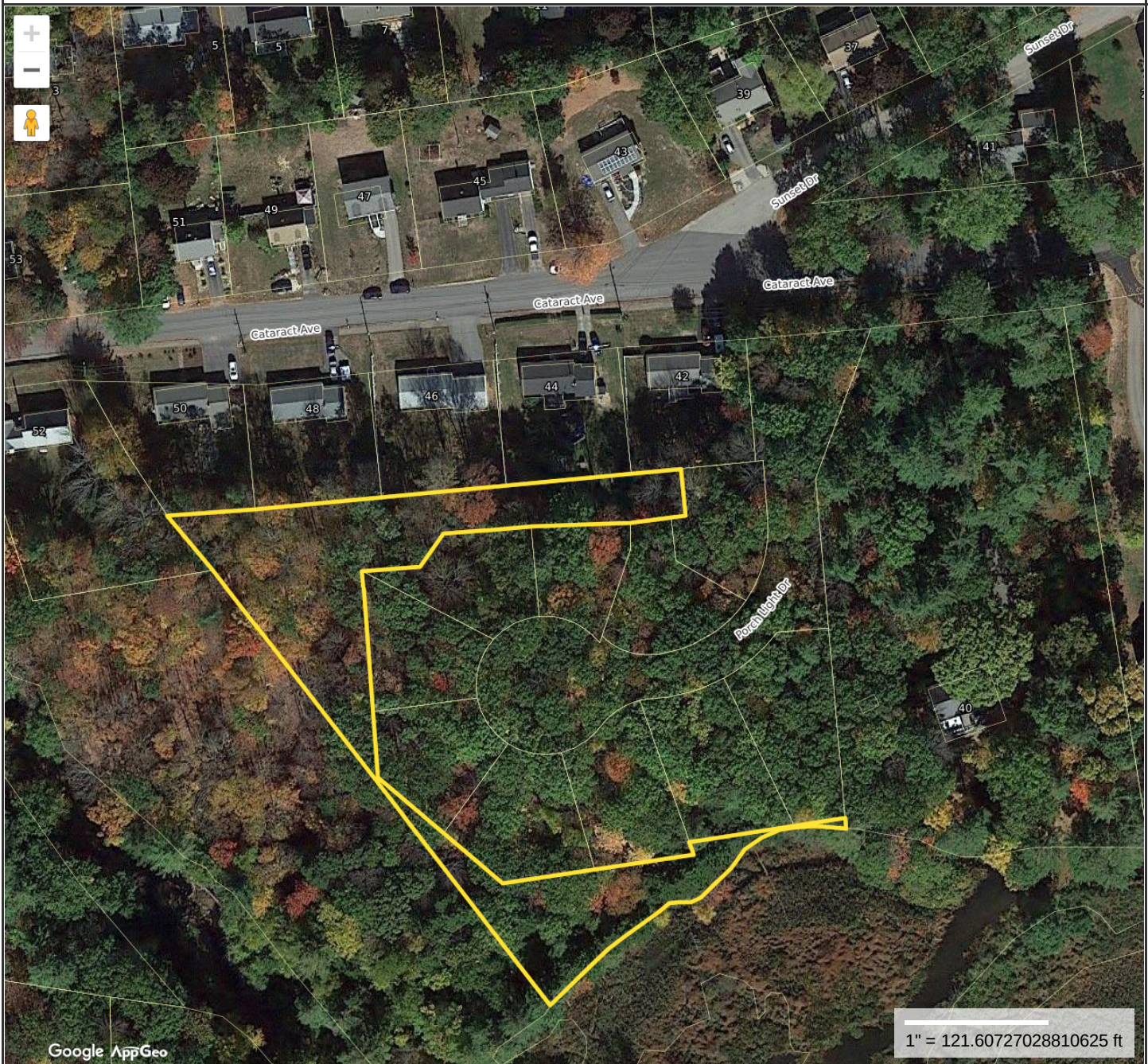
STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board vote to approve the amended subdivision with the following conditions:

Conditions to be Met Prior to the Signing of the Plans:

- 1) All conditions for P19-80 and P19-80A still be addressed including before Building Permit and Occupancy.
- 2) Add a note to the plan that this approval supersedes the previous approval.
- 3) Revise note 9 regarding units to be size restricted.
- 4) Add note about previous CUP (P19-81) for work in wetland and wetland buffer was approved.
- 5) Submit revised HOA documents to be reviewed by the Planning Director with consultation from the City Attorney.
- 6) Add Planning File P19-80B to the final plan set.

Porch Light Drive



Property Information

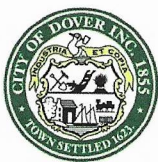
Property ID 14010-G00000
Location PORCH LIGHT DR
Owner DRVP DEVELOPERS LLC
Land Use 911

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 5/3/2021
Data updated Daily

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.



City of Dover, New Hampshire SUBDIVISION APPLICATION

[Revision Date: July 1, 2021]

Office Use Only

Project #:

Date Received:

Amount Paid:

Time Received:

APPLICANT AND OWNER INFORMATION

Name of Applicant: DRVP Developers LLC Telephone # 742-2121

Address of Applicant: 242 Central Ave, Dover, NH 03820

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

Address of Property Owner: _____

E-Mail Address: dave@centralfallsrealty.com

PROPERTY INFORMATION

Address of Property: Porch Light Drive

Assessor's Map # 14 Lot(s) # 10-G

Zoning District(s) R-12 Overlay District(s) WETLANDS AND CONSERVATIONS DIST.

Size of Parcel: 228,717 Property Deed: Book 4664 Page: 948

Existing Use of Property: SINGLE FAMILY SUBDIVISION

SUBDIVISION INFORMATION

Subdivision Type: Conventional: _____ Open Space: _____ TDR: ☒ RE-SUBDIVISION

Existing Number of Lots: 10 Proposed Number of Lots: 9

TDR Relief sought (Check All That Apply): ☐ Lot Size ☐ Frontage ☐ Setback ☐ 30' Buffer ☒ Purchase 2 units

Describe Proposed Use or Activity that requires TDR; describe any impacts and document mitigation:

Convert and existing 10 lot subdivision to a 9 lot subdivision with duplex construction. Purchase an additional 2 TDR units

Circle one for each category:

Water: City/Well (circle one) How far is city water from the property? _____

Sewer: City/Septic (circle one) How far is city sewer from the property? _____

Highway Access: City Street/State Highway (circle one) | Roadway Public or Private Road (circle one)

Refuse removal: Public/Private (circle one) | Estimated Length of Proposed Road: 702 feet

Estimated value of construction: 600,000 New impervious area (in s.f.): 0 (reduction)

WAIVER REQUESTS

Subdivision Regulations section(s) to be waived: None

Justification for waiver request(s) (attach additional sheets as needed): _____

SURVEYOR INFORMATION

Berry Surveying & Engineering
Kenneth A. Berry LLC]

Name of Surveyor and Company (Licensed in N.H.) Christopher R. Berry Project Manager

Address 335 Second Crown Point Road Telephone #: 603-332-2863
Barrington, NH 03820

Professional License #: 805 E-mail address: crberry@metrocast.net

ENGINEER INFORMATION

Name of Engineer and Company (Licensed in N.H.) same

Address _____ Telephone #: _____

Professional License #: 14243 E-mail address: _____

LANDSCAPE ARCHITECT INFORMATION

Name of Landscape Architect and Company (Licensed in N.H.) _____

Address _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

SOIL SCIENTIST INFORMATION

Name of Soil Scientist and Company (Licensed in N.H.) _____

Address _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

CONSERVATION EASEMENT HOLDER

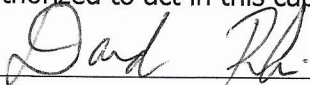
Name of Easement Holder: _____ Telephone # _____

Address Easement Holder: _____

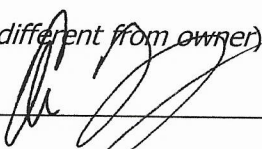
SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. Furthermore, I/We submit that the existing conditions sheet of the plan represents the lot in question, and that no alteration of the site shall take

place during Planning Board review up to and including the pre-construction meeting. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

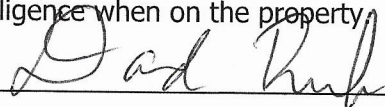
Signature of Property Owner:  Date: 2-15-22

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

Signature of Agent:  Date: 2-15-22

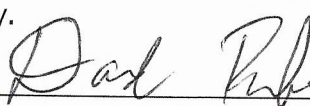
AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  Date: 2-15-22

AUTHORIZATION TO COMPLETE THE PROJECT ON SUBJECT PROPERTY

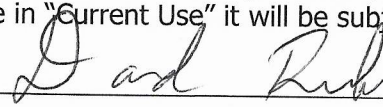
I, and my successors, hereby authorize the City of Dover and its assigns to enter my property for the purpose of completing the site work as required by the approved plan should the letter or credit or other surety be called. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  Date: 2-15-22

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

CERTIFICATION OF FEES

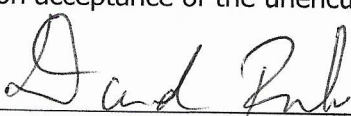
I, and my successors, hereby certify that I understand that the City of Dover collects impact fees, utility investment fees and inspection fees for projects developed in Dover. Said fees must be paid before a Certificate of Occupancy can be obtained for a structure, unless a different payment schedule is agreed to by the applicant and the City prior to approvals being issued by the Dover Planning Board. Additionally, should the property be in "Current Use" it will be subject to the Land Use Change Tax.

Signature of Property Owner:  Date: 2-15-22

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

CERTIFICATION OF PUBLIC ROADWAY ACCEPTANCE

I, and my successors, hereby certify that I understand that the acceptance of a roadway as a public road is an action of the City Council in its sole and complete discretion. In order for the City Council to consider accepting a road as public, it must be free of encumbrances. No roadway with private utility easements shall be accepted as a public road by the City unless the easements are expunged prior to the transfer of land to the City. License agreements for any and all private utilities within the right of way may be granted by the City upon acceptance of the unencumbered roadway consistent with applicable state law.

Signature of Property Owner:  Date: 2-15-22

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



City of Dover, New Hampshire SUBDIVISION SUBMISSION CHECKLIST

[Revision Date: May 18, 2019]

This review checklist is intended to assist the applicant in the planning process of preparing a Subdivision application for Planning Board action. The size of the project will determine the types of information required for review, therefore, a **pre-application conference** with the Planning Department to determine the list of items that must be completed is strongly encouraged.

The first step would be to appear before the Technical Review Committee, to apply, eight (8) folded copies of the site plan with scale of not less than 1"=50' or 1"=100' for larger site plans, need to be provided, along with payment of plan review fees.

Two weeks prior to Planning Board, three (3) full size and twelve (12) half size (11x17), folded, copies of the plan set and materials, including response to TRC comments, will be due. Abutter/Notice Fees will be invoiced and need to be paid 28 hours prior to the Planning Board meeting.

The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all subdivision requirements. Please refer to the Subdivision Regulations for full details.

APPLICANT: DRVP File Number: _____

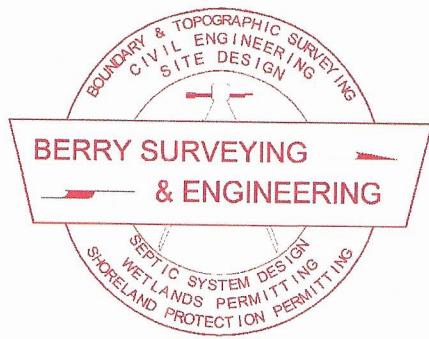
PROJECT TITLE: Porch Light Drive

PROPERTY LOCATION: Off Cataract Tax Map: 14 Lot: 10-G

	Where/How Provided	Reviewed
1. Completed and signed Application form	X	
2. Plan Review Fees are provided	X	
3. Electronic copy of the surveyed plat layout	X	
4. Electronic copy of supplementary materials and application	X	
5. Traffic Impact Assessment and Analysis (Standard or Advanced)	N/A	
6. Waiver requests to the Subdivision Regulations, with written justification	N/A	
7. Conditional Use Permit applications	N/A	
8. Narrative describing yield plan and cost analysis	N/A	
9. Folded copies of subdivision plan w/scale of not less than 1"=50' or 1"=100' for larger subdivisions. Plans shall contain the following items as appropriate:		
Location map at appropriate scale	X	
Proposed subdivision name and title and Planning File #	X	
Date, north arrow and scale	X	
Names of all abutting property owners	X	
Name and address of owners and/or applicants	X	
Signature & stamp of NH licensed land surveyor and/or engineer	X	
Zoning District boundaries, including any special or overlay districts	X	
Location of Conservation District areas	X	
Location, names and widths of existing and proposed streets, including pavement widths, grades, curbs and crosswalks	X	
Location and widths of existing & proposed easements & right of ways	X	
Location and widths of existing and proposed sidewalks	X	
Existing and proposed property lines with dimensions and bearings tied into Dover's Geographic Information System coordinate system	X	
Existing and proposed lot areas in square feet	X	
Existing and proposed topographic information at two foot intervals	X	
Minimum building setbacks or build to lines on all lots	X	

	Explain How Provided	Reviewed
Existing and proposed buildings and structure locations	x	
Location and size of existing and proposed electric, telephone, gas cable and other underground utilities	x	
Existing and proposed water lines and fire hydrants, including materials and capacity needed	x	
Location and materials of sanitary sewage facilities within project site and projected additional peak hour sewer load	x	
Existing and proposed septic system, including test pit locations and results and NHDES subdivision permit number	x	
Existing and proposed stormwater lines and facilities	x	
Existing and proposed streetlights	x	
Location of Flood Hazard Zone	x	
Location of all bodies of water and watercourses	x	
Location of wetlands and buffers	x	
Neighborhood plan with aerial underlay showing how project relates to abutting uses	x	
Existing natural features and/or significant vegetation on property	x	
Depict existing contours up to 100 ft. beyond project limits	x	
Soil types	x	
Map and lot numbers for existing and proposed lots as assigned by Tax Assessor	x	
Location of all land offered for dedication for public use or land to be held in common by property owners of the subdivision	x	
Location of all land offered for dedication for public use or land to be held in common by property owners of the subdivision	x	
Location, material and size of existing and proposed permanent monuments	x	
Existing railroad lines	N/A	
Note regarding solid waste disposal	x	
All applicable Dover Common Subdivision notes	x	
10. Construction Detail Sheets shall contain the following:		
Profiles showing existing & proposed elevations along the center lines of proposed streets & within 100' of intersections with existing streets		
Profiles showing the locations & a typical cross-section detail of streets		
Location of street trees, street lighting poles and street signs		
Location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants		
Location and size of all water, gas and other underground utilities		
11. Additional Information if appropriate		
Stormwater Management Plan depicting the existing and proposed storm drainage system and engineered drainage analysis		
Stormwater Management System Operation and Maintenance Plan		
Letter to Serve from Public and Private Utilities		
Erosion and Sedimentation Control Plan		
Perimeter Landscaping Plan		
Proposed restrictive covenants or homeowners association documents		
Dates and permit numbers of all required state and federal permits		
If wetland buffer, indicate placards locations, as applicable		
Hydrogeologic study if located in Groundwater Protection Zone		
Provide additional exhibits/technical data determined appropriate by the Planning Board or its staff as required		

REVIEWED BY: _____ DATE _____ TRC DATE _____



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

crberry@metrocast.net

February 15, 2022

City of Dover

Attention: Donna Benton Director of Planning and Community Development

288 Central Ave

Dover, NH 03820

Re: Proposed TDR development
DRVP Developers LLC
Cataract Ave.
Tax Map 14, Lot 10-G

Dear Mrs. Benton,

On behalf of our client DRVP Developers LLC, Berry Surveying & Engineering (BS&E) is submitting to the Dover Planning Board to modify the existing Porch Light Drive subdivision to convert to duplex development and purchase an additional two units through the TDR program.

Background and General Narrative:

DRVP Developers LLC, owns the parcel known as 40A Cataract Avenue in Dover, NH (Tax Map 14, Lot 10-G). Berry Surveying & Engineering and the applicant received approval to construct a 10-lot subdivision off from an internal road known as Porch Light Drive. Construction has commenced and the road is built to the binder paved surface with all utilities installed.

Since the approval, the zoning in the R-12 has changed to permit duplexes to be constructed on vacant lots so long as there is 18,000 SF of lot size or 9,000 SF per unit. With the available uplands area, the TDR calculation allows for the construction 7.64 duplex lots or 14 units. The applicant had purchased through the prior approval 2 additional units, which would now be built as a duplex on the revised plan. The proposal is to reduce the lot count by 1, purchase two additional units through TDR and built a 9th duplex within the project.

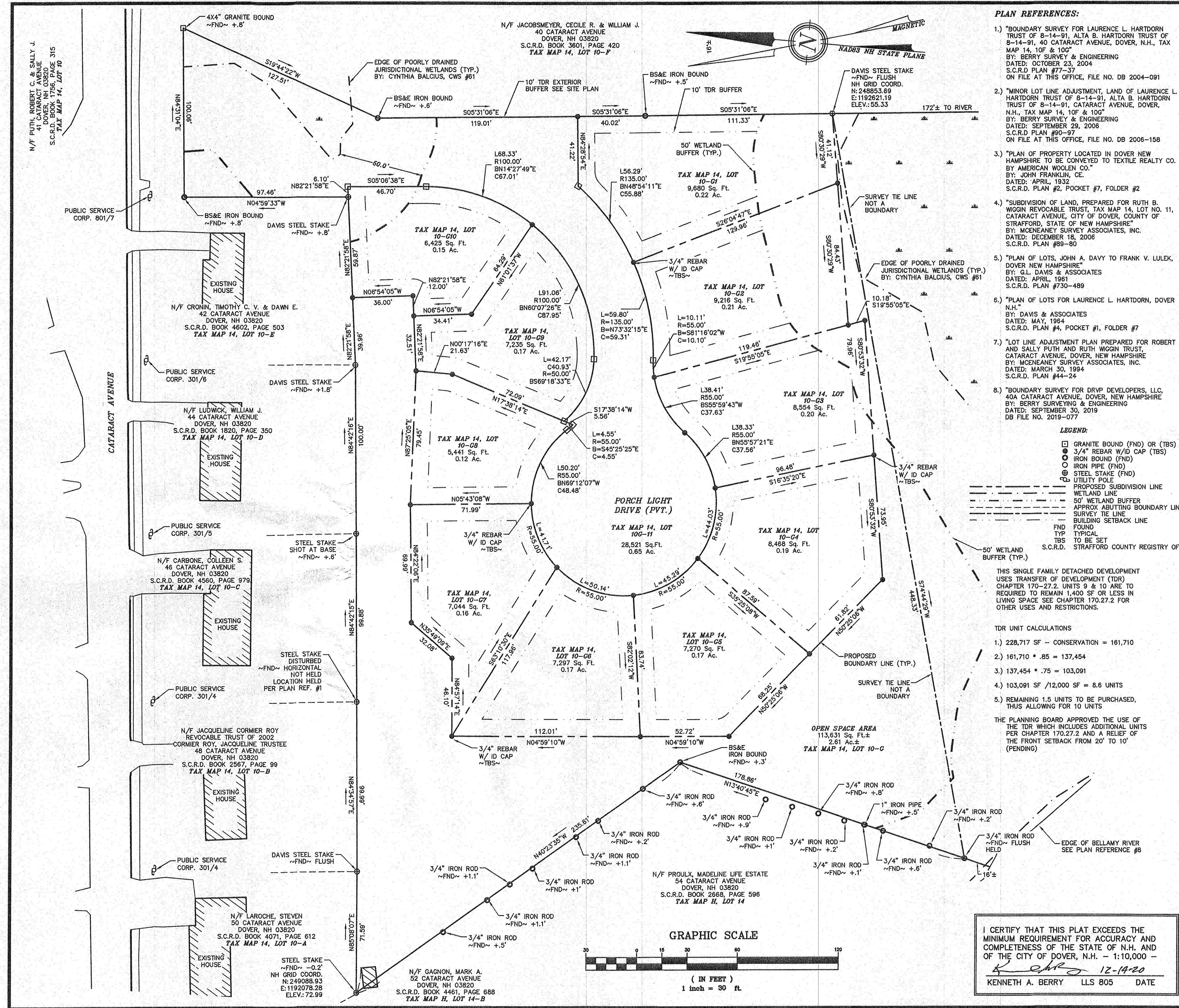
No other approvals are required other then the modification to the subdivision and the sale of the two units.

Respectfully Submitted,
BERRY SURVEYING & ENGINEERING

Christopher R. Berry
Principal, President

P19-80B Porch Light Drive

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
14005-M00000	43 CATARACT AV	CHOLEWINSKI DENNIS &	CODY GLORIA	43 CATARACT AV	DOVER	NH	03820
14006-000000	53 55 CATARACT AV	MORGAN ALLEN & EILEEN TRUSTEES	MORGAN ALLEN AND EILEEN IRREVOCABLE TRUS	53 CATARACT AV	DOVER	NH	03820-4335
14007-000000	51 CATARACT AV	STANSFIELD MARK		51 CATARACT AV	DOVER	NH	03820
14008-000000	49 CATARACT AV	KAY ALEXANDER &	SCOTT-KAY JACLYN R	49 CATARACT AVENUE	DOVER	NH	03820
14009-000000	47 CATARACT AV	KELLEY SAMUEL L &	MOYNIHAN ANNAH K	47 CATARACT AVE	DOVER	NH	03820
14010-A00000	50 CATARACT AV	DENNARD HOLLY MARIE		50 CATARACT AV	DOVER	NH	03820
14010-B00000	48 CATARACT AV	ROY CORMIER JACQUELINE REV TRUST	ROY CORMIER JACQUELINE TRUSTEE	48 CATARACT AVENUE	DOVER	NH	03820
14010-C00000	46 CATARACT AV	CARBONE COLLEEN S		46 CATARACT AV	DOVER	NH	03820
14010-D00000	44 CATARACT AV	LUDWICK WILLIAM J		44 CATARACT AV	DOVER	NH	03820
14010-E00000	42 CATARACT AV	CRONIN TIMOTHY C V &	CRONIN DAWN E	42 CATARACT AV	DOVER	NH	03820
14010-F00000	40 CATARACT AV	JACOBSMEYER WILLIAM J & CECILE R TRUSTEE	CECILE & WILLIAM JACOBSMEYER REV TRUST	40 CATARACT AV	DOVER	NH	03820
14010-G00001	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00002	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00003	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00004	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00005	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00006	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00007	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00008	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00009	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00010	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14010-G00DRV	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
14018-000000	45 CATARACT AV	HILBERT DAVID A	MCKAY KATHERINE C	45 CATARACT AV	DOVER	NH	03820
H0011-001000	16 DALEY DR	CITY OF DOVER	SCHOOL DEPARTMENT	288 CENTRAL AVE	DOVER	NH	03820
H0012-000000	25 ALUMNI DR	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
H0014-000000	54 CATARACT AV	MCCRUM J & THURBER D & PROULX ET AL TC &	PROULX MADELINE LIFE ESTATE	54 CATARACT AVENUE	DOVER	NH	03820
H0014-B00000	52 CATARACT AV	GAGNON MARK A		52 CATARACT AV	DOVER	NH	03820
14010-G00000	PORCH LIGHT DR	DRVP DEVELOPERS LLC		242 CENTRAL AVE	DOVER	NH	03820
		BERRY SURVEYING & ENGINEERING	CHRISTOPHER R BERRY	335 SECOND CROWN POINT	BARRINGTON	NH	03825



- PLAN REFERENCES:**
- "BOUNDARY SURVEY FOR LAURENCE L. HARTDORN TRUST OF 8-14-91, ALTA B. HARTDORN TRUST OF 8-14-91, 40 CATARACT AVENUE, DOVER, N.H., TAX MAP 14, 10F & 10G" BY: BERRY SURVEY & ENGINEERING DATED: OCTOBER 23, 2004 S.C.R.D. PLAN #77-37 ON FILE AT THIS OFFICE, FILE NO. DB 2004-091
 - "MINOR LOT LINE ADJUSTMENT, LAND OF LAURENCE L. HARTDORN TRUST OF 8-14-91, ALTA B. HARTDORN TRUST OF 8-14-91, 40 CATARACT AVENUE, DOVER, N.H., TAX MAP 14, 10F & 10G" BY: BERRY SURVEY & ENGINEERING DATED: SEPTEMBER 29, 2006 S.C.R.D. PLAN #90-97 ON FILE AT THIS OFFICE, FILE NO. DB 2006-158
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 - "SUBDIVISION OF LAND, PREPARED FOR RUTH B. WIGGIN REVOCABLE TRUST, TAX MAP 14, LOT NO. 11, CATARACT AVENUE, CITY OF DOVER, COUNTY OF STRAFFORD, STATE OF NEW HAMPSHIRE" BY: MCNEANEY SURVEY ASSOCIATES, INC. DATED: DECEMBER 18, 2006 S.C.R.D. PLAN #89-80
 - "PLAN OF LOTS, JOHN A. DAVY TO FRANK V. LULEK, DOVER NEW HAMPSHIRE" BY: G.L. DAVIS & ASSOCIATES DATED: MAY, 1964 S.C.R.D. PLAN #4, POCKET #1, FOLDER #7
 - "PLAN OF LOTS FOR LAURENCE L. HARTDORN, DOVER N.H." BY: DAVIS & ASSOCIATES DATED: MAY, 1964 S.C.R.D. PLAN #4, POCKET #1, FOLDER #7
 - "LOT LINE ADJUSTMENT PLAN PREPARED FOR ROBERT AND SALLY PUTH AND RUTH WIGGIN TRUST, CATARACT AVENUE, DOVER, NEW HAMPSHIRE BY: MCNEANEY SURVEY ASSOCIATES, INC. DATED: MARCH 30, 1994 S.C.R.D. PLAN #44-24
 - "BOUNDARY SURVEY FOR DRVP DEVELOPERS, LLC, 40A CATARACT AVENUE, DOVER, NEW HAMPSHIRE BY: BERRY SURVEYING & ENGINEERING DATED: SEPTEMBER 30, 2019 DB FILE NO. 2019-077

LEGEND:

- GRANITE BOUND (FND) OR (TBS)
- 3/4" REBAR W/D CAP (TBS)
- IRON BOUND (FND)
- IRON PIPE (FND)
- STEEL STAKE (FND)
- UTILITY POLE
- PROPOSED SUBDIVISION LINE
- WETLAND LINE
- 50' WETLAND BUFFER
- APPROX. ABUTTING BOUNDARY LINE
- SURVEY TIE LINE
- BUILDING SETBACK LINE
- TYP. FOUND
- TBS TO BE SET
- S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

THIS SINGLE FAMILY DETACHED DEVELOPMENT USES TRANSFER OF DEVELOPMENT (TDR) CHAPTER 170-27.2. UNITS 9 & 10 ARE TO REMAIN TO REMAIN 1,400 SF OR LESS IN LIVING SPACE SEE CHAPTER 170.27.2 FOR OTHER USES AND RESTRICTIONS.

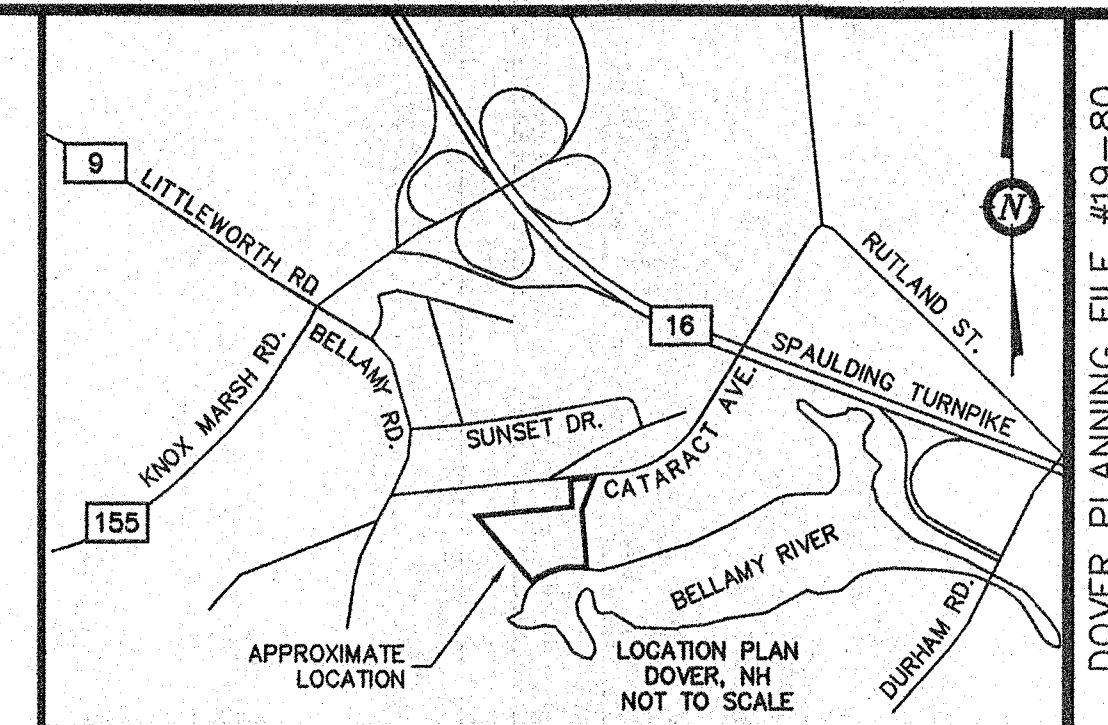
TDR UNIT CALCULATIONS

- 228,717 SF - CONSERVATION = 161,710
- 161,710 * .85 = 137,454
- 137,454 * .75 = 103,091
- 103,091 SF / 12,000 SF = 8.6 UNITS
- REMAINING 1.5 UNITS TO BE PURCHASED, THUS ALLOWING FOR 10 UNITS

THE PLANNING BOARD APPROVED THE USE OF THE TDR WHICH INCLUDES ADDITIONAL UNITS PER CHAPTER 170.27.2 AND A RELIEF OF THE FRONT SETBACK FROM 20' TO 10' (PENDING)

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER, N.H. - 1:10,000 -

KENNETH A. BERRY LLS 805 DATE 12-14-20



- NOTES:**
- OWNER: DRVP DEVELOPERS, LLC 242 CENTRAL AVENUE DOVER, NH 03820
 - APPLICANT: DRVP DEVELOPERS, LLC 242 CENTRAL AVENUE DOVER, NH 03820
 - TAX MAP 14, LOT 10-G
 - LOT AREA: 228,717 Sq. Ft. ±, 5.25 Ac. ±
 - S.C.R.D. BOOK 4664, PAGE 948
 - ZONING: (R-12) MEDIUM DENSITY RESIDENTIAL DISTRICT MINIMUM FRONTAGE ~ 100' MINIMUM LOT SIZE ~ 12,000 Sq. Ft. FRONT BUILD-TO LINE ~ 15'-25' REAR SETBACK ~ 30' SIDE SETBACK ~ 15' WETLANDS BUFFER ~ 50.0' MAX. BUILDING HEIGHT: 35' MAX. LOT COVERAGE: 30%
- TRANSFER OF DEVELOPMENT RIGHTS REGULATIONS ABUTTING A ROAD SETBACK ~ 20' (RELIEF SOUGHT FOR 10') ABUTTING A LOT LINE SETBACK ~ 10' STREET SIDES OF UNITS ~ 20.0' ABUTTING STRUCTURES ~ 20.0' NO CUT BUFFER FROM EXTERIOR PROPERTY LINE ~ 10.0'
- I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, A PORTION OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD. FLOOD ELEVATION = 54.4' REF.: FEMA COMMUNITY #330145, MAP #33017C0320E, DATED: SEPTEMBER 30, 2015, (UP TO ELEVATION 54.4 FEET AS SHOWN.)
 - VERTICAL DATUM BASED ON NAVD83 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83. COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
 - THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN JUNE OF 2019, WITH AN ERROR OF CLOSURE OF 1 PART IN 59,562.
 - THIS IS A TDR SUBDIVISION. THE PLANNING BOARD APPROVED THE USE OF THE TDR ALLOWING FOR INCREASED DENSITY. UNITS #9 THROUGH #10 ARE REQUIRED TO ADHERE TO THE REQUIREMENTS OF CHAPTER 170-27.2. THESE UNITS ARE RESTRICTED TO 1,400 SQUARE FEET OF LIVING SPACE AND MUST BE SOLD, AND ARE NOT FOR RENTAL PURPOSES.
 - LOTS #1-5 ARE SUBJECT TO NHDES SHORELAND REGULATIONS. ANY FUTURE WORK ON THESE AREAS, AFTER HOUSE AND ROAD CONSTRUCTION, MAY REQUIRE AN ADDITIONAL NHDES SHORELAND PERMIT.
 - PORCH LIGHT DRIVE IS PROPOSED TO BE PRIVATE. REFER TO THE HOA DOCUMENTS FOR ROAD & DRAINAGE RESPONSIBILITIES. 155-488 THERE ARE NO CITY SERVICES PROVIDED UNLESS THE ROADWAY CONFORMS WITH PUBLIC ROAD SPECIFICATIONS AND THE PLANNING BOARD HAS REVIEWED AND AGREED TO AMEND THE APPROVAL TO ALLOW A PUBLIC ROADWAY.
- JURISDICTIONAL WETLANDS WERE DELINEATED BY CYNTHIA BALCIUS OF STONEY RIDGE ENVIRONMENTAL LLC IN JUNE OF 2019 UTILIZING THE FOLLOWING STANDARDS:
- FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0. 2010. L.M. VASILAS, G.W. HURT, AND C.V. NOBLE (EDS.). UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS.
 - FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 3. APRIL 2004. NEWPCC WETLANDS WORKGROUP. WILMINGTON, MA 01887.
 - NORTH AMERICAN DIGITAL FLORA: NATIONAL WETLAND PLANT LIST, VERSION 2.1.0 (HTTP://WETLAND.PLANTS.USACE.ARMY.MIL). U.S. ARMY CORPS OF ENGINEERS, ENGINEER RESEARCH AND DEVELOPMENT CENTER, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY, HANOVER, NH, AND BONAP, CHAPEN HILL.
 - STATE OF NEW HAMPSHIRE 2014 WETLAND PLANT LIST. LICHVAR, R.W., M. BUTTERWICH, N.C. MELVIN, AND W.N. KIRCHNER. 2014. THE NATIONAL WETLAND PLANT LIST: 2014 UPDATE OF WETLAND RATINGS. PHYTONEURON 2014-41:1-42.
 - CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL JANUARY 1987. WETLANDS RESEARCH PROGRAM TECHNICAL REPORT Y-87-1.
 - REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEASTAL AND NORTHEAST REGION. JANUARY 2012, VERSION 2. U.S. ARMY CORPS OF ENGINEERS. ENVIRONMENTAL LABORATORY ERDC/EL TR-12-1.
 - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. DECEMBER 1979. L. COWARDIN, V. CARTER, F. GOLET, AND E. LAROE. U.S. DEPARTMENT OF THE INTERIOR. FISH AND WILDLIFE SERVICE. FWS/OBS-79/31.

APPROVED

DATE 12/18/20

CITY OF DOVER, NH

PLANNING BOARD

CHAIRMAN/DIRECTOR

APPROVED DOVER

STONEY RIDGE ENVIRONMENTAL, LLC. CYNTHIA BALCIUS, CWS #61

APPROVED

DATE 12/18/20

CITY OF DOVER, NH

PLANNING BOARD

CHAIRMAN/DIRECTOR

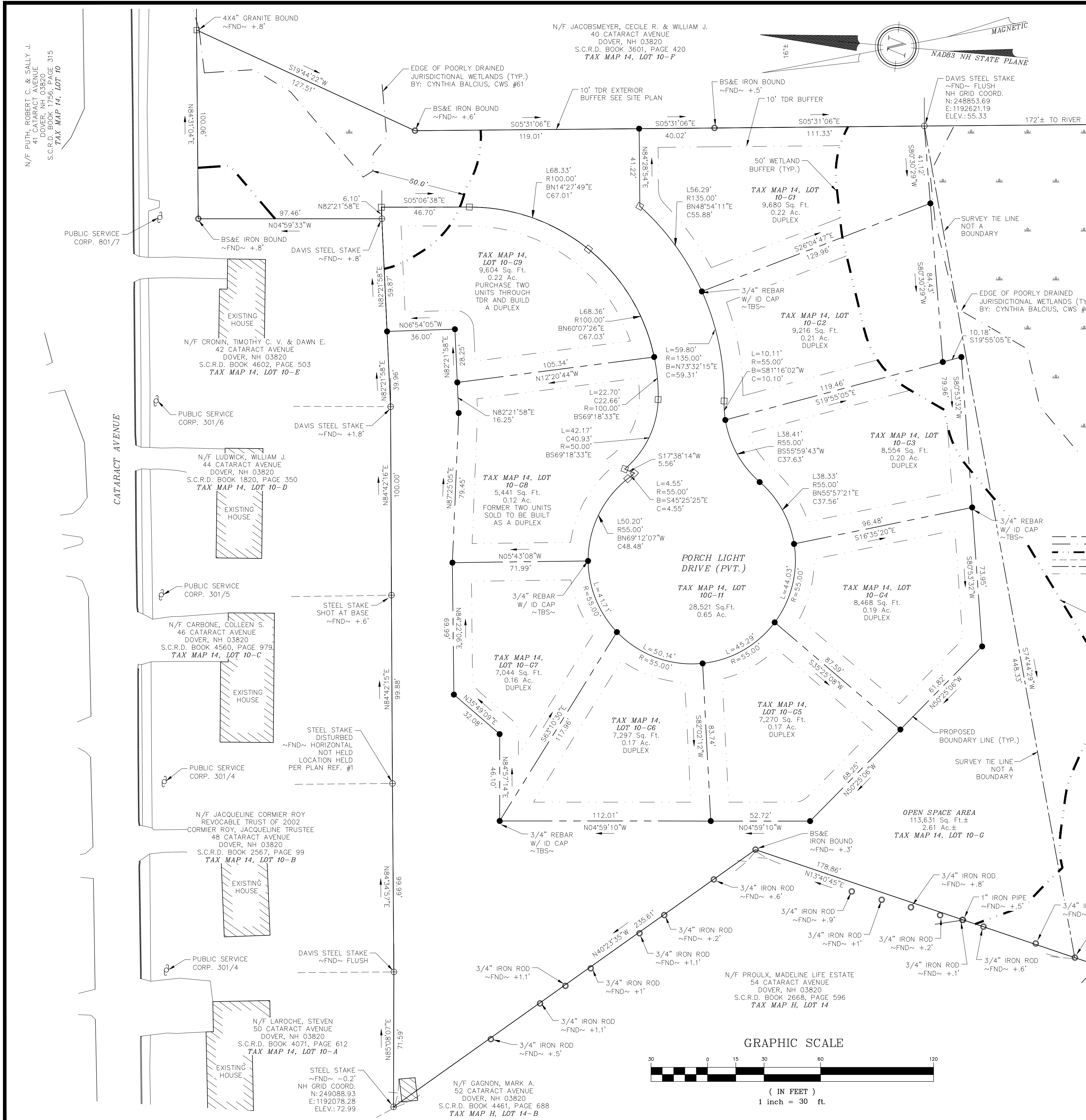
APPROVED DOVER

DOVER PLANNING FILE #19-80		TRANSFER OF DEVELOPMENT RIGHTS SUBDIVISION PLAN	
REVISION	DATE	FOR	DESCRIPTION
#6	12-9-20	DRVP DEVELOPERS, LLC	REVISED PER CONDITIONS OF APPROVAL
#5A	8-24-20	DRVP DEVELOPERS, LLC	REVISED FOR AOT COMMENT
#4	5-29-20	DRVP DEVELOPERS, LLC	REVISED FOR SEWER DISCHARGE PERMIT
#3	2-10-20	DRVP DEVELOPERS, LLC	REVISED FOR AOT APPLICATION
#2	1-30-20	DRVP DEVELOPERS, LLC	REVISED PER TRC COMMENT
#1	12-16-19	DRVP DEVELOPERS, LLC	REVISED PER STAFF COMMENT

FOR DRVP DEVELOPERS, LLC
40A CATARACT AVENUE
DOVER, N.H.
TAX MAP 14, LOT 10-G

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603) 332-2863
SCALE: 1 IN. EQUALS 30 FT.
DATE: SEPTEMBER 30, 2019
FILE NO.: DB 2019-077

SHEET 5 OF 28



PLAN REFERENCES:

- "BOUNDARY SURVEY FOR LAURENCE L. HARTDORN, TRUST OF 8-14-91, ALTA B. HARTDORN TRUST OF 8-14-91, 40 CATARACT AVENUE, DOVER, N.H., TAX MAP 14, 10F & 10G" BY: BERRY SURVEY & ENGINEERING DATED: OCTOBER 23, 2004 S.C.R.D. PLAN #77-37 ON FILE AT THIS OFFICE, FILE NO. DB 2004-091
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LEGEND:

- GRANITE BOUND (FND) OR (TBS)
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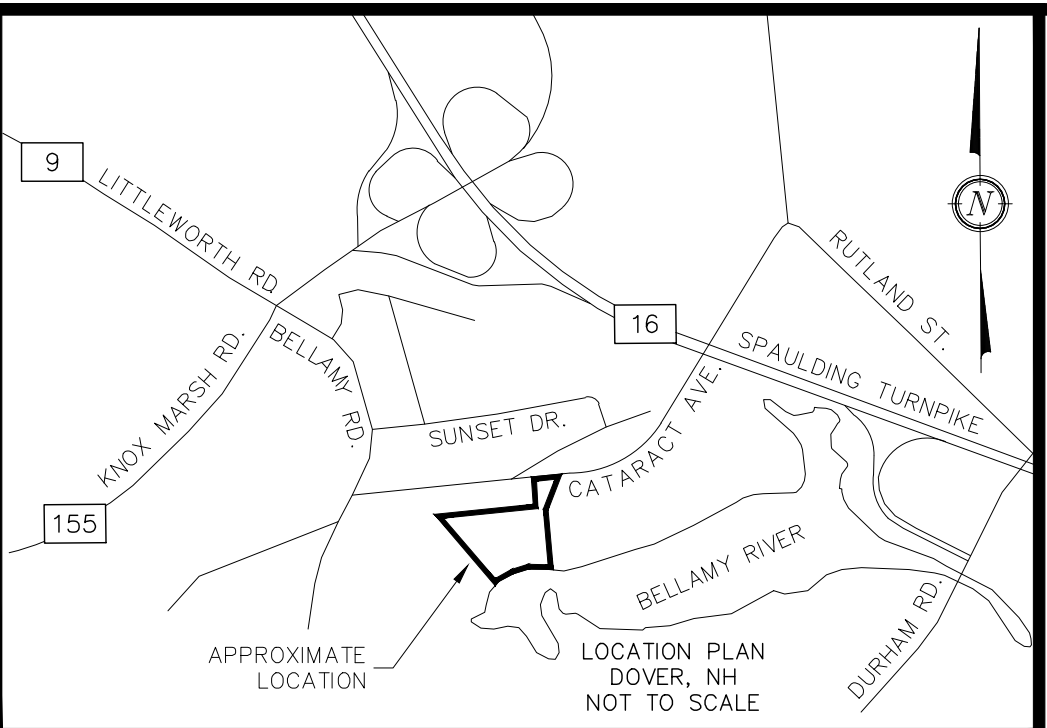
THIS IS A DUPLEX DEVELOPMENT WHICH ALSO USES TRANSFER OF DEVELOPMENT (TDR) CHAPTER 170-27.2. UNITS 9 & 10 ARE TO BE REQUIRED TO REMAIN 1,400 SF OR LESS IN LIVING SPACE SEE CHAPTER 170.27.2 FOR OTHER USES AND RESTRICTIONS.

TDR UNIT CALCULATIONS

- 228,717 SF - CONSERVATION = 161,710
 - 161,710 * .85 = 137,454
 - 137,454 * .75 = 103,091
 - 103,091 SF / 18,000 SF = 7.64 DUPLEX LOTS (14 UNITS)
 - 2 PRIOR UNITS PURCHASED
 - PROPOSAL TO PURCHASE 2 ADDITIONAL
- TOTAL PROJECT UNIT COUNT = 18 UNITS

THE PLANNING BOARD APPROVED THE USE OF THE TDR WHICH INCLUDES ADDITIONAL UNITS PER CHAPTER 170.27.2 AND A RELIEF OF THE FRONT SETBACK FROM 20' TO 10' (PRIOR APPROVAL)

I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER, N.H. - 1:10,000 - 2-15-22
KENNETH A. BERRY LLS 805 DATE



NOTES:

- OWNER: DRVP DEVELOPERS, LLC 242 CENTRAL AVENUE DOVER, NH 03820
- APPLICANT: DRVP DEVELOPERS, LLC 242 CENTRAL AVENUE DOVER, NH 03820
- TAX MAP 14, LOT 10-G
- LOT AREA: 228,717 Sq. Ft.±, 5.25 Ac.±
- ZONING: (R-12) MEDIUM DENSITY RESIDENTIAL DISTRICT MINIMUM FRONTAGE ~ 100' MINIMUM LOT SIZE ~ 12,000 Sq. Ft. MINIMUM LOT SIZE DUPLX ~ 18,000 Sq. Ft. FRONT BUILD-TO LINE ~ 15'-25' REAR SETBACK ~ 30' SIDE SETBACK ~ 15' WETLANDS BUFFER ~ 50.0' MAX. BUILDING HEIGHT: 35' MAX. LOT COVERAGE: 30%
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- THE PROJECT NOW PROPOSES TO USE THE CURRENT ZONING WHICH ALLOWS FOR DUPLEXES TO BE PLACED IN THE R-12 ZONE. THE UNDERLYING DENSITY OF THE SITE ALLOWS FOR 7 DUPLEXES TO BE BUILT ON LOTS G1 THROUGH G7. THE PLANNING BOARD GRANTED THE FORMER SALE OF 2 UNITS TO THE APPLICANTS WHICH WILL NOW BE PROPOSED TO BE BUILT AS A DUPLEX ON LOT G8. THE PROPOSAL IS TO DROP ONE LOT, AND PURCHASE ANOTHER 2 UNITS THROUGH THE TDR PROGRAM TO CONSTRUCT A DUPLEX ON LOT G8
- PORCH LIGHT DRIVE IS PROPOSED TO BE PRIVATE. REFER TO THE HOA DOCUMENTS FOR ROAD & DRAINAGE RESPONSIBILITIES. 155-488 THERE ARE NO CITY SERVICES PROVIDED UNLESS THE ROADWAY CONFORMS WITH PUBLIC ROAD SPECIFICATIONS AND THE PLANNING BOARD HAS REVIEWED AND AGREED TO AMEND THE APPROVAL TO ALLOW A PUBLIC ROADWAY.

JURISDICTIONAL WETLANDS WERE DELINEATED BY CYNTHIA BALCIUS OF STONEY RIDGE ENVIRONMENTAL LLC IN JUNE OF 2019 UTILIZING THE FOLLOWING STANDARDS:

- FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0. 2010. L.M. VASILAS, G.W. HURT, AND C.V. NOBLE (EDS.), UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS
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- CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL. JANUARY 1987. WETLANDS RESEARCH PROGRAM TECHNICAL REPORT Y-87-1.
- REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHEASTERN AND NORTHWESTERN REGION. JANUARY 2012, VERSION 2. U.S. ARMY CORPS OF ENGINEERS. ENVIRONMENTAL LABORATORY ERDC/EL 12-12-1.
- CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. DECEMBER 1979. L. COWARDIN, V. CARTER, F. GOLET, AND E. LAROE. US DEPARTMENT OF THE INTERIOR. FISH AND WILDLIFE SERVICE. FWS/OBS-79/31.

STONEY RIDGE ENVIRONMENTAL, LLC.
CYNTHIA BALCIUS, CWS #61

APPROVED DOVER

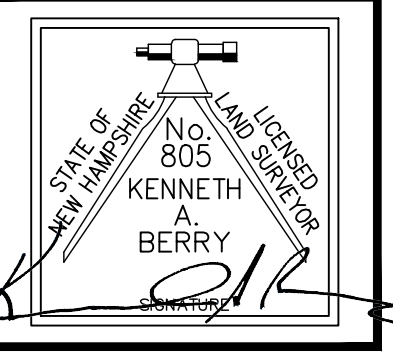
DOVER PLANNING FILE #19-80

REVISION	DATE	DESCRIPTION

TRANSFER OF DEVELOPMENT RIGHTS RE-SUBDIVISION PLAN

FOR
DRVP DEVELOPERS, LLC
40A CATARACT AVENUE
DOVER, N.H.
TAX MAP 14, LOT 10-G

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE : 1 IN. EQUALS 30 FT.
DATE : FEBRUARY 15, 2022
FILE NO. : DB 2019-077



 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Posted: February XX, 2022	
	Ordinance Title:	Site Review Regulations Amendments
	Chapter:	153

1. Chapter 153 of the Code of the City of Dover, entitled Site Plan Review, is hereby amended by revising Section 6, "Application requirements: Technical Review Committee."

"153-6. Application requirements; Technical Review Committee.
[Amended 8-26-2008; 3-23-2010; 1-24-2012]

- A. "Prior to the formal submission of an application for site review, the applicant shall meet with the Technical Review Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that is technically conforming to the regulations contained herein. The Technical Review Committee shall be comprised of the Planning Board Chair, the Conservation Commission Chair, City Engineer, Fire and Rescue Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence.
- B. A completed application sufficient to invoke jurisdiction of the Planning Board shall include the following elements:
 - (1) A completed application form, available at the Department of Planning and Community Development office.
 - (2) A completed site review checkoff list.
 - (3) A written narrative description of the proposed project, addressing its purpose, scope of operation, and impact on the immediate area of influence and the City in general (traffic, schools, utilities, land use compatibility, aesthetics, land and water resources, etc.).
 - (4) Ground/aerial photographs of the site and immediate area.
 - (5) Fifteen copies of the site development plan as more fully described in Article IV of this chapter. Transmit a pdf of the site development plan via e-mail to dover-planning@doover.nh.gov. (Note: Only ~~six-eight~~ copies of the preliminary plan need to be submitted initially for review by the Technical Review Committee. However, ~~15-the applicant shall check with the Planning Department about number of~~ copies ~~will be~~ required for submission of the complete application to the Planning Board.) [Amended 5-24-2016]
 - (6) A list of owners, applicants, and professionals involved in the application. Additionally a fee for the City to create a list of abutting property owners that lie within 200 feet of the subject parcel. ~~Information shall include name, mailing address, and Dover Tax Map and lot numbers for the applicant to review.~~ The City will prepare verified mailings. [Amended 1-14-2020; 7-27-2021]
 - (7) A fee of an amount to be determined in accordance with the fee schedule contained in § ~~153-18~~ of this chapter.

 CITY OF DOVER	CITY OF DOVER - ORDINANCE	
	Posted: February XX, 2022	
	Ordinance Title:	Site Review Regulations Amendments
	Chapter:	153

C. The applicant shall file the application with the Planning Board office at least 21 days prior to the Planning Board meeting, at which time the application will be accepted and a public hearing held.

[Amended 1-14-2020]

(1) The applicant and abutters shall be notified of said public hearing by verified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least 10 days prior to the date of the meeting by the City.

(2) Such public hearing shall be advertised in a newspaper of general distribution not less than 10 days prior to the said meeting.”

2. Chapter 153 of the Code of the City of Dover, entitled Site Plan Review, is hereby amended by revising Section 13, “Parking”, Subsection D, Subsection (c) as follows:

In the Parking Regulation Table, the first row be changed to read “Residential³ (non-CBD-G or TOD)” and a new row shall be added to become the third row to state “Residential³ (CBD-TOD)” for 1 space per unit.

3. Chapter 153 of the Code of the City of Dover, entitled Site Plan Review, is hereby amended by revising Section 6 entitled “Application Requirements, Technical Review Committee” subsection A subsection 6, to read as follows:

A. “Prior to the formal submission of an application for site review, the applicant shall meet with the Technical Review Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that is technically conforming to the regulations contained herein. The Technical Review Committee shall be comprised of the Planning Board Chair, the Conservation Commission Chair, City Engineer, Fire and Rescue Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence.

For projects under the threshold described in Section 153-4.A but meeting the threshold of 153-4.B (1) through (5) may be approved by the majority vote of Technical Review Committee per RSA 676:43 provided no waivers or Conditional Use Permits are necessary to meet regulations.”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Plan Review, is hereby amended by revising Section 4 entitled “Applicability” subsection E to read as follows:

“E. Notwithstanding the above criteria, the Technical Review Committee, per RSA 676:43, by majority vote may approve minor site plans. It also may require any project that the



CITY OF DOVER

CITY OF DOVER - ORDINANCE

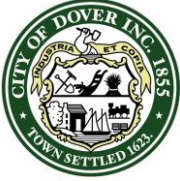
Posted: February XX, 2022

Ordinance Title: Site Review Regulations Amendments
Chapter: 153

Committee has determined has a significant projected impact on traffic, health, welfare, environmental quality, and safety issues to appear before the Planning Board for site review. Any project requiring waivers or a Conditional Use Permit to meet regulations, shall be forwarded to the Planning Board for review."

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CITY OF DOVER

CITY OF DOVER - ORDINANCE

Posted: February XX, 2022

Ordinance Title: Land Subdivision Regulations Amendments
Chapter: 157

1. Chapter 157 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Section 10, "Application submittal and review", Subsection B to read as follows.

[Amended 1-14-2020]

- B. "Included with the application shall be the names and mailing addresses of all ~~abutters~~ owners, applicants, and professionals, as indicated in City records. The Planning Department, for a fee outlined in the Fee Schedule, will create a list of names and addresses of all abutters obtained from City records or the Stafford County Registry of Deeds not more than five calendar days before the date of filing for the applicants review."~~The names of all abutters shall be obtained from City records not more than five calendar days before the date of filing. In addition to the abutters list, three duplicate sets of adhesive mailing labels for all abutters shall be submitted for use by staff in preparing verified mailings.~~

2. Chapter 157 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Section 16, "Application submittal and review", Subsection B to read as follows.

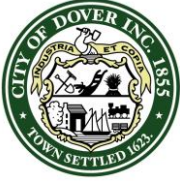
[Amended 1-14-2020]

- B. "Included with the application shall be the names and mailing addresses of all owners, applicants, and professionals assisting with the application. The Planning Department, for a fee, outlined in the Fee Schedule, will create a list of the names and addresses of all abutters obtained from City records or the Strafford County Registry of Deeds not more than five calendar days before the date of filing for the applicants to review."

[Amended 1-14-2020; 7-27-2021]

- 5.3. Chapter 157 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Section 17, "Application submittal and review for minor lot line adjustments and boundary agreements", Subsection B to read as follows.

- B. "Included with the application shall be the names and mailing addresses of all owners, applicants, and professionals assisting with the application. The Planning Department, for a fee, outlined in the Fee Schedule will create a list of the names and addresses of all abutters obtained from City records or the Strafford County Registry of Deeds not more than five calendar days before the date of filing for the applicants to review."~~abutters as indicated in City records. The names of all abutters shall be obtained~~



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CITY OF DOVER - ORDINANCE

Posted: February XX, 2022

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Chapter: 157

~~from City records or the Strafford County Registry of Deeds not more than five calendar days before the date of filing. In addition to the abutters list, three duplicate sets of adhesive mailing labels for all abutters shall be submitted for use by staff in preparing verified mailings.”~~

[Amended 1-14-2020]

6.4. Chapter 157 of the Code of the City of Dover, entitled Land Subdivision Regulations, is hereby amended by revising Article IV, “Open Space Subdivisions”, subsection 21, subsection F, to read as follows:

“Dimensional requirements.

Zoning District	Minimum Lot Size for Subdivision Lots (square feet)	Minimum Frontage for Subdivision Lots (feet)	Minimum Buffer Along Frontage ¹ (feet)
R-40	20,000	40	100
R-20	12,000	30	100
R-12	8,000	20	100

¹ Does not apply to an existing house on the lot, if part of the total lot yield.

[Amended 5-24-2016]

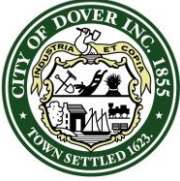
Zoning District	Minimum Distance Around Individual Units in Clusters		Minimum Building Setbacks for Subdivision Lots ¹	
	Street Sides of Units (feet)	Between Units (feet)	Abutting a Street (feet)	Abutting a Lot Line (feet)
R-40	20	30	20	20
R-20	15	25	15	15
R-12	10	20	10	10

¹ Outbuildings shall follow underlining zoning.

(1) If a portion of a parcel of land is covered by a zoning district in which an open space subdivision is not permitted, this portion shall not be included in a proposed open space subdivision.

(2) If a parcel of land is covered by more than one of the R-40, R-20 or R-12 Zoning Districts, and more than 50% of the parcel lies in the more restrictive district, the more restrictive regulations shall apply to the entire parcel.

(3) Frontage requirements shall not apply to cluster subdivisions. Nevertheless, paved access suitable for emergency vehicles, and approved by the Planning Board, shall provide access from a City street or state highway to each of the units with the subdivision. All accessways shall be



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Chapter: 157

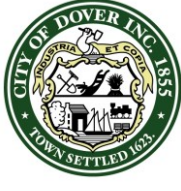
privately owned and comply with the private drive standards specified in Chapter [153](#), Site Review Regulations, of the Code of the City of Dover.

(4) Notwithstanding the dimensional requirements outlined above, structures or dwelling units in a proposed open space subdivision must maintain the following minimum buffer distances from existing structures, dwelling units and external boundaries:

Zoning District	Minimum Distance from Existing Structures or Dwelling Units (feet)	Minimum Distance from External Boundaries (feet)
R-40	100	50
R-20	75	40
R-12	50	30

(a) For the purposes of the external boundary buffers required above, the buffer areas shall be considered an undisturbed natural area for the purpose of shielding the development from abutting properties. The external boundary buffer shall be preserved or established to comply with the perimeter landscaping standards in § [157-35F](#).

[Amended 12-18-2012]

 CITY OF DOVER	CITY OF DOVER – ORDINANCE	
	Reposted May, 25 2021 Ordinance Number: O – yyyy.mm.dd - Ordinance Title: Updating the Dover Zoning Ordinance Chapter: 170	

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to reflect changes in the community and in land use regulations.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 151-6 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 “Gateway District” (G) to “Heritage Residential” (HR) District an area of approximately 1.8 acres located along Rutland Street, consisting of Map 13 lots 25, 26 and 27 and the portion of Map 13 lot 23 between lots 28A and 27, within approximately 280 feet of the Rutland Street right of way”

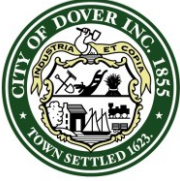
AND

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 151-6 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 “Heritage Residential” (HR) District an area of approximately 30 acres located along Clifford, Parker, Woodman Park Drive, Fisher Street and Rutland Avenue, consisting of Map 12 lots 140, 140A, 140B, 141, 141A, 141B, 141C, 142, and 143, and Map 13 lots 4, 4A, 5, 28, 28A, 29, 30, 31, 32, and 33 and Map 15 lots 54, 55, 56, 57, 58, 58A, 58B, 59, 60 and 61”

3. 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 Commercial Manufacturing District (CM) special exception criteria for a Vehicle Refueling and Recharging Station and Auto Service Station as follows:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Reposted May, 25 2021

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

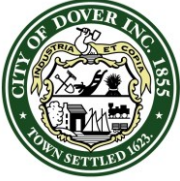
“VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:

- A. The use of land for vehicle refueling/recharging station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.
- B. If petroleum based, the minimum lot size shall be eighty thousand (80,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Thirty-three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one hundred (100) square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.-
- D. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.
- E. Year round consistent screening no less than 5 feet in height, shall be provided from the street, or any abutting residential structure to the pumps. The building may act as the screening.
- F. Hours of operations shall be limited to 6 am to 9 pm
- G. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater. ”

AND

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 Commercial \ District (C) special exception criteria for a Vehicle Refueling and Recharging Station and Auto Service Station as follows:

- A. The use of land for VEHICLE REFUELING/RECHARGING STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.



CITY OF DOVER

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Reposted May, 25 2021

Ordinance Number: **O – yyyy.mm.dd -**
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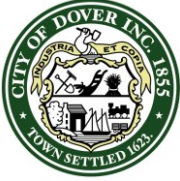
- B. If petroleum based, tThe minimum lot size shall be eighty thousand (80,000) square feet; the minimum lot width shall be one hundred fifty (150) feet. Thirty three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one-hundred (100) square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.
- D. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9: 00 p.m. Hours of operations shall be limited to 6 am to 9 pm
- E. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater.
- F. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.
- D.G. Year round consistent screening no less than 5 feet in height, shall be provided from the street, or any abutting residential structure to the pumps. The building may act as the screening.

4. 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 Commercial Manufacturing District (CM) Conditional Use Permit criteria for a Self-Storage Facility as follows:

SELF-SERVICE STORAGE FACILITY shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

- A. The minimum front SETBACK shall be double the SETBACKS required in the district.
- B. Any-No storage unit BUILDING which units are externally accessed shall be visible from the STREET shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.
- C. Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.
- B.—



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- C.D. If adjacent to a residential district or a LOT containing a residential use, the facility shall:
- i. Be limited to a one story STRUCTURE with a height no more than twenty (20) feet.
 - ~~ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.~~
 - ~~iii.ii.~~ Not hold auctions or sales of contents of storage containers.
 - ~~iv.iii.~~ Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
- D.E. All setbacks shall be double the setbacks required in the district, not just the front setback.
- E.F. The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Word Usage and Definitions” by revising the definition for Self-Storage Facility as follows:

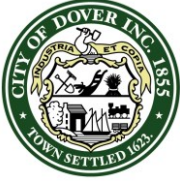
“**SELF-SERVICE STORAGE FACILITY** means a building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of customers’ property. Internally accessed facilities shall be considered warehousing”

5. 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 Gateway District (G) as follows:

DOWNTOWN ARCHITECTURAL STANDARDS*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business Gateway District is integral to maintaining the character and identity of our community. Buildings designs and materials along Central Ave should enhance the appearance of Dover, reinforce pedestrian character where appropriate, reflect a consistency found within the sub-district, neighboring buildings, and natural and cultural resources. Building design should also minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses. Architectural Standards are not intended to stifle creativity or variety, but produce designs respectful



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of place and context. **For more information, please see Section 2 of Dover's CBD Architectural Design Guidelines.**

The following **Architectural Standards** must apply for a residential building with 5 units or more and all mixed use/non-residential uses [along Central Ave.](#)

Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required Ground Floor Standards:

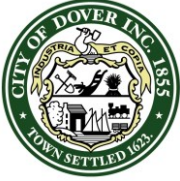
- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- Residential uses permitted.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety to pedestrians without being overwhelming.

Required Building Standards:

- Building designs shall be harmonious with neighboring structures in terms of mass, width, height, proportion, spacing, and setback.
- All exterior walls that front on a public way with adjacent pedestrian traffic/infrastructure must incorporate wood, brick, stone or a suitable contemporary material appropriately detailed within the first 20 vertical feet.
- Large structures shall be broken into smaller masses to provide human scale, variation, and depth.
- The design of the building shall incorporate views that are directed to the street and garden/courtyard rather than adjacent neighbors.
- Buildings shall be placed at or near the street, along the outer edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.
- Building design shall enhance the pedestrian environment and streetscape.
- Utility elements shall be screened in an aesthetically pleasing manner.
- Use of architectural details and changes in depth are included on building elevations to increase visual interest and scale.
- Garages shall not face the street.
- Solar/Green Roof Standard:
 - All buildings must be solar ready
 - Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.

Optional Standards:

- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. are encouraged.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy efficient design techniques, LEED standards, or an



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equivalent standard are encouraged.

- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

**CUP (170-20B) may be used to adjust standards.*

STREETSCAPE STANDARDS

Streetscape standards were crafted to ensure streets in mixed use areas of the [CBD-Gateway district](#) have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover Streetscape and Landscape Standards. **For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.**

- Sidewalks ~~shall be encouraged to~~ be brick and a ~~shall be~~ minimum of 5 feet wide.
- Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure 5' wide walkway.
- Projects shall be designed to maintain and enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.
- Street furniture ~~shall be encouraged to~~ be provided as follows:
 - 1 bench for every 75 feet of frontage.
 - At least 1 waste bin at each block corner.
 - 1 bike rack per non-residential project.
- Lighting and mechanical equipment standards per 170-20(E)(3)(d).

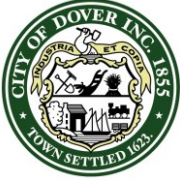
**CUP (170-20B) may be used to adjust standards.*

STREETSCAPE ELEMENTS

"# On Dover Point Road, within 300 feet of the center line of New Rochester Road, and for lots less than 1 acre in size on Rutland Street:

- *Building Height is limited to 2 Stories, unless an abutting structure is 3 stories, in which case this may be matched.*
- *Residential is limited to Single Family and Two Family Dwelling units, unless part of a permitted mixed use building*
- *Professional Service & Office, Eating and Drinking Establishments and Retail/ Personal Services are limited to 2,000 sf per unit"*

6. AMENDMENT



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CITY OF DOVER – ORDINANCE

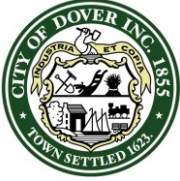
Reposted May, 25 2021

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20 “Central Business District” subsection D (2) and (3) to allow residential uses in any part of a building, so long as non-residential uses meet the read as follows:

D. Standards and regulations

- (1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:
 - (a) District Purpose
 - (b) LOT Occupation Regulations
 - (c) Diagram of BUILDING HEIGHT
 - (d) Diagram of BUILD TO LINEs
 - (e) Special Regulations
 - (f) Permitted Uses
- (2) Through the issuance of a conditional use permit, BUILDING HEIGHT may be increased by one (1) story, which shall be setback from the allowed height to create a terrace, for either:
 - (a) Each ~~subgrade~~ fully below-grade story of parking provided on the site; or.
 - (b) Additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.
- (3) General Guiding Principles for BUILDING Placement
 - (a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.



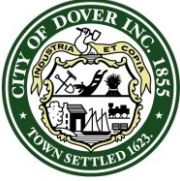
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- (b) BUILDINGs are aligned and close to the STREET.
- (c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.
- (d) BUILDINGs oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.
- (e) Property lines are physically defined by BUILDINGs or STREET WALLs.
- (f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access
- (g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
- (h) Within the General, and Mixed Use, sub-districts, new non-residential activities must make up at least 20 percent of the structure [or be located on the GROUND FLOOR.](#)
 - 1. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot, the HEIGHT of the BUILDING may be increased by one (1) story.
 - i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.
- (i) In the TOD residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.
- (j) Parking (not including on-street parking) should be away from the STREETs and shared by multiple owners/users.



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- (k) Historic character should be preserved and enhanced by context sensitive construction.

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Commercial Manufacturing (CM) by adding footnote 8 as follows:

[8] Solar/Green Roof Standard:

- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Commercial (C) by adding footnote 9 as follows:

[9] Solar/Green Roof Standard:

- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Permitted Uses Table in the Innovative Technology (IT) by adding footnote 14 as follows:

[14] Solar/Green Roof Standard:

- All buildings must be solar ready
- Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.



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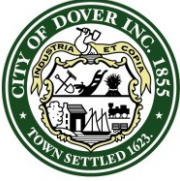
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10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1 “Wetland Protection District” by revising the ordinance to read as follows:

“170-27.1. Wetland Protection District. [Amended on 9-14-88 by Ord. No. 15-88; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]

- A. Authority. By the authority granted under RSA 674:16 and 17, this section is designed to protect the wetland areas and surface waters within the City of Dover from certain activities, the impact of which results in the ALTERATIONS or destruction of wetland areas.
- B. Purpose and intent. It is intended that this section shall:
- (1) Prevent the development of STRUCTUREs and land uses on wetlands, which will contribute to pollution of surface and ground water by sewerage, toxic substances or sedimentation.
 - (2) Prevent the destruction of, or significant changes to, wetlands which provide critical functions and values including but not limited to: flood protection, habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/retention/transformation and sediment trapping), protect ecological integrity, recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.
 - (3) Avoid and minimize impacts to wetlands and wetland buffers to the maximum extent practicable and when impacts are unavoidable, minimize impacts to the greatest extent practicable.
 - (4) Protect unique and unusual natural areas and rare, threatened, and endangered species.
 - (5) Protect wildlife habitats, maintain ecological balances and enhance ecological values such as those cited in RSA 482-A:1.
 - (6) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.



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- (7) Prevent unnecessary or excessive expense to the city for the purpose of providing and/or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.
- (8) Encourage those low-intensity uses that can be harmoniously, appropriately and safely located in wetlands.
- (9) Preserve and enhance the aesthetic values associated with wetlands in the City of Dover.
- (10) Avoid the high costs of constructing heavy STRUCTUREs and prevent damage to STRUCTUREs and abutting properties caused by inappropriate development in wetland areas

(11) Afford larger buffers to higher value wetlands based on functional components as determined by the N.H. method evaluation.

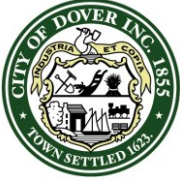
(12) Prioritize protection of vernal pools.

C. District boundaries

- (1) The Wetlands Protection District is hereby determined to be all areas of wetlands and their associated wetland buffers.

- (a) A “Wetland” means an area that is inundated or saturated by surface water or ground water 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.
- (b) A “Wetland Buffer” is a naturally vegetated segment of upland adjacent to a wetland.

- (2) "Hydrophytic (water-loving) vegetation" is defined as those plants identified in the "2018 Wetland Plant List Northeast Region" of the United States Fish and Wildlife Service. The more common names associated with these vegetative communities are "bogs," "swamps," "marshes," (saltwater and freshwater) and "tidal wetlands."



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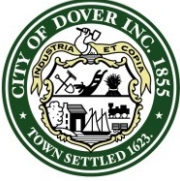
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D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

- (a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 4, May 2017, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation. The Certified Wetland Scientist is required, after providing delineations based on the Corps of Engineers Wetlands Delineation Manual, to score ~~present~~ wetlands using the N.H. Method in the functional areas of ecological integrity, flood storage, groundwater recharge, wetland dependent wildlife habitat, and water quality (nutrient trapping/retention/transformation and sediment trapping). Scores resulting from this evaluation shall be used by the Wetland Scientist to assign buffer widths in accordance with the guidelines described in section G (1). The Certified Wetland Scientist is required to submit all data sheets pertaining to their evaluation accompanying the application.

A Certified Wetland Scientist is defined as: “a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board.” (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.



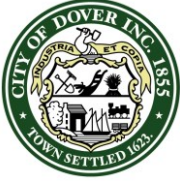
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- (b) Applications for a BUILDING permit, [major](#) subdivision and site plan approval shall locate and depict on the survey/subdivision PLAT/site plan all Wetland Protection Districts on the subject parcel. Any APPLICANT seeking said approval(s) will be responsible for providing this information before the appropriate approval or permit can be granted.
 - (c) The entire length of the upland limit of the wetland shall be marked at regular intervals with pink and black striped construction tape prior to, and maintained for the full duration of, any construction-related activities. The APPLICANT may also be required to place and maintain wooden stakes and/or construction tape at appropriate intervals along the wetlands buffer boundary to provide sufficient visual evidence of the buffer boundary during construction, if development is proposed within twenty feet of the wetlands buffer. The APPLICANT may be required to affix some form of marker or tag acceptable to the City to permanently delineate the wetlands buffer boundary at appropriate intervals, as determined by the Conservation Commission and PLANNING BOARD, for the purpose of notifying future landowners of the presence of the wetlands buffer. The presence of wetlands on residential properties created as part of a major subdivision shall be documented in the parcel's deed.
- (2) The Planning and Community Development Department shall notify the Conservation Commission of all projects and construction proposed in wetland districts for the purpose of allowing the Commission to make recommendations prior to approval. Consistent with RSA 482-A:11 III, the Conservation Commission shall have up to 40 days to make recommendations relative to a standard wetlands impact application and up to 21 days to make recommendations relative to an expedited permit per RSA 482-A:11, III(b)(1). The Conservation Commission, in acting on an application for a conditional use permit in the Wetlands Protection District, may attach conditions to its recommendations including but not limited to recommendations for [more extensive buffers](#) [an evaluation of wetland functions using the New Hampshire Method](#), additional plantings in areas to be re-vegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces.
- (3) In the event that the accuracy of the boundaries [and/or evaluation of wetland functions](#) submitted by the APPLICANT is suspect, the PLANNING BOARD



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may call upon the services of a certified wetland scientist and/or botanist to reexamine said area and report the findings to the PLANNING BOARD for a boundary determination. The APPLICANT shall pay the cost of said services.

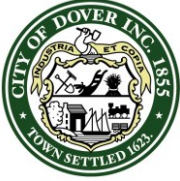
- (4) The Building Inspector shall not issue a BUILDING permit for construction and the PLANNING BOARD shall not approve a ~~site plan or major~~ subdivision PLAT ~~or site plan~~ unless such construction activity or proposal conforms to the provisions of this Chapter.
- (5) Standards established herein shall constitute the rules of overlay zones and shall be superimposed over other zoning districts or portions thereof. The provisions herein shall apply in addition to all other applicable ordinances and regulations. In the event of a conflict between any provision herein and any other regulation, the more-restrictive requirement shall control.
- (6) The city shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

E. Permitted uses within the Wetland Protection District.

~~E. Permitted Uses. Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.~~

(1) Permitted uses within a wetland without a conditional use permit

- (a) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves, provided that:
 - (i) Said STRUCTUREs are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (Env-Wt 300, 500 and 600).
 - (ii) The natural contour of the wetland is preserved.



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(iii) All other applicable provisions of the city's Zoning Ordinance have been met

(2) Permitted uses within a wetland with a conditional use permit.

Any use permitted under Section E (2) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.

(a) Crossing of ~~a Wetland Protection District~~wetland as provided for in Section F~~(4)~~.

(3) Prohibited uses within a wetland.

(a) Uses listed in section E (6) (a-d).

~~(1) On-site sewage disposal systems~~

~~(5)~~(4) Permitted uses within a wetland buffer without a conditional use permit.

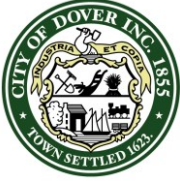
The following uses and activities are allowed within a wetland buffer with the noted conditions:

(a) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 308.01(a) and 308.02 – repair of an existing legal STRUCTURE; or successor rules.

(b) The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

(c) The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules.

~~(d) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above~~



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~~(e)~~(d) Low impact development stormwater management systems or natural systems which do not add impervious surfaces.

~~(6)~~(5) Permitted uses within a wetland buffer with a conditional use permit.

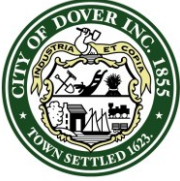
The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F-~~above~~:

- (a) All uses not specifically prohibited in Section ~~GE (16)~~ ~~(ee)~~ above, or specifically exempted in Section ~~GE (14)~~ ~~(ge)~~ below.
- (b) The erection or construction of a BUILDING or STRUCTURE, excluding FENCES that meet the requirements of 170-33, or the construction of parking LOTs or loading areas.
- (c) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.
- (d) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.
- (e) The installation of water, sewer, or buried electrical or telecommunications cables.
- (f) The installation of water-supply wells.

~~(f)~~(g) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover Building Permit.

~~(7)~~(6) Prohibited uses within a wetland buffer

- (a) The establishment or expansion of salt storage, JUNKYARDs, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;
- (b) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;



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(c) The dumping or disposal of snow and ice collected from roadways and parking LOTs;

(d) On-site sewage disposal systems.

F. Conditional use approval.

(1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21II) after proper public notice and public hearing, for construction within the Wetland Protection District ~~or buffer~~. Said construction may include, but is not limited to a road or other accessway, utility right-of-way, communication lines, power lines and pipelines, STRUCTUREs, and parking LOTs provided that the proposed construction complies with the following standards:

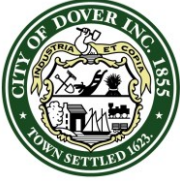
(a) *Practicable Alternative:* There is no practicable alternative that would have a less adverse impact on the area.

(b) *Avoidance:* The potential impacts have been avoided to the maximum extent practicable. The APPLICANT will demonstrate by plan and example that the proposed construction represents the least impacting alternative.

(c) *Minimization:* Any unavoidable impacts have been minimized. No reasonable Alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland. Design, construction and maintenance methods will be prepared by a registered engineer to minimize detrimental impacts to the wetlands and will include restoration of the site as nearly as possible to its original grade.

(d) *Mitigation:* If the APPLICANT is required by State rules to prepare a compensatory mitigation plan, the APPLICANT shall provide the Conservation Commission and PLANNING BOARD with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the NHDES Wetlands Bureau pursuant to Section G (3), below.



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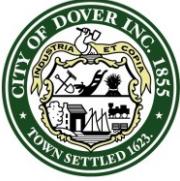
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- (2) The burden of proof that the conditions specified in Subsection F (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the conditional use approval, except as herein provided.
- (3) The conditional use approval shall apply only to the project specified at the time of approval and shall not be transferable to a different project.
- (4) If deemed necessary by the PLANNING BOARD, prior to the granting of a conditional use approval, the APPLICANT shall agree to submit a performance security to ensure that all operations are carried out in accordance with an approved design. This security shall be submitted in an amount sufficient to complete all specified work and repair damage to any wetland area in which no work has been authorized. The security shall be submitted in an amount, with surety and conditions satisfactory to the PLANNING BOARD. The security shall be submitted and approved prior to issuance of any permit authorizing construction.
- (5) The PLANNING BOARD may assess the APPLICANT reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

G. Specific provisions for wetlands.

(1) Wetland Buffers.

- (a) *Buffers Established.* Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) to one hundred (100) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wetland scientists shall score the following wetland functions using the N.H. method: ecological integrity, flood storage, groundwater recharge, wetland dependent wildlife habitat, and water quality (nutrient trapping/retention/transformation and sediment trapping). The Certified Wetland Scientist shall use these scores in accordance with Tables (1)(b) and (c) below to assign buffer widths. Buffer widths are determined based upon the following method:



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- (i) Scores are determined for each function.
- (ii) Compare scores of each function to those outlined in Table (1)(b), to determine which ones meet minimum scoring criteria.
- (iii) Sum functions which meet minimum scoring criteria.
- (iv) Select applicable buffer width from Table (1)(c).

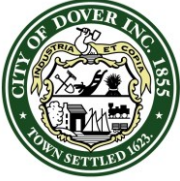
Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above.

- (b) Guideline for minimum function scores which trigger increased buffer widths.

<u>Buffer function</u>	<u>Minimum Threshold</u>
<u>Ecological integrity</u>	<u>5.6</u>
<u>Sediment trapping</u>	<u>7.2</u>
<u>Nutrient trapping/retention/transformation</u>	<u>6.8</u>
<u>Groundwater recharge</u>	<u>4.6</u>
<u>Flood water storage</u>	<u>3.0</u>
<u>Wetland dependent wildlife habitat</u>	<u>3.4</u>

- (c) Buffer widths

<u>Qualifying buffer functions</u>	<u>Required buffer width</u>
<u>Minimum buffer width</u>	<u>50 feet</u>
<u>Three functions</u>	<u>75 feet</u>
<u>Four or more functions</u>	<u>100 feet</u>



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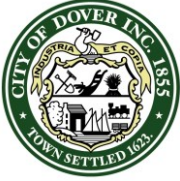
~~(b)~~(d) *Natural Conditions to be Maintained within Buffers.* Where wetland buffer disturbance is allowed pursuant to a state or federal permit, or a conditional use permit, restoration of the disturbed area is required. Restoration is defined as filling of ruts or excavated area with similar soils while maintaining original grade. Applications for a City of Dover BUILDING permit that includes a temporary disturbance of wetlands buffers, ~~pursuant to Section G (1)(e)(iv) below,~~ shall include a “Wetlands Buffer Encroachment and Restoration Plan.” Said plan shall be submitted, reviewed and approved by Building Inspector, in consultation with City staff, prior to the disturbance. Replanting to restore buffers shall be with native non-invasive species specified in the “Wetlands Buffer Encroachment and Restoration Plan”. Implementation of the plan shall include the clear delineation of the boundaries of wetland buffers in the field using construction tape or other clear marking devise. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Section ~~GE (14)(ge), below,~~ provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.

~~(c) *Certain Uses Prohibited in Buffers.* The following uses and activities are prohibited within a wetland buffer:~~

- ~~(iii) The establishment or expansion of salt storage, JUNKYARDS, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities;~~
- ~~(iv) The BULK storage of chemicals, petroleum products, or toxic and hazardous materials;~~
- ~~(v) The dumping or disposal of snow and ice collected from roadways and parking LOTs;~~

~~(f) *Uses Allowed Only With a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer only if a conditional use permit is obtained in accordance with Section F above:~~

- ~~(vi) All uses not specifically prohibited in Section G (1)(e) above, or specifically exempted in Section G (1)(g) below.~~



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~~(vii) The erection or construction of a BUILDING or STRUCTURE, excluding FENCES that meet the requirements of 170-33, or the construction of parking LOTS or loading areas.~~

~~(viii) Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.~~

~~(ix) The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of storm water detention ponds.~~

~~(x) The installation of water, sewer, or buried electrical or telecommunications cables.~~

~~(xi) The installation of water supply wells~~

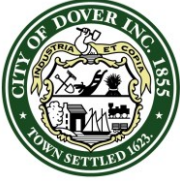
~~(g) *Uses Allowed Without a Conditional Use Permit.* The following uses and activities are allowed within a wetland buffer with the noted conditions:~~

~~(ii) Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire Dredge and Fill Permit, in accordance with NHDES Rules Env-Wt 308.01(a) and 308.02—repair of an existing legal STRUCTURE; or successor rules.~~

~~(iii) The removal of vegetation in accordance with NHDES Rules Env-Wt 303.05(b), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts.~~

~~(iv) The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules.~~

~~(v) Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover BUILDING permit, provided the temporary disturbance is restored in accordance with Section G (1) (b) above.~~



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~~(6)(2)~~ (2) No septic tank or leach field may be constructed or enlarged closer than ~~seventy-five~~ one hundred (100) feet to any ~~Wetland Protection District~~ wetland. In new subdivisions approved subsequent to adoption of this section, there must be sufficient LOT size to place a house, a state-approved septic system, where applicable, and a state-approved well, where applicable, without locating them in a wetland. This provision can be waived if a conditional use approval is obtained from the PLANNING BOARD, after an initial review is conducted by the Conservation Commission and their subsequent recommendation.

(3) A state ~~wetland dredge and fill~~ application shall be submitted for any proposed change to a wetland (RSA 482-A).

H. Specific provisions for vernal pools.

(1) Vernal Pools. A wetland scientist shall use the following definitions in Section G

(4) (a)(b) to determine if the wetland present is a vernal pool. A vernal pool shall be defined as 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 human-caused activities that are not intended to provide compensatory mitigation, including but not limited to:

(i) Gravel pit operations in a pit that has been mined at least every other year; and Logging and agricultural operations conducted in

(ii) accordance with all applicable New Hampshire statutes and rules; and

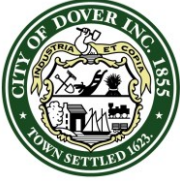
(b) Typically has the following characteristics:

(i) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;

(ii) Forms in a shallow depression or basin;

(iii) Has no permanently flowing outlet;

(iv) Holds water for at least 2 continuous months following spring ice-



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out;

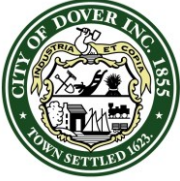
(v) Lacks a viable fish population; and

(vi) Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators. Primary and secondary vernal pool indicators are defined in the third edition of “Identifying and Documenting Vernal Pools in New Hampshire” published by New Hampshire Fish and Game.

(c) Where a vernal pool is identified, the Certified Wetland Scientist shall designate a no-disturb buffer where the no-disturb buffer zone shall include the vernal pool envelope which extends one hundred (100) feet from the edge of a vernal pool’s depression. A no-disturb buffer shall be defined as undisturbed, natural vegetation where no activity is permitted including but not limited to grading, landscaping, clearing of vegetation, cutting, filling, excavation, road construction, and driveway construction, except for the process of removing unsafe trees upon recommendation by an arborist. If a survey is unable to be conducted to confirm the presence of a vernal pool, then the buffer established shall default to the minimum 50 foot buffer width.

(d) The PLANNING BOARD may approve an alternative directional buffer upon initial review and recommendation from the Conservation Commission. Directional buffers are used to link habitats used by pool-breeding amphibians with forested travel corridors at appropriate migration scales and may be considered a practicable alternative upon recommendation from the Conservation Commission. Providing that the Conservation Commission determines there is suitable habitat for vernal pools indicator species within a 750-foot range of the vernal pool envelope, the Conservation Commission may recommend to an applicant the alternative directional buffer as the area of regulation for the vernal pool in order to protect rare species habitat on a site by site basis.

An applicant may request to implement an alternative directional buffer as the area of regulation for the vernal pool, with the submittal of a narrative or study written by a Certified Wetland Scientist. The directional buffer



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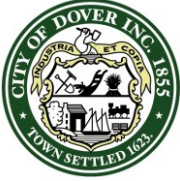
recommendation shall be determined by the Certified Wetland Scientist and must adhere to the following criteria:

- (i) The Certified Wetland Scientist provides to the Conservation Commission habitat data relating to the vernal pool and surrounding area demonstrating that use of an alternative directional buffer would provide habitat protection value equal to or greater than would the use of the one hundred (100) foot no disturb perimeter radial buffer. The square footage area of a directional buffer shall not be greater than the square footage area if a radial buffer were to be imposed.
- (ii) The Conservation Commission determines that, based on the best available science, the alternative directional buffer would provide habitat protection value equal to or greater than would the fixed radial area.
- (iii) An alternative directional buffer must include, at minimum, a functional water quality buffer around the vernal pool depression, which shall extend 50 feet from the vernal pool envelope.
- (iv) If an applicant requests that an alternative directional buffer be the area of regulation and the Conservation Commission does not approve the alternative directional buffer, the one hundred (100) foot no disturb buffer is the area of regulation.

H.I. Filled lands and preexisting uses.

- (1) Lands which may have been wetlands but were filled under properly issued federal, state and local permits granted prior to the adoption of this section will be judged according to the soils and flora existing at the time the application for BUILDING permit or subdivision is made.
- (2) STRUCTUREs and uses existing at the time of the adoption of this section that do not comply with the rules stated herein shall be regulated in accordance with 170-40 and 170-41 of this Chapter.

H.J. Exemption for existing one- and two-family residential STRUCTUREs, existing LOTs, impoundments and maintenance dredging.



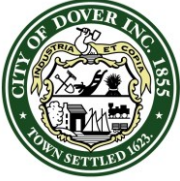
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- (1) Notwithstanding other provisions of this Chapter, the construction of additions and/or extensions to one- and two-family dwellings shall be permitted within the Wetlands Protection District or buffer, provided that:
 - (a) The dwelling(s) lawfully existed prior to the effective date of this section;
 - (b) The proposed construction conforms to all other applicable ordinances and regulations of the City of Dover; and any required State of New Hampshire Dredge and Fill Permit is obtained.
 - (c) The design and construction of the proposed use will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.
- (2) Notwithstanding other provisions of the ordinance, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOT, provided that all of the following conditions are found to exist:
 - (a) The LOT for which an approval/permit is sought was an official LOT of record, as recorded in the Strafford County Registry of Deeds, prior to the date on which this amendment was posted and published in the city.
 - (b) The STRUCTURE for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT, which are outside the Wetlands Protection District.
 - (c) Due to the provisions of the Wetlands Protection District, no reasonable and economically viable use of the LOT can be made without the exemption.
 - (d) The design and construction of the proposed STRUCTURE will, to the extent practical, be consistent with the purpose and intent of this ordinance.
 - (e) The proposed STRUCTURE will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater or other reason.



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(f) The design and construction of the proposed STRUCTURE will be done in a manner which minimizes the impacts on the affected wetland, including storage of EXCAVATION and construction material outside the wetland and installation of siltation FENCE and/or hay bales to contain erosion of the construction site.

(3) Maintenance dredging for navigational purposes (where a dredge spoil site has been approved by the PLANNING BOARD) are exempt from the regulations stated herein. Notwithstanding, copies of permits where required by the New Hampshire Department of Environmental Services and the United States Army Corp. of Engineers shall be submitted to the PLANNING BOARD prior to construction.

(4) The burden of proof that the conditions specified in Subsection I (1) and/or (2) above have been met shall be the responsibility of the person(s) requesting the approval/permit.

J.K. Separability. Should any provision of this section be declared invalid by a final court decision, the same shall not affect the validity of this section as a whole or part thereof, other than the part declared to be invalid.

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Word Uses and Definitions” by adding FLASHING SIGN Definition to read:

FLASHING SIGN means any sign with a moving, illuminated content.

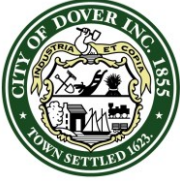
12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “SIGN Review and Regulations” changing errant references to Subsection “Q” to Subsection “O”.

13. TAKES EFFECT

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

AUTHORIZATION



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Approved as to
Funding:

Daniel R. Lynch
Finance Director

Sponsored
by:

Councilor Fergus Cullen
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		
Deputy Mayor Dennis Shanahan, Ward 5		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor, Robert Hinckle, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor Linea Nemeth, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL: