

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type:	Regular Meeting
Meeting Location:	Council Chambers, City Hall, 288 Central Avenue, Dover NH 03820
Meeting Date:	Tuesday, February 14, 2023
Meeting Time:	7:00 pm

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- January 24, 2023 Regular Meeting Minutes

3. OLD BUSINESS

- A. Consideration and possible vote on posting the proposed amendments to Chapter 153-4, entitled "Site Plan" of the code of the City of Dover. Amendments include clarifying site review applicability, Technical Review Committee process of reviewing minor site plans, and removing 90-day extension per state statute. The full text of the amendments is available in the Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.*

4. NEW BUSINESS

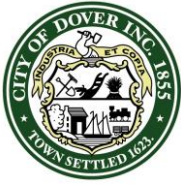
- A. Consideration and acceptance of a Lot Line Adjustment for Laurie S. Anderson and Andrew R and Holly Welsh Smith, Assessor's Map 17, Lots 132 and 131, zoned R-12, located at 13 & 11 Hawthorne Road.
*(LOTA-2023-0001)
- B. Consideration and possible vote on posting the proposed amendments to Chapter 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.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, January 24, 2023**
Meeting Time: **7:00 pm**

Members Present: Haley Harmon (Vice Chair), Mark Speidel, Ken Mavrogeorge, Frank Torr, Kyle Pimental, Fergus Cullen (Councilor), Erinn Kaspari, George DeBoer (Alternate) and Jon Elliard (Alternate)

Members Not Present (excused): Tom Clark, Gina Cruikshank (Chair)

Members Not Present (un-excused):

Staff Present: Donna Benton, Director of Planning and Development; Dave Carpenter, Community Development Director; and Jackson Kaspari, Resilience Manager.

H. Harmon called the meeting to order at 7p.m. and noted she will serve as Chair and K. Pimental will sit in as Vice Chair, J. Elliard will sit in for Tom Clark and G. DeBoer will sit in for Gina Cruikshank.

1. CITIZENS' FORUM

Citizens Forum Open

No one spoke

Citizens Forum Closed

2. APPROVAL OF THE PRIOR MINUTES

- January 10, 2023 Regular Meeting Minutes
- January 10, 2023 Workshop Meeting Minutes

Motion: M. Speidel moved to approve January 10, 2023 Workshop and Regular Meeting Minutes. Seconded by: F. Cullen. Vote: U/A

3. OLD BUSINESS

- A. Public hearing and possible adoption of amendments to Chapter 153-4, entitled "Site Plan" of the code of the City of Dover. Amendments include clarifying site review applicability, Technical Review Committee process of reviewing minor site plans, and removing 90-day extension per state statute. The full text of the amendments is available in the Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.*

D. Benton explained staff felt the Board should focus on zoning amendments, the city-wide resilience plan, and the Action Plan and that she has further amended the site plan amendments after hearing feedback from the Board but wanted more time before bringing them back to the Board. She also went over the ordinance change that is before the City Council which enables the Planning Board more clearly to delegate more power to the Technical Review Committee.

Motion: M. Speidel moved to endorse the ordinance change which enables Planning Board to delegate power to the TRC if they choose. Seconded by: J. Elliard. Vote: U/A

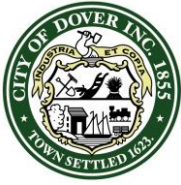
Motion: F. Cullen moved to continue item A to a future meeting. Seconded by: E. Kaspari. Vote: U/A

4. NEW BUSINESS

- A. Public hearing on the draft FY24 CDBG Annual Action Plan. All persons wishing to speak on the Plan are urged to attend. *

D. Benton introduced Dave Carpenter, Community Development Planner to present the draft FY24 CDBG Annual Action Plan.

D. Carpenter presented the action plan and answered questions of the board:



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DOVER PLANNING BOARD – MINUTES

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M.Speidel: Clarification on what support limited funding can accomplish and number of applicants.

F.Cullen: Clarification on a specific applicant and process of reaching out to service organizations which is purposefully not to so that there is an equal opportunity.

K.Pimental: Clarification on marketing of services offered by applicants.

- COAST Representative answered that yes, the need was low last year and already this year the numbers are higher for use. New marketing is in place.

Speidel: Clarification on how meals on wheels can supply the number of meals for the specific funding amount listed.

Public hearing opened

Bob Arnold, Community Action Program (weatherization) explained the program, how they assist citizens and their accomplishments last year.

Gary Bannon, Dover Recreation Director spoke about the Community facilities committee's proposal to upgrade accessible pathways to the pool facility from the parking areas.

Public hearing closed

Speidel: where are the rental units listed under public facilities? D.Carpenter noted it's a pilot program to use funds to bring existing housing up to Housing Quality Standard. The rent would then be capped for a certain number of years. The program has not started yet.

Motion: Speidel moved to endorse the FY24 CBDG Annual Action Plan. Seconded by: J. Elliard. Vote: U/A

- B. Discussion and possible recommendation of the City-wide Resilience Plan.*
E. Kaspari recused herself from this item.

D. Benton mentioned the Land Use Board Meet and Greet where one of the topics was the City-wide Resilience plan and then introduced Dr. Jackson Kaspari to present an overview.

J. Kaspari gave a brief overview of the City-wide Resilience Plan which is the community-driven ability to respond and quickly address adverse events or stressors. For example, climate change, global shifts in energy markets, the cost of energy, food production issues etc.

There is a strong link within the plan to the 2022-2023 City Council goals.

The plan emphasizes new content since there are already resources and plans in place for topics such as flooding protection and storm water management.

Board members gave feedback and asked for some clarifications. Mr. Kaspari answered their questions.

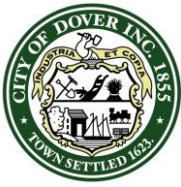
M.Speidel: Composting recommendations/ staff or volunteer enforcement

Where does the money come from for the initial investment for commercial property clean air retrofitting?

F.Torr: Carport solar system regulations and placement

K.Pimental: Outreach and promotion of NHSaves- especially weatherization.

Electric vehicle equipment infrastructure: the city is doing well with bicycles and racks, but could do better for motorized scooters.



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The website has a ton of information showing what the City has done.

Public hearing opened

None

Public hearing closed

Motion: M. Speidel moved to endorse the document. Seconded by G. DeBoer. Vote: U/A

M.Speidel, G.DeBoer and F.Torr all commented they are confident endorsing the document. Such a great job has been done and they have confidence the addition of the executive summary and implementation plans will be done with equal care.

- 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.*

The Chair announced this would be continued to a future meeting.

- 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.*

The Chair announced this would be continued to a future meeting.

- E. 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.*

D.Benton listed and explained the zoning amendments that staff drafted after hearing the Board's thoughts on the topic list presented at the last meeting.

K.Pimental made a few comments about the following: Public notice, #17F wetlands, #19B wording, #19B TDR relief clarification

Discussion occurred and agreement among members regarding TDR criteria.
Discussion occurred about the NH method for wetlands for CUP criteria.

K.Mavrogeorge: #19 and it's relation to #17/ narratives.

M.Speidel: #15 wording

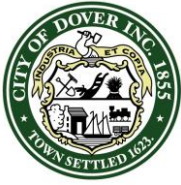
Cullen: #9 8.2 clarification on 30%, #14B-1-e asked for clarification

D.Benton provided that clarification.

Motion: E. Kaspari moved to table the item to February 14th. Seconded by M. Speidel. Vote: U/A

5. STAFF COMMENTS

- D.Benton asked that in the meantime, status quo would remain including that minor alterations to utility locations or similar materials that change on site or post Planning Board approval can be handled



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administratively. The Board agreed that small changes normally handled administratively in the past can continue.

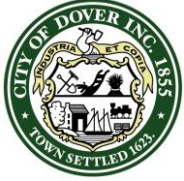
- Vision Chapter Virtual Visioning Session February 9th. Please visit the City website to register or email Erin Bassegio.
- January 23rd Downtown Pedestrian and Vehicular plan information/public input session was postponed due to the weather last night and will be rescheduled to be in February.
- Interviewing for Housing Navigator and City Planner positions
 - **TRCs since last meeting:** Site Review for Stonearch Development Corp., (Owners: 59 Tolend Road, LLC and Eugene A & Donna L Sgrignuoli), Assessor's Map E, Lots 65-1 & 65-A, zoned R-20, located between 53 & 65 Tolend Road & 22 Sun Hawk Lane. (Proposal is to construct 104 townhouse units, 44 units obtained via TDR). A related Open Space Subdivision, CUP, Lot Line Adjustment & TDR applications will also appear before the Planning Board. (P22-78/SITE-2022-0021 & P22-10/SUBM-2022-0007) [*This item was previously heard on March 3, 2022*]
- TRCs coming up:
 - 2 Developments near Grapevine Drive but aren't scheduled yet
- Thanked D.Carpenter and J.Kaspari for their work and presentations tonight

6. MEMBER COMMENTS

- Appointed another member of the Racial Equity Committee to the Vision Chapter Steering Committee
- Signed site plans for 36 & 38 New Rochester Road, The Storage Barn, and White Birch Armory.
- Acknowledged notice of merger for 16 Leighton Rd

7. ADJOURNMENT

Motion: E. Kaspari moved to adjourn at 8:36pm. Seconded by G. DeBoer. Vote: U/A

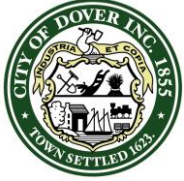


CITY OF DOVER

PLANNING BOARD - STAFF MEMO CHAPTER 153-A

Application Type: Site Plan
Applicant(s): City of Dover
Owner(s): City of Dover
Meeting Date: February 14, 2023

For item 3A please see item 4B.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILES LOTA-2023-0001

Application Type:	Lot Line Adjustment
Applicant(s):	Laurie S. Anderson and Andrew R. and Holly Welsh Smith
Owner(s):	Laurie S. Anderson and Andrew R. and Holly Welsh Smith
Location:	13 and 11 Hawthorn Road (Assessor's Map 17, Lots 132 & 131) February 14,
Meeting Date:	2023

Applicant is requesting continuance to March 14, 2023 Planning Board meeting.

Blonigen, Rachel

From: Josh Lanzetta <josh@brutonlaw.com>
Sent: Thursday, February 9, 2023 12:23 PM
To: Glidden, Jean
Cc: Blonigen, Rachel
Subject: Anderson - Continuance Request

Security Notice: External sender. Use caution with hyperlinks or attachments.

Hi Jean & Rachel,

Please accept this email as a continuance request for the lot line adjustment application for Laurie S. Anderson and Andrew R. and Holly Welsh Smith, Assessor's Map 17, Lots 132 and 131, zoned R-12, located at 13 & 11 Hawthorne Road (LOTA-2023-0001).

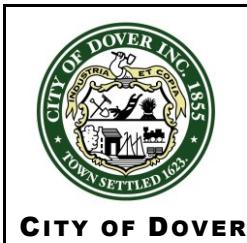
Please let me know if it is necessary to appear on the 14th to secure this continuance.

Thanks in advance for your time.

Best,
-Josh

JOSHUA P. LANZETTA, Esq.
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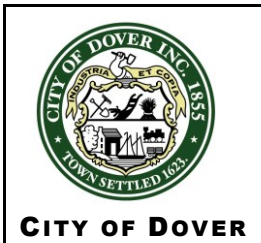
CITY OF DOVER - ORDINANCE

Posted: ____, 2023

Ordinance Title: Site Review Regulations Amendments
Chapter: 153

§ 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 by the Planning Board, 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.
- B. A completed application sufficient to invoke jurisdiction of the Planning Board (or, for minor site plans, the Technical Review Committee) shall include the following elements:
- (1) A completed application form, available at the Department of Planning and Community Development office and through the online portal.
 - (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-Four~~ 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@dover.nh.gov. (Note: Only ~~eight~~ three copies of the preliminary plan need to be submitted initially for review by the Technical Review Committee. However, 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.
- 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.



CITY OF DOVER - ORDINANCE

Posted: ____, 2023

Ordinance Title: Site Review Regulations Amendments
Chapter: 153

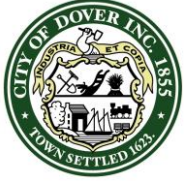
[Amended 1-14-2020]

- (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.

§ 153-7 Planning Board action.

[Amended 8-26-2008]

- A. The Planning Board shall take no action on an applicant's development proposal until it has received a report from the Technical Review Committee evaluating said proposal.
- B. The Planning Board shall act to approve or disapprove within 65 days after formal acceptance of the application.
- C. ~~The Planning Board may petition the City Council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.~~ The applicant may waive the requirement for Planning Board action and consent to such extension as may be mutually agreeable.
- D. The Planning Board may request technical assistance from experts in any field in making a proper determination of the physical, social, economic, and environmental or other impact of a proposed development on the community. In the event that said technical assistance would require remuneration, the applicant shall be responsible for such costs.
- E. The Planning Board shall, as deemed necessary, place conditions on such approval, including the posting of a performance bond or escrow agreement as specified in § 153-11 of this chapter.
- F. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, approval with modification, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the City's ordinances or to other essential planning criteria, as determined by the Planning Board in accordance with § 153-5 of these regulations.
- G. The Planning Board may grant preliminary site review approval; however, said approval shall not qualify the applicant to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one year. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two years.

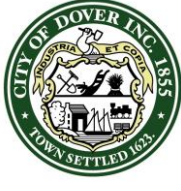


CITY OF DOVER

PLANNING BOARD - STAFF MEMO CHAPTER 157

Application Type: Land Subdivision Regulations
Applicant(s): City of Dover
Owner(s): City of Dover
Meeting Date: February 14, 2023

Item 4C will not be heard at the meeting on February 14, 2023.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE	
	Ordinance Number: O – yyyy.mm.dd - Ordinance Title: Updating the Dover Zoning Ordinance Chapter: 170	Posted _____, 2023

The City of Dover Ordains:

1. PURPOSE

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

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170, Table of Contents, by revising the ordinance to read as follows:

“170-6. Word ~~Uses~~ **Usage** and Definitions.”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170, Table of Contents, by revising the ordinance to read as follows:

“170-15. ~~OPEN SPACE requirements~~ **Recreation Space and Separation between Use Requirements**.”

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the ordinance to read as follows:

“**DEVELOPMENT IDENTIFICATION SIGN** means a SIGN attached to a screening wall or landscape planter designed and intended to identify an approved multi-lot residential subdivision or multi-tenant site plan, located at the principal vehicular entry points. **Also includes a construction sign as a TEMPORARY SIGN, for this purpose.**”

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the ordinance to read as follows:

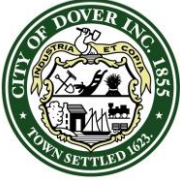
“**GROUND MOUNTED SOLAR** means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times, **as well as panels attached to stand-alone carports.**”

5A. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the ordinance to read as follows:

“**ROOFTOP SOLAR** mean a photovoltaic system that generates electricity by capturing solar ~~thermal~~ energy and is mounted on the rooftop of a residential or commercial building or structure.”

6. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted _____, 2023

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 170-6.B., “Word Usage and Definitions”, by revising the ordinance to read as follows:

“**JUNKYARD, MOTOR VEHICLE** means ~~includes~~ any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer operable or in condition for legal use on the public highways or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material which has been a part or intended to be a part of any motor vehicles, the sum of which parts or materials shall be equal in BULK to two (2) or more motor vehicles. "MOTOR VEHICLE JUNKYARD" shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up the parts thereof.”

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the ordinance to read as follows:

“**UNSUITABLE DEVELOPMENT AREA** means the area of a site that includes wetlands, water bodies, slopes exceeding a grade of 20% and totaling more than 2,000 square feet of contiguous area, land used for septic systems, floodways, and floodway fringe within the 100-year FLOODPLAIN as shown on the latest FEMA maps accepted by the City, and public utility easements.”

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6.B., “Word Usage and Definitions”, by revising the ordinance to create a new definition, to read as follows:

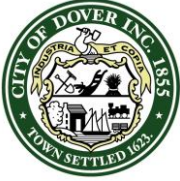
“**WINDOW SIGN** means a sign affixed to, or within one foot of a window, intended to be visible and readable from the RIGHT OF WAY or from adjacent property.”

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.A., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Cochecho Waterfront District (CWD), to add footnote 8 next to “Permitted Uses”, to read as follows:

“[8]:

- Shall follow 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/or a green roof on at least 30 percent of the roof area.
 - Solar shall not affect the view of the river for nearby properties or rights-of-way.
- Architecture shall complement the Design Guidelines for the Cochecho Waterfront Development.
- Approved public art is encouraged.”



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted ____, 2023

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

10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.B., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Gateway District (G), to read as follows:

“Lot ~~coverage~~ **COVERAGE**: 50% **max**”

11. 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), to add footnote 1 next to “Permitted Uses” to read as follows:

“[1] If a 4-story building is proposed, screening (year-round landscaping or solid fence) is required near property lines shared with adjacent properties where the building height is less than 4 stories, in order to create a visual buffer.”

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20.E.(3)., “Central Business District Regulations”, by revising the minimum standards criteria to read as follows:

“(d) Lighting

~~(a)~~ (i) Materials and equipment chosen for lighting fixtures should be durable, energy efficient, and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

(ii) At the front of the BUILDING, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

(iii) Floodlights or directional lights may be used to illuminate parking garages and working (maintenance) areas but must be shielded or aimed in such a way that they do not shine into other LOTS, or the STREET. Floodlighting shall not be used to illuminate BUILDING walls (i.e. no up-lighting), except in the TOD sub-district.

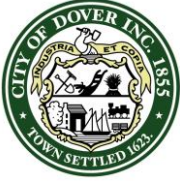
~~(v)~~(iv) Site lighting shall be of a design and HEIGHT so as to illuminate only the LOT. **General site lighting shall conform with NH Dark Sky Policy, as applicable by RSA 9-E:3.**

(v) No flashing, traveling, animated, or intermittent lighting shall be visible from the STREET on the exterior of any BUILDING, whether such lighting is of temporary or long-term duration.”

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20.B.(1), “Central Business District Regulations”, Conditional Use Permit criteria by revising the ordinance to amend the following section as follows:

“(1)See Section 170-19 for Conditional Use Permit Criteria.



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- ~~(1) Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:~~
- ~~(a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACES.~~
 - ~~(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.~~
 - ~~(c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.~~
 - ~~(d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.~~
 - ~~(e) That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.~~
 - ~~(f) That CIVIC BUILDINGs and public gathering places shall be provided as locations that reinforce community identity and activity.~~
 - ~~(g) That CIVIC BUILDINGs shall be distinctive and appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.~~
 - ~~(h) That the preservation and renewal of historic BUILDINGs shall be facilitated.~~
 - ~~(i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.”~~

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by adding Chapter 170-19 (which is Reserved to “Non-Environmental Conditional Use Permit Criteria”) by revising the ordinance to add a new section, to read as follows:

“170-19 Non-Environmental Conditional Use Permit Criteria.

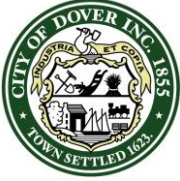
A. Purpose and Intent

- (1) Where a Conditional Use Permit is being requested for relief by use or standards as allowed by this ordinance, the following criteria in Section B shall be met.

B. Conditional use criteria

- (1) Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

- (a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACES.
- (b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.
- (c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.
- (d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.
- (e) That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods **via a mixture of elements including windows, floorplan, public, and private space.**



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- (f) That encourage CIVIC BUILDINGS and other public gathering places be provided as locations that reinforce community identity and activity.
- (g) That CIVIC BUILDINGS shall be distinctive and appropriate to a role more important than the other BUILDINGS that constitute the fabric of the city.
- (h) That the preservation and renewal of historic BUILDINGS shall be facilitated.
- (i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.
- (j) That if the relief is granted, the surrounding neighborhood is not negatively impacted.
- (2) Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:
 - (a) The requested use shall be compatible with abutting uses and the surrounding NEIGHBORHOOD.
 - (b) The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.
 - (c) The requested use will not result in objectionable noise or odor which would constitute a NUISANCE.
- (3) Conditional use approval shall be subject to a formal agreement between the PLANNING BOARD and the APPLICANT. Said agreement shall be recorded at the Strafford County Registry of Deeds

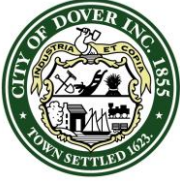
15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-21.D.b., “Alternative Energy System”, by revising the placement of solar systems criteria to read as follows:

- i. The height of a roof mounted solar ~~array panel~~ shall not be counted towards the maximum permitted height of the structure it is affixed to ~~of the underlying~~ the zoning district. ~~If the proposed rooftop solar array consists of mounted tracking panels, a Conditional Use Permit is required.~~
- ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.
- iii. In no case shall a ground mounted unit exceed ~~20 feet or the height of the principle building whichever is shorter.~~ However, with a Conditional Use Permit, Solar Trackers may be permitted up to the maximum building height plus five feet allowed in the underlying zoning district provided they are located to the rear of the principal building and not visible from the public RIGHT-OF-WAY.
- iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.”

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1.B.(2)., “Wetland Protection District”, by revising the purpose and intent criteria to read as follows:



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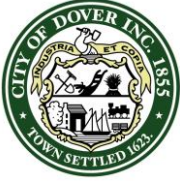
“(2) Prevent the destruction of, or significant changes to, wetlands which provide **critical functions and values including but not limited to:** flood protection, **habitat for wildlife dependent on wetlands, enhance water quality (nutrient trapping/retention/transformation and sediment trapping), protect ecological integrity,** recharge the groundwater supply and augment stream flow during dry periods and filtration of water flowing into ponds and streams.

17. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.1.F., “Wetland Protection District”, by revising the conditional use approval criteria to read as follows:

“A. Conditional use approval.

- (1) Conditional use approval may be granted by the PLANNING BOARD (RSA 674:21III) 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.
 - (f) **To assess and summarize the wetlands’ functions and values as denoted in the NH Method and Section 170.27.1(B)(2).**
- (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



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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.
- (6) **A narrative be provided indicated criteria of a-f above have been met.”**

18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2.E.(4)., “TRANSFER OF DEVELOPMENT RIGHTS.”, by revising the procedural requirements criteria to read as follows:

“(4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections G and H below. **Waivers shall be reviewed using the same criteria of Site Plan Waivers.** Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.

19. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2.G(8)., “TRANSFER OF DEVELOPMENT RIGHTS.”, by revising the criteria to read as follows:

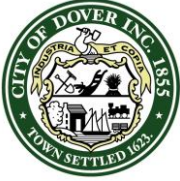
- (8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity: **A narrative shall be submitted indicating how the following criteria are met.**
- (a) Is consistent with the Master Plan
 - (b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building **fits in with** in a single family neighborhood). **The applicant shall provide in their narrative an explanation of their neighborhood analysis.**
 - (c) Is created on property served by public water and sanitary sewer.
 - (d) **Any relief sought should not be caused by the additional density**

20. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32.C.(7)., “SIGN Review and Regulations”, by revising the general provisions criteria to read as follows:

“(7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.

- (a) **Window decals (such as: adhesive; labels; placards) are not permissible when affixed on the outside of a window, but are, generally, allowed when affixed to the inside.”**



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21. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32.C.16., “SIGN Review and Regulations”, by revising the general provisions criteria to read as follows:

“(16) On a BUILDING or project under construction, or on a property currently for sale or rent, one additional SIGN is permitted and shall conform to the following additional regulations:

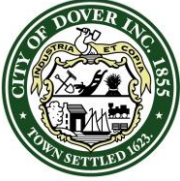
- (a) One (1) SIGN not exceeding thirty-two (32) square feet is permitted on a BUILDING or project under construction. Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY or upon the expiration of the BUILDING permit. An additional one (1) SIGN not exceeding thirty-two (32) square feet is also permitted as a temporary DEVELOPMENT IDENTIFICATION SIGN at the principal vehicular entry point. Said SIGN shall not be subject to the permitting requirements of this Section.
- (b) One (1) SIGN not to exceed four (4) square feet may be erected on a property currently for sale or rent. Said SIGN shall not be subject to the permit requirements of this Section.”

22. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-53.D, “Amendment Procedure: Public Notice and Hearing Requirements”, by revising the ordinance to read as follows:

“D. Public Notice and Hearing Requirements.

- (1) Public Notice. Public notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing, not including the day the notice is posted or published or the day of the public hearing. In accordance with the requirements of RSA 675:7, I(a) and RSA 675:I(b)(3), notice of the public hearing shall be placed in a newspaper of general circulation in the city and shall be posted in at least three (3) public places, including the City web-site. In accordance with RSA 675:7, I(b), the posting on the City website shall appear prominently on the City’s homepage (or a link directly to the notice appearing prominently on the City’s homepage), shall be posted at least ten (10) days before the hearing, and shall remain posted on the website until the conclusion of the hearing.
- (2) Notice to Landowners and ABUTTERS. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by the rezoning boundary change, change in permitted minimum lot sizes, or change in permitted use to their zone. Otherwise, notices will be sent per RSA 675:7. proposed amendment and to landowners whose property lies within one hundred (100) feet of the subject area. All such notices shall be sent to the address used for mailing local property tax bills, shall be by first class mail, and shall be sent at least ten (10) days prior to the scheduled public hearing date. In accordance with RSA 675:7, I-a, good faith effort and substantial compliance shall satisfy the notice requirements set forth in this subparagraph. In accordance with RSA 675:7, I-b, in the event of petitioned zoning amendments, the petitioners shall be responsible for the full cost of notice by mail as set forth in this subparagraph. The requirements of RSA 675:7 shall apply if and to the extent RSA 675:7 (as may be amended from time to time) provides other or more stringent requirements than the notice and other requirements stated in this subparagraph.



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- (3) Text of Notice. All letters of notification and public notices shall state the time and place of the public hearing, the nature of the amendment, a general description of the property involved, where applicable, and designating a place where the full text of the amendment is on file for public inspection.”

23. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.A., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Commercial Manufacturing District (CM), to remove “Hotel/Motel” from permitted uses with a CUP as it is already listed as a Permitted Use.

24. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12.A., “Applicability of Tables of Use and Dimensional Regulations by District”, by revising the Dimensional Regulations Table in the Commercial Manufacturing District (CM), to remove “Educational Institution, Post Secondary” from permitted uses with a CUP as no CUP specific criteria are listed on the CM table.

25. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay District” by revising subsection C. Location to read as follows:

“The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT or R-40 zone, which is greater than ~~20~~ 25 acres, and served by public water and sanitary sewer.”

26. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-21 “Residential-Commercial Mixed Use (RCM) Overlay District” by adding subsection C. Location to read as follows:

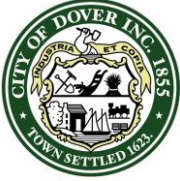
“C. Conditional Use Permits

- (1) A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitation only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and a written narrative is provided demonstrating that the HEIGHT would:

- (a) Not be detrimental to the public safety, health or welfare or injurious to other property, and will promote public interest.
- (b) Demonstrate a projected and quantified solar energy production benefit for allowing the extra height
- (c) Mitigate any impacts on abutters
- (d) Not be within 75’ of the arterial or connector road
- (e) Not be clearly visible from the public right-of-way

27. TAKES EFFECT

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



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AUTHORIZATION

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: