CITY OF DOVER

CITY COUNCIL - AGENDA

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, July 10, 2024**
Meeting Time: **7:00 pm**

1. **CALL TO ORDER**
2. **MOMENT OF SILENCE**
3. **PLEDGE OF ALLEGIANCE**
4. **ROLL CALL ATTENDANCE**
5. **PROCLAMATIONS/AWARDS – PLASTIC POLLUTION REDUCTION MONTH**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
8. **PUBLIC FORUM**

   Taxpayers, Business owners, and Residents are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.
9. **CITY MANAGER'S REPORT**
10. **APPROVAL OF MINUTES**
    A. **June 12, 2024 – Regular Meeting**
11. **MAYOR'S REPORT**
12. **UNFINISHED BUSINESS**
    A. **ORDINANCES IN THE 2nd READING**
    B. **ORDINANCES IN THE 3RD READING**
    C. **RESOLUTIONS**
13. **NEW BUSINESS**
    A. **CONSENT CALENDAR**
       1. **APPROVAL OF NEW ENGLAND SPORTS COMPLEX, INC., D/B/A FIRST PUSH SYNDICATE MCCONNELL CENTER LEASE**
          SPONSORED BY MAYOR CARRIER BY REQUEST
       2. **APPROVAL OF NET METERING AGREEMENT WITH FREEDOM LOGISTICS, LLC**
          SPONSORED BY MAYOR CARRIER BY REQUEST
       3. **AUTHORIZING DOG WARRANT FOR UNLICENSED DOGS**
          SPONSORED BY MAYOR CARRIER BY REQUEST
       4. **ACCEPTANCE OF A DONATION OF A WINDSCREEN FOR GARRISON PICKLE BALL COURT**
          SPONSORED BY MAYOR CARRIER BY REQUEST
       5. **ACKNOWLEDGEMENT AND ACCEPTANCE OF DONATION OF BOOKS FROM DEBBIE DADEY**
          SPONSORED BY MAYOR CARRIER BY REQUEST

6. **LIBRARY BOOKS & MEDIA PURCHASES INGRAM LIBRARY SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST
7. **LIBRARY BOOKS & MEDIA PURCHASES BAKER AND TAYLOR, INC.**
   SPONSORED BY MAYOR CARRIER BY REQUEST
8. **VARIOUS SENIOR CENTER TRIPS**
   SPONSORED BY MAYOR CARRIER BY REQUEST
9. **PURCHASE OF POWERDMS, INC. POWER POLICY, POWER TRAINING, POWER ACTION, AND POWER VITALS MODULES**
   SPONSORED BY MAYOR CARRIER BY REQUEST
10. **OPERATION AND MAINTENANCE OF THE CLOSED CITY OF DOVER LANDFILL SUPERFUND SITE LIFT STATION, FY2025**
    SPONSORED BY MAYOR CARRIER BY REQUEST
11. **ENVIRONMENTAL PROJECTS CONSULTING SERVICES PESCHEL CONSULTING LLC**
    SPONSORED BY MAYOR CARRIER BY REQUEST
12. **B21001 ROCK SALT & SOLAR SALT COOPERATIVE PURCHASE**
    SPONSORED BY MAYOR CARRIER BY REQUEST
13. **B24073 HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES**
    SPONSORED BY MAYOR CARRIER BY REQUEST

COMMITTEE REPORTS

1. Arts Commission (Nemeth)
2. Conservation Commission (Williams)
3. Library Board of Trustees (Nemeth)
4. Appointments Committee (Williams)
5. Planning Board (Cullen)
6. School Board Liaison (Hackett)
7. Arena Commission (Hackett)
8. Recreation & Pool Advisory (Retrosi)
9. Energy Commission (Richer)
10. Parking Commission (Warach)
11. McConnell Center Advisory Committee (Retrosi)
12. Legislative Liaison (Shanahan)
13. Committee for Racial Equity and Inclusion (Nemeth)
14. Graffiti Management Advisory Committee (Nemeth)
15. Ordinance Committee (Shanahan)
16. Solid Waste Advisory Committee (Hackett)
17. Transportation Advisory Commission (Richer)
18. Joint Building Committee – DHS (Carrier)
19. Heritage Commission (Retrosi)
20. Board of Health (Richer)
21. **Downtown TIF Advisory Board (Warach)**
22. **Cocheco Waterfront Development Advisory Committee (Carrier)**
23. **COAST (Shanahan)**
24. **Waterfront TIF Advisory Board (Warach)**
25. **Dover Main Street (Carrier)**
26. **Strafford Regional Planning Commission (Williams)**
27. **Government Affairs (Carrier)**
28. **Cemetery Board (Warach)**
29. **Joint Building Committee – Athletic Complex (Cullen)**

B. RESOLUTIONS

1. **B25001 - EXCAVATION & SITE WORK FOR INSPECTION SERVICES BUILDING FOUNDATION AT 271 MAST ROAD**
   SPONSORED BY MAYOR CARRIER BY REQUEST

2. **B23078 - ADDITIONAL SCOPE OF WORK FOR DESIGN BUILD FOR INSPECTION SERVICES BUILDING**
   SPONSORED BY MAYOR CARRIER BY REQUEST
3. **B23006 - ADDITIONAL SCOPE OF WORK FOR COCHECHO WATERFRONT PUBLIC IMPROVEMENTS CONSTRUCTION**
   SPONSORED BY MAYOR CARRIER BY REQUEST
4. **B24076 AWARD OF BID FOR 2024 ROLL OFF TRUCK**
   SPONSORED BY MAYOR CARRIER BY REQUEST
5. **AUTHORIZATION TO ACCEPT AND EXPEND AMENDMENT TO THE NEW HAMPSHIRE OFFICE OF HIGHWAY SAFETY GRANT**
   (TO BE REFERRED TO A PUBLIC HEARING ON JULY 26, 2024)
   (THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
   SPONSORED BY MAYOR CARRIER BY REQUEST
6. **AUTHORIZATION TO ACCCEPT GRANT FUNDING NH DEPARTMENT OF HEALTH AND HUMAN SERVICES DEPARTMENT VIA JSI RESEARCH & TRAINING INSTITUTE, INC. TO EVALUATE DOVER POLICE DEPARTMENT'S ALTERNATIVE SUSPENSION PROGRAM**
   (TO BE REFERRED TO A PUBLIC HEARING ON JULY 26, 2024)
   (THIS RESOLUTION REQUIRES A 2/3 MAJORITY VOTE)
   SPONSORED BY MAYOR CARRIER BY REQUEST

C. ORDINANCES IN 1ST READING

1. **CHAPTER 170 RECODIFICATION ORDINANCE**
   (TO BE REFERRED TO PLANNING BOARD FOR 60-DAY REVIEW AND STUDY)
   SPONSORED BY MAYOR CARRIER BY REQUEST

14. COUNCIL CORRESPONDENCE

A. Letter from Comcast dated July 1, 2024

15. COUNCIL MATTERS OF INTEREST

16. ADJOURN

PROCLAMATION

WHEREAS: The City of Dover strives to be a leader in sustainability and passed a Resolution in April 2019 and Proclamations in July 2021, 2022, and 2023 calling for a city-wide, voluntary reduction of the use and distribution of single-use plastics; and

WHEREAS: The City of Dover wishes to conserve resources, minimize waste, reduce greenhouse gas emission and other pollution, and protect the welfare of our residents and wildlife, all of which contribute to the quality of life in Dover; and

WHEREAS: Plastic produces significant pollution, poses health risks at all stages from fossil fuel extraction to production to deterioration, and enters our surface and groundwater supplies as microplastic to contaminate drinking water and food chains; and

WHEREAS: Substantial amounts of plastic continue to increase in landfills because plastic can take up to 500 years to deteriorate and less than 5% of plastic ever gets recycled in the US; and

WHEREAS: Dover residents and businesses have access to many cost-effective alternatives to single-use plastic including cloth bags, paper cups and plates, reusable water bottles, silicone storage bags, and compostable containers; and

WHEREAS: The City supports resilience initiatives and shares information regarding how Dover residents and businesses can reduce reliance on single-use plastics; and

WHEREAS: Many Dover restaurants and cafes have joined the nationwide, voluntary Skip-the-Stuff initiative to reduce plastic take-out extras of utensils and condiments and two Dover restaurants are participating in Reusable Seacoast, a returnable, reusable, takeout container project; and

WHEREAS: It is the intent of the City to reduce the negative impacts of plastic noted above, as well as to join with the international effort to reduce pollution and health risks related to plastic;

NOW, THEREFORE I, ROBERT CARRIER, MAYOR OF THE CITY OF DOVER, NEW HAMPSHIRE, AND THE ENTIRE DOVER CITY COUNCIL, do hereby proclaim July 2024 as:

PLASTIC POLLUTION REDUCTION MONTH

In the City of Dover, NH and encourage all citizens and businesses to reduce their plastic consumption and waste and to choose more sustainable alternatives.

IN WITNESS WHEREOF, I have here unto set my hand and caused the Seal of the City of Dover to be affixed this **10th Day of July, 2024**

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Robert Carrier, Mayor
City of Dover, New Hampshire

City Manager's Report

Reporting on: May 2024

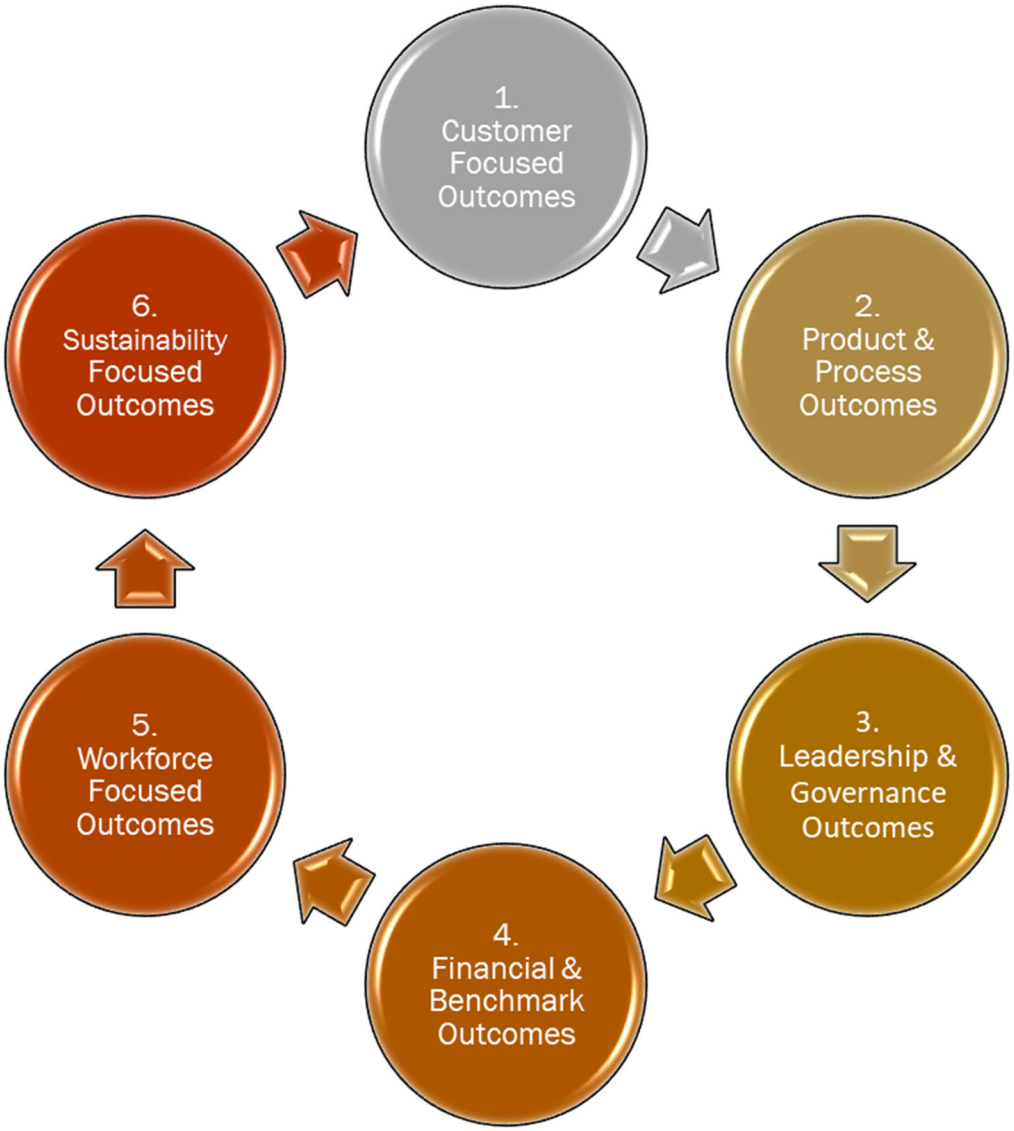


City Engineer Ken Mavrogeorge and Director John Storer serve ice cream at the Public Works Week Open House

June 26, 2024

By: City Manager Michael J. Joyal, Jr.

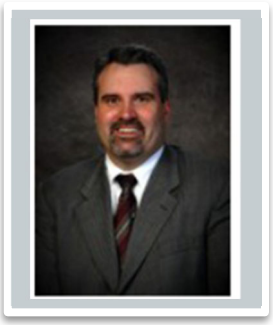
The City Manager's Report is a collaboration of City department updates provided each month to update the City Council and general public on the intricate workings of the City of Dover. The updates are broken out by department reflecting the six categories of intended outcomes relating back to the City of Dover's strategic management framework which you will find below.



The department updates are then highlighted at the end of the report to show how these updates fit into supporting the seven 2024 – 2025 City Council Goals below:



City of Dover's Municipal Leadership Team



City Manager
J. Michael Joyal, Jr.



David Balian
Public Welfare Director

Pending
Recreation Director



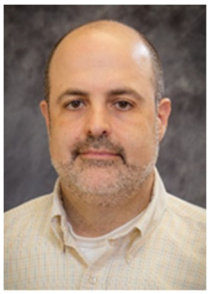
Donna Benton
Planning & CDBG Director



William Breault
Police Chief



Annie Dove
Information Technology Director



Michael Gillis
Media Services Director



Denise LaFrance
Public Library Director



Daniel Lynch
Finance Director



Michael McShane
Fire & Rescue Chief, Emergency Mgmt Director



Christopher Parker
Deputy City Manager



John Storer
Community Services Director



Jerrica Vansylyvong-Bizier
City Clerk Tax Collector



Heather Worrall
Human Resources Director



Joshua Wyatt
City Attorney

Community Services Department

Administration

Alan Mandigo, Working Foreman, Max Jacobson, Truck Driver, attended the TTC-T-0028-Pavement Maintenance 101 Course, presented by UNH. The course was held in Concord, NH.

Brian Landry, Supervisor Streets, Drains & Snow; Jillian Semprini, Assistant City Engineer; Ben Murphy, Heavy Equipment Operator I; attended the TTC-E-0032 Certified Culvert Maintainer 2024 Course, presented by UNH. The course was held in Goffstown, NH.

Jamie Stevens, Waterfront Construction Manager; David Fredrickson, Deputy Community Services Director; Courtney Mitchell, Environmental Projects Manager; Jordan Chambers, Engineering Technician; attended the New Hampshire Water Works: Clerk of the Works Training. The course was held in Pembroke, NH.

Courtney Mitchell, Environmental Projects Manager, attended the NHDES Drinking Water Source Protection Conference. The conference was held in Pembroke, NH.

Brian Landry, Supervisor Streets, Drains & Snow; attended the virtual Winter Maintenance Supervisor Program for three days over a one-week period. The program was presented by American Public Works Association.

Water Division

Water
Community Services | Dover, NH

The City of Dover produced over 60 million gallons of water during the month of May, and averaged 1.9 million gallons per day. The wells that are in use are Cummings, Campbell, Calderwood, Bouchard and Willand Pond Well 1, with Ireland and DPH-1 now in light use with the startup of the new PFAS plant. Willand Pond 2, and Hughes wells are off line. The Utilities crews closed 27 service requests and 74 Work Orders for May. The startup of the new PFAS has begun with staff checking and verifying the full functionality of the new and very advanced PFAS removal water treatment plant. The process includes sampling the finished water to make sure the PFAS removal process is working properly and to work out with the contractor any issues while in the start up process. The new 1-million-gallon storage tank was also placed online in May. It took several days to fill the new tank as to not put too much stress on the wells and the rest of the distribution system. In June, crews will work to make sure the instrumentation is working properly and conduct an overflow test to verify tank height.

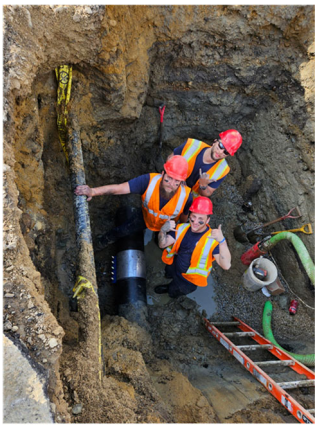


New PFAS Plant



New 1 million gallon storage tank

The Utilities Department repaired two water main breaks and replaced a water service. The water main in front of the old 7/11 (Store 24) on Back River Road sprung a leak and needed to be repaired which was done quickly by the Utilities crew with few outages reported. The water main is 12 ductile iron pipe and the cause of the leak is suspected to be an old corporation or plug on the main that was installed for disinfection purposes that corroded and dislodged itself from the water main. A second leak was a minor leak on the largest main in Dover; the 16" cast iron water main which was leaking from a prior repair in front of Dunkin Donuts near Fourth St on Central Ave. The shut off affected only a few businesses and residents overnight.



Back River Road Repair



Central Avenue Repair

Staff installed 18 new meters during the month and has been assisting with the water line survey when the schedule allows. The meter staff also closed 123 work orders for the month and 2 service requests.

Sewer Pump Stations and Collection

Wastewater
Community Services | Dover, NH

The Sewer Division closed 10 service requests and 4 work orders. The sewer camera van has continued conducting assessments on the City gravity sewer mains and are looking for areas where Inflow and Infiltration (I and I) are occurring so that during rain events and even normal conditions the City sewer system is handling sewer water and not ground water or in some cases water from roof gutters. The camera inspections are part of a larger project that is looking to remove all I and I from the sewer system. The sewer jet truck is also working to stay ahead of the camera van to clean the sewer mains ahead of the inspection.

Streets & Stormwater

During the month of May, there was a vast variety of work that occurred throughout the city, ranging from sweeping to paving to the painting of pavement markings. A total of 58 service requests were logged throughout the month and 54 service requests were resolved and closed out.



Community Services crew maneuvering the outdoor seating barriers into place.

After the milling and prep work occurred on Locust Street in April, Continental paving paved Locust Street during the first part of May. Once paving was completed, Locust Street was laid out to be striped. The lines were painted later in the month.

Street sweeping continued in full force, with up to 3 sweepers going out daily starting at 3 AM. 282 yards of street sweeping debris was collected in May. The sweepers were out 20 days during the month and made tremendous progress, with only a couple roads left to be completed.

Annual road striping and pavement marking has begun with K5 Corporation as the contractor for this year. 5 nights of hand work occurred. Hand work consists of renewing the paint on crosswalks, arrows, stop bars as well as parking stalls. This work is done overnight typically starting after 8PM. By doing this work overnight, it lessens the impact with motorists and pedestrians. Four nights of long line work also took place which is where a long line truck sprays the white fog lines as well as the yellow center lines.

505,020 feet of yellow centerlines were painted and 413,057 feet of white lines were painted over the course of the 4 nights.

Facilities, Grounds & Cemeteries

The Facilities, Grounds and Cemetery Division received 70 service requests, of which 56 were closed, and 127 work orders of which 99 were completed and closed during the month of May.

There were twenty-seven work orders pertaining to cemetery issues, thirty-seven work orders pertaining to facility issues, twenty-eight work orders pertaining to grounds issues, nineteen work orders related to sign issues, eleven work orders related to traffic and street light issues and five work orders pertaining to tree issues.

One niche, three full, and five ash interments were conducted in the Pine Hill Cemetery this month. Three graves were sold this month. Fourteen excavations were dug and poured for monument foundations. Fifteen foot-markers were installed.

Volunteer Deborah Clough has been instrumental in organizing the planting and maintenance of the spring flower displays. The upper square flag pole and fountain islands, the whiskey barrels and the Veteran's

Circle flag pole island at Pine Hill Cemetery were all collaborated with the Dover Doers volunteer group. A crew member assisted a local Girl Scout Troop with the planting of a small tree at Henry Law Park.

A crew member completed a welding course at Advanced Trade School in Brentwood NH.

Ball Parks continued to get their regular grooming and lining for baseball and soccer games. Multiple repairs were made to the irrigation system at Shaw's Lane. Playgrounds at Horne Street School and Woodman Park School got new wood chips spread under equipment.

Facility, Grounds and Cemetery crews worked tirelessly mowing and trimming the entire Pine Hill Cemetery in preparation for the Memorial Day Holiday weekend during the most active part of the growing season. Many stayed until the sun started setting during the weekdays and a full crew came in on the two Saturdays leading up to the holiday weekend. A volunteer group came in the Thursday before the holiday to place flags on the veteran's graves.

All the City-maintained flags were replaced with new flags. Crews lowered flags to half-staff in honor of National Fallen Firefighters Memorial Day on Sunday May 5th, Peace Officers Memorial Day on Wednesday May 15th, New Hampshire Law Enforcement Officer's Memorial Day on Friday May 17th and flags were lowered again in Honor of the Memorial Day Ceremony held in Pine Hill Cemetery on Monday May 27th.

Historical Markers were put in place throughout the downtown area.

Crews were able to clean and refill the Jenny Thompson Pool ahead of the first swim meet.

The division is working with the City's Graffiti Committee to cover up the repeated defacement of some trouble spots throughout the city.

Engineering:

Engineering
Community Services | Dover, NH

The Engineering Division is comprised of a dedicated team of individuals who work collectively to, as the division's statement reads, "provide the City of Dover with professional engineering services that ensure long-range comprehensive planning, sound project design, and quality construction management, and to provide technical engineering assistance to other departments of the City."

- → *Ken Mavrogeorge, PE – City Engineer*
- → *Bill Boulanger – Special Projects Advisor*
- → *Amelia DeGrace – Assistant City Engineer (Utilities)*
- → *Jillian Semprini, PE – Assistant City Engineer (Transportation)*
- → *Eric Sanderson – Facilities Project Manager*
- → *Jamie Stevens – Waterfront Construction Manager*
- → *Jordan Chambers – Engineering Technician*
- → *Courtney Mitchell – Environmental Project Manager*

STAFF UPDATE

In addition to their daily project management responsibilities, the City's Engineering staff also participate in the following Commissions, Committees, and Boards as either activate members or staff liaisons.

Dover Utilities Commission (Amelia DeGrace):
The Dover Utilities Commission (DUC) meeting was cancelled due to a lack of a quorum.

Transportation Advisory Committee (TAC) (Jillian Semprini):
TAC did not meet in May. The next meeting is scheduled for July.

Planning Board (Ken Mavrogeorge):
Planning Board met on May 14th and 28th to review applications for a mixed-use development on Broadway, a new cellular tower on Tolend Rd, a lot line adjustment, and a concept for a residential development near Emerald Lane and Tolend Rd.

Municipal Alliance for Adaptive Management (MAAM) (Courtney Mitchell):
There was no meeting of the MAAM in May. The next meeting is scheduled for June 6th in Rochester, NH to review:

- Project take-aways from Brown and Caldwell (MAAM Consultant) on the Eelgrass Resiliency Project.
- An update on the Eelgrass Resiliency Project next steps and monitoring progress will be provided by PREP.
- Catch Basin Crediting Literature Review provided by UNHSC
- PTAP updates by NHDES/UNHSC
- GB2030 Regional Street Sweeper Project- City of Dover, Jamie Houle

Seacoast Stormwater Coalition (SSC) (Courtney Mitchell):
Eleven communities and organizations within the seacoast region were granted awards totaling over $200,000. The purpose of the grants is for communities to implement projects that increase water quality and build resilience. The workgroups met on May 21 to provide a summary of their projects. Projects range from conducting Natural Resource Inventories, updating Open Space Plans, creating water resource protection guides, to implementing regulations. The City of Dover presented a current happenings and goals of the Regional Street Sweeping Program.

TIF Advisory/Cocheco Waterfront Development Committee (CWDAC)/Park Subcommittee (Jamie Stevens):
The TIF advisory and CWDAC committees did not meet in May.

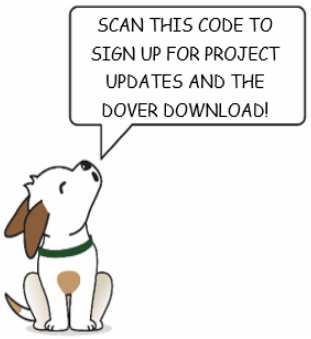
CUSTOMER SERVICE

In addition to supporting other City departments and working on capital projects, Engineering staff takes service calls from the public and responds to them as quickly as they can. The team meets regularly to review open service calls and discuss how to respond. The table below shows the total calls year to date and over the past month.

Time Period	Logged Service Calls	Resolved Service Calls
Year to Date (2024)	**62**	**75**
May 2024	**16**	**14**

PUBLIC OUTREACH

The Engineering Team routinely provides updates to Media Services for the various projects that are shared in advance of public meetings, major milestones, or in the event of a service shutdown or temporary road closure. Anyone can sign up for project specific updates using the QR code below.



The United States Environmental Protection Agency's (EPA's) revised Lead and Copper Rule (LCRR) requires all community water systems to prepare a service line inventory by October 16, 2024. This revision is in response to the Flint, MI water crisis; inventories will be available to the public and will be used to identify service lines with potential lead contamination.

Led by Assistant City Engineer, Amelia DeGrace, preparation of the inventory has been a true team effort, with the Office of Information Technology (OIT), Community Services Utilities, Water & Sewer Billing, Media Services, and Engineering all pitching in. NHDES awarded the City a $75k grant to prepare the inventory.

The inventory work to date includes identifying approximately 10,000 service line locations, which the team will need to identify the service materials for. In order to determine the materials of service lines, staff must comb through record drawings, water tie cards, and other City documents. To help staff identify materials for services lines, an online survey has been developed and is currently live through the City's website for the public to submit information on their water service. The survey can be accessed by scanning the QR code in Figure 2. As of June 5, 2024 there have been 554 responses to the survey with almost 30 received in the last month.

Public Works Week

City Engineer Ken Mavrogeorge and Engineering Technician Jordan Chambers worked the Community Services Open House event on May 18th to kickoff Public Works Week (May 19th through 25th). An estimated 500 visitors attended the event which included free ice cream, souvenir cups, a touch a truck event, and tours of the new water treatment plant at Pudding Hill. The event was deemed a huge success by those in attendance and Community Services staff. Community Services has created an online survey to solicit feedback on the event to help with planning future events. The survey can be accessed through the following link or by scanning the QR Code in Figure 3 with your smart phone.
https://polco.us/n/res/vote/dover-nh/public-works-open-house-feedback

Community Trees

Dover's Community Services Engineering Staff understands that residents value the roles that trees perform for our community and know that the removal of trees on Fifth Street and Grove Street is a concern. We also know street reconstruction projects disrupt neighborhoods, but are necessary to improve safety and quality of life for everyone in the community. Throughout all our projects, staff aim to be transparent and keep residents informed about potential disruptions. Ultimately, our staff are tasked with managing capital projects that prioritize the long-term health and stability of Dover's infrastructure, benefiting both the community and the environment.

Here are some reasons why the difficult decision to remove trees has been made and some things that City is doing to offset the loss of vegetation.

Sidewalk Condition and Accessibility:

A goal of any City street reconstruction project is to provide facilities that are accessible for all. Typically, the City aims to provide sidewalks that are ADA compliant and at least five feet wide. In most locations, within the project limits, a vegetated buffer between the sidewalk and roadway is also provided for added pedestrian safety.



Community Services recently obtained a condition assessment of all City-owned sidewalks and pedestrian ramps. Many of the City's sidewalks and curb ramps were found to be below standards set forth in the Americans with Disabilities Act. The City is committed to making improvements to improve accessibility and condition of City-owned sidewalks and pedestrian pathways.

Specifically, within the limits of the Fifth and Grove project, the sidewalks were found to be in poor to fair condition. The vast majority of these sidewalks were not ADA compliant due to severe damage caused by tree roots. The damage caused by the existing tree roots includes uneven pathways and tripping hazards which are not easily remedied

Adequate Multi-Modal Access:

Due to the limited right of way and the location of the street trees within the Fifth Street and Grove Street area, tree removal was deemed necessary to provide an adequate and safe travel way, on-street parking, and sidewalks on both sides within the project limits.

As part of the Fifth Street and Grove Street Reconstruction Project, Community Services hosted three public meetings on July 19, 2022, July 10, 2023, and April 30, 2024. These meetings took place at various stages of the design process and all feedback received was considered during the design of roadway improvements. Additionally, public surveys were sent out to solicit feedback on specific topics raised at the public meetings, including the direction of travel on Fifth St and the types of trees that residents would like to see as part of the final restoration. Results from the surveys was presented at subsequent meetings and is available for review with the City.

Selecting the Right Trees:

The surveys conducted for the Fifth Street and Grove Street project included examples of native trees that align with the City of Dover's Central Business District (CBD) Street Tree Plan (which you can find here: CBD Street Tree Plan).



Native Tree Options Presented via Public Survey in October 2022.

Prioritizing Existing Trees and Long-Term Benefits

The CBD Street Tree Plan, approved by the Planning Board, focuses on keeping healthy existing trees whenever possible. However, it also acknowledges that sometimes removal is necessary.

The plan, and the Master Plan's Climate Adaptation Chapter, both highlight the importance of street trees as part of an urban forest. These trees provide a range of benefits - from managing stormwater runoff and filtering air pollution to lowering temperatures.

Choosing Wisely for a Challenging Environment

The trees we plant today typically have tap roots that go deeper, promoting better water infiltration compared to trees with shallow, spreading roots. These deeper roots also help protect sidewalks from damage for years to come.

TREE #	SPECIES	DBH (INCHES)	HEIGHT (FT.)	COND.	LOCATION
1	Sugar Maple	7	15	Poor	6th and Grove
2	Red Maple	9	20	Fair/Good	6th and Grove
3	Sugar Maple	6	15	Fair	6th and Grove
4	Sugar Maple	6.5	15	Good	6th and Grove
5	Red Maple	6.5	15	Good	6th and Grove
6	Silver Maple	47	60	Good	25 Grove St.
7	Red Maple	14	20	Good	4th and 5th
8	Crabapple	7	10	Good	4th and 5th
9	Sugar Maple	15	35	Dead	4th and 5th
10	Red Maple	12	15	Good	4th and 5th
11	Crabapple	7	10	Good	4th and 5th
12	Red Maple	15	25	Good	4th and 5th
13	Silver Maple	45	70	Fair/Good	53 Fifth St.
14	Norway Maple	16	40	Good	49 Fifth St.
15	Sugar Maple	16	30	Dead	45 Fifth St.
16	Norway Maple	15	25	Good	45 Fifth St.
17	White Ash	30	70	Fair	58/60 Fifth St.
18	Norway Maple	17	40	Good	56 Fifth St.
19	Norway Maple	20	40	Good	56 Fifth St.
20	Horse Chestnut	36	35	Fair/Good	Fifth and Grove
21	Bradford Pear	6	20	Good	Front of Sawyer School
22	Bradford Pear	4	15	Good	Front of Sawyer School
23	Bradford Pear	4	15	Good	Front of Sawyer School
24	Bradford Pear	4	15	Good	Front of Sawyer School
25	Honey Locust	12	35	Fair	Dover Cycle Parking
26	Norway Maple	13	25	Good	Dover Cycle Parking
27	Green Ash	15	25	Poor	Dover Cycle Parking
28	Norway Maple	15	25	Good	Dover Cycle Parking
29	Bradford Pear	18	25	Fair	Dover Cycle Parking
30	Sugar Maple	28	60	Poor	20/22 Fifth St.
31	Silver Maple	34	50	Poor	Opp. 18 Fifth St.

Tree Condition Assessment prepared by I.S.A Certified Arborist and I.S.A. Tree Risk Qualified Arborist from SavATree.

Selecting the right trees is crucial because the downtown environment can be tough on them. Trees face challenges like poor drainage, limited sunlight, car exhaust, animal waste, and potential conflicts with underground infrastructure.

Planting for Success and Beauty

By carefully considering these factors, we've chosen tree species that are expected to thrive in the CBD. Our goal is to create a sustainable and visually appealing streetscape that complements the overall project improvements.

Planting More Trees, Growing a Greener Downtown

In addition to the nineteen (19) trees being planted for the Fifth and Grove project, the City is also working to plant an additional 20 street trees in other areas around the CBD this year to replace trees that were dead or is poor condition.

Tree Waiver Process and Owner Notification:

The trees located within the public right-of-way on Fifth Street and Grove Street are technically not owned by the City, and are owned by the property owner who owns the land the tree(s) abut. Therefore, the City was required to conduct a tree assessment for each tree within the project area, notify the property owners of each tree, prior to removal, and compensate them for the tree through the City's Tree Waiver process. The trees within the Fifth Street and Grove Street project limits were assessed by a I.S.A Certified Arborist and an I.S.A. Tree Risk Qualified Arborist.

Our Commitment:

Community Services' Engineering team recognizes that removing mature trees is a loss to the local ecosystem, and are committed to planting new trees as part of this project, and others. Our intent is to plant a new tree in the same general location of where a tree is scheduled for removal.

PROJECTS

As noted above, the Engineering staff is actively supporting a large number of projects across the City. The following are some highlights on just some of the active projects.

Waterfront Re-Development: The focus of waterfront construction in May was on completing subsurface utility work and preparing the base gravels on River Street and Seaport Way in preparation for future base pavement.

Highlights during May included the completion of the remaining water service work for townhome buildings E-1 and E-2, installation of the final sewer service lines for buildings E-1 and E-2 along River Street, and installing all catch basins and remaining drainage work in the roadway network.

Significant progress was made on electrical and telecommunication duct banks on Seaport Way and River Street. Over 85% of the work on River Street is complete, with the remaining section located near the southern end of building D. This section includes installing vaults and concrete encasement.

Upcoming work at the project includes finishing electrical and telecommunication duct bank installation at the Makem bridge intersection, paving the roadway network, final shoreline protection measures, and invasive species mitigation.

Willand Pond Milfoil Grant: The City is awaiting Governor and Council approval to accept and expend a $14,140 state grant for milfoil treatments at Willand Pond. The grant would require a 50% match from the city, bringing the project total to $28,280.

Milfoils are rooted, submerged aquatic plants in water bodies. The New Hampshire Department of Environmental Services, which is offering the grant to Dover, prepared a variable milfoil management plan in March, which calls for eradicating variable milfoil in Willand Pond. NHDES recommended an herbicide treatment as part of the plan. The Conservation Commission unanimously endorsed accepting the grant and supported "the milfoil treatment effort with the understanding that untreated milfoil would have a

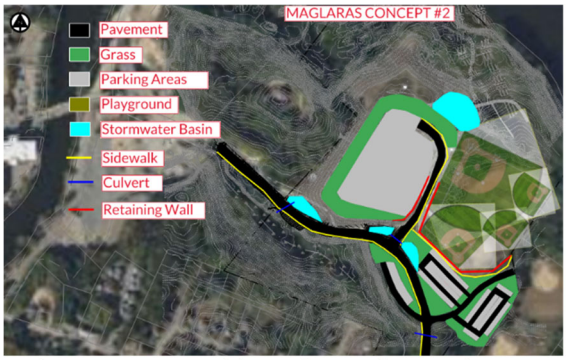
more adverse impact on Willand Pond than the herbicide application and that a long-term integrated pest management plan be developed for the Pond," according to the background materials.

319 Pond Retrofit Grant: The main goal of this project is retrofit two (2) dilapidated stormwater control measures to improve the removal of nitrogen from stormwater keeping the goals of the Great Bay Total Nitrogen Permit. Low cost and simple retrofits investigated by this grant funded project can replicated by City staff beyond this project to further reduce nitrogen pollution into the Great Bay from stormwater runoff. Under Section 319, states, territories and tribes receive grant money that supports a wide variety of activities including technical assistance, financial assistance, education, training, technology transfer, demonstration projects and monitoring to assess the success of specific nonpoint source implementation projects. Two locations in Dover were identified as potential candidates for this grant and were awarded to help make progress restoring or protecting watersheds. EPM and the team at UNH made site visits on May 28th to gather preliminary data. The locations of the ponds were at the Middle School and along Hubbard Rd.



Existing detention basin on Hubbard Road.

Dredge Cell Closure: The City continues to work with the design consultant, Verdantas, on final plans and permitting applications for the closure of the Dredge Cell. Plans for a roadway extension from the waterfront to Maglaras Park have been prepared and are under review by City staff and the waterfront design consultant, Horsely Witten for incorporation into the ongoing project. In addition to extending the roadway from the waterfront to Maglaras Park, the City is working with Verdantas to design and permit upgrades to the park including the rehabilitation of the ballfields and improved parking.



Preliminary conceptual design for Maglaras park upgrades.

Smith Well Road Elevated Tank: The new Elevated Tank at Smith Well was disinfected, tested, and filled in May and is currently online. The completion of the tank will allow for the existing Garrison Hill water storage tank to be taken offline later in 2024 for rehabilitation.



Assistant City Engineer Amelia DeGrace, who served as the City's Project Manager for the project, stands in front of the elevated Tank at Smith Well that was recently completed and filled.

Fifth and Grove Reconstruction: N. Granese and Sons cleared trees and began the temporary water service installation in preparation for the installation of the new water main and other utilities which will occur throughout the remainder of 2024. The Fifth and Grove project includes new utilities, accessible sidewalks, signage, and the complete reconstruction of the roadway.

Annual Street Paving Program: In May, the City's Engineering and Operations formally kicked off the annual street paving program with a meeting with the selected contractor Brox Industries. The meeting focused on the contractor's schedule for paving operations which were planned to start in early June with pavement reclamation work and pot hole patching. Major road repair work was conducted on Piscataqua Rd to address major road deterioration in the area in preparation for more major paving operations in 2025.

Tolend Landfill Update: The Dover Municipal Landfill Superfund Site located near Tolend Road is monitored annually as part of the Revised Environmental Monitoring Program, where groundwater and surface water samples are collected and analyzed for constituents of concern. Results of the sampling are published annually in the Annual Remedy Performance Report on the NHDES website. Current remedial activities include pumping groundwater at the toe of the Landfill as part of the Source Control Remedial Action (SCRA) and pumping groundwater seasonally from an area south of the SCRA system in an area identified as the Southern Plume. The Southern Plume system is currently being evaluated for expansion as part of the Southern Plume Groundwater Extraction Optimization. The Southern Plume 30 Percent Remedial Design was submitted to the regulatory agencies in January 2024 and is currently under review.

Portland Ave Retaining Wall: The contractor for the project, GW Brooks, anticipates to fully mobilize in June with temporary traffic signals for one way alternating traffic. It is anticipated that work will last until the end of 2024.

Henry Law Ave and Payne Street Reconstruction: Engineering staff met with the design consultant Kleinfelder in Henry Law Park to review the condition of the wall along the park's boundary with the Cochecho River. The purpose of the site walk was to assess concerns with material subsiding from behind the wall into the river. It is expected that a portion, if not all of the wall along the park will need some work during the Henry Law Avenue Reconstruction project.

The Engineering staff met in May to review 75% design drawings for Henry Law Ave and Payne Street Reconstruction work. The project is scheduled to break ground in 2025 and include a large stormwater best management practice below Henry Law Park.

Garrison Hill Tank Rehabilitation: Engineering staff reviewed 90% drawings for the tank rehabilitation which is scheduled to begin in late 2024. Upgrades to the 1960s tank are being made possible by the newly constructed elevated tank on Smith Well Rd.

Court and Union St/Lower Central Ave Reconstruction Projects: Engineering Staff have reviewed 95% design drawings so that bid documents can be prepared later in 2024 for construction in 2025. These projects include upgrades to utilities, drainage, and street pavement reconstruction.

Rapid Rectangular Flashing Beacons (RRFBs): Engineering staff is working with Operations on the installation of new RRFBs in the downtown area including at Williams St and School St.

Traffic Signal Management: The City's consultant Sebago Technics wrapped up a year long study of the traffic signals and provided a technical memorandum with recommendations for capital projects to improve signal operations and resiliency.

Downtown Pedestrian and Vehicular Improvement Project: Design Development Level Documents (60%) were submitted by consultant GPI for the Downtown Pedestrian and Vehicular Improvement Project. This project includes the changing of traffic downtown from one way to two way. It also includes upgrades to pedestrian facilities and landscaping. A public meeting in the fall of 2024 is expected.

Crosby Road Drainage Evaluation: A Request for Proposals (RFPs) has been prepared for a drainage evaluation for the Crosby Road Industrial Park. Flooding concerns in the area have been raised by property owners and the City will be looking for a consultant to assess the various culverts, bridges, and drainage swales for capacity limitations and provide recommendations for improvements.



Glycol tank removal in progress.

Ice Arena Glycol Tank Replacement: The ice arena's glycol tank replacement project is underway. Careno Construction successfully removed a wall to create access to the chiller room, allowing Davis Mechanical to safely pump the existing glycol into a temporary holding tank. The old tank was then removed and hauled away for recycling by the recycling center team. The good news is the new tank was installed on May 28th, 2024, and Davis Mechanical has already begun reinstalling the piping. With everything on track, the project is expected to be completed by June 19th, 2024. This includes system commissioning, ensuring everything is operational before the ice-making process resumes.

Ice Arena Cooling Tower Replacement:

The ice arena's cooling tower, which had been in operation for over 20 years, was successfully replaced on May 14, 2024. The outdated system experienced significant leaks, resulting in daily water loss.

The replacement project was completed within a two-day timeframe. Day one focused on the meticulous removal of the old cooling tower. Day two involved painting the base of the new tower and carefully reattaching the plumbing to ensure proper function.

This vital upgrade will ensure optimal ice conditions within the arena while eliminating prior water loss concerns.

Ice Arena Flat Roof Replacement: The ice arena's roof replacement project is moving forward steadily. Initial plans required fasteners to secure the backer board. However, after uncovering electrical wiring close to the roof deck in late fall, the project team opted for a safer approach. They conducted pull tests and ultimately selected an adhesive backer board system.

With favorable weather conditions, crews began the work in early May. The process involved meticulously removing the existing roof materials, adhering the new backer board to the deck, and finally installing a fresh layer of EPDM roofing. The new roof has already passed its initial test during recent rainstorms, with no leaks detected. The project nears completion with metal flashing installation scheduled for mid-June. This final step will fully waterproof the arena and ensure optimal ice conditions.

Jenny Thompson Pool Pump Repairs: The Jenny Thompson Pool is undergoing pump repairs to restore full functionality. One of the pool's pumps had been inactive for several years due to a water leak. Over time, the idle pump became seized.

To address the issue, city staff contacted AAA Pump for pump removal and repair. The non-functional pump was removed on May 10th, 2024 and is currently at AAA Pump's facility for repairs. Once the repairs are complete, the pump will be reinstalled at the pool.
In the meantime, the pool remains operational thanks to its second pump.

The pool is also undergoing a design for a major rehabilitation in late 2024 to repair the pool structure, the deck, and appurtenances around the facility including ADA accessibility. Weston and Sampson is currently working on design documents which will be presented to the City later in summer 2024.

Permits & Licenses

Contractor Paving Contractor and Utility Contractor Licenses are required to ensure contractors are properly qualified, suitably insured, and have provided the City with an emergency contact information. Licenses must be obtained prior to commencing work within the City of Dover. Licenses in Dover expire on December 31 each calendar year, regardless of when the license was obtained. The fee for the license is not prorated based on when the license is obtained.

	May 2024
Driveway Permits:	22
Utility Licenses:	4
Paving Licenses:	2
Excavation Permits:	8
Certificate of Occupancy Inspections	11
Construction Permits	1
Obstruction Permits:	2
Sewer Connection Permit:	0
Septic Design Reviews:	5

Site Review / Project Oversight Support

The City's Engineering staff typically takes between 1 to 4 hours for each review as part of the Technical Review Committee. The review focuses on engineering related design elements such as utilities (water and sewer), stormwater, parking lot layout and pedestrian pathways. To ensure that projects efficiently move through the TRC process, City Engineering staff is available for preapplication meetings with applicants. To schedule a meeting with staff, call 603-516-6450.

Two (2) projects came to TRC in May that required Engineering review:

- **Locust Street Residential Building**
- **105 Durham Rd – Multi Family**

Engineering Technician, Jordan Chambers, continues to conduct oversight of over 60 private construction projects approved by the Planning Board. Projects that are underway or have been completed include:

- **Copley Commons Subdivision (Leathers Ln.)**
- **Tiny Home Development (Back River Rd.)**
- **Sophie/Banner Dr Subdivision (Bellamy Rd.)**
- **Goosetail Dr (757 Central Ave.)**
- **725 Central Ave Development (Central Ave and Brick Rd.)**
- **Medical Office Building (Durham Rd.)**
- **Northeast Credit Union (Education Way)**
- **Emerson Ridge (Old Oak St.)**
- **Ember Dr (New Rochester Rd.)**



New medical office building, Durham Rd nearing completion.

There were two (2) preconstruction meetings in May. One for the Inspection Services Expansion at Mast Road and the other for the residential subdivision at Ember Drive (New Rochester Rd).

Finance Department

Administration

Finance/Accounting/Purchasing: On May 22nd the Dover City Council approved the City entering into a 6-year agreement with Marcum LLP to conduct the City's annual financial audit.

On May 2nd & 3rd City Treasurer Julie Labonte, Junior Accountant Leah Garnett, and Finance Director Daniel Lynch attended the NH Government Finance Officers Association annual conference. Training topics included Governmental Accounting Standard Board (GASB) update, Treasurers State Statues and Functions, Federal Reserve Interest Rate Policy, NH Retirement System Earnable Compensation & Employer Reporting Update, NH Department of Labor Payment of Wages, Health Care Costs & Trends Impacting NH, Financial Official Ethics, NH Department of Revenue Administration Municipal Reporting Forms Update, and NH Legislative Review.

On May 14th Donna Langley, Finance/Assessing, attended NHAAO Education Session on Effective Representation as Municipal Consultant at BTLA Hearings

In the Month of May, Esina Navarro – Executive Secretary attended the following LinkedIn Learning segments

- Working with your Personal Strengths and Weaknesses 5/31/24
- Creating Personal Connections 5/24/24
- Compassionate Directness 5/14/24
- Time Management Fundamentals 5/23/24
- The Data Science of Economics, Banking and Finance 5/22/24

On May 9th Ann Legere, CPPB - Deputy Finance Director, attended the Coronavirus State & Local Fiscal Recovery Funds Program webinar that outlined an overview of program, the Obligation Interim Final Rule and Clarifications of Frequently Asked Questions and SLFRF reminders.

On May 7th Finance Director Daniel Lynch attend NH House Finance Committee session on SB 553 – A bill requiring the investment advisor for the public deposit investment pool to maintain funds in a particular manner.

On May 16th Finance Director Daniel Lynch attended the NH Public Deposit Investment Pool quarterly board meeting held in Concord NH. Finance Director Lynch is the board member representing financial official from a City as appointed by NH Municipal Association.

City Clerk Tax Collection

During April and May the City Clerk/Tax Collection office processed 3,997 dog licenses.

Supervisors of the Checklist held a meeting on June 4th for any voter seeking to change party affiliation for the NH State Primary election to be held in September 2024. The filing period for the NH State Primary is June 5th through June 14th.

The City Clerk/Tax Collection office started using the NH Secretary of State's new elections database which went live the beginning of May.

Deputy City Clerk Annie Baker attended and successfully completed the Primex Supervisor's Academy. This 3-day training event was held June 4th – 6th in Concord NH.

During the week of May 5th – May 11th the City Clerk/Tax Collection office celebrated Professional Municipal Clerks' Week. At the May 8th City Council meeting, Mayor Carrier presented a proclamation to City Clerk/Tax Collector Jerrica Vansylyvong-Bizier and employees of the City Clerk/Tax Collection office in recognition of Professional Municipal Clerk's Week and the vital services they provide to the citizens of the City of Dover.

The office is pleased to have new Account Clerks Julieta Evada-Wibowo and Elaina Woodill on board. Julieta works a morning part-time weekly schedule, and Elaina works an afternoon part-time weekly schedule.

The month of May seems to be one of those special months for marriages. The City Clerk/Tax Collection office issued 29 marriage licenses and performed 13 marriage ceremonies.

Tax Assessment

The Tax Assessment Office is reviewing building permit data and property sales transactions. The office is in the process of reviewing over 750 building permits issued from March 2023 through February 2024.

This review process is done to provide field inspectors with accurate data to examine construction in progress as of April 1, 2024 and new construction completed since April 1, 2023. The office is also reviewing about 670 property sales transactions completed during August 2023 through April 2024. This review process is done to provide field inspectors with property data to validate in the field for those property sales. The field Data Collection and Property Inspections are underway and will take place throughout the summer months.

The office is currently in the process of implementing a new Computer Assisted Mass Appraisal (CAMA) software. This software will be utilized fully starting in fiscal year 2026 (tax year 2025). This time of year, the Tax Assessment office is busy processing statutory recertifications of exemptions and veterans tax credits.

Purchasing

In May, the Purchasing Agent conducted an online auction to sell surplus City vehicles and equipment. This year's auction consisted of selling seven vehicles ranging from years 1991-2012 in the total amount of $13,435, a 2002 mini-excavator sold for $11,169.00, and other small surplus property items sold for $750. Total auction sales were $25,354.00.

Total to date for On-Line Auction sales since fiscal year 2014 is 512 items sold with total revenue received of $298,635.88.

Purchase Orders over $5,000:

Department/Division	PO Date	Vendor	Amount
Community Services	5/20/2024	ELECTRIC LIGHT CO, INC.	$5,000.00
Community Services	5/13/2024	CITIZENS BANK-CREDIT CARD PAYMENT	$6,675.00
Community Services	5/28/2024	MACKINNON & SONS EXCAVATING, LLC	$7,200.00
Community Services	5/21/2024	MAINE SCALE, LLC	$12,000.00
Community Services	5/20/2024	ALLIED EQUIPMENT, LLC.	$12,895.00
Community Services	5/23/2024	F.W. WEBB	$17,990.00
Community Services	5/8/2024	PATTEN'S COMMERCIAL DRIVER TRAINING	$19,000.00
Community Services	5/16/2024	CITY OF DOVER-WATER~SEWER DEPT.	$100,980.00
Finance Office	5/14/2024	WAYNE CHALOUXS CUSTOM	$5,169.03
Finance Office	5/21/2024	MAC PAPER CONVERTERS, INC. DBA	$8,080.00
Finance Office	5/7/2024	PRIMEX-P/C GROUP	$9,603.25
Fire and Rescue	5/29/2024	INDUSTRIAL PROTECTION SERVICES, INC	$14,970.48
Info Technology	5/15/2024	CARAHSOFT TECHNOLOGY CORP.	$5,236.75
Planning	5/23/2024	STUDLEY'S FLOWER GARDENS	$15,000.00
Planning	5/30/2024	STRAFFORD REGIONAL PLANNING COMM	$52,505.93
Police	5/20/2024	MOTOROLA SOLUTIONS	$8,916.81
Recreation	5/13/2024	CARENO CONSTRUCTION COMPANY LLC	$24,308.00

Bid Solicitation:

Department	Bid #	Bid Date	Description
Community Services	B24-065	5/2/2024	Dover Baseball Dugout Repairs
Community Services	B24-069	5/3/2024	Purchase of Roll Off Containers
Community Services	B24-047	5/7/2024	HVAC Design Build for Heating System at Fleet Services
Community Services	B24-063	5/7/2024	On-Site Grinding of Municipal Brush and Tree Waste
Community Services	Q24-015	5/10/2024	Plastic Recycling Bins
Executive	B24-068	5/2/2024	Specialized Municipal Legal Services
Finance	Q24-014	5/6/2024	Tax, Water, Sewer, MV and Green Donation Envelopes
Police	B24-066	5/1/2024	Public Safety Vehicle Equipment Removal and Installation

Fire & Rescue

Calls for Service / Activity Statistics

On May 6th 2024, members of the Fire Department Administration traveled to Somersworth for the swearing in ceremony of their new Fire Chief Matt Moore. The ceremony held at their city hall brought out approximately 150 people including many area fire chiefs and fire fighters to witness this event. The fact this was attended my so many people is a testament to the respect of Chief Moore and the Somersworth Fire Department.

May saw Fire & Rescue responding to 575 calls for service, an average of nearly 29 calls per 24-hour period in each day of the month. Through our National Fire Incident Management Reporting System, these calls are generally broken down into Fires, Medical Emergencies, Hazardous Conditions (gas leaks; power lines down; etc), False Calls (good intent) and Non-Emergent requests.

Below is a summary of Emergency Medical transports, listed by the receiving facility that the patient was transported to in May.

Facility	State	# of individuals
Wentworth Douglass Hospital	NH	290
Free Standing ER – Dover (HCA)	NH	30
Frisbie Memorial Hospital	NH	1
Portsmouth Regional Hospital	NH	7
Mass General Hospital	MA	0
Brigham and Woman's Hospital	MA	0
Boston Children's Hospital	MA	0
Maine Medical	ME	0
York Hospital	ME	0
Exeter Hospital	NH	0
Elliot Hospital	NH	0
Dartmouth Hitchcock Medical	NH	0
Tufts Medical Center	MA	0
Total Transports	328	
Non Transports/Sign offs/Refusal of Care	105	

The Fire Department has assisted Partner EMS Services with Mutual Aid responses to their service areas. The different service areas were:

Municipality Assisted	EMS Service	# of Assistances
Barrington	Barrington Fire	
Berwick	Stewart's Ambulance	
Durham	McGregor EMS	
Eliot	Stewart's Ambulance	
Farmington	Farmington Fire	
Greenland	Greenland Fire	
Lee	McGregor EMS	
Madbury	McGregor EMS	1
New Durham	New Durham Fire	
Newington	Newington Fire	
Northwood	Northwood Fire	
Rochester	Frisbie EMS	2
Rollinsford	York Ambulance	2
Somersworth	Stewart's Ambulance	1
South Berwick	York Ambulance	2
Total:		10

On May 16th 2024, the Captains meeting was held. Those in attendance were the four captains and Assistant Chief Hanna. These regular meetings are crucial for maintaining effective communication and ensuring the smooth operation of the department. By keeping the channels of communication open through regular meetings, fire captains and administration can work collaboratively to address challenges, enhance operational efficiency and promote the overall wellbeing of both personnel and the organization. The goals of these meetings are:

1 Operational feedback – captains can share insight from the field which helps administration make informed decisions for improvement

2. Training and Development – Captains can communicate needed training and feedback on past training.

3. Policy review and Development – review of existing policies and development of new ones ensuring the alignment between challenges faced by personnel and department goals.

4. Moral and wellbeing – Captains can provide feedback about the morale and well being of their members helping administration to identify issues that will affect job satisfaction and overall performance.

5. Budgetary Considerations – Captains can offer input on budgetary priorities based on their frontline experiences ensuring administration is allocates the necessary resources in future budgets.



On May 3rd, 2024, the on duty crews attended a touch a truck event at 113 Crosby Rd in support of the Community Partners. From 9am until noon the firefighters engaged with the community, showcasing their fire engine and equipment to the excited children and their families. This is an annual event we attend each year along with other city departments in support of those organizations who support Dover families. This event provided an excellent opportunity for the public to learn about fire safety and for the department to strengthen our relationship with our community.

On May 4th, both on-duty and off-duty firefighters dedicated their time to participate in the Dover Clean Up Day, sponsored by the Main Street Organization. Focusing their efforts on the Train Station parking lot area on Chestnut Street, the firefighters spent several hours working tirelessly to clean and beautify the space. With personal tools and a strong sense of community spirit, they collected litter, spread bark mulch, and revitalized the area. This event marked yet another year of the Fire Department's commitment to this valuable community effort, showcasing their ongoing dedication to making Dover a cleaner and more welcoming place for all residents



Dover Fire firefighters demonstrating the vast amount of equipment carried on a fire truck for the children of Woodman Park School.

On May 9th 2024 Fire Department personnel played an active role in fostering community engagement and fire safety awareness by participating in the Woodman School Open Hours event at 5:30 PM. Bringing along our ladder truck, they transformed the occasion into an interactive "touch a truck" experience, allowing attendees to explore the equipment up close. This initiative reflects Dover Fire's ongoing commitment to outreach and fire safety education, demonstrating dedication to ensuring the well-being and preparedness of the local community.

On May 12th, 2024 on duty crew were tasked with filling a 1000 gallon tank set up by representatives from the Portsmouth Naval Shipyard (PNSY). This tank was used the next day by the students of St. Thomas Aquinas High School for their underwater robotics completions. This support not only facilitated a valuable learning experience for students but also demonstrated the fire department’s commitment to community involvement and education. Additionally, their presence reinforced the importance of safety and collaboration between local agencies, highlighting the fire department’s role as a dependable community partner beyond emergency responses

On May 18th 2024 On-duty fire crews attended the Community Services Public Open House event, showcasing their commitment to supporting other city departments. By participating in this event, the fire department demonstrated their dedication to community engagement and interdepartmental collaboration. Their presence provided an opportunity to educate the public about fire safety, display firefighting equipment, and interact with residents, reinforcing a sense of unity and cooperation within the city. This involvement also highlighted the fire department's readiness to assist and collaborate with

various municipal services, emphasizing their integral role in maintaining the well-being and safety of the community

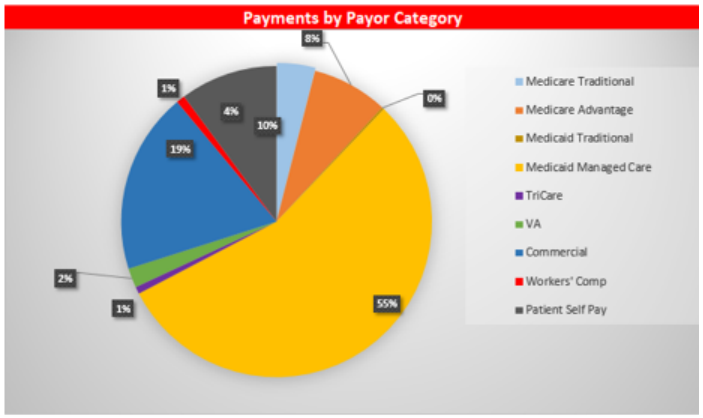
On May 19th 2024 on-duty crews attended the Touch-a-Truck event at Woodman Park School. Children and families explored the fire truck and ambulance, learning about safety from the firefighters. This community event created a memorable and educational experience for attendees. The event fostered community connection and appreciation for public service.

May 29th, Division Chief Irwin participated in a project with the National Fallen Firefighters Foundation, along with retired Fire Chief Eric Hagman. Both were interviewed as part of a program on Fire Service Driver Safety. The NFFF provides a library of on-line safety courses.

Based on a trip volume processed by QMC for the month, the Ambulance revenue generated, is as follows:

TOTAL REVENUE
Total Revenue from all Transport Types
$83,456.73

SOURCES OF GROUND REVENUE		
Traditional (Fee-for Serivce) Medicare	Medicare Advantage	Traditional (Fee-for Service) Medicaid
$3,330.77	$6,601.59	$194.91
Medicaid Managed Care	TriCare	Veterans Health
$46,073.20	$610.06	$1,689.86
Commercial Insurance	Workers' Compensation	Patient Self-Pay
$15,732.16	$757.90	$8,466.28



SERVICE MIX			
Call Type	Priority	Trip Volume	Percentage
ALS	Emergency	185	57.99%
	Non-Emergency	3	0.94%
BLS	Emergency	131	41.07%
	Non-Emergency	0	0.00%

The Division coordinated with the Purchasing Division, the posting of the bid specifications for the annual EMS supply needs. The goal of the Division is to streamline the procurement process and develop a tracking system to meet the goal of being fiscally prudent.

This month, the Division of EMS coordinated ride time for the following:

Iqvwdwxwirq#	HP V#Dhyhc#	Qxp ehu#r i# vwxghqwv#	Wrwdo# vkliw#	Wrwdo# Krxuv#
IlihP hg#	HP W#	#	#	#
Ilih#P hg#	DHP W#	4#	4#	45#
P fJuhjru#P hp rubd#HP V#Iqvwdwxwh#	HP W#	#	#	#
P fJuhjru#P hp rubd#HP V#Iqvwdwxwh#	DHP W#	#	#	#
Qdwxrqdd#P hglfdd#Igxfdwrq#) #Wudlqlqj#Fhqwhu#	Sdudp hglf#	#	#	#
Qhz #Iqjodqg#HP V#Iqvwdwxwh#	Sdudp hglf#	5#	45#	56;#
Qhz #Kdp svklu#Whfkqlfdd#Iqvwdwxwh#	Sdudp hglf#	#	#	#
GKV#FWF#	HP W#	4#	4#	8#
Vw#Wkrp dv#Dtxlqdv#KV#	Iqwhuqvkls#	#	#	#
Z GK#	Revhuydwlrq#	5#	5#	49#
Odnhv#Uhjlrq#Frp p xqlw|#Frodjh#	Revhuydwlrq#	#	#	#
Flw|#Hp sor|hhv#	Revhuydwlrq#	#	#	#
Qrq#biibbdwhg#	Revhuydwlrq#	5#	5#	48#
#	#	;#	4;#	5;9#

May 1st, Division Chief Irwin attended Day 4 of the Primex Collaborative Leadership for Public Safety Chiefs, which started April 16th, conducted at the Primex Training Facility in Concord. Topics covered this day included: Getting Out of Your Own Way: How to Take Your Leadership to the Next Level and Managing your Multi-Generational Team. Both sessions were conducted by Dr. Kimberly Miller, PhD. Of Kimberly A. Miller & Associates Public Safety Consulting Services; Ft Collins, CO.

May 2nd-5th, Captain Croteau and Engineer/Paramedic Jacques attended the 11th Annual FDNY Search & Rescue Field Medicine Symposium. The symposium provides educational opportunities in the field of special operations medicine and search & rescue trends. Instructors from all over the world provide both classroom as well as hands on opportunities for excellent training and education. Some of the topics covered included; point of care pre-hospital ultrasound, crush syndrome care, advanced analgesia and sedation and much more. The opportunity to attend this symposium provides a chance to bring back education and information regarding the latest trends and tools in pre-hospital care. This allows us to provide the absolute best care we possibly can for our residents and visitors.





May 3rd, the Fire Department coordinated with Wentworth Douglass Hospital to conduct the Spring Paramedic Rounds. These were conducted in Auditorium C at WDH. Topics covered were: Obstetrical Emergencies (Dr Janet Perkins, MD and Jessica Bacon, CNM); Patella Dislocation Reduction (Dr Lukas Kolm, MD); Medication Review (Alyssa Bangrazi, PharmD and Kelsey Lak, PharmD); Stroke and Neurological Emergencies (Dr Sameen Jafari, MD). Paramedic Rounds are conducted bi-annually for all Firefighter/Paramedics within the Department. To facilitate the attendance, Officer Paramedics cover the City's 3 Ambulances so that the training can be uninterrupted.

May 20th-24th, Division Chief Irwin, Captain Plante, and Lieutenant Downs attended the 44th Annual New England Fire Investigation Seminar, hosted by St Anselm College in Manchester. This was presented by New England Fire Investigations, Research, and Education. Topics presented covered updates to NFPA 921 Guide for Fire and Explosion Investigations and the new NFPA 1321 Standard for Fire Investigation Units (Dixon Robin, Fire Sequence Investigations); Building Construction (Jon Jones, Jon Jones & Associates); Strategic Suspect Interviewing Techniques (SA K. "Dino" Balos, ATF); Fire Dynamics (Thomas Sing, Quest Fire Analysis); Fire Scene Documentation (Jeffrey Fisher, Envista Forensics); and Fire Pattern Anaysis (Christopher Heavren, Eastern Kentucky University B.S. candidate). Approximately 100 attendees form both Fire and Law Enforcement from all 6 New England States were present for the entire week.



Class Picture



Fire pattern analysis Burn Cell



Area of Origin Hypothesis Testing



Attendees testing their Area of Origin hypotheses, as part of the graded final.

The Fire Department held the monthly EMS training for all shifts the week of May 20th with Portsmouth Regional Hospital. The topic this month was Shock & Resuscitation.

This month, the Department recognized the National EMS week, May 19th-25th. 2024 marks the 50th anniversary.

Planning & Community Development

Inspection Services:

Inspections & Permits	May 2024
Life Safety Inspections	42
Business Inspections	3
Sprinkler / Alarm Inspections	18
Building Inspections	183
Electrical Inspections	105
Plumbing / Mechanical Inspections	212
Blasting Inspections	0
Health/Housing Standards Inspections	14
School / Daycare Inspections	3
Oil Burner Inspections	0
Woodstove / Fireplace Inspections	0
Building Permits	67
Blasting Permits	0
Certificate of Occupancy Permits	14

Administration

Planning and Community Development staff are working with the Strafford Regional Planning Commission (SRPC) and the University of New Hampshire (UNH) to conduct a Regulatory Audit of policies and practices in addition to an analysis of the City's demographics and housing market. The project is funded entirely by a Housing Opportunity Planning (HOP) Grant from the InvestNH program. SRPC staff presented a mid-project update to the Ad-Hoc Committee to Address Community Housing Needs at their meeting on May 23rd.

Planning and Community Development staff joined Senator Jeanne Shaheen and several other state and local officials on their visit to the Cottages at Back River Road on May 3rd. During her visit, the Senator praised the project's ability to address the three critical issues of housing availability, workforce retention, and affordable child care. Praise was also given to the City of Dover for the innovative land use policies and incentives that made this project possible.

Zoning Administrator Crouser staffed the Arts Commission meeting on May 6th in which the Commission reviewed several of its upcoming programs, including a Viking Arts event held by Spinning Yarns, a book discussion at the Dover Public Library featuring the Commission's Literary Laureate book selection, Half-Drowned King, and the upcoming "Learn to Row" event to take place in early June. The Commission also discussed the upcoming meetings with the Discover Dover Stakeholders and the Strafford Regional Planning Commission.

Outreach Coordinator Bassegio staffed the Community Trail Advisory Committee meeting on May 7th. The Committee discussed ongoing projects such as public art installations and the Phase IV TAP extension.

The Department of Planning and Community Development continued to update its newsletter, Facebook page, and Twitter feed to communicate with the public. The Department of Planning and Community Development has 891 Facebook followers (City of Dover NH Planning) and 905 followers on Twitter @DoverNHPlanning).

The Department of Planning and Community Development promoted the Dover Community Trail through the Facebook fan page for the trail (with 3,400 likes and 3,742 followers).

Planning and Media Services staff continued to develop and enhance an electronic "newsletter" for planning related items (with 1011 subscribers). Content included meeting summaries, meeting previews, Master Plan updates, and various special topics such as information on Resilience Manager Kaspari's presentation at a Plan NH workshop on electric vehicle planning and Northeast Color's volunteer work on the Community Trail. The newsletter also featured a new opportunity for readers to ask about projects in the City and get direct responses and covered resident responses on business development and recreation. A feedback form was shared for the Conservation and Open Space Chapter update and a survey question was asked: "In what format do you prefer to receive updates and information about development projects in Dover?"

Resilience Manager Kaspari staffed a Conservation Commission meeting on May 13th during which the Commission reviewed two Conditional Use Permits, selected a project site for a rapid ecological study as part of the City's Natural Resource Inventory along with additional project updates.

Housing Navigator Pope presented to a group of real estate investors, realtors, and landlords on May 13th to discuss the need for affordability and educate the group on various incentive programs to defray costs for developers and property owners.

Resilience Manager Kaspari staffed an Energy Commission meeting on May 15th where the Commission discussed preparation for Kaspari to present a series of energy projected during a City Council Workshop scheduled for June 5th.

Resilience Manager Kaspari staffed an Open Lands Committee meeting on May 23rd. The Committee discussed the progress of multiple public conservation projects as well as ideas for increasing public outreach.

Zoning Administrator Crouser fielded one (1) complaint of a Customary Home Occupation and noise violation from two residents on Court Street. The offending party was contacted in writing and via telephone to develop a working plan towards compliance, to the satisfaction of both involved parties.

Resilience Manager Kaspari attended a Clean Energy NH event with Energy Commission Chair Baber on May 10th to learn about new technologies that could benefit Dover's energy planning.

Resilience Manager Kaspari briefed City Manager Joyal, Deputy City Manager Parker and a number of Department Heads on three energy projects supported by the Energy Commission on May 13th.

Resilience Manager Kaspari met with the Executive Director of the Dover Housing Authority (DHA), Ryan Crosby, to discuss a potential pocket forest project at the DHA on May 14th.

Resilience Manager Kaspari attended an orientation event on May 29th for the UNH Sustainability Fellows Program. The Department welcomed John DesRoches as the Urban Forestry Fellow on May 30th. John will be assisting the City with a number of urban forestry projects including the downtown street tree network, vegetation maintenance issues and a pilot pocket forest.

Housing Navigator Pope continues to serve on the Leadership Teams of both Home For All and Strafford County Ending Homelessness Committee to explore short- and long-term solutions to homelessness with area agencies and elected officials.

Director Benton is working with General Code and the City Attorney's office to prepare a recodification of the Zoning Ordinance later this summer.

Director Benton will begin putting together a Capital Improvements Program (CIP) schedule and begin collecting requests from Department Heads to being this next CIP process. The CIP is intended to be ready for review in September.

On April 30th, Planning staff received a draft Engineering Study with cost estimates for the Phase IV expansion of the Community Trail. Staff will be reviewing and providing feedback on the study and a public hearing will be scheduled for later this summer.

On May 6th, Outreach Coordinator Bassegio and Housing Navigator Pope met with representatives from Our Place to get a better understanding of the barriers faced by residents living with disabilities in their search for adequate housing solutions. The feedback session was conducted as part of the Housing Opportunity Planning Grant work and outcomes of the conversation will be incorporated in SRPC's final report to the City.

Planning and Community Development staff are developing zoning definitions that would clarify uses and expand housing access for unhoused residents and those experiencing disabilities.

On May 8th, Outreach Coordinator Bassegio attended the Recreational Trails Program informational workshop as a potential funding opportunity for Community Trail maintenance and improvements.

On May 15th, Outreach Coordinator Bassegio worked with local business, Northeast Color, on multiple volunteer projects throughout the city. The company improved wayfinding and constructed a trailhead marker on the Community Trail and painted jersey barriers that were installed for outdoor dining.

Director Benton, Inspection Services staff and others have been reviewing and revising the design for the Inspection Services Building. Staff have been working on value engineering the building to better meet the budget outlined. Meetings regarding design, placement, and site work continued in May.

Resilience Manager Kaspari and Outreach Coordinator Bassegio continued to work with Resilience Planning & Design in May on the Master Plan update project of the Conservation and Open Space Chapter. The update project's Steering Committee met on May 30th and discussed project updates that included co-occurrence mapping and resource priority weighting. A draft StoryMap was also presented on conservation lands in the city over time; the final version will provide feedback opportunities for the public.

Police Department

Prevention Services Unit

On May 15-16, ten students and staff attended the Mobilizing Against Tobacco Lies Conference in Washington, DC. During the training students learned about the tobacco industry's latest nicotine products, tobacco advertising techniques, and advocacy techniques to help communities avoid the harm from tobacco. On the first day the Dover students taught one workshop on advocacy techniques by youth groups and gave examples of many of Dover's creative initiatives over the years.

On May 14th Youth to Youth students Mia Mozzoni (senior), Dani Somers (8th grade) and Megan Merrigan (7th grade) presented at the AP20 conference in a joint presentation with Izabelle Wensley of the U.S. Alcohol Policy Alliance and Kate Frey of New Futures. The students educated the audience about the emerging high-risk alcohol products that are unreasonably attractive to kids and teens. The audience was made up of about 30 prevention professionals from all over the United States.

On May 31st, students from Dover Youth to Youth presented to the entire 5th Grade at Dover Middle School. The presentation covered the dangers of substance misuse. It also introduced the 5th grade students to Dover Y2Y and provided info on how to sign up for the Summer Program in July. Over 275 students were in attendance



Dover Youth to Youth students teach about the dangers of substance use at the Dover Middle School.

There were several meetings of the Y2Y students working on specific projects and presentations during the month. Regular weekly meetings of the 4 Youth to Youth teams started in September. During this month:

- The Monday High School Student Team met 2 times

- Older middle school students on the Wednesday Evening Team met 3 times.
- Regular weekly meetings of Dover Youth to Youth members in grade 6 and 7 ended in April.

During this month, staff had discussions with staff and key participants from several agencies and provided informal direction on community drug prevention implementation, alcohol programming and youth empowerment. These included:

- Makin' It Happen coalition in Manchester, NH
- The new coalition in Portsmouth, NH
- The Raymond Coalition for Youth

Dover Youth to Youth continues to provide support to youth advocacy programs in Rockingham and Strafford counties under an agreement with the Granite United Way.

Dover Teen Center

During the month, there was a total of 503 youth in attendance over 19 days of programming at the Dover Teen Center. The average was about 26 youth per day


Teen Center participants and interns at the Intern Appreciation trip to Funspot.

Some program highlights for the month of May 2024 included, but were not limited to:

After School Program:

- "Friday Flix" (Movie & Popcorn Afternoon)
- Intern Appreciation Event: "LUAU BBQ"
- Street Hockey Challenge
- Alley Hoops Hot-Shot Contest
- Ice Cream Sundae Social
- TC Cooking Class – "Pasta Mania"
- Featured Snack Special Days
  - Mozz Sticks, Pasta, Mac n' Cheese, Pancakes and Hot Dogs, etc.
- "May the 4th Be With You" Star Wars Day Celebration
- Intern Appreciation Trip – Funspot Arcade

TC Facebook Page & Sign-Up Genius Portal

The TC continues to maintain a TC Facebook bulletin page and Sign-Up Genius scheduling portal with resources, program/schedule announcements, inspirational messaging and best practices. Photos of TC youth participants enjoying events, programs and happenings are also shared.

TC Youth & Family Outreach

A weekly email is sent to the connected families and youth, to encourage the daily reservations through the Sign-Up Genius online portal. The Teen Center uses this vehicle to share with them, any announcements, webinars, trainings and opportunities. This weekly email reaches approximately 130 people (students, family members and school connections combined).

As the Teen Center heads into June 2024, there is a lot of excitement for the end of school and the beginning of our "TC Summer Zone" Summer Adventure Program!

The TC received (3) new registrations in May 2024.

Community Service Program

The youth community service program tracked four (8) participants in the month of May 2024. A total of 13 hours of community service work was completed.

Diversion Program

The Diversion Committee met on May 16, 2024. The case breakdown is as follows:

- 2) case in active Diversion Contracts
- (0) cases in active Alternative Suspension Program
- (0) successful completion and release from Diversion Contract (May 2024)
- (0) new Diversion case heard (May 2024)
- (0) new Alternative Suspension cases heard (May2024)
- (1) successful completion for Alternative Suspension (May 2024)
- (0) new Alternative Suspension case hearing, anticipated (May 2024)
- (2) new Diversion case hearing, anticipated (June 2024)
- (0) cases sent back to Detectives for "failure to comply"
- (1) new Diversion case hearing, anticipated (April 2024)
- (0) cases sent back to Detectives for "failure to comply"

Community Response & Engagement Unit (CREU)

Lt. Mitrushi was the point of contact for any reports or issues associated with violent crime motivated by substance misuse. Lt. Mitrushi was responsible for notifying the New Hampshire Information and Analysis Center of all felony drug arrests made by the department this month.

From May 14 through May 17, 2024, Lt. Mitrushi attended the U.S. Alcohol Policy Alliance Academy and Conference in Arlington, VA. The academy addressed prevention and reduction of alcohol-related problems

using public policy strategies. The goal was to meet and work with other community prevention practitioners and public officials to explore evidence-based solutions aimed at minimizing risks associated with alcohol use. The conference included sessions covering the connection between alcohol and cancer, alcohol's impact on gun violence, and more.

On May 20, 2024, Lt. Mitrushi and Officer Jalbert presented the "New Hampshire Safe Streets and Roads for All" presentation to approximately 25 residents at the Residence at Silver Square. On May 28, 2024, they presented at Langdon Place to another 25 residents. The purpose of this training is to promote safety on the roadways and provide education to drivers, cyclists, and pedestrians to address and prevent the risks inherent in our enormous and complex transportation system. This was a part of the monthly "Breaking Barriers" series of events to strengthen police-community relationships. Following the presentations, Lt. Mitrushi and Officer Jalbert answered questions about the City of Dover and engaged in casual conversations with attendees.





Lt. Mitrushi and Officer Jalbert presenting New Hampshire Safe Streets and Roads for All presentation at The Residence at Silver Square and at Langdon Place.

Throughout the month of May, Lt. Mitrushi continued to check areas around the city that are commonly used for illegal camping. No active campsites were found on city property this month, but outreach efforts will continue in coordination with the Social Work Unit. Servpro was contacted to remove abandoned campsites near the Smith Well area. Additional abandoned sites were located on private property on Littleworth Road and Rutland Street. The property owners were notified of the abandoned sites and provided with information on how to clean the sites.

In May, Lt. Mitrushi created 13 social media posts.

Dover Middle School Liaison Officer

During the month of May, Officer Berdecia was involved in a variety of calls for service, ranging from school building checks to juvenile disturbances. Five of the calls resulted in school sanctions, one call resulted in a referral to the Adverse Childhood Experience Response Team (ACERT), and two calls were referred to the juvenile justice system.

On May 10, 2024, Officer Berdecia investigated an assault that occurred at Dover Middle School (DMS) in which one student struck another during their lunch period. Officer Berdecia interviewed both parties and witnesses, and obtained video of the incident. The case was later referred to the juvenile justice system.

On May 13, 2024, Officer Berdecia responded to a disturbance at DMS in which a student disrupted classes by wandering the halls, searching for another student to fight. In order to ensure no physical

altercation occurred, Officer Berdecia remained with the student until she was picked up by her parent. The case was later referred to the juvenile justice system.

Between May 25 and 27, 2024, Officer Berdecia delivered an Internet Safety seminar to all 4 grade levels at DMS. The material for the seminar was provided by the NH Internet Crimes Against Children (ICAC) Task Force and focused on Sextortion. Students were educated on the dangers of sharing nude images of themselves, predatory behaviors to look out for, and using social media safely.

Dover High School Liaison Officer

During the month of May, Officer Berdecia was involved in a variety of calls for service, ranging from school building checks to juvenile disturbances. Five of the calls resulted in school sanctions, one call resulted in a referral to the Adverse Childhood Experience Response Team (ACERT), and two calls were referred to the juvenile justice system.

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Whittier Falls Liaison Officer

During the month of May 2024, Officer Gore handled 101 calls for service. Officer Gore logged 29 community contacts, completed 7 background checks, conducted a number of foot patrols on the community trail, Dover Schools, and DHA properties, conducted 9 motor vehicle stops, made 1 arrest, and assisted patrol with 3 additional arrests. Primarily, the remaining calls for service consisted of assistance calls, motor vehicle accidents, disturbances, and noise complaints.

On May 10, 2024, Officer Gore was called to a disturbance at the main office of the Dover Housing Authority. A non-resident was upset at the lawn care schedule and was causing a disturbance by being discourteous and disorderly towards DHA staff. Officer Gore asked the individual to leave and return to the resident’s home. Shortly thereafter, the individual returned with the resident and both continued to cause a disturbance. DHA staff asked that the individual leave, Officer Gore asked the individual to leave, yet the person refused. Officer Gore subsequently arrested the individual for Disorderly Conduct and Criminal Trespass.

On May 20, 2024, Officer Gore was called to a residence on Whitter Falls for a domestic disturbance. Through the investigation, Officer Gore learned that a former boyfriend of the resident had caused damage to the resident's car and attempted to break into the building. Officer Gore located the suspect through a probation and parole ankle monitoring device. The suspect was charged with Domestic Violence, Criminal Mischief, Criminal Threatening, and Burglary.

Officer Gore attended a monthly pot luck lunch at the Covered Bridge Manor, currently a DHA managed property. Officer Gore was accompanied by Sgt. Cooper, who was the previous DHA Officer. Officer Gore and Sgt. Cooper sat and visited with the staff. Officer Gore reminded residents to be vigilant, lock doors, and report any suspicious activity to the Dover Police Department.

On May 2, 2024, Officer Gore attended the Community Partners Touch-a-Truck event at the Crosby Rd location. This is the 2nd year Officer Gore has assisted with this event. Officer Gore enjoyed the opportunity to continue building strong working relationships with other agencies in the community.

Social Work Unit

Social Work Unit Supervisor

Kaitlin Jones had 9 new cases in April 2024. In total, Kaitlin Jones has had a caseload of 50 cases in 2024.

The Adverse Childhood Experience Response Team (ACERT), which consisted of Kaitlin Jones, Alexis Gates (BSW Intern), SRO Jalbert or SRO Berdecia, and one ACERT Partner (either Community Action Partnership of Strafford County [CAPSC], HAVEN, or Waypoint) visited families following a traumatic event or "adverse" experience by a child under the age of 18. The team visited 5 families on May 2nd and May 16th. ACERT was canceled on the 9th due to the ACERT Semi-Annual All Partner Meeting on the 10th, and on the 23rd due to ACERT families rescheduling.

The precipitating call for police service for the 5 ACERT cases in May 2024 included: 1 Welfare Check, 1 Endangering the Welfare, 1 Violation of a Protection Order, 1 Suspicious Person, and 1 Family Offenses – Domestic Violence call.

Kaitlin Jones and Prevention Programmer/Data Analyst, Bridget Ryan, hosted the ACERT Semi-Annual All Partner Meeting on the May 10, 2024, at the Dover Police Department for a review of program outcomes and networking. 31 people attended across 12 different agencies/organizations, including: Dover PD, Senator Shaheen's Office, CAPSC, Seacoast Warriors, NAMI NH, SCPHN, BBBS, Community Partners, Dover School District, Waypoint, HAVEN, and UNH.

Throughout the month of May, Kaitlin Jones attended and participated in a number of events and meetings. This included the Sequential Intercept Model Mapping Workshop for Strafford County, Strafford County Addiction Summit, CAPSC Annual All Partner Meeting, Virtual Strafford County Community Care Team (CCT) meeting, virtual CAPSC Policy Council meeting, and four separate in-person meetings regarding referral relationships with: Sobriety Centers of NH, Center for Life Management, Working Fields, and The Ridge Residential Treatment Center. Kaitlin Jones ran the 2024 Law Enforcement Torch Run to support the Special Olympics.

Kaitlin Jones also concluded supervision of two University of New Hampshire interns, Alexis Gates and Lily Coakley, on May 3rd. Kaitlin Jones finalized interview process for BSW and MSW candidates for Fall 2024 internships and selected BSW candidate, Allyson Jones, and MSW candidate, Hazel Neary. Kaitlin Jones began the onboarding processes for both.

Police Social Worker

Throughout May, Kelli Jo Deardorff continued to engage with individuals who are experiencing homelessness, substance misuse, mental health and various other unmet social service needs while building new relationships with treatment centers throughout New Hampshire and other community resources.

Kelli Jo Deardorff continued to work with individuals from previous months and gained 12 new referrals while providing intense case management for 4 of her prior individuals from April. Referrals in May were compiled from direct outreach, patrol referrals, Dover City Welfare, Karlee's Home Team staff, My Friends Place, Dover Public Library, Community Action Partnership of Strafford County, Sober Sisters, Haven Crisis Line, Live Free Recovery, and from the members of the Complex Care Coordination Team.

Kelli Jo Deardorff continued collaboration with Somersworth City Welfare and Harbor Care to establish the veteran and his son into an apartment, the lease was signed on May 13th. Kelli Jo Deardorff worked with another Veteran who was able to establish care through Veteran Specific services to obtain a housing voucher and will be moving into his new apartment on June 1st. Kelli Jo Deardorff collaborated with these resources to provide wrap around case management, facilitate warm hand offs after placing referrals and to ensure safety and stability for the individuals who continue to experience being unsheltered while continuing to use innovative solutions to meet the complex needs of the individuals on her caseload.

Kelli Jo Deardorff successfully facilitated getting 4 individuals into treatment. She completed referrals for 2 other individuals who subsequently decided they did not want to attend. She set up Intensive Out Patient Treatment for 1 individual at Addiction Recovery Services in Greenland who is a new partner.

Kelli Jo Deardorff was able to access resources to get a family of four from a hotel into My Friends Place, which consisted of getting two donated car seats and coordinating a truck to move them.

Kelli Jo Deardorff established several new connections at substance use facilities, detox centers, community outreach workers and community partners. She attended a grand opening at Portland Treatment Center and met with 4 treatment providers at the Dover Police Department in an effort to build a fast track method of referrals.



Police Social Worker Kelli Jo Deardorff meeting with several different social service providers in an effort to build a faster referral process for those in need of assistance.

Traffic Bureau

Permit applications submitted and reviewed through the Records Unit and the Traffic Coordinator during the month – most of which involve follow-up and logistical planning, included:

Permit Applications Submitted/Reviewed

Taxi Cab Licenses	2	Road Toll Permits	0
Notifications to City Hall	0	Dance / Entertainment	0
Raffle/Tagging Permits	4	Gun - Seller	0
Block Party Permits	2	Hawker / Peddler	1
Parade Permits	0	Road Race	1
License to Carry Firearm	5	Other	

Lt. Speidel fulfilled the role as police representative for the Planning Technical Review Committee (TRC) at its scheduled meetings on May 9 and 30. Projects under review included a residential property expansion on Locust Street and a residential redevelopment on Durham Road. Staff review of each project helps flesh out technical aspects in the purview of police, fire, engineering, and economic development to resolve potential conflicts before submission to the Planning Board.

On May 8, several members of the Dover Police Department assisted Woodman Park Elementary School parents and staff with the celebration of its annual Bike to School Day event. Lt. Speidel, Officers Berdecia and Gore handled traffic control at key locations on the route to ensure student safety. National Bike to School Day helps raise awareness of the need to create safer routes for bicycling and walking and emphasize the important of increased physical activity among children, pedestrian and bicycle safety, reducing traffic congestion, and concern for the environment. The police department had a supply of free bicycle helmets available for youths during the event, and remind caregivers that New Hampshire law requires all bicycle riders under the age of 16 to have a properly fitting helmet.



Detective Martuscello (far right) and Officer Berdecia (back row, left) gather at the community trail before riding with students along the trail during Bike to School Day.

Lt. Speidel worked with staff and volunteers from Zebra Crossings in coordinating the Moms on the Run 5K road race event on May 12. This was another of the ten scheduled events in the Dover Race Series. The Traffic Coordinator handled the deployment of directional signs, barricades and cones to facilitate road closures, parking restrictions and traffic diversions. Lt. Speidel also worked with the New Hampshire Department of Transportation to secure a permit and arrange for closure of the Spaulding Turnpike Exit 7 off-ramp during the race.

Lt. Speidel coordinated all traffic control particulars and police personnel assignments for the Spirit of Recovery 5K run/walk on May 19, which is another event in the Dover Race Series. The 14th Annual Spirit of Recovery event is a fundraiser to benefit the Triangle Club of Dover.

On May 14, the Dover Police Department was the host site for the state's regional Intoxilyzer 9000 Recertification course. All breath test operators must attend annual recertification facilitated by the New Hampshire State Police Forensics Laboratory. Dover PD hosted two classes on that date that were attended by a number of officers from around the region. Lt. Speidel was one of numerous Dover officers attended one of the two courses for breath test recertification.

On May 17, Chief Breault, Captains Terlemezian and Gould, Lieutenants Speidel and Travaglini, and Detectives Martuscello and Donais attended the 32nd annual New Hampshire Law Enforcement Memorial Ceremony at the NH State House to honor the 55 New Hampshire police officers who have been recorded as fallen in the line of duty. Among the fallen officers remembered were two from the Dover Police Department: Officers George E. Pray (1888) and John McDonough (1923).



New Hampshire Law Enforcement Memorial

On the weekend of May 17-19, several Dover officers provided mutual aid assistance to the University of New Hampshire Police Department for its graduation events, held primarily at the Whittemore Center Arena. Dover officers assisted with traffic, crowd control and event security.



Members of the Dover Police SONH Torch Run team prepare to begin their relay at the Strafford Farm parking lot, where they will receive the torch from the Somersworth Police Department. Pictured from left: Lt. Marn Speidel, Officer Thomas Diep, IT Technician Cody Parker, Detective Sgt. Matthew Harnish, Officer Adin Sobel, Sgt. Adam Gaudreault, Detective Jenna Donais, Social Worker Kaitlin Jones, Detective Molly Martuscello, Sgt. Juel Cooper, Prevention Programmer Bridget Ryan, Captain David Terlemezian, and Prevention Programmer Kelsey Levesque. Not pictured are Lt. Mark Nadeau and Officer Ryan Anderson, who also assisted with the safety escort for the group of runners.

On May 31, several Dover Police officers participated in the New Hampshire Special Olympics Law Enforcement Torch Run. Police officers and family members from around the state relayed the "Flame of Hope" over hundreds of miles of New Hampshire roads in

a ceremonial start to the Special Olympics Summer Games, which occurs annually in June. The Law Enforcement Torch Run is one of the largest Special Olympics fundraising events in New Hampshire. Every branch of state, municipal, county and federal law enforcement has participated in the Torch Run, raising more than one million dollars in its history.

The Traffic Coordinator also helped coordinate or provided equipment to facilitate event parking, road closures, or provided other traffic control resources for the following activities during the month of May:

- Knights of Columbus road toll fundraiser at Central/Oak, May 11
- Locust Street paving operations, street sweeping in various locations throughout the month of May to assist the Community Services Department
- Eversource utility contract work at Silver/Arch and Central/Locust intersections, May 23

Standards Unit

Officer Sean Mask returned to the Dover Police Department on May 6, 2024. Officer Mask has 20 years of New Hampshire law enforcement experience. Officer Mask worked for the Dover Police Department between 2011-2021, as both a patrol officer and detective. Most recently, Sean worked for the Ossipee Police Department as a detective sergeant.



Officer Sean Mask

On May 1-2, Victim Witness Advocate Patti Powers attended a two-day workshop entitled Sequential Intercept Model Mapping. Mapping workshops bring together key stakeholders to identify existing resources for adults with mental health and co-occurring substance disorders who are involved in the justice system or who are at risk for such involvement, the gaps in those services, and opportunities for improvement.

On May 1-2, Parking Manager Bill Simons and Deputy Parking Manager Mike Cicchese attended the 2024 New England Parking Council Conference and Tradeshow held in Manchester, NH. The conference and tradeshow is one of the largest regional parking, transportation, and mobility conferences.

On May 2-3, Sergeant Matt Harnish, Detectives Bryon Lynch, Jenna Donais, Molly Martuscello, and Dennis Elbert attend a two-day Interview Techniques training. This modern, evidence based course focused on finding the truth and documenting it so it will stand up under the toughest scrutiny in a court of law.

On May 6, Officer Erin Driscoll attended Intoxilyzer Re-certification held in Concord, NH. This re-certification is mandatory yearly in order to conduct breath tests during arrests.

On May 6, Officer Molly Jalbert and Assistant Communication Supervisor Christian Reed attended a one-day training entitled Thriving, Not Just Surviving; Throughout and Beyond Your Career. This training challenges NH first responders to evaluate their overall wellness, physical and mental health, identifying changes that they can make as individuals and as a department. Participants will have an increased

knowledge of the development and prevention of burnout, compassion fatigued, and the potential negative effects related to repeated exposure to traumatic events.

On May 7, Sergeant Adam Gaudreault attended OC Instructor Re-certification (Part 1). This certification is required every second calendar year to maintain the officer's instructor certification.

On May 8, Captain Brad Gould and Lieutenant Mark Nadeau attended a one-day training entitled Management Rights, held in Portsmouth, NH. This course teaches that the employment relationship is an enforceable contract wherein management has inherent and enforcement rights. These rights include requiring employees to attend work on a regular basis, give a fair day's work, be subordinate, lawful to directives, perform to standards, and get along with others and to be loyal to their employer's lawful business needs.

On May 13-17, Officers Erin Driscoll and Derek O'Neil attended Cellebrite Operator and Physical Analyst training held in Gilford, NH. This five-day course provided the participants with an intense exposure to Cellebrite and Physical Analyzer software and all core competencies associated with the examination of mobile devices suing Cellebrite' s tools and methodology.

On May 14, Lieutenant Marn Speidel, Sergeant Nate Goard, Detectives Molly Martuscello, Bryon Lynch, and Officers Thomas Diep, Bryon Gore, Carmen Cusick, and Tyler Malsbury attended Intoxilyzer Re-certification. This re-certification is mandatory yearly in order to conduct breath tests during arrests.

On May 14-17, Lieutenant Alex Mitrushi, Prevention Services Unit Supervisor Vicki Harris, and Prevention Coordinators Bridget Ryan and Conor Wiley attended the US Alcohol Policy 20 Conference held in Washington, DC. This conference addressed prevention and reduction of alcohol-related problems using public policy strategies.

On May 15, Officer Molly Jalbert attended Southeastern Regional Reunification Professional Development Training held in Exeter, NH. The purpose of the training is to aid school districts and school safety teams in developing and implementing reunification plans that can be used for any district for any event that displaces a school. This can be incidents such as active attack events, bomb threats, etc.

On May 20, Officers Brendan Madsen and Jacob Watkins attended Intoxilyzer Recertification. This re-certification is mandatory yearly in order to conduct breath tests during arrests.

On May 20-24, Dispatcher Cassidy Walker attended the virtual Public Safety Telecommunicator training. This course teaches the basic skills and responsibilities of a public safety telecommunicator. Topics included roles and responsibilities, legal aspects, interpersonal communications, technologies, telephone techniques, call classification, radio communication, and stress management.

On May 28-29, Officer Colin Burgess attended ARIDE (Advanced Roadside Impaired Driving Enforcement) training. This course trains law enforcement officers to observe, identify and articulate the signs of impairment related to drugs, alcohol, or a combination of both, in order to reduce the number of impaired driving incidents as well as crashes.

On May 29, Lieutenant Matt Travaglini and Sergeant Dave Collis attended Firearms Re-certification (Part 1). This instructor recertification course is required every second calendar year to maintain the officer's instructor certification. The recertification is a two-day process.

On May 30, Officer Bryon Gore attended Firearms Recertification (Part 1). This instructor recertification course is required every second calendar year to maintain the officer's instructor certification. The recertification is a two-day process.

Special Investigations

During the month of May 2024, 11 registered sex offenders were processed by the Dover Police Department's Special Investigations Unit. The processing of a sex offender can range from the annual, semi-annual, quarterly, or initial registration, and can also include a change of address or other information that must be updated.

SIU detectives presented 8 investigations to a Grand Jury for indictment. All of the presentations resulted in a "true bill", meaning the Grand Jury determined that probable cause existed that the accused committed a crime. Cases presented to the Grand Jury are classified as a felony offense or a misdemeanor with an enhanced penalty.

SIU detectives investigated 3 unattended deaths in May 2024.

SIU detectives attended 4 forensic interviews at the Strafford County Child Advocacy Center. These interviews are designed to document detailed information about alleged crimes that were experienced or witnessed by children.

SIU detective assisted the University of New Hampshire Police Department with processing and recovering evidence from a Criminal Mischief incident that occurred on the campus.

In May 2024, 2 cases were forwarded to the Strafford County Attorney's Office for review and Grand Jury indictment.

SIU detectives conducted targeted drug operations using grant funds from Operation Granite Shield. These investigations are ongoing.

SIU detectives responded to an alleged robbery incident, and as a result of the investigation, a Rochester man was charged with felony-level Criminal Threatening and misdemeanor Theft.

SIU detectives obtained 3 search warrants to further ongoing a criminal investigation.

SIU detectives referred 29 police reports to the Division of Children, Youth and Families. These informational referrals are for incidents that officers responded to in which children witnessed or were alleged victims of criminal acts or other concerning conduct.

As a result of an SIU investigation aided by the ATF, a Seabrook man was arrested on federal warrants for a firearm-related crime.

The Special Investigations Unit is responsible for conducting background investigations for police department applicants. During May, one investigation was ongoing.

The Special Investigations Unit investigates Internet-based crimes occurring in Dover as assigned by the Internet Crimes Against Children (ICAC) Task Force. In May 2024, SIU detectives had 2 active ICAC cases.

During the month of May, SIU detectives assisted the Exeter Police and the ICAC Task Force with the execution of a search warrant in Exeter, New Hampshire.

At the end of May, SIU detectives had 39 open investigations.

Parking Bureau

Parking activity continues to be strong downtown. Daily meter activity is up 6.7% comparing May of 2024 to May of 2023. For the FY24, which ends shortly, the system is experiencing a 5.3% increase in average daily meter activity, compared to the same period for FY23.

Accommodations were made to provide an alternative parking location for Children's Museum volunteers. The lease with the city provides parking permits for the volunteers who have traditionally parked on River Street during the summer months to open spaces on Henry Law Avenue for users of the museum, splash pad and park. Since River Street is closed this summer for development, museum volunteers have been provided other options.

Parking staff supported Community Service's spring time street sweeping project. More than 40 streets were posted for No Overnight Parking to help facilitate street sweeping.

May-24	May-24	May-23	May-22	Fiscal YTD 2024	FY 2023	FY 2022
Meter Activity - Total						
Meter Transactions	48,990	45,904	41,386	500,523	522,502	485,571
Income at Meters	$98,172	$90,694	$76,466	$1,031,590	$1,028,074	$911,476
Active Meter Days	26	26	25	276	301	301
Average Daily Meter Transactions	1,884	1,766	1,655	1,813	1,736	1,613
Meter Activity - Parking Garage						
Meter Transactions	2,471	2,501	2,228	29,338	32,802	31,151
Income from Meters	$7,306	$7,076	$5,908	$86,980	$92,896	$89,464
Active Meter Days	31	31	31	335	365	365
Average Daily Meter Transactions	80	81	72	88	109	103
Parking Permits						
Total Parking Permits Issued	815	770	748	8,925	9,420	9,232
Permit Income	$23,413	$19,434	$27,030	$363,923	$362,741	$344,367
Parking Ticket Activity						
Total Parking Tickets Issued	1,268	704	685	10,228	8,445	8,460
Winter Restriction Tickets Issued	0	0	0	315	525	495
Parking Ticket Income	$19,955	$17,694	$21,518	$207,330	$207,626	$197,012
Electric Vehicle Charging Stations						
Number of times Stations Used	71	57	53	713	693	316
Charging Station Income	$919	$432	$450	$6,859	$5,042	$2,660

Patrol:

During the month, the Dover Police Department responded to approximately 2,404 calls for service throughout the city. Additionally, officers made 527 traffic stops and initiated 192 non-enforcement related contacts. The total number of incidents handled by patrol officers for month was 3,123.

Supplemental Field Operations Activity:

- Conducted checks of the Community Trail.
- Conducted daily checks of the Transportation Center.
- Conducted daily checks of City parks.
- Conducted daily checks of the parking garage as a result of concerns of vagrancy and criminal mischief.
- Conduct daily checks of the McConnell Center / Library parking area.
- Conducted frequent checks of areas known to be inhabited by the local homeless population.
- Responded to 14 emergency 911 calls.
- Responded to 83 alarms.
- Responded to 94 traffic accidents.
- Made 69 arrests.

The following is a general description of the police priority response system.

PRIORITY 1: IMMEDIATE RESPONSE: Crimes "in progress"; injury accidents; alarms.

PRIORITY 2: RAPID RESPONSE: Crimes or incidents that are not "in progress" but require quick response to preserve evidence, locate witnesses or provide for public safety; to include suspicious activity and domestic disturbances.

PRIORITY 3: TIMELY RESPONSE: Disturbances; noise violations; welfare checks; motor vehicle disturbances; minor collisions.

PRIORITY 4: AS OFFICERS BECOME AVAILABLE: Non-criminal related activity; crimes reported well after they have been committed; message delivery; tow request; littering; fingerprints; assistance; abandoned vehicles.

Total Calls by Priority for May	
Priority 1	**112**
Priority 2	**126**
Priority 3	**1,233**
Priority 4	**1,231**

K-9 Unit

On May 18, 2024, Officer David responded to a residence for a report of a suicidal juvenile who had ran away from home. Officer David deployed K9 Vision on a track and was able to help find the female.

On May 28, 2024, K9 Vision was deployed to sniff the exterior of a vehicle in an attempt to locate the odor of illicit narcotics. This was a traffic stop where the vehicle was coming from a house believed to be involved in the sale of narcotics. K9 Vision alerted to the presence of illicit narcotics in the area of the passenger's side front-door. The vehicle was seized and a search warrant was applied obtained. Following the execution of the search warrant, a bag containing a small amount of illicit narcoitcs under the passenger's side front seat.

Accident Reconstruction Team

The Accident Reconstruction Team was not called out during the month of May for any collisions in Dover.

Dispatch Communications

Radio Transmissions	*17,445*
Phone Calls	6,936
911 Calls	346
Police Alarms Received	71
Fire/Medical Alarms Received	70
Lobby Traffic	1,790

Animal Control

Total Calls for Service: 63	Breakdown:
Handled by Officers/Dispatch: 53	Found/Loose Animals: 27
Handled by Animal Control Officer: 10	Welfare Checks: 16
	Animal Bites: 3
	Misc/Other: 17

The ACO followed up on seven reports originally taken patrol officers, including one report of two dogs potentially abandoned near County Farm Road. The ACO eventually located the owner and determined the dogs had escaped from his vehicle while he was in an appointment in the area.



Two dogs located in the area of County Farm Road

Public Library

Programming

The Dover Public Library hosted 79 programs in May which were attended by 2,098 community members. These programs included passive, virtual and in-person as the Library strives to reach out to the community in various ways. These included: 2 Knitting Group 26; 6 Book Groups 56; 1 Creation Station 646; 1 Cocheco Writer's Groups with 8; 1 Genealogy Club with 10 attendees; 4 All Abilities Club with 58 attendees; 1 Declutter and Organize program with 24 attendees; 1 blues Concert with Poor Howard Stith with 26 attendees; 1 Spring Paint Along with 15 attendees; 2 Book Bracelets craft sessions with 20 attendees; 4 Chess Club meetings with 35 attendees; 1 Advanced Directives with 10 attendees; 4 Meaningful Conversations with 24 attendees;1 Floral Luminaries with 9 attendees; 3 STEM Storytimes with 35 attendees; 3 Mother Goose on the Loose with 84 attendees; 4 Family Storytimes with 98 attendees; 5 Arts & Crafts Storytimes with 48 attendees; 1 Lego Club with 17 attendees; 1 Robot Petting Zoo with 27 attendees; and 1 Creation Station with 512.

Floral Luminaries







Evening of Poetry

Throughout the months of March and April, Dover Public Library hosted its 22nd Annual Poetry Contest for students in grades K-12 and adults. The Library worked closely with all Dover Schools to encourage participation. There were 312 submissions in total, and 29 submissions placed either first, second, or third or received an honorable mention in their respective categories. On Monday, May 20, the Library hosted its annual Evening of Poetry to celebrate the winning poems and allow the public to come and listen to the participants as they shared their pieces. 100 patrons were in attendance as we cheered on this year's poets.

Karin Mayer-Gottlob, Assistant Children's Librarian at the Dover Public Library, read to 3 Head Start classrooms in May (46 kids) and also brought them a selection of hand-picked books. The Head Start program is a vital link in preparing kids for success in schools and beyond.

On Wednesday, May 15, Hong Asian Noodle Bar in Dover hosted a bao making class for the patrons of the Dover Public Library. Participants in this hands-on workshop were taught the technique to make these steamed dumplings. The fifteen adults who attended enjoyed sampling their work at the end.

On Thursday, May 16, Dover Public Library's Teen and Information Services Librarian Emily Ainaire visited the Dover High School library for a session of Books and Bites, a program for students to check out new books from the Dover Public Library's teen collection and enjoy a snack, with 10 students attending in total. On Tuesday, May 21, Teen and Information Services Librarian Emily Ainaire visited the Dover Middle School library for a session of Books and Bites, with 70 students attending in total who checked out over 30 books.

Staff from the Dover Public Library went on the road with their Family Storytime at the Riverside Rest Home on Wednesday, May 22. Books, songs, and crafts were enjoyed by the 35 participants of all ages. The Library has recently begun a collaboration with Riverside to bring programs and books to their residents.

On Thursday, May 23, Teen & Information Services Librarian Emily Ainaire visited Dover High School's cafeteria during students' lunch periods to promote this year's Teen Summer Reading Program. A total of 83 students stopped by to learn about the program and spin a prize wheel to win library themed stickers, buttons, and candy.

On Tuesday, May 28, Teen & Information Services Librarian Emily Ainaire visited Dover Middle School to promote this year's Teen Summer Reading Program. Fifteen Language Arts classes for grades five through seven were visited and learned about how they can participate in the Summer Reading Program and what events will be going on at the Library for teens throughout the summer. Approximately 300 students were visited in total.

On Wednesday, May 29 local Author Linnea Hartsuyker visited the Dover Public Library to speak about this year's Dover Read: her book "The Half-Drowned King." Hartsuyker's Viking epic was selected as the Community Read for the city by Dover's first Literary Laureate Steve Bargdill. In partnership with the Dover

Arts Commission, the library worked closely with Bargdill and Hartsuyker to encourage community members to read the story and then attend one of the local events based on the book. Over 30 copies of the 400-page book were borrowed from the library during this time. Those who attended the author talk learned about Hartsuyker's writing and research process, heard an excerpt from the book, and discovered the fascinating true history behind the story she wrote about.

The Dover Public Library has welcomed some new staff to the team:



Kyla

Kyla Yoder is a Library Assistant in the Children's Room. She lives in Somersworth with her husband, four children, a three legged dog and two cats. She loves sitting on her porch in her hanging chair with a cup of coffee and a good book.



Amy

Amy Tilton is a Library Assistant in the Children's Room. She recently moved to Dover with her husband and their dog, Banksy. When she's not busy renovating their 200 year-old-home, you can find her making things, teaching art, and traveling.



Ben

Ben Sears was hired as our new Library Page. When not reading a book, you can find Ben hiking or playing chess. He can't wait to see you all at the Library!

Dover Public Library hosted a volunteer fair, on May 11th, with representatives from twelve organizations. Approximately 40 people actively visited the tables. The Dover Area Women's Club, the Red Cross, and Pope Memorial were a few of the participants. There was a raffle going –a visit to each table earned attendees an entry to win a small prize. There was a wide range of attendees.

Woodman Park Elementary School and Seymour Osman Community Center hosted their annual Family Night on Thursday, May 9th. This event was held outside on the blacktop of Woodman Park and featured various community organizations, food trucks, an ice cream social, and face painting. The Dover Public Library was represented by Children's Librarian Crystal Lisbon and Library Assistant Karin Mayer-Gottlob at this event. Staff spoke to families about the upcoming Summer Reading Program, and answered questions. The library had a prize wheel for kids to spin, and over 188 people visited the DPL table. This was a wonderful outreach program, and was a big hit!

Volunteer tax assistance was back at the Dover Public Library on two Saturdays in May to help community members apply for property tax relief.

The Friends of the Dover Public Library held their semi-annual book sale at the beginning of May. All proceeds from the sale are used to help support the DPL in many ways. The Friends pay for programs throughout the year, support the Summer Reading Program, purchase all of the museum passes available to patrons, and much more. Thank you, Friends.

Passport application processing fees and notary services provide a continuing source of revenue for the Dover Public Library. The Library processed 33 passport applications and notarized 51 items generating $1,410 in revenue.

Library Metrics:

- May library circulation totaled 19,891 items. (7.987 adult + 6,229 children's print items; plus 5,675 items downloaded including 4,895 audiobooks & eBooks, 542 Hoopla streaming music, movies, and books, 181 Kanopy plays and 57 eMagazines).
- 138 new library patrons registered; total active cardholders 12,804.
- The Dover Public Library's Book a Librarian service helped 26 community members.
- The Dover Public Library's 3D printer produced 52 items requested by our patrons.
- The Library's museum passes were borrowed 79 times saving our community members approximately $2,505.88 in admission fees.
- 46 new patrons registered for downloadable audiobooks/ eBooks via Overdrive (total = 7,609) and 24 registered for Hoopla (total = 2,824) and 13 registered for Kanopy (total 487).
- Internet and PC uses by the public totaled 808 on library workstations and an additional 6,090 via Wi-Fi.
- The library's website statistics showed 205,966 page views by 11,090 users in 23,172
- 149 meetings & tutoring sessions were hosted in the library's Lecture Hall, Trustees Room, & Learning Center.
- The Dover Public Library has 6,032 subscribers to its two monthly e-newsletters—Children's and Adults.
- Library staff posted 136 items to its various social media platforms in May. Total social media platform followers = 10,319.

- Library volunteers added 102 books to our 2 little free libraries this month.
- 11,203 people visited the library during May an average of 400 per day (open 28 days).

Public Welfare

It was a difficult month as one of the three staff members in the office is still out on medical leave and the new hire did not begin until May 20th. The Welfare Director was operating solo.

The UNH intern left mid-month as she finished her assignment time. But is being hired on a temporary basis for the summer to assist while regular staff is out on medical leave until at least July 15.

Dover Welfare served 234 Individuals this month. There are 90 Active cases of which 21 are new clients. There were 121 interviews.

Dover Welfare expended $48,952.32 for assistance this month. This is the largest amount spent for Assistance so far in FY 2024.

$35,566.84 was for rental assistance, of which $12,851 was for Emergency Housing in hotels. Housing related costs for this month totaled $48,417.84.

Two payments were made for electric assistance totaling $420.

One water bill was paid in the amount of $1,143.04.

Dover Welfare received $550 in reimbursements.

There were 580 calls fielded this month; 290 outbound and 290 inbound.

Recreation Department

Administration

Jenny Thompson Pool Renovation Project is moving forward; Weston and Sampson were awarded the bid for design and construction oversight, and design drawings are expected to be completed mid-June. The exact items to be worked on are being determined based on timing of how it will impact the pool

availability. A LWCF Grant application is in the approval process to add $500,000 in funding to help with the overall project.

Gym & Programs

Spring sports are on-going. Cocheco Lacrosse utilizes school fields, Dover Baseball and Dover Youth Softball use a combination of their own fields and City fields and Garrison City FC uses the Shaw's Lane fields. Dover Little Green Cheerleading has also started off-season conditioning in the DMS & DHS gyms. Outdoor Pickleball courts continue to be popular – all 7 are often full on the weekends, especially in the mornings. The heaved crack on the 8th court appears to have settled enough that the net can be put back up and a service request has been submitted to do so. Use is consistent throughout weekdays as well. Evenings have become extremely popular as the average age of players has decreased. They are open on a first come first serve basis except for Tuesday & Friday mornings when reserved by the Dover Senior Center program. The Butterfield gym continues to be utilized during inclement weather for indoor pickleball on a reservation only basis. Summer Playgrounds Program at Garrison is full, summer staff are hired, planning is on-going in addition to training new staff. The Spring 30+ Basketball League continued Monday evenings in the Butterfield gym. There are 6 teams and will play an 8-game regular season followed by single elimination playoffs, wrapping up June 27th. The Spring High School and Junior High School Co-ed Basketball Leagues concluded May 25th.

Indoor Pool & Jenny Thompson Pool

This has been a busy month for the pools. The Jenny Thompson pool opened to SOLO swim team on May 15th. The Jenny Thompson pool opened to the general public and remaining swim team rentals on May 18th. This is nearly a month ahead of when we typically would have that pool ready for the general public. With the hot weather and the pool heater running, the pool reached 80 degrees very quickly. The pool is operating well with no mechanical issues. The Indoor Pool is running on a regular schedule with our highest usage during early bird lap swim Monday through Friday. Patrons are enjoying extended lap times, therapy swim times and continuity of hydro fitness classes. The Indoor Pool closed weekends when the Outdoor Pool opened and will remain that way for the summer season due to staffing. The Indoor Pool hosted Newmarket swim lessons on Wednesdays this month as part of their PE requirement. This was a successful rental and provided third graders the opportunity to learn to swim when they would otherwise not have the exposure. Instructors came from Exeter, Portsmouth, and Newmarket similar to last year's program. SOLO Aquatics hosted their first swim meet of the season May 31-June 2nd. The supervisor was able to pull enough staff together ahead of the end of the school year to run it safely. Their next meet will also be before school gets out for the season June 14-16. Both pools will run on a regular summer schedule beginning June 17th. Summer swim lesson registration is underway and programs are filling quickly. The pool has a high return rate for swim instructors but remain thin on lifeguards. Despite best efforts to run full lifeguard courses, all participants taking courses already had jobs lined up elsewhere. Both pools will be closed on July 4th. The deck safety lines at the Jenny Thompson pool have been painted including lifeguard stands and diving board stands. Management is waiting for the rebuilt motor outside to come back and the other will then be pulled. They are in a holding pattern to move a handicap accessible chair to the Outdoor pool and have the new one installed indoors but staff is having trouble getting the installation company on the approved vendor list. Both pools have been registered with PBF ahead of the season when it was requested. The Splash Pad at Henry Law Park opened May 10th and the water is available daily 8:00am-7:30pm. Rentals: SOLO Aquatics. Birthday Parties: 3

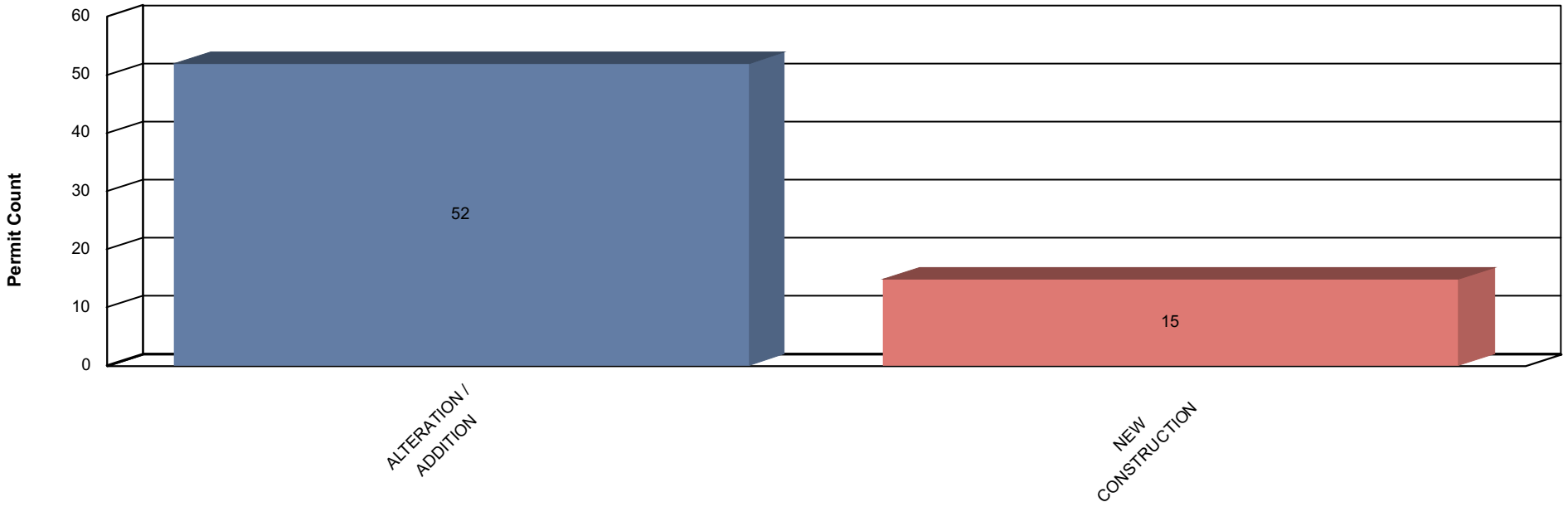
Dover Ice Arena

May at the Dover Arena is a busy time as wrap up the spring programs. Holt Ice was taken out on May 14th. The Spring 3 on 3 ended it's 7-week season as well as the Spring session of the Arena's Youth Intro to Hockey on May 8th. While the ice is out, will be busy with regular maintenance, cleaning, and painting of the facility. Had 3 big renovation projects under way; the roof repair, the Cooling Tower and the Glycol Tank. All projects are still in progress but running on time and should be all set to do our scheduled ice in around the end of June with an open date of July 7th. Camp Kool preparation is under way and have conducted interviews for the counselor positions and have finalized staffing. Staff trainings will take place in June. Have a full slate of summer hockey camps as well as the return of adult hockey leagues, pick up skates and Arena youth hockey programming when open back up in July. Birthday Parties: 1, Adult and Youth Stick Practice: 241 skaters

Dover Senior Center

This month continued to hold Chair Yoga, Yoga for Bone Strength and pickleball, as well as daily games and activities. With the nicer weather upon us, the center resumed local bus trips for the summer season. Senior Center Ukulele band begins its season of free performances in the community on June 5 with engagements all summer long!

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)
FOR CITY OF DOVER, N.H.



Permit #	Type	Workclass	Status	Main Address		District	Parcel
	Application Date	*Issue Date*	*Expiration*	*Last Inspection*	*Finaled Date*	*Applied Online*	
	Zone	*Fee Total*	*Sq Ft*	*Valuation*	*Project Zone*	*Assigned To*	
ALTERATION / ADDITION							
BLDM-2024-0185	Building - Minor	Alteration / Addition	Issued	604 Central Av, Dover, NH		None	30120-001000
	04/24/2024	*05/01/2024*	*10/31/2024*			*Yes*	
	G	*$520.00*	*460*	*$45,000.00*	*Non-Residential*	*Thomas Abbott*	
	Description: Partial renovation/remodel to existing unfinished basement space						
BLDM-2024-0199	Building - Minor	Alteration / Addition	Issued	26 Elliot Pk, Dover, NH		None	17024-000000
	04/30/2024	*05/03/2024*	*11/02/2024*			*Yes*	
	R-12	*$50.00*	*1,184*	*$12,500.00*	*Residential*	*Thomas Abbott*	
	Description: Installation of new roofing shingles						
BLDM-2023-0523	Building - Minor	Alteration / Addition	Issued	12 Stocklan Cr, Dover 03820		None	G0024-J00171
	10/20/2023	*05/06/2024*	*11/05/2024*			*Yes*	
	R-20	*$113.00*	*450*	*$8,000.00*	*Residential*	*Jim Maxfield*	
	Description: Finishing 450 sq ft of unfinished basement. Estimated project cost is $4000. Half of exterior walls are already framed/insulated. No electrical or plumbing.						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type *Application Date* *Zone*	Workclass *Issue Date* *Fee Total*	Status *Expiration* *Sq Ft*	Main Address *Last Inspection* *Valuation*	 *Finaled Date* *Project Zone*	District *Applied Online* *Assigned To*	Parcel
BLDM-2023-0385	Building - Minor *08/03/2023* *CBD-G*	Alteration / Addition *05/07/2024* *$69.00*	Issued *11/06/2024* *16*	328 Central Av, Dover, NH *$4,000.00*	 *Mixed Use*	None *Yes* *Jim Maxfield*	02014-000000
	Description: Adding Service Window to outside of building						
BLDM-2024-0179	Building - Minor *04/22/2024* *IT*	Alteration / Addition *05/07/2024* *$1,345.00*	Issued *11/06/2024* *1,788*	40 Pointe Pl, Dover, NH *$120,000.00*	 *Mixed Use*	None *Yes* *Thomas Abbott*	K0019-011000
	Description: Fit up for Yoga/Pilates Studio						
BLDM-2024-0206	Building - Minor *05/05/2024* *R-40*	Alteration / Addition *05/08/2024* *$50.00*	Complete *11/25/2024* *3,407*	200 County Farm Cross Rd, Dover, NH *05/28/2024* *$53,925.00*	 *05/28/2024* *Residential*	None *Yes* *Thomas Abbott*	B0020-A00000
	Description: strip 34.07 sq asphalt shingles, check for any rot, re-roof with asphalt shingles						
BLDM-2024-0205	Building - Minor *05/04/2024* *R-20*	Alteration / Addition *05/08/2024* *$135.00*	Issued *11/07/2024* *0*	17 Landing Wy, Dover, NH *$10,500.00*	 *Residential*	None *Yes* *Thomas Abbott*	L0095-01P000
	Description: SCOPE OF WORK: Remove siding on both dormers due to metal wrap and siding previously leaking						
BLDM-2024-0190	Building - Minor *04/25/2024* *R-40*	Alteration / Addition *05/08/2024* *$1,125.00*	Issued *11/07/2024* *0*	363 Middle Rd, Dover, NH *$100,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	M0082-000000
	Description: Remove exsiting Siding. Install Erverlast siding. Install new Marvin windows. Install Azek exterior trim.						
BLDM-2024-0208	Building - Minor *05/06/2024* *CWD*	Alteration / Addition *05/08/2024* *$0.00*	Issued *11/07/2024* *1,800*	6 Washington St, Dover 03820 *$19,000.00*	 *Non-Residential*	None *Yes* *Thomas Abbott*	23015-000000
	Description: Replace asphalt roofing shingles on 100x18 section of roof on river side of Children's Museum.						
BLDM-2024-0203	Building - Minor *05/02/2024* *R-40*	Alteration / Addition *05/08/2024* *$245.00*	Issued *11/18/2024* *350*	9 Fairway Dr, Dover, NH *05/21/2024* *$19,500.00*	 *Residential*	None *Yes* *Thomas Abbott*	N0014-R00000
	Description: Finish existing bonus room space over garage by adding knee walls, insulation, GWB and carpet.						
BLDM-2024-0204	Building - Minor *05/02/2024* *RM-SU*	Alteration / Addition *05/09/2024* *$47.00*	Issued *11/08/2024* *420*	25 Fords Landing Dr, Dover 03820 *$2,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	I0003-B00000
	Description: Mold remediation. Removal of drywall ceiling and insulation.						
BLDG-2024-0033	Building - Major *02/26/2024* *RM-U*	Alteration / Addition *05/09/2024* *$1,125.00*	Issued *11/11/2024* *8,000*	40 Maple St, Dover, NH *05/13/2024* *$100,000.00*	 *Mixed Use*	None *Yes* *Jim Maxfield*	30018-000000
	Description: multiple alterations						
BLDM-2024-0211	Building - Minor *05/07/2024* *R-12*	Alteration / Addition *05/09/2024* *$135.00*	Complete *12/09/2024* *2,180*	750 Central Av, N, Dover 03820 *06/12/2024* *$10,000.00*	 *06/12/2024* *Non-Residential*	None *Yes* *Thomas Abbott*	29017-000000
	Description: Paint and replacing carpet. One interior wall to be demo'd.						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type *Application Date* *Zone*	Workclass *Issue Date* *Fee Total*	Status *Expiration* *Sq Ft*	Main Address *Last Inspection* *Valuation*	 *Finaled Date* *Project Zone*	District *Applied Online* *Assigned To*	Parcel
BLDM-2024-0209	Building - Minor *05/06/2024* *R-40*	Alteration / Addition *05/09/2024* *$322.00*	Issued *11/08/2024* *1,952*	27 Spruce Dr, Dover, NH *$27,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	I0027-J00000
	Description: Windows, doors, siding, flashing, etc. Details under additional info.						
BLDM-2024-0194	Building - Minor *04/27/2024* *R-40*	Alteration / Addition *05/10/2024* *$58.00*	Issued *11/09/2024* *0*	35 Augusta Wy, Dover 03820 *$3,270.00*	 *Residential*	None *Yes* *Thomas Abbott*	K0049-A00032
	Description: EXTERIOR FRONT DOOR: *REPLACE THE EXISTING FRONT DOOR 60X80* *INSTALL NEW EXTERIOR FRONT DOOR SAME SIZE.*						
BLDM-2024-0193	Building - Minor *04/26/2024* *R-40*	Alteration / Addition *05/10/2024* *$366.00*	Issued *11/09/2024* *432*	199 Blackwater Rd, Dover 03820 *$31,000.00*	 *Non-Residential*	None *Yes* *Thomas Abbott*	A0029-A00000
	Description: 12x36 shed row horse shelter						
BLDM-2024-0201	Building - Minor *04/30/2024* *RM-U*	Alteration / Addition *05/10/2024* *$135.00*	Issued *11/09/2024* *523*	60 Hill St, Dover, NH *$10,000.00*	 *Residential*	None *Yes* *Jim Maxfield*	27119-000000
	Description: Demo old unsafe barn						
BLDM-2024-0218	Building - Minor *05/13/2024* *HR*	Alteration / Addition *05/13/2024* *$50.00*	Issued *11/12/2024* *0*	45 Rutland St, Dover 03820 *$2,635.00*	 *Residential*	None *Yes* *Thomas Abbott*	13029-000000
	Description: Replace roof on addition						
BLDM-2024-0223	Building - Minor *05/14/2024* *RM-U*	Alteration / Addition *05/15/2024* *$0.00*	Issued *11/14/2024* *10*	110-150 Portland Av, Dover, NH *$24,000.00*	 *Non-Residential*	None *Yes* *Thomas Abbott*	26002-000000
	Description: Concrete cut, install lintells and remove existing CMU block						
BLDG-2024-0061	Building - Major *04/18/2024* *R-12*	Alteration / Addition *05/16/2024* *$1,983.00*	Issued *11/15/2024* *2,535*	131 Back Rd, Dover 03820 *$178,488.24*	 *Residential*	None *Yes* *Jim Maxfield*	K0007-A00000
	Description: Second story addition with a kitchen remodel & a 7" x 20" front entry deck						
BLDM-2024-0214	Building - Minor *05/08/2024* *R-20*	Alteration / Addition *05/16/2024* *$50.00*	Issued *11/15/2024* *34*	338 A Dover Point Rd, A, Dover 03820 *$26,335.00*	 *Residential*	None *Yes* *Jim Maxfield*	L0058-R00000
	Description: rip and replace shingle roof *remove and replace front door and glass slider with same size product*						
BLDM-2024-0198	Building - Minor *04/29/2024* *R-12*	Alteration / Addition *05/16/2024* *$50.00*	Complete *11/27/2024* *1,900*	3 Garrison Rd, Dover, NH *05/31/2024* *$30,000.00*	 *05/31/2024* *Residential*	None *Yes* *Thomas Abbott*	I0074-000000
	Description: Strip roof, install ice and water shield, install permalock roofing system.						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type *Application Date* *Zone*	Workclass *Issue Date* *Fee Total*	Status *Expiration* *Sq Ft*	Main Address *Last Inspection* *Valuation*	 *Finaled Date* *Project Zone*	District *Applied Online* *Assigned To*	Parcel
BLDM-2024-0144	Building - Minor *04/02/2024* *IT*	Alteration / Addition *05/17/2024* *$102.00*	Issued *11/16/2024* *3,000*	200 Sixth St, Dover, NH *$6,800.00*	 *Residential*	None *Yes* *Jim Maxfield*	E0070-A00000
	Description: demolition of existing farmhouse and barn						
BLDM-2024-0224	Building - Minor *05/15/2024* *R-40*	Alteration / Addition *05/17/2024* *$50.00*	Issued *11/16/2024* *27,500*	11 Sandpiper Dr, Dover, NH *$17,960.00*	 *Residential*	None *Yes* *Thomas Abbott*	C0002-B00015
	Description: Replace & Install New Roof Shingles						
BLDM-2024-0219	Building - Minor *05/13/2024* *CBD-G*	Alteration / Addition *05/17/2024* *$135.00*	Issued *11/16/2024* *0*	65 Main, St, Dover 03820 *$10,000.00*	 *Non-Residential*	None *Yes* *Thomas Abbott*	03023-000000
	Description: Replacing 2 sets of exterior doors						
BLDG-2024-0064	Building - Major *04/25/2024* *R-12*	Alteration / Addition *05/17/2024* *$1,015.00*	Issued *11/16/2024* *510*	108 Mount Vernon St, Dover, NH *$90,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	29095-000000
	Description: replacement of sunroom and build to second story for additional bedroom						
BLDM-2024-0222	Building - Minor *05/14/2024* *R-12*	Alteration / Addition *05/17/2024* *$443.00*	Issued *11/16/2024* *376*	4 Middlebrook Rd, Dover, NH *$37,658.90*	 *Residential*	None *Yes* *Thomas Abbott*	17134-000000
	Description: Finishing Basement - Common area (tv area)						
BLDM-2024-0221	Building - Minor *05/14/2024* *R-12*	Alteration / Addition *05/17/2024* *$102.00*	Issued *11/16/2024* *2*	92 Old Rochester Rd, Dover 03820 *$7,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	A0014-N00000
	Description: Replace old vinyl siding						
BLDM-2024-0197	Building - Minor *04/29/2024* *R-40*	Alteration / Addition *05/17/2024* *$179.00*	Issued *12/04/2024* *500*	36 Isaac Lucas Cr, Dover, NH *06/07/2024* *$14,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	M0090-P00000
	Description: Backyard Patio *Total Cost $ 8000* *- Building $ 7000* *- Electrical $1000*						
BLDM-2024-0217	Building - Minor *05/13/2024* *RM-SU*	Alteration / Addition *05/20/2024* *$960.00*	Issued *11/19/2024* *0*	7 Abbey Sawyer Memorial Dr, Dover, NH *$85,000.00*	 *Mixed Use*	None *Yes* *Jim Maxfield*	28032-000000
	Description: Swap of existing AT&T Antennas, Radios with newer models at same location on Tower						
BLDM-2024-0207	Building - Minor *05/06/2024* *R-40*	Alteration / Addition *05/22/2024* *$124.00*	Issued *11/21/2024* *240*	3 Gold Post Rd, Dover, NH *$8,691.12*	 *Residential*	None *Yes* *Thomas Abbott*	I0102-H00000
	Description: Project scope is the installation of a 256 sq ft Home Depot (Handy Home Products) detached storage shed, with a total project cost of $8691.12. Cost breakdown is building=$6377.12, site prep/gravel = $2314.00.						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type *Application Date* *Zone*	Workclass *Issue Date* *Fee Total*	Status *Expiration* *Sq Ft*	Main Address *Last Inspection* *Valuation*	 *Finaled Date* *Project Zone*	District *Applied Online* *Assigned To*	Parcel
BLDM-2024-0215	Building - Minor *05/11/2024* *R-40*	Alteration / Addition *05/23/2024* *$50.00*	Complete *11/26/2024* *1,900*	172 County Farm Cross Rd, Dover, NH *05/30/2024* *$11,000.00*	 *05/30/2024* *Residential*	None *Yes*	B0016-A00000
	Description: Project scope is 1900 sq ft roof replacement for my house and attached garage						
BLDM-2024-0216	Building - Minor *05/13/2024* *R-20*	Alteration / Addition *05/23/2024* *$575.00*	Issued *12/02/2024* *2,000*	22 Wentworth Tr, Dover, NH *06/05/2024* *$50,000.00*	 *06/03/2024* *Residential*	None *Yes* *Thomas Abbott*	08040-A00000
	Description: Renewal of BLDM-2023-0087. I am removing the former contractor(s) and taking over as General Contractor for the project. A permit was already paid for for 100,000 worth of work						
BLDM-2024-0237	Building - Minor *05/22/2024* *R-12*	Alteration / Addition *05/23/2024* *$465.00*	Issued *11/22/2024* *144*	4 Amy Ln, Dover, NH *$40,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	E0072-F00001
	Description: Kitchen remodel						
BLDM-2024-0227	Building - Minor *05/17/2024* *R-40*	Alteration / Addition *05/23/2024* *$50.00*	Issued *11/22/2024* *3,800*	47 Cottonwood Dr, Dover, NH *$20,830.00*	 *Residential*	None *Yes* *Thomas Abbott*	B0004-062000
	Description: INSTALLATION OF 38 SQ ARCHITECTURAL ASPHALT SHINGLES						
BLDM-2024-0232	Building - Minor *05/21/2024* *G*	Alteration / Addition *05/23/2024* *$50.00*	Issued *11/22/2024* *120*	249 Locust St, Dover, NH *$2,435.00*	 *Residential*	None *Yes* *Thomas Abbott*	15036-000000
	Description: replacing shingles with rubber roof material on small addition at back of building on the #249/ left side of house looking from the street						
BLDM-2024-0210	Building - Minor *05/06/2024* *RM-U*	Alteration / Addition *05/23/2024* *$289.00*	Complete *12/04/2024* *600*	38 New York St, Dover, NH *06/07/2024* *$24,000.00*	 *06/07/2024* *Residential*	None *Yes* *Thomas Abbott*	27043-000000
	Description: Repair existing deck & stair system at both 38 & 40 New York St.						
BLDM-2024-0191	Building - Minor *04/26/2024* 	Alteration / Addition *05/23/2024* *$58.00*	Issued *11/22/2024* *100*	368 Central Ave, Dover, NH 03820 *$3,000.00*	 *Mixed Use*	None *Yes* *Thomas Abbott*	
	*Description: Putting a door in. (Update to another permit with updated floor plan) **AMENDMENT** Putting a FRONT door in. Recently applied (and was approved) for a recessed door but now we. Are looking to do an in swing door flush with the front entrance.*						
BLDM-2024-0238	Building - Minor *05/22/2024* *R-20*	Alteration / Addition *05/24/2024* *$50.00*	Issued *11/23/2024* *3,000*	7 Wallace Dr, Dover, NH *$18,000.00*	 *Residential*	None *Yes* *Thomas Abbott*	G0027-004000
	Description: Roof replacement						
BLDG-2024-0062	Building - Major *04/19/2024* *IT*	Alteration / Addition *05/28/2024* *$553.00*	Issued *11/27/2024* *728*	23 Julia Dr, Dover 03820 *$48,000.00*	 *Residential*	None *Yes* *Jim Maxfield*	M0004-000000
	Description: Basement Remodel						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type	Workclass	Status	Main Address		District	Parcel
	Application Date	*Issue Date*	*Expiration*	*Last Inspection*	*Finaled Date*	*Applied Online*	
	Zone	*Fee Total*	*Sq Ft*	*Valuation*	*Project Zone*	*Assigned To*	
BLDM-2024-0189	Building - Minor	Alteration / Addition	Issued	655 Central Av, Dover 03820		None	27225-000000
	04/25/2024	*05/28/2024*	*11/27/2024*			*Yes*	
	R-12	*$1,400.00*	*440*	*$125,000.00*	*Mixed Use*	*Thomas Abbott*	
	Description: 12 by 12 addition first floor 12 by 20 second floor With elevator to access 2nd floor living space						
BLDM-2024-0228	Building - Minor	Alteration / Addition	Issued	35 Finch Ln, Dover, NH		None	K0035-A00000
	05/17/2024	*05/28/2024*	*11/27/2024*			*Yes*	
	R-20	*$289.00*	*2,429*	*$24,000.00*	*Non-Residential*	*Thomas Abbott*	
	Description: Remove (3) Antenna, (3) TMA, (2) Hybrid Cables, (6) Coax; Add (6) Antenna, (2) Hybrid Cables, (3) RRU at existing wireless communications facility						
BLDM-2024-0241	Building - Minor	Alteration / Addition	Issued	220 Back Rd, Dover, NH		None	M0001-000000
	05/23/2024	*05/28/2024*	*11/27/2024*			*Yes*	
	R-40	*$498.00*	*507*	*$42,805.00*	*Residential*	*Thomas Abbott*	
	Description: Install a 9.6kW PV solar ground array with 24 425W solar panels and 24 Enphase IQ8+ micro inverters.						
BLDM-2024-0244	Building - Minor	Alteration / Addition	Issued	18 Maplewood Av, Dover 03820		None	D0044-000000
	05/24/2024	*05/28/2024*	*11/27/2024*			*Yes*	
	R-12	*$58.00*	*36*	*$3,000.00*	*Residential*	*Thomas Abbott*	
	Description: Demolish and remove existing 6.5' by 6.5' deck at rear of house. Replace with new 6' by 6' Deck. Deck to be built on 4 12" concrete footings that are 36" deep (not attached to house joist). Pressure treated framing using 2x8 joists and 2x10 beams. Using Strong Tie fasteners. 36" railings. Composite decking and railings. Full width stairs to concrete landing.						
BLDM-2024-0213	Building - Minor	Alteration / Addition	Issued	52 Augusta Wy, Dover, NH		None	K0049-A00012
	05/08/2024	*05/28/2024*	*11/25/2024*	*05/29/2024*		*Yes*	
	R-40	*$652.00*	*1,050*	*$57,000.00*	*Residential*	*Thomas Abbott*	
	Description: Basement finished, open area all around. No rooms						
BLDM-2024-0242	Building - Minor	Alteration / Addition	Complete	2 Autumn St, Dover, NH		None	34017-C00000
	05/23/2024	*05/28/2024*	*12/09/2024*	*06/11/2024*	*06/11/2024*	*Yes*	
	R-12	*$50.00*	*1,248*	*$17,353.67*	*Residential*		
	Description: Rip and lay architectural shingles						
BLDM-2024-0249	Building - Minor	Alteration / Addition	Issued	6 Lancaster St, Dover, NH		None	19070-000000
	05/28/2024	*05/30/2024*	*11/29/2024*			*Yes*	
	R-12	*$355.00*	*200*	*$30,000.00*	*Residential*	*Thomas Abbott*	
	Description: Renovate master bathroom. New tile shower, tile floor, lighting, closet, vanity, toilet. New tile floor, shower fixtures and vanity in guest bathroom. New vanity and lighting in first floor half bathroom.						
BLDM-2024-0251	Building - Minor	Alteration / Addition	Issued	55 Piscataqua Rd, Dover, NH		None	J0014-E00000
	05/29/2024	*05/30/2024*	*11/29/2024*			*Yes*	
	R-40	*$168.00*	*0*	*$13,120.00*	*Residential*	*Julia Libby*	
	Description: Remove and replace 2 doors. Like for like, no structural changes.						
BLDM-2024-0226	Building - Minor	Alteration / Addition	Issued	14 South Pine St, Dover, NH		None	19034-000000
	05/16/2024	*05/30/2024*	*11/29/2024*			*Yes*	
	RM-U	*$80.00*	*135*	*$5,000.00*	*Residential*	*Thomas Abbott*	
	Description: Replace existing deck on rear of residence. Existing is approximately 7'x16'. New deck will be 8'x16' with a 3x3' landing for stairs down to the back yard. Stairs will land on a 4x4' concrete pad. Deck is approximately 8' above the ground, new concrete footings and framing will be installed. Railings and decking will be PT.						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type / Application Date / Zone	Workclass / Issue Date / Fee Total	Status / Expiration / Sq Ft	Main Address / Last Inspection / Valuation	Finaled Date / Project Zone	District / Applied Online / Assigned To	Parcel
BLDM-2024-0247	Building - Minor *05/28/2024* *R-20*	Alteration / Addition *05/30/2024* *$135.00*	Complete *12/16/2024* *56*	7 Boston Harbor Rd, Dover, NH *06/18/2024* *$10,000.00*	*06/18/2024* *Residential*	None *Yes*	07004-000000
	Description: 56 square feet bathroom. Adding two inside walls 2x4 construction, a barn door to close the bathroom in with an added shower and bathroom room sink and toilet.						
BLDM-2024-0253	Building - Minor *05/30/2024* *RM-U*	Alteration / Addition *05/30/2024* *$50.00*	Issued *11/29/2024* *0*	21 New York St, Dover 03820 *$0.00*	*Residential*	None *No* *Thomas Abbott*	04066-000000
	Description: roof shingling replacement						
BLDM-2024-0248	Building - Minor *05/28/2024* *G*	Alteration / Addition *05/30/2024* *$630.00*	Issued *11/29/2024* *10,735*	15 Durham Rd, Dover, NH *$55,000.00*	*Non-Residential*	None *Yes* *Thomas Abbott*	H0011-000000
	Description: install slab only (for underground plumbing) for level 1 medical office building. Additional permits are required for fit-up of this space.						
SUBTOTALS FOR ALTERATION / ADDITION:			**88,797 Sq Ft**	**$1,713,806.93**	**Residential: 38** **Non-Residential: 8** **Mixed Use: 6**	**PERMITS ISSUED: 52**	
NEW CONSTRUCTION							
BLDG-2024-0053	Building - Major *04/10/2024* *R-40*	New Construction *05/01/2024* *$13,980.00*	Issued *10/31/2024* *2,300*	17 Hayden Dr, Dover, NH *$460,000.00*	*Residential*	None *Yes* *Jim Maxfield*	M0102-012000
	Description: Construct a two story single family dwelling with unfinished basement and two car attached garage						
BLDM-2024-0188	Building - Minor *04/25/2024* *R-40*	New Construction *05/01/2024* *$179.00*	Issued *10/31/2024* *216*	20 Sunnybrooke Dr, Dover, NH *$14,000.00*	*Residential*	None *Yes* *Thomas Abbott*	I0030-B00015
	Description: 12 x 18 deck						
BLDG-2024-0037	Building - Major *03/05/2024* *R-40*	New Construction *05/02/2024* *$16,598.00*	Issued *11/12/2024* *3,154*	226 Oak St, Dover 03820 *05/16/2024* *$698,000.00*	*Residential*	None *Yes* *Jim Maxfield*	N0013-001000
	Description: Construct a two story single family dwelling with two car attached garage with unfinished basement and attic						
BLDG-2024-0055	Building - Major *04/11/2024* *R-40*	New Construction *05/06/2024* *$11,560.00*	Fees Due *12/04/2024* *1,400*	10 Banner Dr, Dover, NH *06/07/2024* *$280,000.00*	*Residential*	None *Yes* *Jim Maxfield*	H0050-003000
	Description: Construct a two story single family dwelling unit with attached two car garage and unfinished basement and attic						
BLDG-2024-0047	Building - Major *03/31/2024* *RM-U*	New Construction *05/08/2024* *$1,015.00*	Issued *11/07/2024* *2,040*	13 Maple St, Dover 03820 *$90,000.00*	*Residential*	None *Yes* *Thomas Abbott*	30065-000000
	Description: Construct a detached garage for storage only. ADU scope removed by applicant						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

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BLDG-2024-0028	Building - Major *02/16/2024* *CWD*	New Construction *05/09/2024* *$682,974.00*	Fees Due *11/08/2024* *141,000*	31 River St, *$24,000,000.00*	 *Mixed Use*	None *Yes* *Jim Maxfield*	22001-004D00
	Description: Construct a 5 story mixed use building with 101dwelling units, parking garage below and 6800SF of non residential on first floor.						
BLDG-2024-0065	Building - Major *04/29/2024* *R-20*	New Construction *05/09/2024* *$91.00*	Complete *11/08/2024* *2,094*	13 Boston Harbor Rd, Dover, NH *$6,500.00*	 *05/14/2024* *Residential*	None *Yes*	07007-000000
	Description: Demo of current home						
BLDG-2024-0069	Building - Major *04/29/2024* *R-20*	New Construction *05/09/2024* *$5,833.00*	Issued *12/16/2024* *2,094*	13 Boston Harbor Rd, Dover, NH *06/17/2024* *$528,500.00*	 *Residential*	None *No* *Jim Maxfield*	07007-000000
	Description: const. a single family dwelling						
BLDG-2024-0031	Building - Major *02/16/2024* *CWD*	New Construction *05/13/2024* *$76,925.00*	Fees Due *11/12/2024* *20,114*	56, 58, 60, 62,6 4, 66, 68, 70, 72 River St, Dover, NH *$3,620,500.00*	 *Residential*	None *Yes* *Jim Maxfield*	22001-006000
	Description: Construct 9- Three story townhouses on slab with unfinished attics and one car attached garage						
BLDG-2024-0029	Building - Major *02/16/2024* *CWD*	New Construction *05/13/2024* *$25,761.00*	Fees Due *11/12/2024* *6,755*	16,18, 20 Seaport Way, Dover, NH *$1,215,900.00*	 *Residential*	None *Yes* *Jim Maxfield*	22001-005000
	Description: Construct 3- Three story townhouses on slab with unfinished attics and one car attached garage						
BLDG-2024-0030	Building - Major *02/16/2024* *CWD*	New Construction *05/13/2024* *$94,306.00*	Fees Due *11/12/2024* *24,730*	49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 69 River St, Dover, NH *$4,451,400.00*	 *Residential*	None *Yes* *Jim Maxfield*	22001-005000
	Description: Construct 11 Three story townhouses on slab with unfinished attics and one car attached garage						
BLDG-2024-0027	Building - Major *02/16/2024* *CWD*	New Construction *05/15/2024* *$578,087.00*	Issued *11/14/2024* *121,197*	9 River St, *$23,000,000.00*	 *Mixed Use*	None *Yes* *Jim Maxfield*	22001-004C00
	Description: Construct a 5 story mixed use building with 96 dwelling units, parking garage below and 8500SF of non residential on first floor.						
BLDG-2024-0056	Building - Major *04/11/2024* *R-40*	New Construction *05/15/2024* *$11,560.00*	Issued *11/14/2024* *1,400*	11 Banner Dr, Dover, NH *$280,000.00*	 *Residential*	None *Yes* *Jim Maxfield*	H0050-008000
	Description: Construct a two story single family dwelling with two car attached garage and unfinished attic and basement						
BLDG-2024-0057	Building - Major *04/11/2024* *R-40*	New Construction *05/15/2024* *$12,000.00*	Issued *11/14/2024* *1,400*	15 Banner Dr, Dover, NH *$280,000.00*	 *Residential*	None *Yes* *Jim Maxfield*	H0050-007000
	Description: Construct a two story single family dwelling with two car attached garage and unfinished basement and attic						

PERMITS ISSUED BY WORK CLASS (05/01/2024 TO 05/31/2024)

Permit #	Type *Application Date* *Zone*	Workclass *Issue Date* *Fee Total*	Status *Expiration* *Sq Ft*	Main Address *Last Inspection* *Valuation*	*Finaled Date* *Project Zone*	District *Applied Online* *Assigned To*	Parcel
BLDM-2024-0192	Building - Minor *04/26/2024* *R-40*	New Construction *05/23/2024* *$377.00*	Issued *11/22/2024* *1,320*	245 Back Rd, Dover 03820 *$32,000.00*	*Non-Residential*	None *Yes* *Thomas Abbott*	M0100-A00000
	Description: 24x55 ' pole barn being built after fire. Hay and equipment storage						

SUBTOTALS FOR NEW CONSTRUCTION:	**331,214 Sq Ft**	**$58,956,800.00**	**Residential:**	**12**	**PERMITS ISSUED:** **15**
			Non-Residential:	**1**	
			Mixed Use:	**2**	
	420,011 Sq Ft	**$60,670,606.93**	**Residential:**	**50**	**GRAND TOTAL OF PERMITS:** **67**
			Non-Residential:	**9**	
			Mixed Use:	**8**	

** Indicates active hold(s) on this permit*

NAME	STREET NAME		Total Units	Units Built*	Units left	Attainable Units	DATE OF PB SIGNATURE	DATE OF PB APPROVAL	SCRD DATE	PLANNING FILE #	MAP	L0T	EXPIRATION DATE	SCHOOL	Students**
Mixed Use															
Wooden Ruler	42-44 Third St	M	58	0	58	No	6/27/2023	11/8/2022	Site	P22-60	6	32 & 40	6/27/2028	H	1.74
Equine Properties	239 Knox Marsh Road	M	64	0	64	12	9/26/2023	8/22/2023	Site	SITE2023-0010	H	37A	9/26/2038	W	1.92
Redgate 47 Chestnut	47 Chestnut Street	A	173	0	173	No	9/13/2022	5/10/2022	Site	P21-84	31	5	9/13/2022	H	5.19
Cochecho Waterfront	River Street	M	418	220	198	No	8/25/2022	6/14/2022	Site	P21-69	22	1-2 & 1-4	8/25/2027	G	12.54
Downtown Dover Storage, LLC	14 Broadway	A	24	0	24	No	9/13/2022	12/14/2021	Site	P21-29	4	5	9/13/2022	H	0.72
One First Street LLC	One First Street	A	58	0	58	12	1/11/2022	8/24/2021	Site	P21-30	6	20	1/11/2027	H	1.74
Chinburg	1 Washington	A	36	36	0	No	6/11/2020	5/26/2020	Site	P17-46A	23	14	6/11/2025	H	1.1
Pointe Place Phase V	Northfield Drive	A	84	30	54	No	10/13/2020	7/28/2020	Site	P20-32	K	19	10/13/2025	G	2.5
Fakhoury	12 Preble Street	A	12	0	12	No	9/23/2023	2/18/2019	Site	P19-11	4	76	9/23/2028	H	0.4
Sojourn	66 Third Street	A	10	0	10	No	7/2/2020	1/29/2020	Site	P19-61	31	7	7/2/2025	H	0.3
Little Bay Marina	421 Dover Point Road	A	25	24	1	No	7/31/2020	2/25/2020	Site	P19-05	8	9,10,11,	7/31/2025	G	0.8
Total: Mixed Use			***962***	***310***	***652***	***24***									***28.9***
Multi-Family:															
Robert Baldwin	Ember Drive/34 New	H	15	1	14	TBD	5/6/2024	1/23/2024	Site	SITE-2023-0007	39	103	5/6/2029	H	5.3
Dover Coast, LLC	725 Central & 4 Brick	A	17	17	17	17	12/12/2022	7/26/2022	Site	P21-53	8	13 & 14	12/12/2027	H	6.0
Katz Development Corp	65 Pointe Place	M	24	24	24	No	10/25/2022	7/26/2022	Site	P18-37A	K	19-A	10/25/2027	G	8.4
Knox Marsh Development LLC	757 Central Ave	M	7	1	6	No	11/21/2022	7/26/2022	Site	P22-15	28	7	11/21/2027	H	2.5
Diamond Capital	71 - 73 Rutland Street	H	10	10	0	No	8/18/2022	5/24/2022	Site	P-21-64	14	17 & 17A	8/18/2027	W	3.5
DHA Whittier Street	48 Whittier Street	A	6	0	6	6	9/13/2022	6/28/2022	Site	P21-37	33	1-A	9/13/2027	W	2.1
Dove Development, LLC	Sophia & Banner	M	31	28	3	12	1/11/2022	8/24/2021	Site	P21-66	H	46 &50	1/11/2027	W	10.9
McIntosh Dover, LLC	23 Cataract	A	128	2	126	52	2/22/2022	1/11/2022	Site	P21-45	13	23 & 34	2/22/2027	W	44.8
Railroad Apartments	2 Grove St	A	87	0	87	No	3/23/2021	12/15/2020	Site	P20-56	31	4	3/23/2026	H	30.5
Cottages at Back River	54 Back River Road	A	44	44	0	44	12/14/2021	3/9/2021	Site	P20-60	I	6	12/14/2026	G	15.4
Marker 44	87 Portland Ave	A	32	0	32	No	6/11/2019	11/13/2018	Site	P-18034	24	114	6/11/2024	H	11.2
Total: Multi-family			***401***	***127***	***315***	***131***									135.1
Subdivisions:															
Stonearch Development Corp	63 & 65 Tolend &22	H	27	0	27	No		8/23/2023		SUBD-23-0005	E	65 & 65-		W	9.5
Chinburg Development, LLC	Gulf Rd & Oak St.	H	11	2	11	No	9/26/2023	6/27/2023	10/25/2023	SUBD-23-0001	N	13-1	9/26/2028	H	3.9
Knox Marsh Development LLC	36 New Rochester	H	8	8	0	No	11/21/2022	9/13/2022	Site	P22-27	39	104	11/21/2027	H	0.1
Paolini Sherman Street	Sherman Street	H	2	2	0	No	7/21/2022	6/14/2022	Site	P22-34	39	53	7/21/2027	H	0.7
Settlement on Sixth	447 Sixth Street	H	11	7	6	No	2/8/2022	11.9.2021	Site	P21-43	B	5	2/8/2027	H	3.9
Schwartz	26 Bellamy Road	H	5	2	3	No	7/28/2021	6/25/2021	Site	P21-25	H	14D	7/28/2026	G	1.8
Khavari	Leather's Lane	H	40	35	5	4	4/27/2021	12/15/2020	Site	P20-71	I	4-A	4/27/2026	G	14.0
Georgakilas/Middle Road	Hayden Drive	H	13	8	5	No	12/15/2020	10/27/2020	12/15/2020	P20-51	M	102-12	12/15/2025	G	4.6
Lawrence & Cheryl Mulcahy	71 Glenwood Road	H	7	0	7	No	4/27/2021	1/26/2021	4/27/2021	P20-18	D	20	4/27/2026	H	2.5
Porch Light Drive	Cataract Ave	H	18	14	4	No	5/10/2022	3/8/2022	5/11/2022	P19-80B	14	10-G	5/10/2027	W	6.3
RV Paolini Construction, LLC	Cottage Park Drive	M	5	2	3	No	6/18/2019	12/11/2018	Site	P18-45	M	6	6/18/2024	G	1.8
Singh	County Farm Cross Road	H	4	4	0	No	3/14/2018	10/24/2017	3/15/2018	P17-58	B	6G	3/14/2023	H	1.4
Ayer	Eagan Drive	H	17	11	6	No	11/17/2017	4/11/2017	1/10/2018	P16-25	N	18	11/17/2022	G	6.0
Arch St	Fresian Drive	H	11	0	11	No	7/30/2013	10/23/2012	8/1/2013	P12-28	11	16	7/30/2018	W	3.9
Hidden Valley Drive	Hidden Valley Dr	H	10	8	2	No	7/30/2009	3/24/2009	8/4/2009	P09-03	I	94C	7/30/2013	G	3.5
Paddocks/Tidewater Farms	Saddle Trail Dr	H	9	4	5	No	2/21/2008	10/23/2007	2/21/2008	P07-43	N	8	2/21/2012	H	3.2
Picnic Rock	Back River Rd	H	21	20	1	No	10/31/2007	7/10/2007	11/6/2007	P07-32	16	20	10/31/2011	G	7.4
StoneCroft	Carriage Hill Ln	H	11	10	1	No	8/9/2005	5/24/2005	8/9/2005	P05-18	A	16	8/9/2009	H	3.9
Havenwood Farm at Alden	Boxwood/Wildewood	H	32	30	2	No	6/6/2005	5/10/2005	6/7/2005	P04-42	B	21	6/6/2009	H	11.2
Weeden	Garrison Rd	H	4	3	1	No	9/28/2004	6/22/2004	10/4/2004	P04-25	I	1P	9/24/2008	G	1.4
Total: Subdivisions			***266***	***170***	***100***	***4***									***77.1***
Elderly:															
Arbor Woods Townhomes	Cielo Dr	H	56	0	56	No	12/29/2023	9/13/2022	Site	P06-25F	H	4	12/29/2028	W	
Arbor Woods	Cielo Dr	H	72	68	4	No	2/20/2007	1/9/2007	2/20/2007	P06-25	H	4	2/20/2011	W	
Total: Elderly			***128***	***68***	***60***	***0***									
TOTAL APPROVED UNITS			**1757**	**675**	**1127**	**159**									

* Built or permit issued and unit under construction

** Students are estimated based upon Impact Fee multipliers. THERE IS NO GUARANTEE TO THESE NUMBERS
A:Apt, H:House, C:Condo

City of Dover

Revenues of Major Funds
May 31, 2024
(General Fund Includes Property Taxes and Education Revenues)

	Budget	Range To Date	Year To Date	% Year To Date	Budget Balance	Encumbrance	Budget Available	% Uncollected
REVENUES								
1000 General Fund								
Taxes	$ 107,175,893	42,658,357	97,814,164	91.0%	$ 9,361,729	$ -	$ 9,361,729	9.0%
Licenses & Permits	7,250,679	796,947	7,944,208	110.0%	(693,529)	-	(693,529)	-10.0%
Intergovernmental	6,027,837	124,526	3,781,134	63.0%	2,246,703	-	2,246,703	37.0%
Charges for Services	4,718,388	32,299	4,175,384	88.0%	543,004	-	543,004	12.0%
Miscellaneous Revenue	1,340,185	245,227	3,430,853	256.0%	(2,090,668)	-	(2,090,668)	-156.0%
Education	22,501,877	212,976	20,790,245	92.0%	1,711,632	-	1,711,632	8.0%
Operating Transfers In	415,507	-	2,612	1.0%	412,895	-	412,895	99.0%
Other Financing Sources	129,900	100,000	100,000	77.0%	29,900	-	29,900	23.0%
Sub-total : 1000 General Fund	$ 149,560,266	44,170,332	138,038,600	92.0%	$ 11,521,666	$ -	$ 11,521,666	8.0%
3213 Parking Activity Fund								
Licenses & Permits	$ 336,000	23,413	367,183	109.0%	$ (31,183)	$ -	$ (31,183)	-9.0%
Parking Income	955,021	72,386	1,000,791	105.0%	(45,770)	-	(45,770)	-5.0%
Parking Fines	184,000	19,955	212,463	115.0%	(28,463)	-	(28,463)	-15.0%
Other Financing Sources	0	-	-	0.0%	-	-	0	0.0%
Sub-total : 3213 Parking Activity Fund	$ 1,475,021	115,754	1,580,437	107.0%	$ (105,416)	$ -	$ (105,416)	-7.0%
3320 Residential Solid Waste Fund								
Intergovernmental	$ 9,584	-	6,162	64.0%	$ 3,422	$ -	$ 3,422	36.0%
Charges for Services	1,804,395	137,468	1,490,627	83.0%	313,768	-	313,768	17.0%
Miscellaneous Revenue	0	103	1,231	0.0%	(1,231)	-	(1,231)	0.0%
Other Financing Sources	137,231	-	-	0.0%	137,231	-	137,231	100.0%
Sub-total : 3320 Residential Solid Waste	$ 1,951,210	137,572	1,498,020	77.0%	$ 453,190	$ -	$ 453,190	23.0%
3381 McConnell Center Fund								
Miscellaneous Revenue	$ 799,361	65,951	724,006	91.0%	$ 75,355	$ -	$ 75,355	9.0%
Operating Transfers In	60,853	3,857	42,423	70.0%	18,430	-	18,430	30.0%
Sub-total : 3381 McConnell Center	$ 860,214	69,808	766,429	89.0%	$ 93,785	$ -	$ 93,785	11.0%
3410 Recreation Special Revenue Fund								
Charges for Services	$ 408,250	29,680	330,714	81.0%	$ 77,536	$ -	$ 77,536	19.0%
Miscellaneous Revenue	5,500	-	5,580	101.0%	(80)	-	(80)	-1.0%
Operating Transfers In	20,000	-	-	0.0%	20,000	-	20,000	100.0%
Other Financing Sources	-	-	-	0.0%	0	-	0	0.0%
Sub-total : 3410 Recreation Special Revenue Fund	$ 433,750	29,680	336,293	78.0%	$ 97,457	$ -	$ 97,457	22.0%
5300 Water Fund								
Intergovernmental	$ 71,800	-	-	0.0%	$ 71,800	$ -	$ 71,800	100.0%
Charges for Services	6,921,533	583,546	5,593,702	81.0%	1,327,831	-	1,327,831	19.0%
Miscellaneous Revenue	86,000	4,948	106,537	124.0%	(20,537)	-	(20,537)	-24.0%
Other Financing Sources	87,500	-	422,520	483.0%	(335,020)	-	(335,020)	-383.0%
Sub-total : 5300 Water Fund	$ 7,166,833	588,495	6,122,759	85.0%	$ 1,044,074	$ -	$ 1,044,074	15.0%
5320 Sewer Fund								
Intergovernmental	$ 169,592	52,944	87,232	51.0%	$ 82,360	$ -	$ 82,360	49.0%
Charges for Services	9,532,212	780,904	7,309,461	77.0%	2,222,751	-	2,222,751	23.0%
Miscellaneous Revenue	70,000	6,815	111,280	159.0%	(41,280)	-	(41,280)	-59.0%
Other Financing Sources	391,150	-	305,722	78.0%	85,428	-	85,428	22.0%
Sub-total : 5320 Sewer Fund	$ 10,162,954	840,663	7,813,695	77.0%	$ 2,349,259	$ -	$ 2,349,259	23.0%
6100 Dovernet Fund								
Intergovernmental	$ 216,462	-	-	0.0%	$ 216,462	$ -	$ 216,462	100.0%
Charges for Services	1,703,480	125,284	1,378,073	81.0%	325,407	-	325,407	19.0%
Miscellaneous Revenue	50,000	-	25,000	50.0%	25,000	-	25,000	50.0%
Operating Transfers In	-	-	-	0.0%	0	-	0	0.0%
Other Financing Sources	-	-	-	0.0%	0	-	0	0.0%
Sub-total : 6100 Dovernet Fund	$ 1,969,942	125,284	1,403,073	71.0%	$ 566,869	$ -	$ 566,869	29.0%
Total : REVENUES	$ 173,580,190	46,077,587	157,559,308	91.0%	$ 16,020,882	$ -	$ 16,020,882	9.0%

City of Dover

Expenditures of Major Funds
May 31, 2024
(General Fund Includes County, School and Debt Service)

	Budget	Range To Date	Year To Date	% Year To Date	Budget Balance	Encumbrance	Budget Available	% Available
EXPENDITURES								
1000 General Fund								
City Council	$ 525,384	$ 4,367	$ 253,123	48.0%	$ 272,261	$ 119,353	$ 152,908	29.1%
Executive	2,399,486	179,328	1,882,003	78.0	517,483	195,109	322,374	13.4
Finance	2,570,073	197,331	2,085,035	81.0	485,038	205,680	279,359	10.9
Planning	1,211,342	77,926	769,469	64.0	441,873	75,773	366,101	30.2
Misc General Government	1,229,599	66,094	794,799	65.0	434,800	44,397	390,403	31.8
Police	10,676,414	980,380	8,516,305	80.0	2,160,109	676,450	1,483,659	13.9
Fire & Rescue	12,821,322	1,042,609	10,824,751	84.0	1,996,571	818,052	1,178,519	9.2
Community Service Public Works	10,304,950	462,558	5,726,107	56.0	4,578,843	2,241,427	2,337,416	22.7
Recreation	3,015,529	236,903	2,541,247	84.0	474,282	222,200	252,082	8.4
Public Library	1,811,754	143,574	1,531,502	85.0	280,252	149,536	130,716	7.2
Public Welfare	874,442	73,081	629,427	72.0	245,015	40,307	204,708	23.4
Debt Service	6,725,667	-	2,460,018	37.0	4,265,649	3,576,156	689,494	10.3
Other Financing Sources/Uses	3,743,831	107,837	3,635,993	97.0	107,838	-	107,838	2.9
School	81,365,942	5,710,877	62,228,216	76.0	19,137,726	17,085,081	2,052,645	2.5
Intergovernmental	10,284,531	-	10,284,531	100.0	-	-	-	0.0
Sub-total : 1000 General Fund	$ 149,560,266	$ 9,282,863	$ 114,162,524	76.3%	$ 35,397,742	$ 25,449,520	$ 9,948,222	6.7%
3213 Parking Activity Fund								
Police	$ 1,475,021	$ 89,340	$ 1,047,379	71.0%	$ 427,642	$ 81,330	$ 346,312	23.5%
Sub-total : 3213 Parking Activity Fund	$ 1,475,021	$ 89,340	$ 1,047,379	71.0%	$ 427,642	$ 81,330	$ 346,312	23.5%
3320 Residential Solid Waste Fund								
Community Service Public Works	$ 2,074,565	$ 58,247	$ 1,545,410	74.0%	$ 529,156	$ 506,712	$ 22,443	1.1%
Sub-total : 3320 Residential Solid Waste Fund	$ 2,074,565	$ 58,247	$ 1,545,410	74.5%	$ 529,156	$ 506,712	$ 22,443	1.1%
3381 McConnell Center Fund								
Recreation	$ 860,214	$ 45,571	$ 423,960	49.0%	$ 436,254	$ 194,760	$ 241,493	28.1%
Sub-total : 3381 McConnell Center Fund	$ 860,214	$ 45,571	$ 423,960	49.3%	$ 436,254	$ 194,760	$ 241,493	28.1%
3410 Recreation Special Revenue Fund								
Recreation	$ 443,750	$ 21,610	$ 267,265	60.0%	$ 176,485	$ 20,059	$ 156,426	35.3%
Sub-total : 3410 Recreation Special Revenue Fund	$ 443,750	$ 21,610	$ 267,265	60.2%	$ 176,485	$ 20,059	$ 156,426	35.3%
5300 Water Fund								
Community Service Public Works	$ 7,329,970	$ 532,415	$ 5,902,538	81.0%	$ 1,427,431	$ 706,069	$ 721,362	9.8%
Sub-total : 5300 Water Fund	$ 7,329,970	$ 532,415	$ 5,902,538	80.5%	$ 1,427,431	$ 706,069	$ 721,362	9.8%
5320 Sewer Fund								
Community Service Public Works	$ 10,347,257	$ 643,376	$ 8,276,446	80.0%	$ 2,070,811	$ 763,250	$ 1,307,561	12.6%
Sub-total : 5320 Sewer Fund	$ 10,347,257	$ 643,376	$ 8,276,446	80.0%	$ 2,070,811	$ 763,250	$ 1,307,561	12.6%
6100 Dovernet Fund								
Other Financing Sources/Uses	$ 2,804,835	$ 59,685	$ 960,260	34.0%	$ 1,844,575	$ 145,005	$ 1,699,570	60.6%
Sub-total : 6100 Dovernet Fund	$ 2,804,835	$ 59,685	$ 960,260	34.2%	$ 1,844,575	$ 145,005	$ 1,699,570	60.6%
Total : EXPENDITURES	$ 174,895,877	$ 10,733,108	$ 132,585,782	75.8%	$ 42,310,095	$ 27,866,705	$ 14,443,390	8.3%

City of Dover

Arena - General Fund
Revenue & Expenditure Report
(Including Arena Debt Service attributed to the General Fund)
May 31, 2024

	Budget	Range To Date	Year To Date	% Year To Date	Budget Balance	Encumbrance	Budget Available	% Available
Revenues	1,142,130	22,032	1,085,619	95.1	56,511	0	56,511	4.9
Expenditures	1,253,806	95,102	1,101,883	87.9	151,923	91,872	60,052	4.8
Debt Service								
Principal	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-
	(111,676)	**(73,071)**	**(16,264)**	**7.2**	**(95,412)**	**(91,872)**	**(3,540)**	**0.2**

CITY COUNCIL GOALS 2024-2025

How the City of Dover Management Team & employees supported City Council goals in **May 2024**

GOAL 1: OUR CITY HAS DIVERSE HOUSING

The following objectives support a Dover which has housing that is attainable and available.

- → Continue actions which promote and incentivize diverse and resilient housing options in Dover.
- → Educate the public on growth rates and how the City is working to accommodate those rates, rather than discourage them.
- → Review land use regulations to promote density in appropriate locations and context, and ensure fees do not hinder growth.
- → Utilize Public Private Partnerships to enhance the City's ability to meet these goals and participate in developments.
- → Understand housing needs and impediments to affordable housing by analyzing data and trends as well as anecdotes.
- → Integrate options for income indexed, market rate and other diverse housing formats into the community as a whole.

The City Attorney's Office assisted with closing on Phase I of the Waterfront development.

Planning and Community Development staff are working with the Strafford Regional Planning Commission (SRPC) and the University of New Hampshire (UNH) to conduct a Regulatory Audit of policies and practices in addition to an analysis of the City's demographics and housing market. The project is funded entirely by a Housing Opportunity Planning (HOP) Grant from the InvestNH program. SRPC staff presented a mid-project update to the Ad-Hoc Committee to Address Community Housing Needs at their meeting on May 23rd.

Planning and Community Development staff joined Senator Jeanne Shaheen and several other state and local officials on their visit to the Cottages at Back River Road on May 3rd. During her visit, the Senator praised the project's ability to address the three critical issues of housing availability, workforce retention, and affordable child care. Praise was also given to the City of Dover for the innovative land use policies and incentives that made this project possible.

GOAL 2: OUR CITY IS CIVICALLY ENGAGED

The following objectives ensure that the public is part of the community's governance and has multiple channels to provide feedback.

- → Communicate in a manner which will meet people where they are, in content, communication style and format.
- → Reboot the City of Dover website to be more collaborative, accessible and informative.
- → Increase public engagement through innovative and diverse citizen feedback options.
- → Create topic based symposiums for the public on areas affecting the community.
- → View all customer interactions as an opportunity to communicate with the public.

Karin Mayer-Gottlob, Assistant Children's Librarian at the Dover Public Library, read to 3 Head Start classrooms in May (46 kids) and also brought them a selection of hand-picked books. The Head Start program is a vital link in preparing kids for success in schools and beyond.

On Wednesday, May 15, Hong Asian Noodle Bar in Dover hosted a bao making class for the patrons of the Dover Public Library. Participants in this hands-on workshop were taught the technique to make these steamed dumplings. The fifteen adults who attended enjoyed sampling their work at the end.

On Thursday, May 16, Dover Public Library's Teen and Information Services Librarian Emily Ainaire visited the Dover High School library for a session of Books and Bites, a program for students to check out new books from the Dover Public Library's teen collection and enjoy a snack, with 10 students attending in total. On Tuesday, May 21, Teen and Information Services Librarian Emily Ainaire visited the Dover Middle School library for a session of Books and Bites, with 70 students attending in total who checked out over 30 books.

Staff from the Dover Public Library went on the road with their Family Storytime at the Riverside Rest Home on Wednesday, May 22. Books, songs, and crafts were enjoyed by the 35 participants of all ages. The Library has recently begun a collaboration with Riverside to bring programs and books to their residents.

On Thursday, May 23, Teen & Information Services Librarian Emily Ainaire visited Dover High School's cafeteria during students' lunch periods to promote this year's Teen Summer Reading Program. A total of 83 students stopped by to learn about the program and spin a prize wheel to win library themed stickers, buttons, and candy.

On Tuesday, May 28, Teen & Information Services Librarian Emily Ainaire visited Dover Middle School to promote this year's Teen Summer Reading Program. Fifteen Language Arts classes for grades five through seven were visited and learned about how they can participate in the Summer Reading Program and what events will be going on at the Library for teens throughout the summer. Approximately 300 students were visited in total.

Woodman Park Elementary School and Seymour Osman Community Center hosted their annual Family Night on Thursday, May 9th. This event was held outside on the blacktop of Woodman Park and featured various community organizations, food trucks, an ice cream social, and face painting. The Dover Public Library was represented by Children's Librarian Crystal Lisbon and Library Assistant Karin Mayer-Gottlob at this event. Staff spoke to families about the upcoming Summer Reading Program, and answered questions. The library had a prize wheel for kids to spin, and over 188 people visited the DPL table. This was a wonderful outreach program, and was a big hit!

The Department of Planning and Community Development continued to update its newsletter, Facebook page, and Twitter feed to communicate with the public. The Department of Planning and Community

Development has 891 Facebook followers (City of Dover NH Planning) and 905 followers on Twitter @DoverNHPlanning).

The Department of Planning and Community Development promoted the Dover Community Trail through the Facebook fan page for the trail (with 3,400 likes and 3,742 followers).

Planning and Media Services staff continued to develop and enhance an electronic "newsletter" for planning related items (with 1011 subscribers). Content included meeting summaries, meeting previews, Master Plan updates, and various special topics such as information on Resilience Manager Kaspari's presentation at a Plan NH workshop on electric vehicle planning and Northeast Color's volunteer work on the Community Trail. The newsletter also featured a new opportunity for readers to ask about projects in the City and get direct responses and covered resident responses on business development and recreation. A feedback form was shared for the Conservation and Open Space Chapter update and a survey question was asked: "In what format do you prefer to receive updates and information about development projects in Dover?"

During the month, there was a total of 503 youth in attendance over 19 days of programming at the Dover Teen Center. The average was about 26 youth per day.

GOAL 3: OUR CITY IS RESILIENT

The following objectives ensure the City's social, built and natural infrastructure is designed to evolve and support community needs.

- → Implement Citywide resilience plan into City and School programs and policies.
- → Develop infrastructure improvements which adapt to climate change needs.
- → Develop waterfront in an environmentally friendly manner.
- → Implement options for reducing food waste.
- → Develop community incentive program to address stormwater/flooding resilience.
- → Implement updates to procurement policies so the City is a leader in a circular economy.

Dredge Cell Closure: The City continues to work with the design consultant, Verdantas, on final plans and permitting applications for the closure of the Dredge Cell. Plans for a roadway extension from the waterfront to Maglaras Park have been prepared and are under review by City staff and the waterfront design consultant, Horsely Witten for incorporation into the ongoing project. In addition to extending the roadway from the waterfront to Maglaras Park, the City is working with Verdantas to design and permit upgrades to the park including the rehabilitation of the ballfields and improved parking.

Ice Arena Cooling Tower Replacement: The ice arena's cooling tower, which had been in operation for over 20 years, was successfully replaced on May 14, 2024. The outdated system experienced significant leaks, resulting in daily water loss.

The replacement project was completed within a two-day timeframe. Day one focused on the meticulous removal of the old cooling tower. Day two involved painting the base of the new tower and carefully reattaching the plumbing to ensure proper function.

This vital upgrade will ensure optimal ice conditions within the arena while eliminating prior water loss concerns.

Resilience Manager Kaspari attended a Dover City Council meeting on May 22nd where the City Council accepted the EECBG grant funding to purchase an all-electric truck for the Community Services Department as a pilot use case.

Resilience Manager Kaspari attended an orientation event on May 29th for the UNH Sustainability Fellows Program. The Department welcomed John DesRoches as the Urban Forestry Fellow on May 30th. John will be assisting the City with a number of urban forestry projects including the downtown street tree network, vegetation maintenance issues and a pilot pocket forest.

Engineering: The focus of waterfront construction in May was on completing subsurface utility work and preparing the base gravels on River Street and Seaport Way in preparation for future base pavement. Highlights during May included the completion of the remaining water service work for townhome buildings E-1 and E-2, installation of the final sewer service lines for buildings E-1 and E-2 along River Street, and installing all catch basins and remaining drainage work in the roadway network.

Significant progress was made on electrical and telecommunication duct banks on Seaport Way and River Street. Over 85% of the work on River Street is complete, with the remaining section located near the southern end of building D. This section includes installing vaults and concrete encasement.

Upcoming work at the project includes finishing electrical and telecommunication duct bank installation at the Makem bridge intersection, paving the roadway network, final shoreline protection measures, and invasive species mitigation.

GOAL 4: OUR CITY IS SAFE AND INVITING

The following objectives ensure that the City's infrastructure and environment is welcoming.

- → Continue to review and improve roadway safety concerns, based upon analytical data not anecdotal data and communicate the resulting decisions.
- → Embrace opportunities to bring advocates for accessibility to the table to discuss infrastructure improvements.
- → Systematically collect and analyze data to better understand accident trends and proactively make improvements.

In May, the City's Engineering and Operations formally kicked off the annual street paving program with a meeting with the selected contractor Brox Industries. The meeting focused on the contractor's schedule for paving operations which were planned to start in early June with pavement reclamation work and pot hole patching. Major road repair work was conducted on Piscataqua Rd to address major road deterioration in the area in preparation for more major paving operations in 2025.

The Dover Municipal Landfill Superfund Site located near Tolend Road is monitored annually as part of the Revised Environmental Monitoring Program, where groundwater and surface water samples are collected and analyzed for constituents of concern. Results of the sampling are published annually in the Annual Remedy Performance Report on the NHDES website. Current remedial activities include pumping groundwater at the toe of the Landfill as part of the Source Control Remedial Action (SCRA) and pumping groundwater seasonally from an area south of the SCRA system in an area identified as the Southern Plume. The Southern Plume system is currently being evaluated for expansion as part of the Southern Plume Groundwater Extraction Optimization. The Southern Plume 30 Percent Remedial Design was submitted to the regulatory agencies in January 2024 and is currently under review.

Engineering staff met with the design consultant Kleinfelder in Henry Law Park to review the condition of the wall along the park's boundary with the Cochecho River. The purpose of the site walk was to assess concerns with material subsiding from behind the wall into the river. It is expected that a portion, if not all of the wall along the park will need some work during the Henry Law Avenue Reconstruction project.
The Engineering staff met in May to review 75% design drawings for Henry Law Ave and Payne Street Reconstruction work. The project is scheduled to break ground in 2025 and include a large stormwater best management practice below Henry Law Park.

On May 20, 2024, Lt. Mitrushi and Officer Jalbert presented the "New Hampshire Safe Streets and Roads for All" presentation to approximately 25 residents at the Residence at Silver Square. On May 28, 2024, they presented at Langdon Place to another 25 residents. The purpose of this training is to promote safety on the roadways and provide education to drivers, cyclists, and pedestrians to address and prevent the risks inherent in our enormous and complex transportation system. This was a part of the monthly "Breaking Barriers" series of events to strengthen police-community relationships. Following the presentations, Lt. Mitrushi and Officer Jalbert answered questions about the City of Dover and engaged in casual conversations with attendees.

GOAL 5: OUR CITY IS INCLUSIVE AND WELCOMING

The following objectives support a Dover that is welcoming to all no matter socio economic background.

- → Continually recruit volunteers from all areas of the community to ensure the volunteer boards represent the full community.
- → Review the mission and purpose for each Board, Committee and Commission for relevancy.
- → Update Board, Committee and Commission expectations, for volunteers to understand their role and the need to be inclusive.
- → Integrate inclusivity into all aspects of strategic planning and report on progress.
- → Develop/curate materials related to promoting inclusivity.
- → Continue having the City Council model healthy civic debate in the community.

The City Attorney's Office assisted with initiative to improve tracking and overall experience for service on boards and commissions; assisted with City transparency and overall RSA chapter 91A compliance

Planning and Community Development staff are developing zoning definitions that would clarify uses and expand housing access for unhoused residents and those experiencing disabilities.

GOAL 6: OUR CITY HAS SUSTAINABLE FINANCIAL POLICIES

The following objectives ensure the City's financial health is sustainable and open for all to view and understand.

- → Practice transparency in finances and decision making at all levels of governance.
- → Enhance the budget process by encouraging school department participation in developing Capital Improvement Programming.
- → Enhance adherence to financial discipline to maintain financial stability and affordability for tax payers.

The City Attorney's Office assisted with preliminary review of energy efficiency projects

The City Attorney's Office assisted the School Department d with compliance; assisted with review of policies; assisted with update to purchasing policy.

The City is awaiting Governor and Council approval to accept and expend a $14,140 state grant for milfoil treatments at Willand Pond. The grant would require a 50% match from the city, bringing the project total to $28,280.

319 Pond Retrofit Grant: The main goal of this project is to retrofit two (2) dilapidated stormwater control measures to improve the removal of nitrogen from stormwater keeping with the goals of the Great Bay Total Nitrogen Permit. Low cost and simple retrofits investigated by this grant funded project can be replicated by City staff beyond this project to further reduce nitrogen pollution into the Great Bay from stormwater runoff. Under Section 319, states, territories and tribes receive grant money that supports a wide variety of activities including technical assistance, financial assistance, education, training, technology transfer, demonstration projects and monitoring to assess the success of specific nonpoint source implementation projects. Two locations in Dover were identified as potential candidates for this grant and were awarded to help make progress restoring or protecting watersheds. EPM and the team at UNH made site visits on May 28th to gather preliminary data. The locations of the ponds were at the Middle School and along Hubbard Rd.

GOAL 7: OUR CITY'S OPPORTUNITIES ARE ACCESSIBLE FOR ALL

The following objectives support a Dover that has inviting public spaces for all people living in, working in or visiting the City.

- → Universal design is incorporated into all infrastructure improvements.
- → Development of the waterfront includes amenities and opportunities for all to enjoy.
- → Enhance access for all to Dover's rivers and trail networks, through additional recreation outlets.
- → Educate the public on the causes of housing insecurity with the goal of destigmatizing homelessness while developing pragmatic solutions to manage the issue.
- → Educate the public and volunteer boards on the effects of mental health and opioid issues in the community.

Lt. Mitrushi was the point of contact for any reports or issues associated with violent crime motivated by substance misuse. Lt. Mitrushi was responsible for notifying the New Hampshire Information and Analysis Center of all felony drug arrests made by the department this month.

From May 14 through May 17, 2024, Lt. Mitrushi attended the U.S. Alcohol Policy Alliance Academy and Conference in Arlington, VA. The academy addressed prevention and reduction of alcohol-related problems using public policy strategies. The goal was to meet and work with other community prevention practitioners and public officials to explore evidence-based solutions aimed at minimizing risks associated with alcohol use. The conference included sessions covering the connection between alcohol and cancer, alcohol's impact on gun violence, and more.

Kelli Jo Deardorff successfully facilitated getting 4 individuals into treatment. She completed referrals for 2 other individuals who subsequently decided they did not want to attend. She set up Intensive Out Patient Treatment for 1 individual at Addiction Recovery Services in Greenland who is a new partner.

Kelli Jo Deardorff established several new connections at substance use facilities, detox centers, community outreach workers and community partners. She attended a grand opening at Portland Treatment Center and met with 4 treatment providers at the Dover Police Department in an effort to build a fast track method of referrals.

FINAL 2024 WEATHER EVENT MANAGEMENT SUMMARY

Date of Event	Weather Condition	Accumulation Inches	Total OT Hours	Total OT Cost	Contractor Cost	Salt Tons	Salt Cost	Salt/Sand Mix-Yards	Salt/Sand Cost	Sand Only Yards	Sand Only Cost	Salt Brine Gallons	Salt Brine Cost	Total Event Cost
FY2024 Amount Budgeted:				**$167,000.00**	**$90,000.00**				**$322,860.00**					**$579,860.00**
11/9/2023	Wet Snow	1.00	16.00	$523.00	$190.00	43.45	$3,110.59	3.00	$162.23	0.00	0.00	0.00	0.00	$3,985.82
11/10/2023	Icy Roads	0.00	23.32	$621.96	$95.00	22.55	$1,614.35	3.00	$162.23	0.00	0.00	0.00	0.00	$2,493.54
12/24/2023	Icy Roads	0.00	24.00	$845.20	$0.00	34.65	$2,480.59	2.00	$108.16	0.00	0.00	0.00	0.00	$3,433.95
1/7/2024	Snow	8.00	730.59	$30,867.96	$11,931.57	270.60	$19,372.25	72.50	$2,179.92	6.00	$220.50	6,000.00	$551.16	$65,123.36
1/15/2024	Squall	1.00	44.12	$1,751.40	$285.00	113.85	$8,150.52	0.00	$0.00	0.00	0.00	0.00	0.00	$10,186.92
1/16/2024	Snow	4.00	333.15	$13,907.67	$6,237.16	304.43	$21,793.79	63.75	$3,447.46	12.00	$441.00	5,794.00	$532.24	$46,359.31
1/24/2024	Snow	2.50	106.45	$4,342.51	$2,260.00	164.45	$11,772.98	8.25	$446.14	0.00	$0.00	11,435.00	$1,050.42	$19,872.04
1/24/2024	Icy Roads	0.00	66.78	$2,818.31	$570.00	73.70	$5,276.18	111.00	$6,002.64	0.00	$0.00	0.00	$0.00	$14,667.13
1/26/2024	Freezing Rain	0.00	0.43	$13.95	$570.00	115.50	$8,268.65	9.00	$270.61	0.00	$0.00	0.00	$0.00	$9,123.21
1/28/2024	Wet Snow	4.00	284.75	$12,966.23	$4,909.67	203.50	$14,568.57	12.50	$375.85	1.50	$55.13	3,443.00	$316.27	$33,191.71
2/14/2024	Wet Snow	0.25	1.50	$82.80	0.00	16.78	$1,200.92	0.00	0.00	0.00	0.00	6,674.00	$613.07	$1,896.80
2/15/2024	Dry Snow	1.00	102.27	$4,301.97	$1,780.00	92.13	$6,595.23	3.00	$162.23	0.00	0.00	6,332.00	$581.66	$13,421.09
2/23/2024	wet snow	0.50	5.00	$2,005.27	$1,140.00	69.30	$4,961.19	4.50	$243.35	0.00	0.00	0.00	0.00	$8,349.81
3/23/2024	Snow/ Sleet	2.00	15.00	$4,679.27	$1,995.00	146.85	$10,512.99	0.00	$243.35	0.00	$0.00	6,983.00	$641.46	$18,072.07
3/24/2024	Icy Roads	0.00	6.00	$1,388.24	$190.00	78.10	$5,591.18	2.00	$243.35	7.00	$0.00	0.00	$0.00	$7,412.77
4/4/2024	Wet Snow	6.00	21.00	$15,061.95	$6,230.00	70.95	$5,079.31	0.00	$243.35	0.00	$0.00	0.00	$0.00	$26,614.61
2023-2024 Season-Year to Date:		**30.25**	**1,780.36**	**$96,177.69**	**$38,383.40**	**1,820.78**	**$130,349.28**	**294.50**	**$14,290.87**	**26.50**	**$716.63**	**46,661.00**	**$4,286.28**	**$284,204.15**
FY2024 Budget Spent:				57.59%	42.65%				46.30%					49.01%

Parking Ban

ANNUAL WEATHER EVENT MANAGEMENT OVERVIEW

	Accumulation Inches	Total OT Hours	Total OT Cost	Contractor Cost	Salt Tons	Salt Cost	Salt/Sand Mix-Yards	Salt/Sand Cost	Sand Only Yards	Sand Only Cost	Salt Brine	Salt Brine Cost	Total Event Cost
Through 04/04/2016	**42.25**	**3,564.10**	**$113,535.55**	**$28,065.70**	**1,918.50**	**$104,328.03**	**1,947.50**			**$24,830.63**	**4,800.00**	**$384.00**	**$271,143.90**
Through 04/01/2017	**92.80**	**7,229.54**	**$227,944.80**	**$66,695.95**	**3,675.00**	**$199,864.50**	**3,802.50**			**$48,481.88**	**31,680.00**	**$2,534.40**	**$545,503.53**
Through 04/15/2018	**95.25**	**6,354.45**	**$200,611.81**	**$65,217.00**	**3,799.00**	**$201,916.85**	**3,602.25**	**$86,237.87**	**107.50**	**$1,693.13**	**45,650.00**	**$3,652.00**	**$559,328.65**
Through 02/27/2019	**43.50**	**3,769.87**	**$121,137.29**	**$38,383.50**	**3,261.25**	**$163,551.69**	**2,598.50**	**$65,612.13**	**125.50**	**$2,127.23**	**32,975.00**	**$2,638.00**	**$393,449.83**
Through 02/18/2020	**48.50**	**3,808.13**	**$128,490.45**	**$96,349.43**	**2,825.75**	**$141,711.36**	**1,498.50**	**$37,837.13**	**49.00**	**$818.30**	**37,004.00**	**$2,960.32**	**$408,166.98**
Through 02/27/2021	**44.25**	**3,078.77**	**$99,926.57**	**$73,962.50**	**2,779.25**	**$135,210.51**	**851.00**	**$21,513.28**	**96.00**	**$1,896.00**	**19,355.00**	**$1,548.40**	**$334,057.26**
Through 03/12/2022	**42.50**	**3,835.28**	**$125,639.03**	**$74,731.25**	**2,967.75**	**$155,925.59**	**1,827.00**	**$46,186.56**	**171.00**	**$3,933.00**	**23,115.00**	**$1,618.05**	**$408,033.48**
Through 03/14/2023	**50.50**	**4,346.98**	**$160,924.44**	**$75,457.50**	**3,864.30**	**$266,018.41**	**1,008.25**	**$41,681.06**	**87.40**	**$2,010.20**	**7,855.00**	**$799.48**	**$546,891.09**
Through 04/04/2024	**30.25**	**1,780.36**	**$96,177.69**	**$38,383.40**	**1,820.78**	**$130,349.28**	**294.50**	**$14,290.87**	**26.50**	**$716.63**	**46,661.00**	**$4,286.28**	**$284,204.15**

2019-2020 Parking Bans: 9
2020-2021 Parking Bans: 12
2021-2022 Parking Bans: 9
2022-2023 Parking Bans: 10
2023-2024 Parking Bans: 4

CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: **Regular Meeting**
Meeting Location: **City Hall, Council Chambers**
Meeting Date: **Wednesday, June 12, 2024**
Meeting Time: **7:00 pm**

1. CALL TO ORDER

2. MOMENT OF SILENCE

3. PLEDGE OF ALLEGIANCE

Deputy Mayor Shanahan led the pledge of allegiance.

4. ROLL CALL ATTENDANCE

Present: Councilor Richer, Councilor Retrosi, Councilor Williams, Councilor Cullen, Councilor Hackett, Deputy Mayor Shanahan, Mayor Carrier
Also Present: City Manager Joyal, City Attorney Wyatt, City Clerk Vansylyvong-Bizier
Absent: Councilor Nemeth, Councilor Warach

5. PROCLAMATIONS/AWARDS

The Mayor presented the Dover Robotics Team with a proclamation recognizing their achievements.
The Mayor presented the St. Thomas Aquinas girls soccer team, girls lacrosse team, boys basketball team, and swimming team with a proclamation recognizing their various achievements.
The Mayor presented a proclamation for Pride Month, as well as a proclamation recognizing June 19, 2024 as Juneteenth Day.

6. APPROVAL OF AGENDA

Deputy Mayor Shanahan moved to approve the agenda, seconded by Councilor Retrosi. Vote: 7-0.

7. PUBLIC HEARINGS

A. CHANGING THE NAME OF THE CLASS VI PORTION OF LOCKE STREET TO TRANQUILITY WAY

SPONSORED BY MAYOR CARRIER BY REQUEST

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

8. PUBLIC FORUM

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

John Atherton, 22 West Concord Street, spoke against synthetic turf for the DHS athletic field.

Cynthia Walters, 22 West Concord Street, spoke against synthetic turf for the DHS athletic field.

9. CITY MANAGER'S REPORT

City Manager Joyal submitted his report in writing and gave an overview of events happening in the city.

Deputy Mayor Shanahan moved to approve the City Manager's Report, seconded by Councilor Richer. Vote: 7-0.

10. APPROVAL OF MINUTES

A. May 22, 2024 – Regular Meeting

B. June 5, 2024 – Workshop Meeting

Deputy Mayor Shanahan moved to approve the two sets of minutes, seconded by Councilor Retrosi. Vote: 7-0.

11. MAYOR'S REPORT

Mayor Carrier gave an overview of events and meetings he has attended over the last few weeks.

Deputy Mayor Shanahan moved to approve the Mayor's Report, seconded by Councilor Cullen. Vote: 7-0.

12. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2nd READING

None.

B. ORDINANCES IN THE 3RD READING

None.

C. RESOLUTIONS

1. CHANGING THE NAME OF THE CLASS VI PORTION OF LOCKE STREET TO TRANQUILITY WAY
SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan motioned for approval, seconded by Councilor Williams.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 7-0.

13. NEW BUSINESS

A. CONSENT CALENDAR

1. **AUTHORIZATION TO ENTER CELLULAR TOWER SPACE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC (AT&T) (MAST ROAD TOWER, FCC ASR #1240049)**
   SPONSORED BY MAYOR CARRIER BY REQUEST
2. **ACKNOWLEDGEMENT AND ACCEPTANCE OF DONATION OF BOOKS FROM ARTSSTREAM**
   SPONSORED BY MAYOR CARRIER BY REQUEST
3. **AUTHORIZATION TO ACCEPT AND EXPEND DONATION FROM KENNEBUNK SAVINGS**
   SPONSORED BY MAYOR CARRIER BY REQUEST

DRAFT

4. **AUTHORIZATION TO ACCEPT AND EXPEND DONATION FROM THE ROTARY CLUB OF DOVER**
   SPONSORED BY MAYOR CARRIER BY REQUEST
5. **B24050 UNIFORM RENTAL AND CLEANING**
   SPONSORED BY MAYOR CARRIER BY REQUEST
6. **B24062 CATCH BASIN CLEANING SERVICES**
   SPONSORED BY MAYOR CARRIER BY REQUEST
7. **B24063 ON-SITE GRINDING OF MUNICIPAL BRUSH AND TREE WASTE**
   SPONSORED BY MAYOR CARRIER BY REQUEST
8. **B24065 DOVER BASEBALL DUGOUT REPAIRS**
   SPONSORED BY MAYOR CARRIER BY REQUEST
9. **B24066 AWARD OF BID TO NEW ENGLAND VEHICLE OUTFITTERS FOR PUBLIC SAFETY VEHICLE EQUIPMENT REMOVAL AND INSTALLATION**
   SPONSORED BY MAYOR CARRIER BY REQUEST
10. **B24068 SPECIALIZED MUNICIPAL LEGAL SERVICES**
    SPONSORED BY MAYOR CARRIER BY REQUEST

Deputy Mayor Shanahan motioned to approve the Consent Calendar, seconded by Councilor Hackett.
Mayor Carrier asked if anyone had any resolutions to pull for further discussion.
Councilor Cullen pulled resolution 13.A.1.
Roll Call Vote on items 13.A.2. through 13.A.10: 7-0.

City Manager Joyal and City Attorney Wyatt gave an overview of resolution 13.A.1. to the Council, as well as answer questions.
Deputy Mayor Shanahan motioned to approve resolution 13.A.1. seconded by Councilor Retrosi. Roll Call Vote: 6-1, with Councilor Cullen opposed.

COMMITTEE REPORTS

1. Arts Commission (Nemeth)
2. Conservation Commission (Williams)
3. Library Board of Trustees (Nemeth)
4. Appointments Committee (Williams)
5. Planning Board (Cullen)
6. School Board Liaison (Hackett)
7. Arena Commission (Hackett)
8. Recreation & Pool Advisory (Retrosi)
9. Energy Commission (Richer)
10. Parking Commission (Warach)
11. **McConnell Center Advisory Committee (Retrosi)**
12. **Legislative Liaison (Shanahan)**
13. **Committee for Racial Equity and Inclusion (Nemeth)**
14. **Graffiti Management Advisory Committee (Nemeth)**
15. **Ordinance Committee (Shanahan)**
16. **Solid Waste Advisory Committee (Hackett)**
17. **Transportation Advisory Commission (Richer)**
18. **Joint Building Committee – DHS (Carrier)**
19. **Heritage Commission (Retrosi)**
20. **Board of Health (Richer)**
21. Downtown TIF Advisory Board (Warach)
22. Cocheco Waterfront Development Advisory Committee (Carrier)
23. COAST (Shanahan)
24. Waterfront TIF Advisory Board (Warach)
25. Dover Main Street (Carrier)
26. Strafford Regional Planning Commission (Williams)
27. Government Affairs (Carrier)
28. Cemetery Board (Warach)
29. Joint Building Committee – Athletic Complex (Cullen)

Deputy Mayor Shanahan gave an overview of the Legislative Liaison report to the Council.

Councilor Hackett gave an overview of the Solid Waste Advisory Committee report to the Council.

Councilor Richer gave an overview of the Transportation Advisory Committee report to the Council.

Mayor Carrier gave an overview of the Joint Building Committee – DHS report to the Council.

B. RESOLUTIONS

1. **B24044(A) PURCHASE OF HOOK TRUCKS FOR COMMUNITY SERVICES - REBID**
SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Shanahan motioned to approve, seconded by Councilor Retrosi.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 7-0.

2. **B24059 SEWER LINING FOR VARIOUS CITY STREETS**
SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Shanahan motioned to approve, seconded by Councilor Hackett.
City Manager Joyal gave an overview of the resolution to the Council. Community Services Director John Storer answered questions from the Council.
Roll Call Vote: 7-0.

3. **DIRECT PURCHASE OF TWO GRUNDFOS DRY WEATHER PUMP REPLACEMENTS AT THE RIVER STREET PUMP STATION**
SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Shanahan motioned to approve, seconded by Councilor Retrosi.
City Manager Joyal gave an overview of the resolution to the Council and answered questions from the Council.
Roll Call Vote: 7-0.

4. **PUDDING HILL AQUIFER MONITORING PROGRAM 2024-2025 WITH EMERY & GARRETT GROUNDWATER INVESTIGATIONS, LLC**
SPONSORED BY MAYOR CARRIER BY REQUEST

   Deputy Mayor Shanahan motioned to approve, seconded by Councilor Richer.
City Manager Joyal gave an overview of the resolution to the Council.
Roll Call Vote: 7-0.

C. ORDINANCES IN 1ST READING

None.

14. COUNCIL CORRESPONDENCE

None.

15. COUNCIL MATTERS OF INTEREST

Councilor Hackett relayed a request from the Principal of Garrison Elementary School if a student from 1973 knows where the time capsule is buried to please reach out to Principal Dutton.

Councilor Cullen thanked staff for putting more explanation in the background information of resolutions.
Councilor Cullen commented on the playing field at St. Thomas Aquinas and that the field is for multiple sports and two teams from St. Thomas won State Championships.
Councilor Cullen also mentioned that the baseball field will most likely have to be included in the project for the DHS fields, and that he wanted to be upfront about that possible increase in cost of the project.
Councilor Hackett thanked Mayor Carrier for including other schools in Dover for recognition.
Councilor Richer wanted to remind the Council of the Dover Adult Learning Center graduation taking place on Monday, June 10.

City Manager Joyal shared with the Council that Noreen Biehl has completed her term on the Dover Housing Authority and he has appointed Krysta Gingue for the next term. He also notified the Council that the next regular meeting will be July 10th.

16. ADJOURN

Councilor Williams motioned to adjourn, seconded by Councilor Retrosi. Vote: 7-0.

DRAFT

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2024.07.10 - 104**
Resolution Re: Approval of New England Sports Complex, Inc., d/b/a First Push Syndicate McConnell Center Lease

WHEREAS: New England Sports Complex, Inc., d/b/a First Push Syndicate, a non-profit corporation, seeks to enter into a five (5) year lease agreement, with the option to renew for two (2) additional five (5) year terms, with the City of Dover regarding the operation of a program to train physical education teachers how to teach skateboarding, to foster school/community programs for biking, and possible related or other activities; and

WHEREAS: The location of the leased premises would be Room 220 at the McConnell Center, which contains 696 square feet; and

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

The City Manager is authorized to sign a lease agreement between the City of Dover and New England Sports Complex, Inc., d/b/a First Push Syndicate, for rental of Room 220, for five years with the option to renew for two additional five-year terms.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.1.

Resolution Number: **R – 2024.07.10 - 104**

Resolution Re: Approval of New England Sports Complex, Inc., d/b/a First Push Syndicate McConnell Center Lease

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

See attached draft lease. The McConnell Center Advisory Board has not reviewed this lease. This lease is for an existing tenant whose current three-year lease is expiring September of 2024.

CITY OF DOVER

288 CENTRAL AVENUE
DOVER, NH 03820
WWW.DOVER.NH.GOV
603.516.6000

LEASE AGREEMENT

THIS LEASE AGREEMENT made this _____ day of_____, 2024, by and between **NEW ENGLAND SPORTS COMPLEX, INC., d/b/a FIRST PUSH SYNDICATE** of 61 Locust Street Suite 220 Dover, New Hampshire 03820, a non-profit corporation, (hereinafter referred to as "LESSEE"), and the **CITY OF DOVER**, New Hampshire, of 288 Central Avenue, Dover, County of Strafford and State of New Hampshire 03820 (hereinafter referred to as "LESSOR").

W I T N E S S E T H :

That IN CONSIDERATION of the mutual promises contained herein, and FOR OTHER GOOD AND VALUABLE CONSIDERATION contained herein, the parties agree as follows:

1. Description and Term.

That the LESSOR does hereby demise and lease to the LESSEE the Space within the City's McConnell Center located at 61 Locust Street, Dover, New Hampshire, which Space is intended to contain 696 square feet and more particularly identified as room 220 (the "Space").

In conjunction with the use of the Space, LESSEE shall have the right to use available parking in the McConnell Center/Library parking lot for LESSEE' employees in the adjacent City Parking lot to the rear of the Public Library during LESSEE's normal operations, subject to applicable law and regulations. Additionally, parking spaces may be available on streets adjacent to the McConnell Center. It is agreed parking spaces will not be reserved and are available on a first come first served basis with no signage designating parking spaces to the LESSEE. The LESSOR does not guarantee the availability of any parking spaces at any time. Parking may be subject to change, amendment, or relocation for good cause at the sole discretion of the City of Dover.

The term of LESSEE's Lease Agreement shall be for five (5) years beginning on September 1, 2024 and ending on August 31, 2029. There shall be an option to renew for two (2) additional five (5) year terms at the LESSEE'S request pursuant to Paragraph 7.

Monthly rent shall be paid the first of each month to the City of Dover. If a term commences on a day other than the 1st of a month, that month's rent shall be prorated based on the number of days in the month. The first year's rent charges are based upon space allocation of 696 square feet and calculated using the following components:

Component	Rate	Assessment Annual	Assessment Monthly
Fixed Rent	**$ 6.50**	**$ 4,524.00**	**$ 377.00**
Capital Reserve	**$ 0.40**	**$ 278.40**	**$ 23.20**
Utilities*	$ **8.61**	**$ 5,992.56**	**$ 499.38**
Other as agreed	**$ 0.00**	**$ 0.00**	**$ 0.00**
Total Rent Assessment	**$15.51**	**$10,794.96**	**$ 899.58**

(*) Utilities costs are variable based upon actual costs as outlined in Section 2.

2. Operations and Maintenance.

The LESSEE shall be responsible for payment of all Utilities costs associated with the Space, including electricity, water, gas, heat and shared custodial, snow removal and associated supplies. Utilities costs of this Lease Agreement is established at $8.61/sf and will be paid as part of the monthly total rent invoice. Thereafter these costs shall be revised annually and prorated per square foot based upon the City's proposed operating budget for the coming fiscal year. The total square footage of leased space in the McConnell Center is 53,899 square feet. The annual revision of Utilities costs shall occur in March and take effect the following July 1st.

3. Condition of Premises.

The LESSOR leases the Space "as is". LESSEE shall be solely responsible for all associated costs for desired original and future build-out of the Space; and plans for such build-out must be reviewed for potential approval by LESSOR. LESSEE shall be solely responsible for insuring all improvements and contents of the Space and shall name LESSOR as an additional insured.

LESSOR shall, at its own expense, maintain and keep the building in good structural order and repair including, but not limited to, all partitions, doors, windows, fixtures and equipment. In addition, LESSOR shall, at its own expense, make normal repairs and maintain performance of the leased Space, as needed, including, without limitation, the replacement of broken glass, interior repainting, the repair of floors, and the keeping of windows and doors watertight. LESSOR shall also, at its expense, maintain in good operating condition all plumbing, electrical, heating, sprinkling, air conditioning and other utility systems. All items herein mentioned shall be maintained in as good order and repair as they were at the date of the commencement of the term of this Lease Agreement, reasonable wear and damage by accident, fire or other insured against casualty and covered by said insurance excepted. LESSEE and LESSOR will perform a walk through to evaluate condition of the Space prior to occupancy.

LESSOR agrees to maintain the Space in condition fit for its intended use and to make all necessary repairs of which LESSOR is aware, including adequate heat and water, and a sound physical structure. Furthermore, LESSOR will maintain the grounds and remove the common area rubbish and maintain and keep reasonably free from snow and ice the parking areas, sidewalks and entrances/exits to building.

4. Access to Premises.

The LESSOR shall also have the right to enter upon the Space at all reasonable times to inspect same and to expel the LESSEE if the LESSEE shall fail to comply with or breach in any way this Lease Agreement. The LESSOR shall provide the LESSEE with reasonable notice of any inspections of or visits to the Space.

5. Unavoidable Casualty and Eminent Domain.

In the event of an unavoidable casualty, including fire, not arising as a result of the negligence or intentional conduct of the LESSEE whereby the Space or any portion of it is destroyed or damaged so as to be unfit for use or occupancy, the LESSOR specifically reserves the option of terminating this Lease Agreement. However, that in the event of total destruction or damage which is the equivalent of total destruction, this Lease Agreement shall automatically terminate.

In the event the Space shall be taken either under threat of eminent domain or by eminent domain proceedings in whole, then this Lease Agreement shall be terminated and the rent shall be pro-rated and returned to the LESSEE as of the date of such taking. A condemnation award shall belong exclusively to the LESSOR.

6. Use.

The LESSEE shall only use the Space in compliance with the City's ordinances, rules and regulations. Additionally, the Space shall be used for charitable non-profit purposes only. No residential use shall be permitted.

7. Renewal of Lease Agreement.

At least sixty (60) days but no earlier than one hundred twenty (120) days prior to the expiration of the initial term of this Lease Agreement or the expiration of an additional term, the LESSEE shall notify the LESSOR in writing of the LESSEE's intention to exercise its option to extend the term of the Lease Agreement for an additional period as set forth in Section 1 herein.

8. Subletting and Assignment.

LESSEE shall neither sublet nor assign the Space or the associated parking spaces under any circumstances without prior written consent by the LESSOR.

9. Personal Property.

In the event that at the end of the term or upon any earlier termination of this Lease Agreement including, but not limited to, termination for failure of the LESSEE to perform as required hereunder, there remains personal property of the LESSEE in the Space, the LESSOR is authorized to dispose of said property after giving written notice of its intent to do so to the LESSEE at the last known address of the LESSEE.

10. Default/Early Termination.

In the event the LESSEE fails to perform its obligations under this Lease Agreement, this Lease Agreement is defaulted, and the LESSOR is entitled to immediate occupation and possession of the Space and the associated parking spaces. If the LESSEE shall default in the observance or performance of any conditions or covenants on LESSEE's part to be observed or performed, under or by virtue of any provisions of this Lease Agreement, the LESSOR, without being under any obligation to do so and without thereby waiving such default, may remedy such default at the expense of the LESSEE. If the LESSOR makes any expenditure or incurs any obligations for payment in connection therewith including, but not limited to, attorney's fees, such sums paid or obligations incurred shall be paid to the LESSOR as additional rent. In the event that there is damage to the Space due to the LESSEE's actions or inactions, or the LESSEE fails to make any utility payments when due, the Lease Agreement may be immediately terminated at the option of the LESSOR.

Both the LESSEE and the LESSOR shall have the right to terminate this Lease Agreement for any reason upon giving at least three (3) months written notice to the other party.

11. Indemnification.

LESSEE agrees to pay, and to protect, defend (with counsel acceptable to the City), indemnify and save harmless LESSOR from and against any and all liabilities, losses, damages, costs, expenses (including all reasonable attorney's fees and expenses), causes of action, allegations, suits, claims, demands or judgments of any nature whatsoever arising from:

(i) any injury to, or the death of, any person(s);

(ii) any damage to property or to the Space;

(iii) any act or omission of LESSEE or its agents, officers or employees;

(iv) violation by LESSEE of any agreement or condition of this Lease Agreement; or

(v) violation by LESSEE of any law, ordinance or regulation affecting the Space or any part thereof or the ownership and occupancy thereof.

12. Insurance.

General liability/casualty and property insurance shall continue to be maintained on the subject property by the LESSOR. LESSEE shall procure and maintain in force, at its expense, during the term of this Lease Agreement, and any extensions of such term, liability and property damage insurance for the LESSEE's leased Space to be considered primary and non-contributory coverage. Said insurance to be in limits of not less than One Million Dollars ($1,000,000) per occurrence and Two Million Dollars ($2,000,000) in the aggregate. LESSOR has no obligation for any loss to LESSEE's personal property. Proof of LESSEE's insurance shall be supplied to the LESSOR at the time of occupancy and LESSEE shall provide certificates for any renewal no later than ten (10) business days prior to the expiration of said policy. The LESSOR shall be listed as "Additional Insured" on the policy and proof of insurance certificate. The insurance coverage procured by LESSEE shall cover the LESSOR with the same scope of coverage provided to the LESSEE without subjecting the LESSOR to any different or additional terms, conditions, limitations or exclusions. A condition of the insurance coverage shall be thirty (30) days' notice to the LESSOR upon cancellation of the policy.

13. Liens and Encumbrances.

LESSEE will not create or allow any lien, encumbrance or charge on the LESSEE's Space or on the McConnell Center or on the rents or income therefrom which may be superior to the LESSOR's rights hereunder.

14. Parties Bound.

This Lease Agreement and its addendums is binding upon the heirs, executors, administrators and assigns of the parties hereto and constitutes the entire agreement between the parties.

15. Notice.

All notices by either party to be given with respect to this Lease Agreement shall be in writing and shall be given by first class mail to the addresses stated above.

16. Modification of Lease Agreement.

This Lease Agreement contains the entire agreement between the parties and shall not be modified in any manner except by an instrument in writing executed by the both parties.

17. Section Headings.

The section headings throughout this instrument are for convenience and reference only, and the words contained herein shall in no way be held to explain, modify or amplify, or aid in the interpretation, construction or meaning of the provisions of the Lease Agreement.

18. Severability.

Any determination that any provision of this Lease Agreement or any application thereof is invalid, illegal or unenforceable in any respect in any instance shall not affect the validity, legality or enforceability of such provision in any other instance or the validity, legality or enforceability of any other provision of this Lease Agreement.

19. Laws Governing.

The parties agree that the laws of the State of New Hampshire will govern all disputes under this Lease Agreement and determine all rights hereunder.

20. Security Deposit.

Upon execution of this Lease Agreement, LESSEE deposits with LESSOR $0.00 as security for the performance by LESSEE of the terms of this Lease Agreement to be returned to LESSEE, with interest, following the full and faithful performance by LESSEE of this Lease Agreement. In the event of damage to the Space caused by LESSEE or LESSEE's agents or visitors, LESSOR may use funds from the deposit to repair, but is not limited to this fund and LESSEE remains liable.

21. Merger.

This Lease Agreement contains all terms and conditions agreed upon by the parties hereto and no other agreements or representations, oral or otherwise, regarding the subject matter of this Lease Agreement shall be deemed to exist, provided, however, that any subsequent modifications or agreements affecting this Lease Agreement shall be in writing and signed by the parties hereto.

22. Taxes.

Pursuant to RSA 72:23, I, LESSEE agrees to pay all properly assessed current and potential real and personal property taxes no later than the due date. LESSEE is obligated by the foregoing to pay real and personal property taxes on structures or improvements added by the LESSEE. Failure of the LESSEE to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said Lease by the LESSOR.

23. Immunity

Nothing within this Lease Agreement is intended to benefit or create an obligation to a third-party. Nothing within this Lease Agreement shall be deemed to constitute a waiver of any existing immunity of the City of Dover, which immunities are hereby reserved to the City of Dover. This covenant shall survive the termination of this Lease Agreement's conclusion.

IN WITNESS WHEREOF, the parties have hereunto executed this Lease Agreement on the date set forth above.

NEW ENGLAND SPORTS COMPLEX, INC.,
d/b/a FIRST PUSH SYNDICATE

_____
Witness
Sign and Print

_____
Robert Joseph Lambert, Executive Director
Sign and Print

CITY OF DOVER
By J. Michael Joyal, Jr., City Manager

_____
Witness
Sign and Print

_____
Duly Authorized

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2024.07.10 - 105**
Resolution Re: Approval of Net Metering Agreement with Freedom Logistics, LLC

WHEREAS: The City's Energy Commission with support of the Resilience Manager identified a potential opportunity for the City to earn revenue while supporting clean, renewable energy in New Hampshire; and

WHEREAS: Freedom Logistics, LLC is the administrator of a net metering arrangement and has invited the City to join that arrangement; and

WHEREAS: The City's obligations are generally limited to joining the net metering group to providing information about the City's energy consumption. In return, the City would receive a periodic rebate based on the City's energy consumption in designated facilities.

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

On behalf of the City of Dover, the City Manager is authorized to negotiate, finalize, and execute a Standby Group Member Agreement between Freedom Logistics, LLC and the City of Dover. The City Manager or designee is hereby authorized to perform the City's obligations stated in the aforesaid agreement.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By Request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Jerrica Vansylyvong-Bizier City Clerk		

DOCUMENT HISTORY:

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

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.2.

Resolution Number: **R - 2024.07.10 - 105**
Resolution Re: Approval of Net Metering Agreement with Freedom Logistics, LLC

DOCUMENT ACTIONS:

VOTING RECORD Date of Vote:	YES	NO
Mayor Robert Carrier		
Deputy Mayor Dennis Shanahan		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Attached for reference is a copy of the Standby Group Member Agreement between Freedom Logistics, LLC and the City of Dover. In essence, the transaction contemplated by this agreement is the sale of certain attributes of the City's power consumption, that are of use and value to the net metering group. This agreement does not impact the City's current electricity supply contractual arrangements. This agreement would only monetize currently unused attributes of the City's power consumption.

This transaction is expected to ultimately support renewable sources of energy by resulting is additional revenue to local producers of such renewable energy.

The City's Resilience Manager estimates that this agreement may result in excess of $10,000 revenue annually.

The counterparty, Freedom Logistics, LLC, is a New Hampshire-based company. Before proposing this agreement, the City's Energy Commission explored many alternative options and deemed this contract to be the most beneficial given the great level of flexibility it offers as the City's energy plan continues to evolve.

Freedom Logistics, LLC

Standby Group Member Agreement

This Agreement is between Freedom Logistics, LLC, the Group Net Metering Administrator ("Admin"), and _**The City of Dover**_ ("Group Member"), for the purposes of establishing and maintaining Group Net Metering between Host(s), Group Member(s) and Admin under NH RSA 362-A:1-a, II-c and Public Utility Commission Rule PUC 909. Host shall be defined as an eligible renewable generator under NH RSA 362-A:1-a, II-c. The effective date of this Agreement shall be _**X/XX/2024**_ or the date on which Group Member starts to accumulate rebate money, whichever comes first.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Admin and Group Member (together referred to as the "Parties") hereby agree as follows:

I. **Contract Volume**
Group Member uses approximately _7,932,938_ kwh per year among the LDC account number(s) listed in Schedule A and represents that 100% of its usage is available for Group Net Metering.

II. **Term of the Agreement**
This Agreement will be month to month. During this period Group Member shall not attempt to Group Net Meter with any other Group, Admin or Host for the LDC account numbers listed in Schedule A and shall make all of their associated usage available to the Group. Group Member acknowledges that rebates are not guaranteed and depend on availability of production, applicable rate class default service offer (as set by the NH PUC) and payment by Host to Admin for disbursement. In the event that Host does not make payment to Admin, Admin is not liable to Group Member for Group Member's share. Group Member or Admin may terminate this Agreement for any reason on thirty (30) days' notice. Any amounts owed to Group Member from any period prior to termination shall be paid, provided payment has been received by Admin from Host(s).

III. **Reporting Requirements and Registration**
The Admin will act for the Host and the Group Members and will be responsible for all registration and ongoing reporting requirements necessary to initiate and maintain a Group Net Metering arrangement pursuant to Part PUC 909.
Group Member shall provide Admin with monthly LDC invoices associated with the account #'s listed in Schedule A for the purposes of reporting requirements and verifying and remitting rebate amounts.

IV. **Payment to Group Member by Admin**
Group Member is entitled to a rebate amount of $.002 per kwh, multiplied by the amount of Group Member usage utilized by the Group Net Metering Host(s). Admin shall pay Group Member within forty five (45) days of receipt of payment from Host(s). Hosts typically, but

not always, issue rebate payments to the Admin quarterly. Admin shall only pay Group Member their rebate amount of .002 per kwh for their share of usage used by Host(s).

V. **Movement Between Groups**

Due to the uncertainty surrounding production provided by Group Net Metering Hosts as a result of weather, maintenance, change of law, litigation, regulatory burdens, etc… Group Member authorizes Admin to move their account in between Group Net Metering groups at Admin's discretion.

VI. **No Guarantee**

Group Member acknowledges and understands that neither Admin or associated Hosts guarantee Host production/generation or the availability of rebates. Numerous factors beyond the control of the Admin may disrupt, terminate or suspend the availability of this program or the consideration contemplated.

VII. **Termination**

Any Group Member wishing to terminate this Agreement, shall provide thirty (30) days notice.

The Departure of a Group Member shall be effective on the Group Member's last meter read date immediately preceding the Group Member's date of departure.

VIII. **Disputes and Governing Law**

The Parties shall attempt in good faith to resolve all disputes arising under this agreement. In the event the parties are unable to resolve a dispute, controversy or claim arising under this agreement, then either party may give written notice to the other party of its intention to mediate. Any dispute arising under this agreement may be settled by mediation in the State of New Hampshire in accord with such procedures as may be acceptable to the parties.

(a) This Agreement and the rights and duties of Parties hereunder shall be governed by and construed, enforced and performed in accordance with the law of the state of New Hampshire.

(b) if the dispute has not been resolved through mediation within thirty (30) days after written notice beginning the mediation process (or a longer period, if the parties agree to extend the mediation), the mediation shall terminate and the parties shall be free to litigate the matter.

(c) in the event of litigation arising under this agreement, the prevailing party shall be entitled to collect all reasonable costs and fees associated with the litigation, including attorney's fees.

IX. **Assignment**

Neither party may assign this Agreement or its rights hereunder without the approval of the other Party, such approval shall not be unreasonably withheld. Freedom Logistics, LLC may assign this Agreement without Group Member's approval in connection with any financing arrangements or sale.

X. **Notices**

Notices shall be provided to Admin at the following address
Freedom Logistics, LLC
Attn: Group Net Metering Division
5 Dartmouth Dr
Suite 301
Auburn, NH 03032

Group Member Address for Notification
_____
_____
_____
_____

SIGNATURES

Freedom Logistics, LLC (Admin)

Signed: _____

By:_____

Date:_____

_____ (Group Member)

Signed:_____

By:_____

Date:_____

SCHEDULE A

1	Account #	56007801095544 570004
	Meter #	
	Service Address	Locust St, Public Library, Dover NH 03820
2	Account #	56007801095903 711001
	Meter #	
	Service Address	25 Charles St, Sewerage Pump Station, Dover NH 03820
3	Account #	56340094085223 3005
	Meter #	
	Service Address	182 Rochester Neck Rd, Rochester NH 03839
4	Account #	56488374083379 492005
	Meter #	
	Service Address	262 Sixth St, Dover NH 03820
5	Account #	56722816089636 333006
	Meter #	
	Service Address	104 French Cross Rd, Dover NH 03820
6	Account #	56771041027113 201004
	Meter #	
	Service Address	128 Glen Hill Rd, Dover NH 03820
7	Account #	56771041027511 111009
	Meter #	
	Service Address	271 Mast Rd, Dover NH 03820
8	Account #	56771041027922 180008
	Meter #	
	Service Address	Mast Rd, Water Dept Pudding H, Dover NH 03820
9	Account #	56771041027943 401005
	Meter #	
	Service Address	Glen Hill Rd, W Calderwood Well, Dover NH 03820
10	Account #	56776801094395 570008
	Meter #	
	Service Address	288 Central Ave, Dover NH 03820

11	Account #	80006260162
	Meter #	
	Service Address	Portland Ave, Dover Ice Arena, Dover NH 03820
12	Account #	80006720355
	Meter #	
	Service Address	484 Middle Rd, Dover Wastewater, Dover NH 03820
13	Account #	80010640177
	Meter #	
	Service Address	288 Central Ave, EOL, Dover NH 03820
14	Account #	80018690117
	Meter #	
	Service Address	River St, Pump Station, Dover NH 03820
15	Account #	80018690455
	Meter #	
	Service Address	61 Locust St, Dover NH 03820
16	Account #	56281697086101 873004
	Meter #	
	Service Address	11 Lowell Ave, Pump House, Dover NH 03820
17	Account #	56623751021386 992006
	Meter #	
	Service Address	6 Washington St, Dover Recreation Center, Dover NH 03820
18	Account #	56220319073914 804005
	Meter #	
	Service Address	40 Smith Well Rd, Dover NH 03820
19	Account #	80018690612
	Meter #	
	Service Address	46 Chestnut St, Dover NH 03820

Expected TOTAL Annual Use: _7,932,938_ kwh

Freedom Logistics, LLC
5 Dartmouth Dr. Suite 301
Auburn, NH 03032
www.FELPOWER.com

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 106**
Resolution Re: Authorizing Dog Warrant for Unlicensed Dogs

WHEREAS: Dog owners are required to license their dogs by May 1st of each year; and

WHEREAS: RSA 466:14 requires that the City Clerk thereafter seek authority from the City Council to issue a warrant to local law enforcement.

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

The City Clerk is hereby authorized to issue the annual dog warrant for owners who have not properly licensed their dogs to date, and to proceed with civil forfeiture proceedings as provided for by State law.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By request
Approved as to Legal Form and Compliance:	Joshua Wyatt City Attorney		
Recorded by:	Jerrica Vansylyvong-Bizier 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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.3.

Resolution Number: **R – 2024.07.10 - 106**
Resolution Re: Authorizing Dog Warrant for Unlicensed Dogs

RESOLUTION BACKGROUND MATERIAL:

RSA chapter 466 contains annual time-based requirements for dog licensure. RSA 466:1 states that every owner or keeper of a dog over 4 months of age shall obtain a license, which remains in effect each year from May 1 to April 30. Failure to timely license or renew a license results in a forfeiture. *See* RSA 466:13. Thereafter, RSA 466:14 requires the City Clerk to obtain authority from the City council to issue a warrant to the appropriate local law enforcement officer to continue the annual process of collecting fees and fines for dog registrations. *See also* Dover Code §§ 69-2 through 69-7.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2024.07.10 - 107**
Resolution Re: Acceptance of a Donation of a Windscreen for Garrison Pickle Ball Court

WHEREAS: The City of Dover maintains Pickleball Courts at Garrison Elementary School.

WHEREAS: Jeff White, a Dover Resident, has offered to donate a windscreen to the City for the City to install on the back side of the Pickleball Courts.

WHEREAS: The City of Dover Recreation Department supports the acceptance of this generous donation.

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

The generous donation of a windscreen for the Garrison Elementary Pickleball Courts from Jeff White is hereby acknowledged, appreciated, and accepted.

AUTHORIZATION

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

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.4.

Resolution Number: **R – 2024.07.10 - 107**
Resolution Re: Acceptance of a Donation of a Windscreen for Garrison Pickle Ball Court

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The value of the donated windscreen is $1,400. The windscreen will be dark green in color and upon delivery will be the property of the City of Dover to install and maintain. The windscreen will be for the back fencing of the Pickleball Courts to maximize visibility and serve as a sound barrier between the courts and the residents that live in the abutting Tideview Estates.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2024.07.10 - 108**
Resolution Re: Acknowledgement and Acceptance of Donation of Books from Debby Dadey

WHEREAS: The City of Dover Public Library has received notice of a donation of 100 books from Debbie Dadey, of Dover NH; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b, Appropriations for Funds Made Available During Year (adopted in Resolution R-2024.02.14-28 Fiscal Year 2025 Budget Appropriations) authorization by the City Council to expend the donation for the purposes intended as needed; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b Section IIIb; unanticipated fund amounts or donation of tangible gifts (books) values less than $10,000.00 requires only City Council approval and not public hearing; and

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

The generous donation of books from Debbie Dadey, of Dover, NH is hereby acknowledged, appreciated, and accepted.

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By Request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Jerrica Vansylyvong-Bizier City Clerk		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.5.

Resolution Number: **R – 2024.07.10 - 108**
Resolution Re: Acknowledgement and Acceptance of Donation of Books from Debby Dadey

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			
Councilor S. April Richer, Ward 1			
Councilor Robert Warach, Ward 2			
Councilor Anthony Retrosi, Ward 3			
Councilor Debra Hackett, Ward 4			
Councilor Fergus Cullen, Ward 6			
Councilor Linnea Nemeth, At Large			
Councilor Lindsey Williams, At Large			
Total Votes:			
Resolution does | does not pass.			

RESOLUTION BACKGROUND MATERIAL:

The City of Dover received a donation from Debbie Dadey of 100 new copies of The Bailey School Kids for at a current book value of $3.99 each for a total value of $399.00.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2024.07.10 - 109**
Resolution Re: Library Books & Media Purchases Ingram Library Services

WHEREAS: Ingram Library Services, Inc. is a member of the Libraries of the Massachusetts Higher Education Consortium (MHEC) and is a book wholesaler for various children and adult books, CDs and DVDs; and

WHEREAS: The City can take advantage of the substantial savings (between 3% - 44%) by using Ingram Library Services, LLC, per contract MC15-L51, and

WHEREAS: Per 5-29 A: Exemptions to Formal Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups; and

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

The Purchasing Agent is hereby authorized to issue a purchase order to Ingram Library Services, LLC, St Louis, MO, in an amount not to exceed $75,000 for continued book, CD and DVD purchases. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	FY25 Appropriation	Balance
1000.1.390.45500.4748.00000.00	Public Library - Books and Collections	137,112.00	137,112.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2024.07.10 - 109**
Resolution Re: Library Books & Media Purchases Ingram Library Services

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.6.

Resolution Number: **R – 2024.07.10 - 109**
Resolution Re: Library Books & Media Purchases Ingram Library Services

RESOLUTION BACKGROUND MATERIAL:

The City of Dover Library is looking to procure various types of books and other medial materials as needed from Ingram Library Services, who is a member of the Massachusetts Higher Education Consortium (MHEC) that was established in 1975. The goal of MHEC is to provide goods and services using group buying best practices for its member institutions. Currently their New England members include public and private colleges and universities, municipalities, the State College Building Authority, The Museum of Fine Arts and others.

Award Information:

A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	N/A
Invitations Mailed:	N/A	**Number of Responses:**	N/A
Warranty:	Per Manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	As contracted	**Estimated Delivery:**	As Needed
Recommended Award to:	Ingram Library Services	**Fund:**	Operating/Books and Collections
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval.

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 110**
Resolution Re: Library Books & Media Purchases Baker and Taylor, Inc.

WHEREAS: The City of Dover NH Public Library is a member of the New Hampshire State Library; and

WHEREAS: The New Hampshire State Library has identified Baker and Taylor, Inc. as one of the book wholesalers most advantageous in terms of service and pricing for various children and adult books, CDs and DVDs; and

WHEREAS: The City can take advantage of the substantial savings realized by using Baker and Taylor, Inc., as their book jobber; and

WHEREAS: Per 5-29 A: Exemptions to Formal Bidding of the Dover Purchasing Procedure, the Purchasing Agent may, with approval of the City Manager, waive bidding procedures when purchasing through the State of New Hampshire or at State bid prices, other governmental agencies or cooperative buying groups; and

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

The Purchasing Agent is hereby authorized to issue a purchase order to Baker and Taylor, Inc., of Philadelphia, PA in an amount not to exceed $25,000 for continued book, CD and DVD purchases. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	FY25 Appropriation	Balance
1000.1.390.45500.4748.00000.00	Public Library - Books and Collections	137,112.00	137,112.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2024.07.10 - 110**
Resolution Re: Library Books & Media Purchases Baker and Taylor, Inc.

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.7.

Resolution Number: **R – 2024.07.10 - 110**
Resolution Re: Library Books & Media Purchases Baker and Taylor, Inc.

RESOLUTION BACKGROUND MATERIAL:

The City of Dover continues to use a book jobber, originally identified a number of years ago by the New Hampshire State Library, to provide large quantities and various types of books and other medial materials as needed. The City of Dover receives the same pricing schedule as other members of this organization.

Award Information:

A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	N/A
Invitations Mailed:	N/A	**Number of Responses:**	N/A
Warranty:	Per Manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	As contracted	**Estimated Delivery:**	As Needed
Recommended Award to:	Baker and Taylor, Inc.	**Fund:**	Operating/Books and Collections
Other Approvals Required:	State of NH	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval.

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.8.

CITY OF DOVER

Bid Number: **R - 2024.07.10 - 111**
Bid Description: Various Senior Center Trips

WHEREAS: The Senior Center Travel Supervisor has a schedule of possible trips for the remainder of calendar year 2024 through the beginning of 2025. A list and estimated costs are outlined in the background section of this resolution. The Senior Center Travel Supervisor obtains pricing information for these trips as scheduled; and

WHEREAS: In order to maximize the size of the group, as well as address any last-minute cancellations, the travel agents keep the registration open as long as the tour company allows. Sometimes the end date of the registration period and determination of a final price falls after the deadline for the next City Council meeting agenda so the City is not always able to get the resolution to the Council before the trip departs; and

WHEREAS: Revenue is collected and deposited into the special revenue account for the Senior Center and expensed out as needed for various trips. Since the costs are paid for by the traveler, they wish to pick the tour companies they will use; and

WHEREAS: Per 5-28B. Competitive bidding may be waived by the majority vote of the City Council.

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

The Purchasing Agent is hereby authorized to issue purchase orders for travel services at rates obtained by the Senior Center Travel Supervisor. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
3410.1.350.45126.4443.00000.00	Rental of Equipment, FY25	90,000.00	90,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.8.

Bid Number: **R - 2024.07.10 - 111**
Bid Description: Various Senior Center Trips

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER – RESOLUTION

Agenda Item#: 13.A.8.

Bid Number: **R - 2024.07.10 - 111**
Bid Description: Various Senior Center Trips

RESOLUTION BACKGROUND MATERIAL:
This is a blanket resolution for the Senior Center trips using various travel agencies as needed. The Senior Center Coordinator obtains pricing information for trips the Dover Senior Center wishes to take that are run annually and have a consistent group of travelers and a set of travel and accommodation expectations that the travelers strive to meet.

In order to maximize the size of the group, as well as address any last-minute cancellations, the travel agents keep the registration open as long as the tour company allows. Sometimes the end date of the registration period and determination of a final price falls after the deadline for the next City Council meeting agenda so the City is not always able to get the resolution to the Council before the trip departs.

Yankee Tours:
Boston- July 2024 (Approximately $7,000)
Potential additional day trips (approx. $5k per trip)
Cape Cod Canal- August 2024 (Approximately $8,000)
Mt Washington Hotel Overnight December 202 (Approximately & $30,000 depending on traveler numbers)
May 2025 (Between $15,000 - $30,000 depending on traveler numbers) – Possible Overnight trip

North Shore Music Theater/Ogunquit Playhouse/Seacoast Rep/WinniTheater other local theaters
Miscellaneous shows throughout the year using City Recreation shuttle service, but tickets will be purchased. Prices vary. Miscellaneous other trips may be added with additional vendors as opportunities arise.

Purchasing Information:

Type:	Purchase order	**Advertised:**	N/A
Invitations Mailed:	N/A	**Number of Responses:**	N/A
Warranty:	N/A	**Terms:**	Net 30
Work Bonded:	No	**Contract:**	No
Prices will hold for	Until Trip Date	**Estimated Delivery:**	N/A
Recommended Award to:	Various	**Fund:**	3410
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for City Manager Approval:**	Waive competitive bidding procedure.

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 112**
Resolution Re: Purchase of PowerDMS, Inc. Power Policy, Power Training, Power Action, and Power Vitals Modules

WHEREAS: The Dover Police Department has been continuously accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). Accreditation requires ongoing proof of compliance with the various standards that apply to the agency. Since 2016, CALEA has required that accredited agencies use a software tool called Power DMS Standards for all aspects of the accreditation process; and

WHEREAS: Power DMS offers several other modules that are interrelated to Power DMS Standards including Power Policy Professional, Power Training, Power Action, and Power Vitals. The total costs of these four modules is $27,419.20; and

WHEREAS: Each of these modules will provide for a more efficient manner of conducting and tracking many of the important activities conducted by the Dover Police Department including policy update, review, and distribution, tracking of training activities, use of force tracking, and officer wellness; and

WHEREAS: Per 5-29.C Exceptions from Formal Bidding. Sole source purchased where the proposal purchase is manufactured or provided by only one entity, and/or the city has already committed to a certain product, manufacture, brand or service provider ay be waived by a majority vote of the City Council.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Power DMS, Inc by NEOGOV in the amount of $27,419.20. The City Manager, or designee, is hereby authorized to contract with the vendor consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
1000.1.210.42150.4745.00000.00	Police Computers & Communications	27,419.20	27,419.20

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

Resolution Number: **R – 2024.07.10 - 112**
Resolution Re: Purchase of PowerDMS, Inc. Power Policy, Power Training, Power Action, and Power Vitals Modules

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.9.

Resolution Number: **R – 2024.07.10 - 112**
Resolution Re: Purchase of PowerDMS, Inc. Power Policy, Power Training, Power Action, and Power Vitals Modules

RESOLUTION BACKGROUND MATERIAL:

The Dover Police Department has been using the PowerDMS Standards module for CALEA since, 2016, when it became mandatory. CALEA maintains its electronic publications, including all standards manuals and the CALEA Process and Programs Guide, exclusively through the PowerDMS.

PowerDMS offers several other modules that will help to create efficiencies in several of the regular activities of the department. The tracking and distribution of policies, using PowerDMS Policy, saves a large amount of time and reduces the chances of human error and document loss. Policies are updated and changes are approved within the program. The updated policies are then distributed to the employees through the platform which tracks when the employees certify that they have reviewed the updated policy. Additionally, any updates made to policy are automatically applied to the PowerDMS Standard database so that the updated policy remains the only policy in effect and accessible.

PowerDMS Training provides a user-friendly platform to assign and track training. Additionally, each employee's training records will be stored and can be accessed quickly. Training records are searchable either by event or by employee. The module also provides for training content online, including videos and PowerPoint presentations and department policies can be seamlessly integrated into to the training courses.

PowerDMS Action is a platform to track all incidents involving the use of force by an officer. Currently this is tracked using printed reports and physical files. As a result, any analysis of the use of force is a painstaking and arduous process. Power Action allows for the use of force documentation to be all encompassing, customizable, and gives the department the ability to produce comprehensive reports.

The Dover Police Department takes the overall welfare of its employees seriously. For many years, the department has maintained an early warning system intended to identify trends that might indicate the need for assistance and intervention for an employee. PowerDMS Vitals provides an agency-specific module that includes tracking of indicators, alerts and assistance plans for early indication and intervention of officers by supervisors.

Bid Information:

There is no bid solicitation for this project. These additional modules are interrelated and being added on to existing software already been utilized by the Dover Police Department. Power DMS Standard is required by CALEA and the additional modules offered are highly recommended by CALEA.

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 113**
Resolution Re: Operation and Maintenance of the Closed City of Dover Landfill Superfund Site Lift Station, FY2025

WHEREAS: The former municipal landfill located on Tolend Road has a groundwater extraction system which discharges water to the city sewer system via a dedicated pump station and sewer force main which services the landfill and requires frequent cleaning and maintenance on a coordinated schedule with groundwater extraction system; and

WHEREAS: In 2017, the City received a proposal from CES Inc/Blue Granite Environmental Consultants, the contractor performing operations and maintenance at the Tolend Landfill remediation system, to perform operations and maintenance activities on the City's pump station and sewer force main that extends from Tolend Road to County Farm Cross Road and was awarded via council resolution R-2017.06.28-073 in the amount of $80,200.00. The City extended the agreement via council resolution R-2018.07.11-096 in the amount of $93,200.00, as well as an additional extension of the agreement for services provided in FY2022 via council resolution R-2021-05.12-067 and for services provided in FY2023 via council resolution R-2022.06.08 in the amount of $96,500.00 and FY24 via council resolution R-2023.07.26; and

WHEREAS: The City again seeks to extend this agreement for the period of July 1, 2024 to June 30, 2025 to coordinate the pump station and sewer force main cleaning with the land fill remediation system. In an effort to improve the system performance and meet operation objectives, it is the recommendation to award the operation and maintenance activities of the pump station and sewer force main to Haley Ward, Inc., formerly known as CES, Inc., of Lewiston, ME in the amount of $103,600.00; and

WHEREAS: Per 5-28.B. Competitive bidding may be waived by the majority vote of the City Council.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Haley Ward, Inc. of Lewiston, ME for operation and maintenance services of the pump station and sewer force main for the period of July 1, 2024 to June 30, 2025 at a cost not to exceed $103,600.00. The City Manager, or designee, is hereby authorized to finalize contract language with the vendor, consistent with the Purchase Order authorized herein, for the City Manager's signature.

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

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4341.00000.00	CS-Sewer-Technical Svs, FY25	134,150.00	134,150.00

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

Resolution Number: **R – 2024.07.10 - 113**
Resolution Re: Operation and Maintenance of the Closed City of Dover Landfill Superfund Site Lift Station, FY2025

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

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

Recorded by: Jerrica Vansylyvong-Bizier, 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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.10.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 113**
Resolution Re: Operation and Maintenance of the Closed City of Dover Landfill Superfund Site Lift Station, FY2025

RESOLUTION BACKGROUND MATERIAL:
The former municipal landfill located on Tolend Road has a groundwater extraction system which discharges water into the city sewer system via a dedicated pump station and sewer force main which services the landfill and requires frequent cleaning and maintenance on a coordinated schedule with groundwater extraction system.

Haley Ward, Inc., formerly known as CES, Inc., now operates and maintains the sewer pump station and sewer force main that extends from the former municipal landfill on Tolend Road to County Farm Cross Road where it discharges into the city gravity sewer. The sewer force main carries groundwater from the landfill groundwater extraction system. The extracted groundwater has a very high iron content and when the groundwater comes in contact with the atmosphere, iron precipitation occurs. The accumulation of the iron precipitate in the pump station and the sewer force main requires periodic cleaning to restore capacity lost due to clogging.

The landfill remediation system operation and maintenance contractor, Haley Ward, Inc., also performs similar cleaning activities on the remediation system throughout the year.

The proposal from the current contractor, Haley Ward, Inc. and Blue Granite Environmental Consultants, Inc., operating the landfill remediation system is desirable as they will perform cleaning of the pump station and sewer force main on a prioritized maintenance schedule that is coordinated with the maintenance of the remediation system. The total cost to maintain the sewer pump station and sewer force main is $103,600.00 for the period of July 1, 2024 to June 30, 2025.

Bid Information:
Per 5-28. B Competitive bidding may be waived by the majority vote of the City Council.

Award Information:
A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	51	**Number of Responses:**	4 and 2 no bids
Warranty:	Per Manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	One Year, 6/30/2024	**Estimated Delivery:**	2023-2024
Recommended Award to:	Haley Ward, Inc.	**Fund:**	WWTP, Sewer Fund
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring City Council approval.

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.11.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 114**
Resolution Re: Environmental Projects Consulting Services Peschel Consulting LLC

WHEREAS: The City of Dover is owner of the Tolend Road Landfill Superfund site, and has a 42.68% cost share obligation as a Potentially Responsible Party (PRP) as part of collaborative effort of other PRP's identified as the Executive Committee of Work Settling Defendants, otherwise known as "Dover Group"; and

WHEREAS: The City of Dover's former employee, Dean Peschel, had been recognized by the US Environmental Protection Agency (EPA) and the Dover Group as the Project Manager for superfund remediation efforts, and Mr. Peschel is now retired from the City but providing technical consulting services through Peschel Consulting LLC (Dean Peschel); and

WHEREAS: While the City intends to fill an open position of Environmental Projects Manager to represent City interests, the retention of Mr. Peschel professional services will help provide continuity to the larger Dover Group, with Mr. Peschel offering consulting services via Peschel Consulting LLC at an hourly rate of $250.00 on an as needed basis for the FY2025 fiscal year; and

WHEREAS: Per 5-28.B, Competitive Bidding Purchase; Waiver: Competitive bidding may be waived by a majority vote of the City Council.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Peschel Consulting LLC of Eliot, ME in the amount not to exceed $50,000.00 for environmental consulting services at rates outlined in this resolution. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
5320.1.300.43250.4341.00000.00	CS - Sewer - Technical Services FY25	134,150.00	134,150.00
5300.1.300.43320.4339.00000.00	CS - Water - Consulting Services FY25	10,000	10,000

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.11.

Resolution Number: **R – 2024.07.10 - 114**
Resolution Re: Environmental Projects Consulting Services Peschel Consulting LLC

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

Environmental matters involving the City of Dover create complex challenges and liabilities for the city. Institutional knowledge, experience and expertise in state and federal regulations and scientific knowledge are required to protect the interest of the city.

Both parties to the agreement are satisfied that the terms of the Agreement have been successfully met with the desired level of results and is requesting the City Council to renew the Agreement for one year. Tasks include, but are not limited to the following:

1. Act as Project Manager for the Dover Landfill Group
2. Provide insight and background on historic projects as needed.

Existing City engineering staff may have inquiries or require assistance of Mr. Peschel related to historical environmental-related projects, staff may engage Mr. Peschel per an on-call, as needed basis; and

Bid Information:
Per 5-28.B, Competitive Bidding Purchase; Waiver: Competitive bidding may be waived by a majority vote of the City Council.

Award Information:
A purchase order will be issued to the Peschel Consulting LLC to authorize expenditures as outlined.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.12.

Resolution Number: **R – 2024.07.10 - 115**
Resolution Re: B21001 Rock Salt & Solar Salt Cooperative Purchase

WHEREAS: A Sealed Request for Proposal 18-20 was issued and received by the City of Concord for Untreated Salt and Solar Salt on July 17, 2020 for multi-year agreement; and

WHEREAS: In an effort to obtain better pricing and quality of product and delivery service, the RFP was a cooperative endeavor with several other municipalities as outlined in the background section of this resolution. The Council awarded the first year of the contract to Morton, as well as subsequent years, via resolution R-2020.08.26-142, and;

WHEREAS: Rates for the fourth year of the agreement beginning July 1, 2024 through June 30, 2025 were received by the vendor requesting a 2.8% increase to the current contract pricing at $73.59 per ton for delivered rock/solar salt and $72.00 per ton for picked up rock salt, and $71.50 per ton for picked up solar salt at the Portsmouth Plant, and;

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Morton Salt, Inc. of Chicago, IL for rock/solar salt delivered or picked up at the given rates provided in conjunction with Bid #B21001 for Year 4. The City Manager, or designee, is hereby authorized to finalize contract language with the vendor, consistent with the Purchase Order authorized herein, for the City Manager's signature.

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

Financing

Account	Description	Appropriation	Balance
1000.1.300.43125.4612.00000	Snow removal - operating supplies FY25	277,588.00	277,588.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.12.

Resolution Number: **R – 2024.07.10 - 115**
Resolution Re: B21001 Rock Salt & Solar Salt Cooperative Purchase

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.12.

Resolution Number: **R – 2024.07.10 - 115**
Resolution Re: B21001 Rock Salt & Solar Salt Cooperative Purchase

RESOLUTION BACKGROUND MATERIAL:

A Sealed Request for Proposal 18-20 was issued and received by the City of Concord for Road Salt and Solar Salt and included the municipalities noted below.

City of Concord	City of Dover	City of Keene
City of Laconia	City of Lebanon	City of Rochester
City of Somersworth	City of Claremont	Town of Bow
Town of Enfield	Town of Farmington	Town of Allenstown

At the time of this resolution creation, it was the consensus of most of the municipalities participating to award to Morton Salt, Inc. It is the recommendation of the City to Dover to award to Morton Salt, Inc.

Bid Information:

A Sealed Request for Proposal 18-20 was issued and received by the City of Concord for Road and Solar Salt on July 17, 2020.

Award Information:

A purchase order will be issued to the vendor selected to authorize expenditures as outlined in this resolution. City staff will work with the City of Concord and the vendor to finalize the terms of the contract following City Council approval.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	N/A	**Number of Responses:**	3
Warranty:	Per manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	June 30, 2025	**Estimated Delivery:**	As needed
Recommended Award to:	Morton Salt, Inc.	**Fund:**	Operating – Snow Removal
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

Bid Documents

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.13.

Resolution Number: **R – 2024.07.10 - 116**
Resolution Re: B24073 Household Hazardous Waste Collection Services

WHEREAS: A Sealed Request for Bid #B24073 was issued and received for Household Hazardous Waste Collection Services on June 19, 2024 at 2:00 p.m.; and

WHEREAS: One firm responded with unit pricing for different chemicals that the City anticipates will be collected for the project in its entirety. The collection day will be held on Saturday, August 24, 2024; and

WHEREAS: The one bid submitted by MXI Environmental Services, LLC of Abingdon, VA at varying rates for collection of various household hazardous waste chemicals. The estimated annual expenditure may exceed the $25,000.00 threshold thereby requiring council approval.

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to MXI Environmental Services, LLC of Abingdon, VA for Household Hazardous Waste Collection Services at given rates provided in conjunction with bid #B24073. The City Manager, or designee, is hereby authorized to contract with the vendor, consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	FY24 Appropriation	Balance
3320.1.300.43230.4421.000000	Waste Disposal Services FY25	771,000.00	771,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.A.13.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 116**
Resolution Re: B24073 Household Hazardous Waste Collection Services

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:
The City requested proposals from qualified firms for Household Hazardous Waste Collection Services. The vendor will operate collection activities on site at the Community Services Garage on Saturday, August 24, 2024 from 8:30 a.m. to 12:30 p.m. All collected waste, equipment and related materials resulting from the operation of this collection will be removed from the site by the vendor no later than 7:00 p.m. on the day of the collection.

The prior year expense in August 2023 was $51,245.00.
Through a municipal cost-sharing arrangement, the Towns of Lee, Madbury and Rollinsford are allowed to participate and costs are allocated on a pro-rata share based on population.

Since 2019, only MXI Environmental Services, LLC and one other firm, Tradebe, have submitted bids on this service and the result has consistently been MXI as being more cost effective. Nevertheless, the Purchasing Agent (PA) reached out to Tradebe to determine why they didn't submit this year as they have the past 6 years. The response was that their current labor resources are already dedicated to several other HHW events in the region, therefore, have no time or resources to service the City of Dover this year. PA also reached out to other municipalities on who they use for this service. City of Concord uses Tradebe. Town of Salem and Town of Bedford use MXI for this service.

City of Keene recommended two vendors, whom were not currently signed up to receive bids for the city.

PA has reached out to both and requested that they sign up as a vendor to receive our bid next year with the hopes of more competitive pricing.

Bid Information:
A Sealed Request for Bid #B24073 was issued and received for Household Hazardous Waste Collection Services on June 19, 2024 at 2:00 p.m.

Award Information:
A purchase order will be issued to MXI Environmental Services, LLC selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations emailed:	95	**Number of Responses:**	1
Warranty:	N/A	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	Until Completion	**Estimated Delivery:**	8/26/2023
Recommended Award to:	MXI Environmental Services, LL	**Fund:**	Recycling Collections
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation.

B24073 Bid Documents

APPOINTMENTS COMMITTEE REPORT **July 10, 2024**

New Appointments:
Steven Paulson – Energy Commission – Alternate Member (term: 7/10/2024 to 7/10/2027)
Brianna Group – Conservation Commission – Alternate Member (term: 7/10/2024 to 7/10/2027)

Resignations:
Juan Mojica Jr. – McConnell Center Advisory
Michael Lee – Arts Commission
Jonathan Noury-Ellis – Planning Board
Hadley Hudson – McConnell Center Advisory
Jenny Sheehan – McConnell Center Advisory

Re-appointments:
Jeffrey Lapak, alternate member – Arena
Roderick Blake, alternate member – Cemetery Board
Robert Atwood, regular member – Conservation Commission
Karen Weston, regular member - Dover Business and Industrial Development Authority
Dennis Munson, regular member - Dover Utilities Commission
Richard Ferraro, regular member - McConnell Center Advisory
Nabia Fortier, regular member – Open Lands Committee
Kristen Murphy, regular member – Open Lands Committee
Nancy O'Connor, regular member – Open Lands Committee
Donald Cichon, regular member – Trustees of Trust Fund
Branden Ladebush, regular member – Trustees of Trust Fund
Michael Murphy, regular member – Trustees of Trust Fund
Anthony Sillitta, regular member – Zoning Board of Adjustment

Change in Status:
Jacqueline Manning, alternate to regular member – Arts Commission
Melina Gambino, alternate to regular member – Planning Board

Recommended for Removal due to absenteeism:
Christopher Sleys, Alternate Member – Solid Waste Advisory Committee

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

Resolution Number: **R – 2024.07.10 - 117**
Resolution Re: B25001 – Excavation & Site Work for Inspection Services Building Foundation at 271 Mast Road

WHEREAS: Sealed bid B25001 was requested and received for Excavation & Site Work for Inspection Services Building Foundation at 271 Mast Road on June 27, 2024 at 2:00 pm and;

WHEREAS: The City had originally planned to perform the site work with its own in-house staff and equipment, but it was later determined that the nature of the excavation work puts the work beyond the capacity of City crews and;

WHEREAS: The City solicited bids for excavation and site work to help accommodate the installation of a new concrete foundation for the 4,200 square foot building that will serve as the offices for the City's Inspection Services Division and;

WHEREAS: The City received two (2) submittals and the proposal most advantageous was received by Northeast Earth Mechanics, LLC in the amount of $95,000.00 and;

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

The Purchasing Agent is hereby authorized to issue a Purchase Order to Northeast Earth Mechanics for rates and scope of work in conjunction with B25001, not to exceed $95,000.00. The City Manager, or designee, is hereby authorized to contract with the vendors consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
4020.1.220.42280.4725.02202.20	F&R Building Improvements	296,000.00	296,000.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 117**
Resolution Re: B25001 – Excavation & Site Work for Inspection Services Building Foundation at 271 Mast Road

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.1.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 117**
Resolution Re: B25001 – Excavation & Site Work for Inspection Services Building Foundation at 271 Mast Road

RESOLUTION BACKGROUND MATERIAL:

The City solicited bids for excavation and site work to help accommodate the installation of a new concrete foundation for the 4,200 square foot building that will serve as the offices for the City's Inspection Services Division. The City has already retained Martini Northern to provide design-build services for the new building. The City had planned to tackle site work with its own in-house staff and equipment, but the nature of the excavation work in live-sand, and in close proximity to Mast Road will require some sheeting or bracing, which puts the work beyond the capacity of City crews. Martini Northern has essentially mobilized and is waiting for excavation work to begin.

The scope of work is for excavating and preparing for the foundation. It has been assumed with a type C soil that a sloping of 1 to 1.5 will be needed. The City had SW Cole Engineering, Inc. complete "Exploration and Geotechnical Engineering Services" related to the proposed Inspection Services Building.

Due to the live nature of the expected soil/sand conditions, it is expected that some temporary sheeting may be required, thus impacting a portion of the northerly lane of Mast Road, in the vicinity of 271, which is the City's Public Works Facility. This will require the temporary establishment of alternating one-way traffic, using portable traffic control signals and the installation of temporary stop-bars. Northeast Earth Mechanics will supply temporary traffic signals for both ends of the work zone for the duration of the alternating one-way traffic pattern that will be in place. The City expects that duration to be approximately 6 weeks. The City has already procured and will provide 17 jersey barriers, each 10-foot in length, for the temporary traffic disruption narrowing Mast Road done to a single lane. While the City will provide the concrete barriers, NEEM will be responsible for properly setting and placing the barriers.

It will be the responsibility of Northeast Earth Mechanics to haul excavated material to a location behind Community Services approximately a half mile from site.

The work is expected to commence week of July 15, 2024.

Bid Information:
A sealed Request for Proposal #B25001 was issued on June 27, 2024 at 2:00 p.m. EST.

Award Information:
A purchase order will be issued to the vendor to authorize future expenditures.

Type:	Purchase order	**Advertised:**	No
Invitations Mailed:	568	**Number of Responses:**	2
Warranty:	N/A	**Terms:**	Net 30, FOB Dover
Work Bonded:	N/A	**Contract:**	Yes
Prices will hold for:	Until completion	**Estimated Delivery:**	As needed
Recommended Award to:	Northeast Earth Mechanics	**Fund:**	CIP
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

B25001 Bid Documents

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 118**
Resolution Re: B23078 –Additional SOW for Design Build for Inspection Services Building

WHEREAS: Sealed bid B23078 was requested and received for Design/Build for Expansion of Community Services Building Office Space on August 10, 2023 at 2:00 pm and;

WHEREAS: The City conducted a pre-bid meeting/walkthrough of the CS Building with the two qualifying firms, and received two (2) submittals and the proposal most advantageous was received by Martini Northern, and was approved by council R-2023.09.27-158;

WHEREAS: On 12/13/2023, the City approved additional design and pre-construction services to via R-2023.12.13-201 to modify the Inspections Building to accommodate for future expansion of the Community Services Building in the amount of $38,665.00; and on 5/8/2024, council approved an additional cost of $69,558.00 via R-2024.05.08-79 for additional design changes.

WHEREAS: On 6/11/2024, the City received a proposal from Martini Northern in the amount of $25,684.56 to oversee and manage the excavation and site work needed for the Inspection Services Building. In addition, on 6/28/2024, the City received a proposal from Martini Northern in the amount of $75,758.26 due to the delay of the excavation and site work.

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

The Purchasing Agent is hereby authorized to issue a Change Order to Martini Northern for rates and scope of work, not to exceed $101,442.82. The City Manager, or designee, is hereby authorized to contract with the vendors consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
4020.1.220.42280.4725.02202.20	F&R building Improvements	296,000.00	$296,000

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.2.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 118**
Resolution Re: B23078 –Additional SOW for Design Build for Inspection Services Building

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

R-2023.09.27-158 awarded Design Build Services for a new Inspection Services building to be located on Mast Road to Martini Northern for $1,416,544. On December 13, 2023 the scope of work was expanded to include additional design and preconstruction services to modify the Inspections Building to accommodate for future expansion of the Community Services Building in the amount of $38,665.00.

Since that resolution (R-2023.12.13-201), Martini Northern has worked with staff and its architect (Warrenstreet) to design and receive Planning Board approval for both phases of the building. Once Planning Board approvals were in place, Martini solicited bids from its subcontractors for the construction of the building. Construction bids were received and totaled $1,641,698. This exceeded the funding allocated for the project by $88,154.

Substantial increases occurred in concrete costs, electrical costs and siding costs, all of which have increased due to supply chain and inflation. City staff and Martini value engineered the project to recognize savings within the project. This was accomplished through adjustments to exterior elements (removal of trim work, adjusting window sizing and revising design of entryways) and interior elements (adjusting HVAC zones, adjusting finishes to bathrooms and shared space, reducing doors, adjusting wall framing style, and eliminating most new furnishings). Finally, costs were eliminated if they could be restored through the operating budget in the future.

On 6/11/2024, the City received a change order for additional scope of work for Martini Northern to oversee and manage the Excavation and Site work, awarded to Northeast Earth Mechanics via B25001, in the amount of $25,684.56 for two weeks of management of the sitework. Additionally, on 6/28/2024 the City received a change order from Martini Northern in the amount of $75,758.26. This is the cost associated to the estimated 8 week delay of the excavation and site work being complete to begin construction of the building.

Type:	Purchase order	**Advertised:**	Yes
Invitations Mailed:	603	**Number of Responses:**	2
Warranty:	1yr	**Terms:**	Net 30, FOB Dover
Work Bonded:	Yes	**Contract:**	Yes
Prices will hold for:	Until completion	**Estimated Delivery:**	As needed
Recommended Award to:	Martini Northern	**Fund:**	General Fund
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 119**
Resolution Re: B23006 - Additional SOW for Cochecho Waterfront Public Improvements Construction

WHEREAS: In January 2023 the Re-Bid of #B23006 Cochecho Waterfront Public Improvement Construction was issued and a prebid meeting was conducted on February 2, 2023 with all four firms attending with proposals due on March 16, 2023 at 2:00pm; and

WHEREAS: Two bid responses were received and reviewed for understanding of project scope, approach for completing the work, certification to design, deliver, support and manage proposed solution and the offer deemed most advantageous, approved by council via R-2023.04.26-066, was awarded to Northeast Earth Mechanics, LLC in the amount of $19,532,250.00; and

WHEREAS: In November of 2023, the City received a proposal for additional SOW, not to exceed $80,665.00, approved by council via R-2024.01.10-1 and most recently, the city received a proposal for additional scope of work in the amount of $571,957.61; and

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

The Purchasing Agent is hereby authorized to issue a change order to Northeast Earth Mechanics of Pittsfield NH in the amount, not to exceed, $571,957.61 for the Cochecho Waterfront Public Improvement Construction. The City Manager, or designee, is hereby authorized to contract with the vendor consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
4024.1.180.41910.4715.02513.24.000.000.700	Cocheco Riverfront Site Preparation	10,000,000.00	2,033,687.22

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2024.07.10 - 119**
Resolution Re: B23006 - Additional SOW for Cochecho Waterfront Public Improvements Construction

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City Solicited a Re-Bid of B23006 Cochecho Waterfront Public Improvements Construction to four prequalified construction firms with two replies being submitted. The city requested base bid pricing with a list of deduction alternate items that it may or may not remove from the bid price. The base bid pricing received from low bidder Northeast Earth Mechanics (NEEM) for a total amount of $19,532,250.00 and approved by council.

The contract documents specify that contaminated materials and surplus material can be taken to the dredge cell area. The dredge cell area needed to be prepared prior to storing materials from the Waterfront Project, which was not part of the original scope of work. In November 2023, the city approved the leveling of dredge cell, clearing of and around the dredge and erosion and sediment controls for a total amount of $80,665.00. The capacity of the dredge cell area has been reached; therefore, the City is looking to use the Maglaras Park adjacent to the dredge cell area as additional storage. The fencing around Maglaras Park and the dugouts will need to be removed to gain access to store materials within the area. On 5/22/2024, the city received a proposal from NEEM in the amount of $6,521.42 to remove the fencing and dugouts at Maglaras Park.

The utilities need to be extended beyond the project limits and to the eastern side of the property's driveway to facilitate water and sewer service connections to 36 Seaport Way (formally 1 River St); the original intent of the contract documents to not show the service connections accurately. The existing roadway encroaches onto the private property of 36 Seaport Way; therefore, as part of the utility extension the roadway will be reconstructed entirely within the public right-of-way. On 6/12/2024, the city received a proposal from NEEM in the amount of $338,771.19 to extend the utilities and roadway to 36 Seaport Way.

In coordination with the private developer, Cathartes, the city has agreed to remove the blasted ledge on Parcel 1-6 and install structural fill in accordance with the Land Developers Agreement. On 5/17/2024, the city received a proposal from NEEM in the amount of $162,150 to remove and replace the blasted ledge.

The contract includes removal of all known manmade obstructions. As part of the city's coordination with the private developer, Cathartes, it was agreed upon to perform additional test pits to ensure there were no unknown manmade obstructions within the footing layouts of the proposed buildings. On 6/4/2024, the city received a proposal from NEEM in the amount of $64,515.00 to perform additional test pits that were completed beyond what was included in the original scope of work.

Bid Information:
A sealed Request for Proposal Re-Bid #B23006 Cochecho Waterfront Public Improvement Construction was issued and received on March 16, 2023 at 2:30 p.m.

Award Information:
A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.3.

Resolution Number: **R – 2024.07.10 - 119**
Resolution Re: B23006 - Additional SOW for Cochecho Waterfront Public Improvements Construction

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	4 pre-qualified firms	**Number of Responses:**	2
Warranty:	Per manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	Yes	**Contract:**	Yes
Prices will hold for:	Until Complete	**Estimated Delivery:**	
Recommended Award to:	Northeast Earth Mechanics LLC	**Fund:**	CIP
Other Approvals Required:	No	**References Checked:**	Satisfactory
Previously Worked for City:	Yes	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

B23006 Rebid - Bid Documents

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

CITY OF DOVER

Resolution Number: **R - 2024.07.10 - 120**
Resolution Re: B24076 Award of Bid for 2024 Roll Off Truck

WHEREAS: A sealed Request for Bids #B247076 was issued and received for one new Roll Off Truck on June 13, 2024 at 2:00 p.m; and

WHEREAS: The City of Dover sought qualified vendors to provide pricing and availability of one new 2023-2024 Roll Off Truck. The City preferred an option whereby the truck was immediately available, thus meaning it was sitting on a vendor's lot, but if the truck was to be a manufactured unit, it MUST include guaranteed delivery within one year of city acceptance of offer; and

WHEREAS: Six vendors provided bid responses on twelve units, and the proposals were received and reviewed for necessary specifications being met along with availability of each unit. The proposed unit meeting specifications of this bid request and the offer deemed most advantageous came from New England Kenworth in Concord NH; and

WHEREAS: It is the recommendation to award the purchase of one 2024 Kenworth T880 Tri-Axle Chassis with Palfinger Roll Off Body to New England Kenworth in the base amount of $272,500 plus added rear camera @ $1,500, and additional warranty items totaling $11,890 as outlined in the background section of this resolution. Total costs of $285,890.00; and

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

The Purchasing Agent is hereby authorized to issue a purchase order to New England Kenworth for a 2024 Kenworth T880 located in stock in Concord NH in the total amount of $289,890.00. The City Manager, or designee, is hereby authorized to contract with the vendor consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
2110.1.190.41910.4743.01150.00	ARPA Grant Heavy Vehicles	285,890.00	285,890.00

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Document Created by: Purchasing
Document Posted on: July 2, 2024

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.4.

Resolution Number: **R - 2024.07.10 - 120**
Resolution Re: B24076 Award of Bid for 2024 Roll Off Truck

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

RESOLUTION BACKGROUND MATERIAL:

The City is looking to replace a 2003 vintage Volvo roll-off truck that is in relatively poor condition. The roll-off truck services Solid Waste and Recycling, and it typically on the road 5 to 6 days per week. The vehicle hauls construction debris, recycled metal, and yard waste from the City's Recycling Center. During peak periods of the year it can be in operation up to 6 days a week, due to high seasonal demands of hauling accumulated yard waste. It is critical to have reliable unit in operation to continuously service the Recycling Center. Outside, contracted haulers can charge in excess of $2,500 per day to provide similar service.

In the last few years, the truck has experienced some mechanical issues and parts have been proven difficult to obtain. The power steering unit had failed, and more recently the diesel turbo had a malfunction which had potential for truck to catch fire. Both times Fleet mechanics had to obtain used parts, as new original equipment manufactured (OEM) were not available.

Due to condition of current vehicle, and critical nature of operation and problems securing replacement parts, the City sought and found an in-stock vehicle that met the City's specifications.

Funding to purchase the vehicle is available from a City American Rescue Plan Act (ARPA) grant.

Warranty Info:

Engine 6 Yr/250,000 Miles (excludes towing)		2,245.00
Aftertreatment 6Yr/250,000 Miles		925.00
Rear Axle 5 Years/unlimited miles		900.00
US Basic Vehicle 5Yr/100,000 Miles		2,820.00
US Radiator/CAAC 5Yr/100,000 Miles		200.00
US Heater & AC 5Yr/100,000 Miles		520.00
US Chassis/Frame 5Yr/500,000 Miles		4,280.00
	SUM	11,890.00

Bid Information:
A sealed Request for Proposal #B24076 was issued and received for one Roll Off Truck on June 13, 2024 at 2:00 p.m

Award Information:
A purchase order will be issued to the vendor selected to authorize future expenditures.

Purchasing Information:

Type:	Purchase Order	**Advertised:**	Yes
Invitations Mailed:	42	**Number of Responses:**	6 vendors 12 units
Warranty:	Per manufacturer	**Terms:**	Net 30, FOB Dover
Work Bonded:	No	**Contract:**	Yes
Prices will hold for:	Until delivered	**Estimated Delivery:**	July 2024
Recommended Award to:	New England Kenworth	**Fund:**	ARPA Grant
Other Approvals Required:	No	**References Checked:**	Yes- Satisfactory
Previously Worked for City:	No	**Reason for Council Approval:**	Purchase to exceed the $25,000 amount requiring Council approval subsequent to a bid solicitation

B24076Bid Documents

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

CITY OF DOVER

Resolution Number: **R – 2024.07.10 - 121**
Resolution Re: Authorization to Accept and Expend Amendment to the New Hampshire Office of Highway Safety Grant

WHEREAS: The City of Dover Police Department has applied and received a State of NH Office of Highway Safety Grant in the amount of $33,137.50, which was approved by the Dover City Council via R-2023.07.12-116; and

WHEREAS: The grant funds overtime for all traffic enforcement patrols funded by the NH Office of Safety. This includes speed enforcement, DWI patrols, pedestrian and bicycle safety, seat belt, and distracted driving enforcement, educational presentations covering operator and pedestrian safety, and the purchase of 5 new in vehicle radar units; and

WHEREAS: The NH Office of Highway Safety has since approved increased funding for DWI patrols in the amount of $700 and funding for a Speed Awareness Trailer in the amount of $14,439.62 making the new grant funding total now $48,277.12; and

WHEREAS: There is a soft match of 25% required for the enforcement patrols and the educational presentations and the match will consist of vehicle maintenance costs, staff time to administer the grant, staff time to process traffic cases, time for court testimony and hearings, as well as time spent by officers enforcing traffic laws while not being paid for by this grant. There is a cash match of 25% required for the radar units which will be paid for using existing department funds; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to accept and expend the grant funds is needed; and

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to expend the grant funds awarded to the City of Dover, and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant, and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The City Manager, or designee, is hereby authorized to contract with vendors consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
2240.1.210.42120.3311.02361.24	Highway Safety Grant Additional	15,139.62	15,139.62

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

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.07.10 - 121**
Resolution Re: Authorization to Accept and Expend Amendment to the New Hampshire Office of Highway Safety Grant

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

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

Recorded by: Jerrica Vansylyvong-Bizier, City Clerk

Sponsored by: Mayor Robert Carrier, By Request

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.5.

Resolution Number: **R – 2024.07.10 - 121**
Resolution Re: Authorization to Accept and Expend Amendment to the New Hampshire Office of Highway Safety Grant

RESOLUTION BACKGROUND MATERIAL:

Each year, the police department is allocated funding from the NH Office of Highway Safety in order to conduct various traffic enforcement patrols. The Dover City Council has already approved Resolution R-2023.07.23-116 to accept and expend the original grant of $33,137.50 which includes funding for enforcement patrols, educational presentations, and radar equipment.

On June 3, 2024, the Dover Police Department was awarded additional funding for DWI patrols and to purchase a Speed Awareness Trailer.

There is a soft match of 25% required for patrols and presentations which will consist of vehicle maintenance costs, staff time to administer the grant, staff time to process traffic cases, time for court testimony and hearings, as well as time spent by officers enforcing traffic laws while not being paid for by the grant. There is a 25% cash match for the speed enforcement equipment which will be paid out of the department's operating budget.

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R – 2024.07.10 - 122**

Resolution Re: Authorization to Accept Grant Funding NH Department of Health and Human Services Department via JSI Research & Training Institute, Inc. to Evaluate Dover Police Department's Alternative Suspension Program.

WHEREAS: As part of its robust youth drug and alcohol prevention efforts funded by the Partnership for Success Grant, the Dover Police Department recently launched its Empowering Positive Interventions for Children (EPIC): Alternative Suspension Program; and

WHEREAS: The goal of the program is to support the Dover School District with substance related violation level offenses that would typically result in an out of school suspension. The program replaces out of school suspension with both in-school 1:1 intervention and after school community-based interventions; and

WHEREAS: Funding through the State of New Hampshire Department of Health & Human Services Department and distributed via JSI Research and Development Inc for the New Hampshire Service to Science Program has been provided to fully fund in the amount of $29,798.00, with no match requirement, an evaluation of the Dover Police Department's Alternative Suspension program verify its effectiveness; and

WHEREAS: In adhering to the requirements established per NH RSA 31:95-b and RSA 21-P:43, authorization by the City Council to accept and expend the grant funds is needed; and

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

In accordance with NH RSA 31:95-b and RSA 21-P:43, the City Manager is authorized to expend the grant funds awarded to the City of Dover, and any funding received is hereby appropriated for said purposes. The City Council, in a majority vote, accepts the terms and requirements of the Grant, and authorizes the City Manager to sign all necessary paperwork for the grant as well as contract(s) with a vendor, consistent with the authority herein.

AND, FURTHER BE IT RESOLVED THAT:

In expending funds for eligible costs identified in the grant, the Purchasing Agent is hereby authorized to issue Purchase Orders as set forth in the duties and responsibilities of Dover Code Chapter V, Purchasing Procedure. The City Manager, or designee, is hereby authorized to contract with vendors consistent with the Purchase Order authorized herein.

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

Financing

Account	Description	Appropriation	Balance
TBD	Service to Science Program	29,798.00	29,798.00

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

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number: **R – 2024.07.10 - 122**

Resolution Re: Authorization to Accept Grant Funding NH Department of Health and Human Services Department via JSI Research & Training Institute, Inc. to Evaluate Dover Police Department's Alternative Suspension Program.

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch, Finance Director

Sponsored by: Mayor Robert Carrier, By Request

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

Recorded by: Jerrica Vansylyvong-Bizier, 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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does | does not pass.		

CITY OF DOVER

CITY OF DOVER - RESOLUTION

Agenda Item#: 13.B.6.

Resolution Number:	**R – 2024.07.10 - 122**
Resolution Re:	Authorization to Accept Grant Funding NH Department of Health and Human Services Department via JSI Research & Training Institute, Inc. to Evaluate Dover Police Department's Alternative Suspension Program.

RESOLUTION BACKGROUND MATERIAL:

The JSI Research and Training Institute oversees a grant from the NH Department of Health and Human Services to implement the NH Service to Science Program and distribute Service to Science Seed and Growth funding grants. NH Service to Science brings substance use prevention programs that have been developed in the state through a process of becoming designated as Evidence-Based.

EPIC Alternative Suspension is a school and community-based program that supports the Dover School District with substance related violation level offenses that would typically result in an out of school suspension. The program emphasizes supporting young people who are at risk or engaging in substance use while also holding the student accountable for their violation. Students in the program work with positive adult role models, build relationships, practice skill building activities and have the opportunity to share their progress with members of the community. The program acts as an early identification system and staff can refer students and families to community resources to best support their success.

The City of Dover has been selected to receive funding through this grant program to support the evaluation of the Dover Police Department's Empowering Positive Interventions for Children (EPIC): Alternative Suspension Program. EPIC Alternative Suspension has already been recognized as an Innovative Program and this grant will provide funding to develop a logic model, conduct a literature review, design evaluation tools, create toolkits for other sites to implement the program, and collect data to work towards being recognized as a Promising Practice and eventually Evidence-Based.

CITY OF DOVER	CITY OF DOVER - ORDINANCE	
		Agenda Item#: 13.C.1.
	Ordinance Number:	**O – 2024.07.10 - 6**
	Ordinance Title:	Recodification and Adoption of Chapter 170, Zoning, of the Code of the City of Dover
	Chapters:	170
	Sections:	All (Recodification)

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to recodify and adopt editorial amendments to Chapter 170, Zoning, of the Code of the City of Dover and its attachments. With this ordinance, Chapter 170, Zoning, shall be codified and adopted as set forth in the accompanying Schedule A, and together with the accompanying Zoning Map and Groundwater Protection Zones Map, shall constitute the zoning ordinance of the City of Dover.

2. AMENDMENT

§ 1-10. Adoption of Code.

The ordinances of the City of Dover of a general and permanent nature adopted by the City Council of the City of Dover, as revised, codified and consolidated over time, and consisting of Chapter 170 attached as Schedule A to this Ordinance together with the accompanying Zoning Map and Groundwater Protection Zones Map, each of which are made a part hereof, are hereby approved, adopted, ordained, enacted, and amended as part of the "Code of the City of Dover," hereinafter referred to as part of the "Code." References to Chapter 170 hereinafter include the attachments to Chapter 170 within Schedule A of this Ordinance together with the accompanying Zoning Map and Groundwater Protection Zones Map.

Renumbering of sections of the City's zoning ordinance approved, adopted, ordained, enacted and amended by this Ordinance are as shown in Schedule B attached hereto.

Attached as Schedule C to this ordinance is an informational comparison highlighting areas where the text of the former Code is being amended. The textual and formatting amendments are in strikethrough format for text removed and underlining for new or replacement text (or formatting or other changes). For avoidance of doubt, however, Schedule C is merely informational in nature, Schedule A attached hereto (and related Zoning Map and Groundwater Protection Zones Map) shall be the controlling and enacted version of Chapter 170 and its attachments.

§ 1-11. Code supersedes prior ordinances.

This ordinance and Chapter 170 of the Code shall supersede former Chapter 170 of the City Code, except for such matters as are hereinafter expressly saved from repeal or continued in force. The current Zoning Map and Groundwater Protection Zones Map of the City of Dover each remain in force and are hereby amended only so far as needed, if needed, for each map to show the new chaptering of the City's Zoning ordinance provisions.

§ 1-12. Continuation of existing provisions.

The provisions of former Chapter 170 of the Code, insofar as they are substantively the same as those of the ordinances in force immediately prior to the enactment of the Code by this ordinance, are intended effectively

as a continuation of such ordinances, and the effectiveness of such provisions shall to the fullest extent allowed by law date from the date of adoption of the prior ordinances.

§ 1-13. Copy of Code on file.

A copy of the Code, inclusive of this Chapter 170 adopted by this Ordinance, has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance, and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Dover by impressing thereon the Seal of the City, as provided by law, and such certified copy shall remain on file in the office of the Clerk to be made available to persons desiring to examine the same during all times while said Code is in effect. Electronic representation of the Code shall be maintained on the City website.

§ 1-14. Amendments to Code.

Any and all additions, deletions, amendments or supplements to Chapter 170 of the Code, when adopted in such form as to indicate the intention of the City Council to make them a part thereof, shall be deemed to be incorporated into such Chapter 170 of Code so that reference to the "Code of the City of Dover" shall be understood and intended to include such additions, deletions, amendments or supplements. Whenever such additions, deletions, amendments or supplements to Chapter 170 of the Code shall be adopted, they shall thereafter be inserted in the Code as amendments and supplements thereto.

§ 1-15. Publication; filing.

The Clerk of the City of Dover, pursuant to law, shall cause to be published, in the manner required by law, notice of the adoption of this ordinance. A copy of Chapter 170 of the Code of the City of Dover shall be maintained in the office of the Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this ordinance, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-16. Code to be kept up-to-date.

It shall be the duty of the City Clerk, or someone authorized and directed by the Clerk, to keep up-to-date the certified copy of the Code and Chapter 170 of the Code being adopted herein required to be filed in the Clerk's office for use by the public. All changes in said Chapter 170 of the Code and all ordinances adopted subsequent to the effective date of this codification which shall be adopted specifically as part of Chapter 170 of the Code shall, when finally adopted, be included therein by reference until such changes or new ordinances are included as supplements to said Code.

§ 1-17. Sale of Code.

Copies of the Code, including Chapter 170 of the Code, or any other chapter or portion of it, may be purchased from the Clerk or an authorized agent of the Clerk upon the payment of a fee to be set by the City Council. The Clerk may also arrange for procedures for the periodic supplementation of the Code.

§ 1-18. Altering or tampering with Code; penalties for violation.

It shall be unlawful for anyone to improperly change or amend, by additions or deletions, any part or portion of Chapter 170 of the Code or to alter or tamper with such Code in any manner whatsoever which will cause the law of the City of Dover to be misrepresented thereby. Anyone violating this section or any part of this ordinance shall be subject, upon conviction, to a fine as provided in Chapter 1, Article II, of the Code and/or applicable law.

§ 1-19. Severability of Code provisions.

Each section of Chapter 170 of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof. If any provision of Chapter 170 of this Code or the application thereof to any person or circumstances is held invalid, the remainder of Chapter 170, the Code and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 1-20. Severability of ordinance provisions.

Each section of this ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-21. Repealer.

Chapter 170, Zoning as it existed just before passage of this ordinance, inclusive of its related Sign Diagrams, Private Frontages, and Zoning Tables, all as existed in the City Code adopted November 13, 2013 as amended through the date of this ordinance, is not repealed, but is hereby amended and replaced with Chapter 170 in Schedule A of this ordinance. All such provisions of former Chapter 170 that are inconsistent with the new Chapter 170 being adopted by this Ordinance are hereby repealed.

§ 1-22. Ordinances saved from repeal.

The adoption of this Code and the repeal of ordinances provided for in § 1-21 of this ordinance shall not affect the following ordinances, maps, provisions, regulations, rights and obligations, which are hereby expressly saved and exempted from repeal:

A. The current Zoning Map and Groundwater Protection Zones Map of the City of Dover, each of which remain in force and are not affected by this adoption ordinance, except as may be needed for each map to be updated to show the new chaptering of the City's Zoning;

B. Any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.

C. Any offense, violation, or act (or omission) committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.

D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

E. Any franchise, license, right, easement or privilege heretofore granted or conferred.

F. Any ordinance providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place or any portion thereof.

G. Any ordinance appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond or other instruments or evidence of the City's indebtedness.

H. Ordinances authorizing the purchase, sale, lease or transfer of property or any lawful contract or obligation.

I. The levy or imposition of taxes, assessments or charges.

J. The annexation or dedication of property or approval of preliminary or final subdivision plats.

K. Ordinances providing for local improvements or assessing taxes or special assessments therefor.

L. Any ordinances adopting or amending a zoning map or otherwise rezoning property.

M. Any ordinance or portion of an ordinance establishing a specific fee amount for any license, permit or service obtained from the City.

§ 1-23. Changes in previously adopted ordinances.

A. In compiling and preparing the ordinances for publication as the Code of the City of Dover, prior sections were renumbered and edited for clarity as provided for in Schedule A. It is the intention of the City Council that all such changes be adopted as part of the Code.

B. For reference, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof, shall become effective as part of the Code upon the effective date of this ordinance. (Chapter and section number references are to the ordinances as they have been renumbered and appear in the Code.)

C. In addition, and for informational purposes in compliance with the City Charter, attached as Schedule C to this ordinance is an informational comparison showing textual and formatting amendments and revisions being enacted by this Ordinance in strikethrough format for text removed and underlining for new or replacement text (or formatting or other changes). Schedule C is meant to be informational only.

§ 1-24. When effective.

This ordinance shall take effect upon passage and publication as required by law.

3. TAKES EFFECT

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

***REQUIRES REFERRAL TO PLANNING BOARD (COMMENTS DUE BACK BY SEPTEMBER 9, 2024)**
***FOLLOWING PLANNING BOARD COMMENT PERIOD, REQUIRES PUBLIC HEARING IN ACCORDANCE WITH DOVER CODE 170-53**

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Mayor Robert Carrier By Request
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Jerrica Vansylyvong-Bizier City Clerk		

DOCUMENT HISTORY:

CITY OF DOVER	CITY OF DOVER - ORDINANCE
	Agenda Item#: 13.C.1.
	Ordinance Number: **O – 2024.07.10 - 6**
	Ordinance Title: Recodification and Adoption of Chapter 170, Zoning, of the Code of the City of Dover
	Chapters: 170
	Sections: All (Recodification)

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		
Councilor S. April Richer, Ward 1		
Councilor Robert Warach, Ward 2		
Councilor Anthony Retrosi, Ward 3		
Councilor Debra Hackett, Ward 4		
Councilor Fergus Cullen, Ward 6		
Councilor Linnea Nemeth, At Large		
Councilor Lindsey Williams, At Large		
Total Votes:		
Ordinance does | does not pass.		

ORDINANCE BACKGROUND MATERIAL:

On February 12, 2020, the City Council adopted the new Code of the City of Dover (O-2020.01.08-001), inclusive of recodified Planning Board Site Review Regulations (Chapter 153) and Land Subdivision Regulations (Chapter 157). At the time, the City Council deferred recodification of the City's zoning ordinance (Chapter 170), pending the completion of zoning ordinance amendments in the summer of 2020.

Following the zoning ordinance amendments in the summer of 2020, the Ordinance Committee and City staff began working again with the City's outside vendor for specialized code services, General Code, a firm that is a member of the International Code Council, an organization with over 50 years of experience in developing and publishing municipal code. General Code has prepared the final version of the new zoning ordinance being adopted by this Ordinance.

The new version of Chapter 170 contains the following updates:

- Renumbering of sections as shown in Schedule B attached hereto;
- Alignment of font, text, capitalization, paragraphs and subparagraphs, tables, clarifying text, and other conventions, styles, and formatting to be consistent with other chapters of the current Code;
- Substitution of internal references to be consistent with remainder of current Dover Code.

CITY OF DOVER	CITY OF DOVER - ORDINANCE	
		Agenda Item#: 13.C.1.
	Ordinance Number:	**O – 2024.07.10 - 6**
	Ordinance Title:	Recodification and Adoption of Chapter 170, Zoning, of the Code of the City of Dover
	Chapters:	170
	Sections:	All (Recodification)

For informational purposes (and in compliance with the City Charter C3-8 if applicable, as C3-10 separately enables the recodification process), attached as Schedule C to this ordinance is an informational comparison showing staff-created textual and formatting amendments and revisions being enacted by this Ordinance in strikethrough format for text removed and underlining for new or replacement text (or formatting or other changes). Creating the informational comparison proved exceedingly difficult, especially for zoning tables, given multi-layered formatting style for each set of tables being compared against the other set, as a result of which the comparison document had to largely be created by hand-editing.

The adoption of Chapter 170, Zoning, will modernize the City's Code, as well as enable the use of online interface and search tools for the City's current online code (https://www.ecode360.com/DO0878). It will also streamline future amendments to the zoning ordinance (including tables).

By way of overview, the following are attached to (and incorporated herein) as part of this ordinance:

- This ordinance (7 pages);
- Schedule A, showing the new version of Chapter 170 produced by General Code;
- Schedule B, showing renumbering of the previous Chapter 170 versus the new Chapter 170.
- Schedule C, showing a staff-created informational comparison of the previous and new Chapter 170.
- Attachment, groundwater protection map forming part of the zoning ordinance and adopted herein.
- Attachment, current zoning map forming part of the zoning ordinance and adopted herein.

For further reference, zoning ordinances are enabled by RSA 674:16 and related statutes.

Schedule A

New (Recodified) Chapter 170

Chapter 170

ZONING

ARTICLE I
General Provisions

§ 170-1. Title.
§ 170-2. Authority.
§ 170-3. Purpose.
§ 170-4. Interpretation.
§ 170-5. Applicability.

ARTICLE II
Terminology

§ 170-6. Word usage and definitions.

ARTICLE III
Districts and District Boundaries

§ 170-7. Establishment of districts.
§ 170-8. Zoning Map.
§ 170-9. Amendments to Zoning Map.
§ 170-10. Interpretation of district boundaries.

ARTICLE IV
Uses; Tables

§ 170-11. Use regulations.
§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District.

ARTICLE V
Dimensional Regulations

§ 170-13. Availability of utilities and services.
§ 170-14. Nonconforming lots.
§ 170-15. Recreation space and separation between use requirements.
§ 170-16. Swimming pools.
§ 170-17. Removal of barriers to access.

ARTICLE VI
Additional Regulations

§ 170-18. Customary home occupations.
§ 170-19. Non-environmental conditional use permit criteria.
§ 170-20. Central Business District regulations.
§ 170-21. Alternative energy systems.
§ 170-22. Telecommunications facilities.
§ 170-23. Impact fees.
§ 170-24. Accessory dwelling units.

ARTICLE VII
Floodplain Development

§ 170-25. General provisions.

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Sign Diagrams

[HISTORY: Adopted by the City Council of the City of Dover 11-13-2013 by Ord. No. 2013.10.09-013 as Ch. 170 of the 2013 Code. Amended 2-26-2014 by Ord. No. 2014.01.22-001; 4-23-2014 by Ord. No. 2014.04.09-008. Subsequent amendments noted where applicable.]

ARTICLE I
General Provisions

§ 170-1. Title.

This chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

§ 170-2. Authority.

This chapter is adopted pursuant to the authority granted by RSA 674:16.

§ 170-3. Purpose. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

This chapter is an element of the Dover Master Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

§ 170-4. Interpretation.

The provisions of this chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

§ 170-5. Applicability.

All buildings or structures hereafter erected, reconstructed, altered, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this chapter. This chapter shall not apply to existing buildings or structures, nor to the existing use of any building or structure or of land to the extent to which it is used at the time of enactment of this chapter. Furthermore, if the Planning Board has formally accepted an application for development prior to the first legal notice of a proposed change to this chapter, the Building Official shall not withhold a building permit, and the proposed regulation shall not affect the accepted application.

ARTICLE II

Terminology

[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 6-22-2016 by Ord. No. 2016.06.08-010; 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006]

§ 170-6. Word usage and definitions.

A. For the purposes of this chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the word "used" or "occupied" includes the words "intended, designed or arranged to be used or occupied"; and certain terms or words shall be interpreted as follows.

B. Words and terms appearing throughout this chapter shall have the meanings indicated below. Other land use/planning related words and terms not defined in this chapter shall rely on the definition(s) contained within A Planners Dictionary published and updated by the American Planning Association.

ABANDONED SIGN — Any sign that does not display a well-maintained message for a consecutive 180-day period, and/or the owner of said sign cannot be located after reasonable efforts have been made, and/or said sign is no longer fully supported by the structure designed to support the sign for a consecutive 180-day period, and/or the sign no longer advertises bona fide business and/or products sold for a consecutive 180-day period. The Zoning Administrator shall direct the removal of any sign which meets this definition.

ABUTTER

(1) The owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within 200 feet (including land across the street or waterway) of the proposed site under consideration by the Planning Board.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. Additionally, the individual owners of units within the association which are located within 200 feet of the common property line shall be notified only by first-class mail.

(4) For purposes of notification and receiving testimony, "abutter" means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the Planning Board.

(5) For purposes of notification, abutter ownership information for lots located in Dover shall be obtained through the City's Tax Assessment Office.

ACCESSORY DWELLING UNIT — A secondary dwelling unit attached and subordinate to a single-family dwelling or constructed within a detached garage that is

accessory and subordinate to a single-family dwelling. See § 170-24 for the accessory dwelling unit regulations. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

ACCESSORY STRUCTURE — A structure with a minimum floor area of 200 square feet which exists on the same lot and within the same zoning district as the principal building and which shall be customarily incident and subordinate to the principal building, subject to the provisions of § 170-10E. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

ACCESSORY USE — A use existing on the same lot and within the same zoning district as the principal use which shall be customarily incident and subordinate to the principal use; subject, however, to the provisions of § 170-10E.

ADULT BOOKSTORE AND/OR VIDEO STORE

(1) A place of business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area for the display and sale of the following:

   (a) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

   (b) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth-control devices.

(2) An adult bookstore and/or video store does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock-in-trade and does not devote more than 15% of the total floor area of the establishment to the sale of books, periodicals or videos.

ADULT CABARET — A nightclub, bar, restaurant or similar establishment which, during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1 and/or shows films, motion pictures, videocassettes, slides or other photographic reproductions which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE — A facility used for the care of three or more adults for less than 24 hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities, education and counseling services, and accessory uses related to the care of adults in need.

AGRICULTURE — See RSA 21:34-a, II. Agriculture shall not include marketing or selling at wholesale or retail, except where permitted as part of a roadside farm stand or where the retail sale of agricultural or farm products raised on site is a permitted use. One single-family dwelling shall be permitted as an accessory to the principal use.

ALTER or ALTERATION — Any change involving the structural frame of a building or use of a building.

ALTERNATIVE ENERGY SYSTEM — A system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

ALTERNATIVE TOWER STRUCTURE — The use of structures such as man-made trees, clock towers, bell steeples, rooftops on buildings five stories or more, light poles, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers and their appurtenances.

ANTENNA — Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT — Any person, agent, firm, association, partnership or corporation that makes application to a land use board pursuant to the rules and regulations of this chapter.

ASSEMBLY HALL — A building or a portion of a building, not to exceed 5,000 square feet, used for groups of people to gather for an event or regularly scheduled program. Assembly halls include but are not limited to service clubs, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

ASSESSED PROPERTY — Any land or buildings comprising new development that is subject to an impact fee assessment under this chapter.

ASSESSMENT — A notification issued by the City of Dover, its Planning Board, or its Building Inspector which states the amount of an impact fee due on an assessed property and the responsibilities, conditions or schedules pertinent to the process and timing of impact-fee payments to the City.

ASSISTED LIVING FACILITY — A facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than 12 elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a nursing home. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and staffing 24 hours per day. An assisted living facility includes a community dining room in which meals are provided to all residents, and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the facility's staff, only assisted living units are permitted as part of an assisted living facility.

AUTO SERVICE — A place of business which offers as a service the repair of automobiles. Such auto service place shall not be construed to be a vehicle refueling/recharging station.

BED-AND-BREAKFAST — A residential structure consisting of nine or fewer bedrooms rented on a temporary, short-term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on-site management on a twenty-four-hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

BERM — A mound of earth that may contain stumps of sufficient height to serve as sight, sound, sand and dust screening of operations in an excavation site.

BLOCK — A tract of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, waterways or other barriers to the continuity of a development.

BLOCK CORNER — Where two public streets meet on a block.

BLOCK FACE — The aggregate of all the building facades on one side of a block.

BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such building includes open decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, manufactured home or any other like product. For the purposes of measuring setbacks, eaves and uncovered porches, accessible ramps or steps may encroach into the side, rear and front setbacks for a distance of up to three feet. Improvements made at ground level (patio, pads, deck) are not required to meet setbacks.

BUILD-TO LINE — A line parallel to the street right-of-way line representing the distance that part of the building must be located. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth. If locating the building at the build-to line is not possible due to setback or buffer requirements of § 170-27 or 170-28, the building shall be located as close to the build-to line as feasible. For parcels with no frontage, the build-to line shall be calculated from the boundary parallel to the nearest street right-of-way line. For parcels with frontage on a tidal waterway, the build-to line may be a 100-foot setback, unless reduced via a conditional use permit from the reference line, no matter the distance to the street right-of-way line.

BULK — A term used to indicate the physical size, setbacks, and location of a building upon a lot.

BUSINESS FRONTAGE — The length along the ground floor of a building front, having frontage on the street, which is occupied by a separate and distinct principal use, or the length along the ground floor of a building side, having frontage on a street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said building.

CERTIFICATE OF OCCUPANCY — See Chapter 57, Building Construction, § 57-9, of the Code of the City of Dover.

CERTIFIED SOIL SCIENTIST — A person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the State Board of Natural Scientists.

CHILD-CARE FACILITY — A nonresidential facility used for the care of children for periods of less than 24 hours per day and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A child-care facility requires Technical Review Committee review.

CHILD-CARE HOME — An occupied, single-family dwelling in which child day care is provided for less than 24 hours per day, except in emergencies. A child-care home is subject to the customary home occupation requirements and requires a customary home occupation certificate of use. There are two types of child-care homes, as follows:

(1) A group child-care home is a child day care for seven to 12 preschool-aged children from one or more unrelated families. The 12 children shall include all children residing with the caregiver in the home, except children 10 years of age or older. In addition to the 12 children, up to five children enrolled in a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays. Applications require Technical Review Committee review and are subject to possible site review and Planning Board approval per § 153-4D of Chapter 153, Site Review Regulations.

(2) A family child-care home is a child day care for up to six preschool-aged children from one or more unrelated families. The six children shall include all children residing with the caregiver in the home, except children 10 years of age or older. In addition to the six children, up to three children enrolled in a full-day school program may also be cared for up to five hours per day on school days and all day during school holidays. A family child-care home for up to three children (at any one time and not including the provider's own children) shall not require a customary home occupation certificate of use and does not require Technical Review Committee review.

CIVIC BUILDING — A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE — An outdoor area dedicated for public use.

COLLECTION — The actual delivery of payment of an assessment of an impact fee to the City of Dover on behalf of an assessed property.

COMMENCEMENT OF CONSTRUCTION — The beginning of the physical construction of an approved structure. Said construction shall include the erection of any portion of a structure above or below grade level.

COMMERCIAL EXCAVATION — Excavation of earth intended for commerce, excluding excavation that is strictly conducted for the purpose of alterations, renovation, improvement or construction to the property on which the excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

COMMERCIAL RECREATION — Leisure-time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this chapter, commercial recreation may include but not be limited to mechanical- and/or electronic-operating games, animated mechanical devices and/or rides and live entertainment, and food concessions will be allowed by permit.

COMMERCIAL PARKING FACILITY — An area of off-street parking where, for a fee or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight off-street parking. Said facility may provide shuttle or park-and-ride services.

COMMON YARD — A planted private frontage wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES — A residential facility for elderly persons containing individual one- and two-bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities, such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as housing for older persons under state law.

CONSERVATION LOT — A lot created solely for the purpose of land conservation. The conservation lot must contain no less than 50% developable uplands, but will have no development rights. The conservation lot may be owned by a private, nonprofit organization, which has as its purpose the preservation of open space, or dedicated to a public entity. Conservation lots must meet the required minimum lot size and setbacks. Conservation lots do not need to meet the minimum frontage requirements. Conservation lots must be created following the regulations outlined in Chapter 157, Land Subdivision Regulations. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

CONTIGUOUS — Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of stationary manufacturing plants, whose perimeter is not defined by the City's boundaries.

CONTINUING-CARE COMMUNITY FACILITY — A residential development that provides multiple elements of adult living, including independent living units, assisted-living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care and programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons 62 years of age or older and thereby qualifies as housing for older persons under state law.

COUNTRY CLUB — A nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a structure designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "country club" shall not be so construed as to include within its meaning any operation conducted with a profit-making intent.

COVERAGE — The percentage of area of a lot which is occupied by the physical limits of a building or buildings. Roofed area to the extent of the dripline shall constitute the physical limits of a building.

COVER CROP — Vegetation designed to prevent erosion of the soil.

CUSTOMARY HOME OCCUPATION — An occupation carried on as a secondary use in a dwelling unit or accessory building by the occupant of such unit.

DEVELOPMENT IDENTIFICATION SIGN — 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. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

DEVELOPMENT RIGHTS — The legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by this chapter.

DIMENSION STONE — Rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.

DIRECT ILLUMINATION — The material of which a sign is made is itself illuminated (e.g., neon light).

DRIVE-IN SERVICE — Service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

DWELLING UNIT — One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit for exclusive use of a single family maintaining a household.

DWELLING, MULTIFAMILY — A building containing more than four dwelling units.

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit only.

EARTH — Sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally occurring, unconsolidated materials that normally mask the bedrock.

EDUCATIONAL INSTITUTION, K-12 — A facility, licensed by the State of New Hampshire, that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

EDUCATIONAL INSTITUTION, POST-SECONDARY — An institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

ELDERLY ASSISTED-CARE HOME — A residential facility permanently housing six to 12 elderly residents with common dining facilities and accessory uses typically needed by elderly persons. The Zoning Board of Adjustment may increase the number of residents through the granting of a special exception.

ENERGY STORAGE — The capture of energy produced at one time for use at a later time. A device that stores energy is generally called an "accumulator" or "battery." Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

EXCAVATION — A land area that is used, or has been used, for the commercial taking of earth, including all slopes.

EXCAVATION AREA — The area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the "pit area."

EXCAVATION SITE — Any area of contiguous land in common ownership upon which excavation takes place.

EXISTING EXCAVATION — Any excavation that lawfully existed as of August 24, 1979, from which earth material of sufficient weight or volume to be commercially useful had been removed during the two-year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS — Any tower or antenna lawfully constructed or permitted prior to the adoption of this chapter. Additionally, any tower or antenna lawfully constructed in accordance with this chapter that predates an application currently before the Planning Board.

EXPANSION (pertaining to excavations)

(1) "Expansion of existing excavations" means excavation beyond the limits of the City and the area which on August 24, 1979, had been contiguous to and in common ownership with the excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the excavation site.

(2) "Expansion of stationary manufacturing plants" means to any contiguous lands which were in common ownership with the site of the plant on August 4, 1989.

EXTENSION, BUILDING — Any action which shall cause the floor area or volume of a structure to be increased.

EXTENSION, USE — The enlargement of a business, industrial or residential activity beyond the limits in use at the time this chapter was passed.

EXTERNAL ILLUMINATION — A separate light fixture that shines onto a sign in order to illuminate it.

FAA — An acronym meaning "Federal Aviation Administration."

FARM — See RSA 21:34-a, I. See also the definition of "agriculture."

FARM ANIMALS — Animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison,

alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats totaling six or fewer shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE — Animals commonly raised or kept by a family for noncommercial purposes on a lot containing a one- or two-family dwelling. Includes chickens, sheep or goats totaling six or fewer, but does not include roosters.

FCC — An acronym meaning "Federal Communications Commission."

FENCE — A freestanding structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN — Any directly or indirectly illuminated sign which changes the intensity of illumination so as to result in changes in light, color, direction or animation. Included in this definition shall be electronic changeable message boards or signs of similar technologies, excluding those deemed necessary for the public safety and welfare by federal, state or municipal authorities.

FLOOR AREA — The sum of the gross horizontal areas of all floors of any building or buildings on a lot measured from the exterior walls. In particular, the floor area shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all buildings, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural headroom of at least seven feet.

FREESTANDING SIGN — A sign permanently erected on a freestanding frame, mast or pole and not attached to any building. A-frame signs shall not be considered freestanding but rather temporary signs. Each individual tenant panel on a multi-tenant sign shall require a sign permit and shall be counted towards each tenant's permitted number of signs and sign area.

FRONTAGE

(1) The linear distance measured along the front lot line between the points of intersection with the side lot lines. Frontage along culs-de-sac shall be the linear distance at the appropriate front yard building setback depth from the front lot line between the points of intersection with the side lot lines. For the purpose of measurement, lot frontage shall be continuous and measured along the joining boundary of the front lot line and a public right-of-way.

(2) In the Central Business District, "frontage" means the area between a building facade and the public street, inclusive of its built and planted components.

GALLERY — A private frontage conventional for retail use wherein the facade is aligned close to the front property line with an attached, cantilevered shed or lightweight colonnade overlapping the sidewalk.

GEOTHERMAL ENERGY — A system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

GROUND FLOOR — The street level floor of a structure.

GROUND-MOUNTED SOLAR — 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. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

GROUP HOME FOR MINORS — A group boarding home for minor children and others attending Grades K-12 which is issued a general or intermediate license by and operated in accordance with standards promulgated by the State of New Hampshire Department of Health and Human Services. Such use may include accessory uses, such as educational and counseling programs, which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL — A material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT — When referring to a telecommunications tower or other structure, means the distance measured from ground level to the highest point on the tower or other structure or appurtenance, even if said highest point is an antenna or other appurtenance.

HEIGHT OF BUILDING — The vertical distance measured from the average grade level adjoining the building to the highest level of the roof surface or front parapet, whichever is greater. Television and radio receiver antennas and photovoltaic systems as well as church steeples shall not be included in this calculation.

HIGH INTENSITY SOIL MAP (HIS) — A map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England, in the publication High Intensity Soil Maps for New Hampshire, January 1987, as amended.

HOME-BASED AGRICULTURAL ACTIVITIES — The sale of products associated with raising poultry, bees or like animals, or harvesting of herbs, flowers or vegetables/fruit. Products must be grown on site and may be sold either in raw or value-added forms.

HOTEL — A building consisting of 10 or more rooms accessed by a common hallway and designed for or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE — A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and

disposal facilities; sanitary sewers; stormwater, drainage and flood-control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities, not including public open space.

INTERMITTENT STREAM — A stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

INTERNAL ILLUMINATION — Illumination that is located within a translucent or otherwise diffusive sign material.

JUNKYARD — An open area where waste or used or secondhand materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "junkyard" shall not include uses established entirely within enclosed buildings.

JUNKYARD, MOTOR VEHICLE — Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two 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 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. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

KENNEL — Any building(s) or land operated as a business for the boarding, breeding, training, or selling of five or more dogs, cats or other household pets.

LANDSCAPE AREA — The area unoccupied by pavement or structures and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY — All manufacturing and assembly processes carried on completely within a structure and involving no permanent outside storage of equipment or materials (except as a customary accessory use in connection with the permitted activities with the structures), unless such storage is approved by the Dover Planning Board. This term shall not be interpreted to include any industry, the operations of which shall result in significant objectionable noise, glare, vibration or odor which would constitute a nuisance in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH — A berth designed for the onloading and off-loading of trucks and other commercial vehicles.

LOT — A parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of-way and is occupied by, or is intended to be occupied by, one principal building and its accessory buildings or uses customarily incidental to it, together with

such open spaces and yards as are required by this chapter. More than one principal building may be placed on a lot located in the Central Business or Gateway District. More than one principal building may also be placed on a lot in all other districts with Planning Board approval for nonresidential developments, multifamily dwelling developments, and open space subdivisions. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

LOT LINE — A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT WIDTH — The width of a lot along a straight line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard setback for said lot.

LOT, CORNER — A lot abutting upon two or more streets at their intersection. The side of the corner lot that fronts on the street that provides the address for the property shall be considered the front, and the side(s) of the corner lot that front on any other streets shall be considered the abut-a-street.

MANUFACTURED HOUSING — Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or, when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured housing shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or MOBILE HOME PARK — Any plot of ground upon which two or more manufactured homes, occupied for dwelling or sleeping purposes, are located.

MARINA — A facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) — The tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this chapter, "MET tower" shall refer only to those whose purpose is to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

MODIFICATION — In relation to a small wind energy system, means any change to the system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

MOTEL — A building consisting of 10 or more rooms having direct outside access and designed for or used commercially as temporary living quarters for persons who are lodged with or without meals.

NEIGHBORHOOD — A grouping of structures with more clearly evident relationship to one another than to other structures in the community.

NET METERING — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's alternative energy system that is fed back into the electric distribution system over a billing period. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

NEW DEVELOPMENT

(1) An activity that results in:

(a) The creation of a new dwelling unit or units;

(b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units;

(c) Construction resulting in a new nonresidential building or a net increase in the floor area of any nonresidential building; or

(d) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessments.

(2) New development shall not include the replacement of an existing manufactured home or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING USE — A lawful use that does not conform to the prescribed use regulations of the district in which it is located.

NUISANCE — A factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME — A residential facility for elderly persons that is licensed by the state, containing a common dining facility and accessory uses typically needed by elderly residents.

OFF-SITE IMPROVEMENTS — Those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF-STREET PARKING — Parking facilities located in City or privately owned lots and structures.

OFFICE — A place of business which may fall under the following categories:

(1) Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

(2) Administrative business professional. An establishment providing direct, over-the-counter services to consumers (e.g., insurance agencies, real estate offices, travel

agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes accounting, auditing and bookkeeping services; advertising agencies; airline, lodging, chain, and rental car company reservation centers; architectural, engineering, planning and surveying services; attorneys; legal services; commercial art and design services; computer software and hardware design; counseling services; court reporting services; data processing services; detective agencies and similar services; educational, scientific and research organizations; employment, stenographic, secretarial and word processing services; insurance claim processing; literary and talent agencies; mail order and e-commerce transaction processing; management and public relations services; media postproduction services; photography and commercial art studios; police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars; psychologists; telecommunications facility design and management; telemarketing; and writers' and artists' offices.

(3) Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

(4) Medical. An office or health facility providing health services, including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but excludes inpatient services and overnight accommodation.

OPEN SPACE — Land that is not built upon or substantially altered by human activity, including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and water bodies.

ORDINARY HIGH-WATER MARK — The line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING — See "accessory structure."

PARAPET — A low, protective wall or railing along the edge of a raised structure such as a roof or balcony.

PARKING SPACE — An off-street area available with paved surface, accessible and suitable for parking one motor vehicle.

PERSONAL SERVICE ESTABLISHMENT — A commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than 50% of the revenues from such commercial use shall be gained from the sale of products. A personal service establishment shall not be construed to include a gasoline service station.

PLANNING BOARD — The Planning Board of the City of Dover.

PLAT — A map or plan of a subdivision or a site plan prepared by a registered surveyor or engineer in compliance with all applicable provisions of this chapter, the Site Review Regulations (Chapter 153), and the Subdivision Regulations (Chapter 157) of the Code of the City of Dover.

PORCH — A private frontage set back from the front property line with an attached porch permitted to encroach beyond the build-to lines.

POWER GRID — The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING — The main building on a lot, usually located toward the frontage.

PROJECTING SIGN — A sign attached to a building with the plane of the sign at an angle to the plane of the wall of the building.

PUBLIC ART — Works of art in any media that have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE — A parcel of land essentially unimproved and principally intended for open space preservation, natural resource conservation, or similar uses. For the purposes of this chapter, City parks that do not include public recreation facilities constitute public open space.

PUBLIC RECREATION — Leisure-time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by nonprofit corporations or charitable organizations. The nonprofit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES — The land and facilities owned or operated by the City of Dover, other than public open space, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor public recreation opportunities. Public recreation facilities may also include those portions of public open space parcels that are improved with developed trail systems for uses such as hiking or cross-country skiing.

PUBLIC SPACE — Open to public view or access.

PUBLISHING FACILITY — A structure or part of a structure, with office space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR — The private back portion of a property.

RECEIVING AREA — A defined area within a TDR District to which development rights are transferred resulting in more efficient and intense use of suitable development sites.

RECLAMATION — The restoring of an excavation site to a standard at least equal to those outlined in § 170-43.

REGULATING PLAN — A zoning map or set of maps that shows the sub-districts subject to regulation by § 170-20.

REVOCATION — The revoking of the approved extraction permit by the Planning Board. The revocation requires ceasing operations until such time as the owner or operator can bring the operation into compliance and subsequently reapply for permitted status with the Planning Board at a regular meeting using standard application steps as outlined in this chapter.

RIGHT-OF-WAY — A public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES — The lines that form the boundaries of the right-of-way.

ROADSIDE FARM STAND — An accessory use where permitted agricultural products grown on site are sold.

ROOFTOP SOLAR — A photovoltaic system that generates electricity by capturing solar energy and is mounted on the rooftop of a residential or commercial building or structure. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

ROOM — An unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, closets, hallways and service porches.

ROOMING HOUSE — Any building in which rooms are rented, leased or otherwise made available for compensation to not more than 10 persons, for longer than one night, but not requiring a long-term lease, said rooms being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

SELF-SERVICE STORAGE FACILITY — 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 but still are required to have the parking and screening requirements of externally accessed self-storage facilities. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

SENDING AREA — A defined area within a TDR District from which development rights are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB — An establishment to be used as a gathering place for a group of citizens organized for a nonprofit purpose.

SETBACK — The area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of allowed encroachments for stairs or porches.

SHADOW FLICKER — The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow.

SHOP FRONT — A private frontage conventional for retail use, with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade.

SHOPPING CENTER — Any building containing five or more tenants and containing more than 50,000 square feet of gross floor area.

SIDEWALK — The paved section of the public frontage dedicated to pedestrian activity, cafe seating, and other street furniture.

SIGN — Any name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a building, structure or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA — The entire area within a single continuous perimeter enclosing the extreme limits of the actual sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced signs, only one display space shall be measured in computing total surface area where the sign faces are parallel or where the interior angle formed by the faces is 90° or less. For freestanding signs, sign area does not include any portion of the sign displaying the building address.[1]

SITE DEVELOPMENT PLAN — Professionally rendered drawings which delineate a proposed nonresidential, multifamily or manufactured home development. Said plan shall include property lines, location of buildings, means of ingress and egress, access to off-site parking and all provisions as outlined in this chapter and Chapter 153, Site Review Regulations, of the Code of the City of Dover.

SLOPE — The ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. Slope is measured over horizontal distances of 20 feet or more, utilizing elevations at two-foot contours.

SMALL WIND ENERGY SYSTEM — A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for on-site consumption.

SQUARE — A civic space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS — Facilities that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated earth materials.

1. **Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included as an attachment to this chapter.**

STOOP — A private frontage wherein the facade is aligned close to the front property line with the first story elevated from the sidewalk for privacy, with an exterior stair and landing at the entrance.

STREET — A City thoroughfare for vehicle access.

STREET FURNITURE — Benches and other structures incorporated into the streetscape for use by pedestrians.

STREETLIGHTS — Pedestrian-scale lighting incorporated into the streetscape and in parking facilities to promote safe travel during evening hours.

STREETSCAPE — The physical elements along a street, including trees, benches, waste bins, and bike racks.

STREET TREES — Canopy trees used to reinforce the area along vehicular streets where pedestrian activities are encouraged.

STREET WALLS — A freestanding wall built along the front property line. It may mask a parking lot from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

STRUCTURE — A framework of support.

SUSPENSION — The ordered cessation of that portion of an extraction operation that is in violation of this chapter until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT — The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

TDR DISTRICT — An area defined as a "zoning overlay district," which includes a sending area and a receiving area for the purpose of transferring development rights from a parcel within the sending area to a parcel within the receiving area.

TELECOMMUNICATIONS FACILITY — Any structure, antenna, tower, or other device which provides licensed commercial mobile wireless services, cellular telephone services, specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY SIGN — A sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, which is not permanently affixed to the ground. A-frame, sandwich board, inflatable, and other signs not permanently affixed, directly or indirectly, upon a building, structure, or land and not otherwise referenced under the definition of "freestanding sign," "projecting sign" or "wall sign" shall also be considered as temporary signs.

TERRACE/LIGHTWELL — A private frontage set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the build-to lines.

TOWER — Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or

monopole towers. The term also includes commercial radio and television transmission towers, microwave towers, common carriers towers, cellular telephone towers, alternative tower structures, and similar structures.

TOWER — The monopole, guyed monopole or lattice structure that supports a wind generator.

TOWER HEIGHT — The height above grade of the fixed portion of the tower, excluding the wind generator.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) — The conveyance of the development rights of a parcel of land by deed or other legal instrument approved by the Planning Board to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

UNSUITABLE DEVELOPMENT AREA — 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. **[Added 10-13-2021 by Ord. No. 2021.09.08-006; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

USED CAR LOT — An unenclosed space on which three or more used cars are stored or offered for sale.

VEHICLE REFUELING/RECHARGING STATION — An establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and drive-through service may also be allowed.

WALL SIGN — A sign attached to or erected against the wall of a building, with the face in a parallel plane to the plane of the building wall, and projecting no more than 14 inches from the building wall.[2]

WAREHOUSING — Only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATERBORNE PASSENGER TRANSPORTATION FACILITY — A facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WATER-DEPENDENT — Those uses and facilities which require direct access to, or location in, marine or tidal waters and which, therefore, cannot be located inland.

WATER-RELATED EDUCATIONAL/RESOURCE CENTER — A facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

2. **Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included as an attachment to this chapter.**

WETLAND EVALUATION HANDBOOK FOR DOVER — The manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by § 170-28, Wetland Protection District, of this chapter. This handbook shall be adopted and amended, as required, by the Planning Board after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three places at least 15 days prior to the hearing.

WHOLESALING — Only includes the activity of storage, repacking, sale and/or distribution of commodities in bulk quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR — The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

WINDOW SIGN — 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. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

YARD, FRONT — An open, unoccupied space on a lot between the street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, REAR — An open, unoccupied space on a lot between the rear lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, SIDE — An open, unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

ZONING BOARD OF ADJUSTMENT — The Zoning Board of Adjustment of the City of Dover, as provided in RSA 673:3.

ARTICLE III
Districts and District Boundaries

§ 170-7. Establishment of districts. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-Residential District
RM-U	Urban Density Multi-Residential District

HR	Heritage Residential District

(2) Nonresidential.

C	Commercial District
CM	Commercial Manufacturing
IT	Innovative Technology

(3) Mixed-use.

G	Gateway
H	Hospital
LBW	Little Bay Waterfront District
O	Office District
CBD	Central Business District
CWD	Cochecho Waterfront District

(4) Overriding.

CD	Conservation District
URD	Urban Renewal District
RRD	Riverfront Residential Overlay District
GWP	Groundwater Protection District
HWD	Hazardous Waste Landfill District
RCM	Residential-Commercial Mixed-Use
SRD	Scenic Road Overlay District
TDR	Transfer of Development Rights
TEL	Telecommunications Facilities
WPD	Wetland Protection District

B. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

(a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including

churches, hospitals, elementary schools, high schools and child-care facilities.

(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

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

(d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

(f) Heritage Residential District (HR).

[1] These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are

noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

[2] The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

(2) Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

(a) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

(b) Commercial Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

(c) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed-use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense

of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high-quality design is encouraged.

(a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multistory buildings, civic buildings, etc.). In Dover the primary Gateways (e.g., Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two-family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate-care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for

its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

(f) Cochecho Waterfront District (CWD). The purpose of this mixed-use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.[3]

§ 170-8. Zoning Map. [Amended 12-26-2016 by Ord. No. 2016.10.12-014; 9-11-2019 by Ord. No. 2019.08.28-012]

A. The location and boundaries of the zoning districts are hereby established as shown on a map titled "Zoning Map of the City of Dover, New Hampshire," dated September 11, 2019, which accompanies and is hereby declared to be part of this chapter.

B. For the purposes of the delineation of the Central Business District (CBD), the location and boundaries of sub-districts are hereby established as shown on a map titled "Regulating Plan for the CBD Zone," dated September 11, 2019, which accompanies and is hereby declared to be part of this chapter.[4]

§ 170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this chapter shall be noted on the Zoning Map.

3. Editor's Note: See Art. VIII, Overriding Districts.

4. Editor's Note: The Zoning Map and Regulating Plan for the CBD Zone are on file in the office of the Planning and Community Development Department, where they may be examined during regular business hours.

§ 170-10. Interpretation of district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a street, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a street, railroad, watercourse or other body of water shall be construed to be parallel thereto and at such distance therefrom as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.

D. Where a boundary is indicated as intersecting the center line of a street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one lot and more than 50% of the area of such lot lies in the less restricted district, the regulations prescribed by this chapter for the less restricted district may apply to the remainder of said lot up to a distance of not more than 50 feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than 100 feet to any street line in the more restricted district.

ARTICLE IV
Uses; Tables

§ 170-11. Use regulations. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]

Except as herein provided, no building or land shall be used except for the purposes permitted in the district as described in this article.

A. Uses permitted by right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this chapter and other sections of the Code of the City of Dover.

B. Uses permitted by right, with conditions imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

C. Uses permitted by special exception. A use listed in the "Uses Permitted by Special Exception" section of the Tables of Use and Dimensional Regulations by District may be permitted as a special exception granted by the Zoning Board of Adjustment in accordance with the conditions of § 170-59 herein and in conformance with such other rules and regulations as may apply. The special exception designation in a given district does not constitute an authorization or an assurance that such use will be permitted.

D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

E. Planning Board site review approval. Any development/redevelopment meeting the criteria laid out in § 153-4, Applicability, of Chapter 153, Site Review Regulations, of the Code of the City of Dover shall be subject to the rules and regulations contained in said chapter.

F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this chapter. (Refer to Article VIII.)

§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District.[5]

A. Uses permitted in those zoning districts identified in § 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations by District.

B. The minimum regulations for lot size, lot frontage, building setback standards for front, side and rear yards, building heights, and lot coverage shall be as specified in the Tables of Use and Dimensional Regulations by District.

ARTICLE V
Dimensional Regulations

§ 170-13. Availability of utilities and services. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

In instances where municipal sewer and water facilities are not provided, no residential structure shall be built on a lot with less than 30,000 square feet in area. Where municipal water is available and sewer is not, the minimum lot size shall be 20,000 square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire Department of Environmental Services, Water Division, or required elsewhere in this chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

§ 170-14. Nonconforming lots.[6] [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this chapter.

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5. Editor's Note: The Tables of Use and Dimensional Regulations by District are included as attachments to this chapter. Ordinance No. 2020.07.08-007, adopted 7-22-2020, repealed the tables for the B-1, B-3, B-4, B-5, I-1, I-2, I-4 and ETP Districts and the CBD Downtown Gateway Sub-District and added tables for the C, CM, IT and G Districts.

6. Editor's Note: For nonconforming uses and structures see Art. XI.

B. Should the lot be less than 5,000 square feet and not have a minimum width of 50 feet, it may be developed as long as the home constructed is no larger than 1,000 square feet in total living space.

C. If the lot has a land area of at least 5,000 square feet and a minimum width of 50 feet, a home constructed may be larger than 1,001 square feet in total living space.

D. In either case, the following side yard restrictions shall apply:

(1) A lot with a width of 110 feet or less and greater than 75 feet shall have a minimum side yard of 10 feet.

(2) A lot with a width of less than 75 feet shall have a minimum side yard of six feet.

§ 170-15. Recreation space and separation between use requirements. [Amended 8-22-2018 by Ord. No. 2018.08.08-009]

A. For each bedroom of a multifamily (greater than four dwelling units) residential structure, there shall be provided at least 100 square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

(1) Efficiency apartments shall be counted on the basis of 50 square feet per unit.

(2) A payment in lieu of providing the recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.

B. The minimum distance between any main building and any accessory building not structurally attached to such main building shall be not less than the height of the rear wall of the accessory building.

C. No part of a yard or other recreation space required for any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or other recreation space similarly required for another building.

D. Nonresidential uses requiring site plan review shall be at least 150 feet from all existing residential structures located within residential zones.

E. A continuous and year-round visual buffer of either vegetation or fencing shall separate nonresidential structures or parking areas from existing residential structures located to the rear and side of any proposal.

F. All screening and setback requirements pursuant to this section shall not be binding in the IT or any mixed-use zoning district. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

G. All recreation space requirements pursuant to this section shall not be binding in the CBD–General, TOD and CWD districts.

§ 170-16. Swimming pools. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

In districts allowing one-family dwellings, two-family dwellings, and three- to four-family dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet in height, which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates, and if a fence is erected or maintained, the horizontal dimension shall not exceed four inches. A primary dwelling or accessory building or structure may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools and temporary wading pools less than 22 inches deep or eight feet in diameter (whichever is more restrictive), and shall apply to all existing pools which have a minimum depth of 22 inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of 22 inches shall fail to provide and maintain such fence or wall as herein provided. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

D. Appeals and hearings. The Board of Adjustment, after public hearing, may make modifications in individual cases, upon a showing of good cause, with respect to the height, nature or location of the fence, wall, gates or latches or the necessity therefor, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or structures to be used so long as the degree of protection afforded by the substitute devices or structures is not less than the protection afforded by the wall, fence, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Human Services.

F. Option to fence regulation. When not in attendance, access ladders or slide ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

§ 170-17. Removal of barriers to access. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a structure constructed for the express purpose of improving and/or

providing accessibility to an existing building for physically and/or mentally disabled individuals may be erected within the building setbacks (front, side and/or rear) as specified in the Table of Dimension Regulations, provided that:

A. The structure cannot feasibly and practicably be constructed on the lot in compliance with the Table of Dimensional Regulations;

B. The structure must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI
Additional Regulations

§ 170-18. Customary home occupations.

A customary home occupation is a permitted use in all residential districts. The following conditions apply:

A. "Home occupation" shall include not more than one of the following uses, provided that such uses are clearly incidental and secondary to residential purposes: dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight pupils simultaneously occupy the building, musician, antique dealer, hairdresser, home-based agricultural activities, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the principal building.

D. No more than 25% of the existing net floor area of the principal and any accessory structure not to exceed 600 square feet is devoted to such use.

E. There shall be no display of goods or wares visible from the street.

F. There shall be no advertising on the premises other than a small, nonilluminated sign not to exceed two square feet in area and carrying only the occupant's name and his occupation.

G. The buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the neighborhood because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

   (1) No rallying of employees for off-site work shall be conducted.

   (2) If the home is occupied by a tradesman, craftsman or contractor, there may be incidental storage. Said storage shall be screened from abutters and the right-of-way, with either a solid fence or vegetation, and must be fully enclosed. On-site storage of construction equipment or vehicles is not permitted.

H. Any such building shall include no feature of design not customary in buildings for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as retail, clinic, landscaping, freight, trucking or shipping, painting of vehicles, trailers and boats, restaurants, caterers or bakeries, taxi service, tool or equipment rental, veterinary hospital or kennel and others of a similar nature shall not be considered as home occupations.

I. A minimum of two off-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 153, Site Review Regulations, or Chapter 157, Land Subdivision Regulations, as appropriate. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

J. Not more than one commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator, verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1 following the date of approval of the certificate of use and then by every January 1 thereafter for so long as the customary home occupation continues. Fees shall be levied as set forth in the City of Dover adopted Schedule of Fees, as amended annually, for customary home occupation certificates of use and renewals.

L. The use of a room in a dwelling or accessory building as a home office by a resident/occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic, such as deliveries or pickup of supplies or materials in excess of normal residential use or clients coming to the property.

§ 170-19. Non-environmental conditional use permit criteria.[7] [Added 8-9-2023 by Ord. No. 2023.07.12-008]

A. Purpose and intent.

(1) Where a conditional use permit is being requested for relief by use or standards as allowed by this chapter, the following criteria in Subsection 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.

7. Editor's Note: Original § 170-19, Flexible uses in I-1 District, of the 2013 Code was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

(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, floor plan, and public and private space.

(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.

§ 170-20. Central Business District regulations.

A. Purpose and intent. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) The City of Dover Central Business District (CBD) follows the premise of context-sensitive zoning. This context-sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent neighborhoods and major roadways leading into the downtown through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices.

(2) Redevelopment within the CBD shall be regulated by these context-sensitive zoning regulations, in order to achieve the City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the Planning Board on November 13, 2007.

(3) These context-sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context-sensitive development along roadways and neighborhoods alike. In 2012-2013, using a similar citizen-based process, these context-sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the "Gateway District."

(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them. As such, this section sets careful and clear controls on building form, with broader parameters on building use, so as to shape clear, attractive public spaces (good streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of building uses is natural and comfortable.

(5) Wherever there appears to be a conflict between the form-based code and other sections of this chapter (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

B. Conditional use permit.

(1) See § 170-19 for conditional use permit criteria. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(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.

C. Sub-districts. The regulating plan for the CBD shall locate the boundaries for the following sub-districts: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) General.

(2) Mixed-Use.

(3) Residential.

(4) Transit-Oriented Development (TOD).

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 this chapter. 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 story, which shall be set back from the allowed height to create a terrace, for either: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(a) Each fully below-grade story of parking provided on the site; or **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(b) Additional units resulting from the 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.

(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 nonresidential activities must make up at least 20% of the structure or be located on the ground floor. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]**

[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 story.

[a] Any additional stories shall be set back 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. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 10-13-2021 by Ord. No. 2021.09.08-006]**

(j) Parking (not including on-street parking) should be away from the streets and shared by multiple owners/users.

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

E. Streetscape.

(1) Sites within the CBD shall be developed so that buildings are placed at or near the right-of-way, along the outer edge of their sites and so as to ensure the unity of those rights-of-way. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. The sub-district sheets, design guidelines, and Dover Streetscape Standards will serve as a reference document for many of the elements below. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(2) General principles and intent.

(a) The streetscape.

[1] The street and building facade receives more attention than the rest of the building.

[2] Streetscape elements, such as pavers, benches and waste bins, must be consistent within a project and adjacent properties where these elements are present.

[3] Public art is encouraged. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

[a] Public art shall be reviewed and endorsed by the Dover Arts Commission.

[b] Public art is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. Public art should create a chronicle of our public experiences through a variety of genres and media.

(b) Fronts and rears.

[1] Building facades are the public "face" of every building. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.

[2] The private, rear portions of the lots allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) open space.

(c) Off-street parking.

[1] Parking provided for a project shall be screened from the street. The design of the screen shall be subject to Planning Board approval and shall use materials that are compatible with the surrounding character of the neighborhood and contribute to an attractive streetscape.

[2] Parking shall be considered accessory and shall not be the principal use of a lot.

(3) Minimum standards. In addition to any regulations set forth in the CBD sub-district tables and the Dover Streetscape Standards, development shall follow the regulations outlined below. Subsection E(3)(a), (b), and (c) shall only apply to new construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

(a) Street trees/landscaping.

[1] Each street shall have canopy shade trees (street trees). Street trees shall be planted at an average spacing not greater than 25 to 30 feet on center (measured per block face). The planting area's minimum dimension shall be not less than five feet. At planting, trees shall be 2.5 to three inches in diameter (four feet above grade) and shall meet the American Nursery Standards for height. The tree species used shall be selected from the City of Dover's approved list of street trees.

[2] Unpaved ground area along the frontage shall be planted with appropriate ground cover or shrubs, no bare ground or mulch-only areas 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 a five-foot-wide walkway. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(b) Sidewalks. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

[1] Sidewalks shall be made of brick or concrete and shall be a minimum of five feet wide but ideally eight feet wide.

[2] Existing surrounding sidewalk materials shall be reviewed in determining material used.

(c) Street furniture. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

[1] Benches. Benches will have backs and arm rests and be accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction and be designed to enhance the site, not detract from it. Benches may be exchanged for street furniture (e.g., chess/checker tables) where space allows.

[2] Waste bins. At a minimum, one waste bin will be provided at each block corner.

[3] Bike racks. At a minimum, one bike rack shall be required per nonresidential project or residential projects with five or more units.

[4] Public art. Public art should be integrated into the design and placement of street furniture.

(d) Lighting.

[1] 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.

[2] At the front of the building, exterior lights shall be mounted between six feet and 14 feet above the adjacent grade.

[3] 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.

[4] Site lighting shall be of a design and height so as to illuminate only the lot. General site lighting shall conform with New Hampshire Dark Sky Policy, as applicable by RSA 9-E:3. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

[5] 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.

(e) Mechanical equipment.

[1] The following shall not be stored or located within any street and shall be screened from view from the street: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and

telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a front yard under this Code.

[2] Roof-mounted equipment shall be screened from view from the street.

F. Architectural standards. The following standards, including those noted on sub-district sheets, may be utilized by the applicant. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) General principles and intent.

(a) Tradition.

[1] These standards favor buildings that are traditional in design in a broad sense. They specify an architectural language of load-bearing walls and regional materials that help define building base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

[2] The intent behind these standards is to reinforce the existing character and historic nature of Dover's Central Business District. However, modern buildings that are sensitive to that character and their adjacent context may be permitted as well.

[3] All building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

(b) Energy efficiency and environmental conservation. Leadership in Energy and Environmental Design (LEED) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(c) Public space. Many of these standards apply only in conditions that enhance and define the public space. These controls concentrate on the public space/ views from the public space and minimize interference in the private realm. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Building walls (exterior).

(a) Building walls should reflect and complement the traditional materials and techniques of Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in building form and the articulation of details. All building materials to be used shall express their specific properties. For example, heavier, more permanent materials (masonry) support lighter materials (wood), yet architectural detail shall be present throughout the building face horizontally and/or vertically rather than just on the first 20 feet from the ground.

(b) Building materials shall be context-sensitive and shall reflect a consistency to be found within the sub-district. Brick, stone or masonry building materials are expected for exterior walls.

(3) Roofs and parapets.

(a) Roofs and parapets should demonstrate a common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) Buildings without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six inches and 12 inches beyond the building walls. For buildings three stories or taller, the cornice projection shall increase an additional six inches and 12 inches per story.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary street or when shielded from the street view by the building's parapet wall. If a glass roof form is a primary design feature of a building it shall be considered in regard to the architectural design guidelines as part of the building elevations rather than a skylight.

(d) Overly elaborate, postmodern and/or high-tech designs are discouraged, where in conflict with existing architecture. However, ornamentation which contributes to the character of the building is encouraged. Building designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the neighborhood of buildings to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged in all districts. Use of this technology to cover 30% of the roof is required on commercial and mixed-use structures over 25,000 square feet in the CBD. Vegetative cover should be considered for flat-roofed structures. Roofs that contain gardens or plants must be maintained per the approved maintenance agreement.

(f) Solar panels are desirable City-wide.

[1] In the CBD all buildings must be solar ready.

[2] Commercial and mixed-use buildings that are 25,000 square feet or more must incorporate solar panels.

[3] Solar panels must be presented in an aesthetically pleasing pattern.

(4) Street walls. Street walls establish a clear edge to the street in locations where the buildings do not. The CBD requirements include masonry walls that define outdoor spaces and separate the street from the private realm (parking lots, trash cans, gardens, and equipment). All street wall facades shall be as carefully designed as the building facade, with the finished side out, i.e. the "better" side facing the street.

(5) Windows and doors.

(a) Windows should be divided by multiple vertical panes of glass. This helps the window hold the surface of the facade, rather than appearing like a hole in the wall (an effect produced by a large single horizontal sheet of glass).

(b) Principal building entrances shall be clearly visible from the primary front street and create a safe and inviting space.

G. Incentives for architectural standards.

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in Subsection F may apply for the following incentive:

(a) Fast-track review. The Director of Planning and Community Development shall give preference to projects in setting the Planning Board agendas and in other review processes. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Reasonable use shall be considered demonstration of at least six of the criteria or items mentioned under Subsection F. These criteria/items will be listed on a waiver application form.

H. Administration.

(1) Deviations from the requirements herein may be requested by application to the Planning Board for a conditional use permit (see Subsection B). Administrative appeals from this section may be directed to the Zoning Board of Adjustment (as outlined in § 170-59). Projects submitted shall follow the process outlined with Chapter 153, Site Review Regulations. Any redevelopment of an existing structure within the Gateway District or Mixed-Use Sub-District does not require a conditional use permit if it results in three or fewer total residential units, or if it increases the gross floor area of nonresidential space by less than 2,500 square feet, and is exempt from the regulations of this section, except for setback, build-to, and use regulations. Density requirements for residential uses do not apply. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) Any redevelopment within the CBD is exempt from wetlands regulations as described and administered in this chapter.

§ 170-21. Alternative energy systems. [Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Authority; purpose. This alternative energy systems ordinance is enacted in accordance with RSA 674:62 to 674:66 and the purposes outlined in RSA 672:1, III-a. The purpose of this section is to accommodate alternative energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this section provides a permitting process for alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for review.

(1) Building permit. Alternative energy systems and MET towers are an accessory use permitted in all zoning districts where structures of any sort are allowed. No alternative energy system shall be erected, constructed, or installed without first receiving a building permit from the Building Inspector. A building permit shall be required for any physical modification to an existing alternative energy system. MET towers that receive a building permit shall be permitted on a temporary basis not to exceed three years from the date the building permit was issued.

(2) Consumer use. For the purposes of this section, alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

(a) To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer incidental and subordinate, and shall require technical review.

(3) Application. Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:

(a) Property lines and physical dimensions of the applicant's property.

(b) Location, dimensions, and types of existing major structures on the property.

(c) Location of the proposed alternative energy system, foundations, guy anchors and associated equipment.

(d) Tower foundation blueprints or drawings.

(e) Tower blueprints or drawings.

(f) Setback requirements as outlined in this section.

(g) The right-of-way of any public road that is contiguous with the property.

(h) Any overhead utility lines.

(i) Small wind energy system.

[1] Specifications, including manufacturer, model, rotor diameter, tower height, tower type, and nameplate generation capacity.

[2] Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

[3] Sound-level analysis prepared by the wind generator manufacturer or qualified engineer.

[4] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the New Hampshire State Building Code.

[5] Evidence of compliance or nonapplicability with Federal Aviation Administration requirements.

(j) Solar panel systems.

[1] Specifications, including manufacturer, model, type, and nameplate generation capacity.

[2] Solar panels that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.

[3] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the New Hampshire State Building Code, as well as applicable Electric Code.

(k) List of abutters to the applicant's property.

(4) Abutter and regional notification. In accordance with RSA 674:66, the Building Inspector shall notify all abutters and the local governing body by verified mail upon application for a building permit to construct an alternative energy system. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the building permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Small wind energy system standards.

(1) The Building Inspector shall evaluate the application for compliance with the following standards:

(a) Setback. The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	**Occupied Buildings on Abutting Property**	**Property Lines of Abutting Property and Utility Lines**	**Public Roads**
0	1.5	1.1	1.5

[1] Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.

[2] Guy wires used to support the tower are exempt from the small wind energy system setback requirements.

(b) Tower. The maximum tower height shall be restricted to 35 feet above the tree canopy within 300 feet of the small wind energy system. In no situation shall the tower height exceed 150 feet.

(c) Sound level. The small wind energy system shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant shadow flicker is defined as more than 30 hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

(e) Signs. All signs, including flags, streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.

(f) Code compliance. The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

(g) Aviation. The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to 14 CFR Part 77, Subpart B, regarding installations close to airports, and the New Hampshire Aviation Regulations, including but not limited to RSA 422-B and 424.

(h) Visual impacts. It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts without restricting the owner's access to the optimal wind resources on the property.

[1] The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

[2] The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a nonreflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

[3] A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If

lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

(i) Approved wind generators. The manufacturer and model of the wind generator to be used in the proposed small wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the State of New Hampshire, if available.

(j) Utility connection. If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

(k) Access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the small wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar panel standards.

(1) Lot coverage. Solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

(2) Placement of solar systems. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) The height of a roof-mounted solar array shall not be counted towards the maximum permitted height of the structure it is is affixed to of the underlying zoning district and, if on a pitched roof, matches the same pitch as the roof and is no more than 10 inches above the roof. If the proposed rooftop solar array consists of mounted tracking panels, a conditional use permit is required.

(b) 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.

(c) Ground-mounted units shall not exceed 20 feet or the height of the principal building whichever is shorter. However, with a conditional use permit, solar trackers may be permitted up to the maximum building height allowed in the underlying zoning district plus five feet provided they are located to the rear of the principal building and not clearly visible from the public right-of-way or 75 feet from any property line if the lot is surrounded by rights-of-way creating a hardship.

(d) 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.

(e) The use of reflectors to enhance solar production is prohibited.

E. Abandonment.

(1) At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. "Physically remove" shall include, but not be limited to:

(a) Removal of the wind generator and tower and related above-grade structures.

(b) Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out of service for a continuous twelve-month period. After the 12 months of inoperability, the Building Inspector may issue a notice of abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the notice of abandonment within 30 days from notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the Building Inspector shall withdraw the notice of abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the notice of abandonment or if, after review by the Building Inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within three months of receipt of the notice of abandonment. If the owner fails to physically remove the small wind energy system after the notice of abandonment procedure, the Building Inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

F. Violation. It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this section. Small wind energy systems installed prior to the adoption of this section are exempt from this section except when modifications are proposed to the small wind energy system.

G. Penalties. Any person who fails to comply with any provision of this section or a building permit issued pursuant to this section shall be subject to enforcement and penalties as allowed by RSA 676:17.

H. Conditional use permits. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(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) Any impacts on abutters are mitigated.

(d) Not be within 75 feet of the arterial or connector road.

(e) Not be clearly visible from the public right-of-way.

(f) Not cause glare on abutting structures or roadways.

(g) Have all power and communication lines between the solar infrastructure and the point of interconnection be buried underground or otherwise screened from view.

§ 170-22. Telecommunications facilities.

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending this chapter to add regulations pertaining to wireless communications facilities.

B. Purpose and intent. This section is enacted in order to establish general guidelines for the siting of telecommunication towers and antennas and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of telecommunications facilities while ensuring that telecommunications providers' service remains effective and efficient.

(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

(4) Permit the construction of new towers only where all other reasonable alternatives have been exhausted, and encourage the owners and users of towers and antennas to configure them in a manner that minimizes visual impacts of said structures.

(5) Require antenna co-location on existing tower structures through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all telecommunications facilities and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned towers to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. Telecommunications facilities shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

General Location	Map-Lot Number
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012
	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on existing towers, antennas, and alternative tower structures.

D. Telecommunications facilities procedural requirements.

(1) Location or replacement of telecommunications facilities on existing towers, antennas or alternative tower structures. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(a) The location or replacement of telecommunications facilities on existing towers, antennas or alternative tower structures may be approved by the Planning and Community Development Department provided the following information is submitted in an application:

[1] A scaled plan detailing the exact size and location of the telecommunication device, including a scaled elevation view.

[2] Submission of proof that the telecommunication device is needed to service City of Dover residents.

[3] Proof that the device meets all other technical requirements of this section.

(b) Any application denied by the Planning and Community Development Department may be appealed to the Planning Board.

(2) Proposed construction of new telecommunications facilities. An application for construction of any new telecommunications facilities shall be approved by the Planning Board. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted, including the following additional information: a scaled elevation view, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent land uses (up to 200 feet away), and any other information deemed necessary by the Director of Planning and Community Development. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on tower lighting requirements, shall be submitted.

(c) The applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (NEPA)[8] further referenced in applicable FCC rules. If an environmental assessment (EA) or an environmental impact statement (IS) is required under the FCC rules and NEPA, submission of the EA or IS to the Planning Board prior to the beginning of the federal thirty-day comment period, and the City's site review process, shall become part of the application requirements.

(d) Each applicant for an antenna and/or tower shall provide to the Planning Board an inventory of its existing towers that are within the jurisdiction of

8. Editor's Note: See 42 U.S.C. § 4321 et seq.

the City and those within two miles of the border thereof, including specific information about the location, height, and design of each tower, as well as economic and technological feasibility for co-location on the inventoried towers. The Planning Board may share such information with other applicants applying for approvals or special exception permits under this section or other organizations seeking to locate antennas within the jurisdiction of the governing authority; provided, however, that the Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence shall consist of one or more of the following:

[1] Adequate evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, provided that a description of the geographic area required is also submitted.

[2] Adequate evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.

[3] Adequate evidence that the existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.

[4] Adequate evidence that the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

[5] Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

[6] Adequate evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

(e) The applicant proposing to build a new tower shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a condition to any approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for its review. The arbitration board's decision shall become final and binding. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the City and grounds for a denial.

(f) The applicant shall submit the engineering information detailing the size and coverage required for the facility location. The Planning Board may

have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4, I(g).

(g) Each applicant for a tower, monopole, or alternative structure shall submit a design certified by a competent engineer that the structure has been engineered to accommodate the maximum number and type of all compatible telecommunication media antennas, but in no event shall the applicant provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance standards. The uses listed in this section are deemed to be permitted uses and, at the discretion of the Planning Board, may require further review under this chapter in accordance with Chapter 153, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or secondary use. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(a) Subject to this section, an applicant who obtains site review approval to site under this section as a secondary and permitted use may construct telecommunications facilities in addition to the existing principal use. Antennas and towers may be considered either principal or secondary uses. A different existing use or an existing structure shall not preclude the installation of an antenna or tower on such lot.

(b) For purposes of determining whether siting of an antenna or tower complies with zoning district development regulations, including but not limited to area, setback, lot coverage, frontage, and other dimensional requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed the expansion of a nonconforming use or structure. Further, said facilities shall not be considered an accessory use.

(2) Height requirements. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(a) New tower construction: 180 feet maximum.

(b) Co-location on existing tower and antennas: current height plus 15% (not to exceed 200 feet).

(c) Co-location on alternative tower structures: current height plus 12 feet.

(d) The height requirements and limitations outlined above shall preempt all other height regulations as required by this chapter and shall apply only to telecommunications facilities. A conditional use permit may be granted by the Planning Board to waive the height limitations 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 the increased height would provide a greater opportunity for co-location, provided that:

[1] The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

[2] A written narrative is provided, identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

[a] Topography and other site features.

[b] Availability of alternative site locations.

[c] Property location as relates to required coverage area.

[d] Size/magnitude of project and availability of co-location.

[3] Necessary federal approvals and/or recommendations have been received.

(3) Setbacks and separation. The following setbacks and separation requirements shall apply only to telecommunications facilities and shall supersede all other such standards found elsewhere in this chapter or other applicable City ordinances and regulations:

(a) Towers shall be set back a distance equal to 100% of the height of the tower from any boundary line or other principal use structure located on the property the tower is sited upon. This provision may be waived by the Planning Board, provided the intent of this chapter remains intact.

(b) Tower guys and all other accessory facilities shall conform to the minimum setback requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security fencing. Towers shall be enclosed by appropriate security fencing not less than six feet in height and shall be equipped with an appropriate anti-climbing device.

(5) Landscaping.

(a) Towers shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the tower compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip 10 feet wide outside the perimeter of the tower compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the Planning Board in locations where the visual impact of the tower compound to abutting residential uses is deemed to be minimal.

(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded lots.

(6) Aesthetics and lighting. The guidelines in this subsection shall govern the location of all towers and the installation of all antennas. However, the Planning Board may waive those requirements, via conditional use permit, only if it determines that the goals of this chapter are served thereby.

(a) Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a tower site, the design of buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and previously developed environment. These buildings and facilities shall also be subject to all other requirements of Chapter 153, Site Review Regulations.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

(7) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with Subsection I, of the tower or antenna, as abandoned, at the owner's expense through the execution of the posted security.

(8) Building codes; safety standards. To ensure the structural integrity of towers and antennas, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a

tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within 30 days, such action shall constitute an abandonment and grounds for the removal, in accordance with Subsection I, of the tower or antenna, as abandoned, at the owner's expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a tower or antenna shall provide an annual certification to the Planning and Community Development Department verifying compliance with building codes and safety standards. The certification shall also verify that the structure is still needed for the operation of the owner's network. Said certification shall be submitted to the Planning and Community Development Department prior to December 31 of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty-day extension for submission of a certification may be approved at the discretion of the Planning and Community Development Department. After notification of a violation by the Planning and Community Development Department, subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with Subsection I. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

F. Exemptions.

(1) City use. Antennas or towers owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this section. This exemption shall only be available if a license or lease authorizing such antenna or tower has been approved by the City Council, and the City Council elects, subject to the New Hampshire Revised Statutes Annotated, to seek said exemption.

(2) Amateur radio. This section shall not govern any tower or the installation of any antenna that is owned and operated by a federally licensed amateur radio station operator and the tower or antenna is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

(3) Citizens band radios. This section shall not govern the installation of any antenna that is used for the exclusive purpose of facilitating the use of a citizens band radio, except any towers in this subsection shall be limited to 70 feet in height.

(4) Receive-only antennas. This section shall not govern any tower or the installation of any antenna that is used exclusively for receive-only antennas, except any towers in this subsection shall be limited to 70 feet in height.

(5) Essential services and public utilities. Henceforth, from the date of adoption of this section, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the City's ordinances and regulations. Siting for telecommunications facilities shall be considered a use of land and is addressed by this section.

G. Restrictions for siting on Garrison Hill. Notwithstanding the provisions outlined in Subsection C, the siting of additional towers or monopoles or use of alternative

structures shall be prohibited on Garrison Hill in the City of Dover. Placement of new antenna media on the existing towers on Garrison Hill shall be allowed only after obtaining a conditional use permit from the Planning Board. However, the replacement and/or repair of existing antenna media on towers on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the antennas. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The applicant has demonstrated that the appearance, form or shape, color, and size of any antenna media to be attached to preexisting towers or monopole structures is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill.

(2) Any equipment shelters supporting such additional antenna shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults;

(b) Equipment shelter shall be designed consistent with northern New England architectural styles and materials, with a roof pitch of at least 10 1/2 and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective, year-round, landscaped buffer equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscaped buffer that is compatible with the neighborhood.

(3) Any antenna located on an existing structure shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the antenna from public ways.

H. Bonding and security and insurance. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the tower is abandoned and the tower owner is incapable and unwilling to remove the tower in accordance with Subsection I below.

(2) Bonding and surety shall be consistent with the provisions in Chapter 157, Land Subdivision Regulations. Furthermore, the Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

I. Removal of abandoned antennas and towers. Any antenna or tower that is not operated for a continuous period of 12 months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the Zoning Administrator, notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing notice per City regulations, with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the

City may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

§ 170-23. Impact fees. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

A. Purpose. This section is enacted pursuant to RSA 674:16 and 674:21 and in order to: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Assist in the implementation of the Master Plan and Capital Improvements Program.

(2) Provide adequate public capital facilities necessitated by new development.

(3) Assess an equitable share of the cost of public capital facilities to new development.

B. Authority.

(1) Impact fees may be assessed to new development to compensate the City of Dover and the School District for the proportional share of capital facilities generated by new development in the City of Dover. Any person who seeks approval for new development may be required to pay an impact fee in the manner set forth herein.

(2) The Planning Board may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an applicant to pay an exaction for off-site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the Planning Board's authority to require off-site work to be performed by the applicant, in lieu of paying an exaction for off-site improvements, or the Board's authority to impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. Assessment methodology.

(1) Proportionality. The amount of the impact fee shall be calculated by the Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards and which define a methodology for impact fee assessment for public capital facilities and impact fee assessment schedules therefor.

(2) Existing deficiencies. Upgrading of existing facilities and structures, the need for which is not created by new development, shall not be paid for by impact fees.

(3) In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this chapter. **[Added 8-22-2018 by Ord. No. 2018.08.08-009]**

D. Administration.

(1) Accounting. In accord with RSA 673:16, II, and 674:21, V(c), impact fees shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) Assessment and collection.

(a) Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan. The amount of such assessment shall be applicable to subsequent building construction within the approved subdivision or site plan for a period of five years from the date of Planning Board approval. Once this five-year period has expired, remaining construction for which no building permit has been obtained shall be subject to the adopted fee schedule in force at the time the building permit application is made. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(b) With the exception of those plats and site plans meeting the conditions in Subsection D(2)(a) above, and when no other Planning Board approval is required or has been made prior to the adoption or amendment of this section, impact fees shall be assessed upon the issuance of a building permit. In such cases, the impact fee schedule in force at the time of the building permit application shall apply.

(c) Impact fees will be collected prior to or at the time of issuance of a certificate of occupancy, unless the Planning Board establishes an alternate, mutually acceptable schedule of payment of impact fees imposed on an assessed property. If an alternate schedule of payment is established, the Planning Board may require security, in the form of a cash bond, letter of credit, or performance bond, so as to guarantee future payment of impact fees. In no case will an impact fee payment be allowed to be made after the issuance of a certificate of occupancy. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) Security. In the interim between assessment and collection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees.

(4) Refund of fees paid. The current owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:

(a) When either the full or partial portion of the impact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six years from the date of the full and final payment of the fee; or

(b) When the City of Dover or, in the case of school impact fees, the Dover School District, has failed, within the period of six years from the date of the full and final payment of such fee, to appropriate its proportionate non-impact-fee share of related capital improvement costs.

E. Appeals.

(1) A party aggrieved by a decision made by the Building Inspector regarding the assessment or collection of impact fees authorized by this section may appeal such decision to the Planning Board.

(2) In accord with RSA 676:5, III, appeals of the decision of the Planning Board in administering this section may be made to Superior Court, as provided in RSA 676:5, III, and 677:15.

F. Waivers. The Planning Board may grant full or partial waivers of impact fees where the Planning Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind and may not be credited to other categories of impact fee assessment. The applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

§ 170-24. Accessory dwelling units. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

Where permitted, an accessory dwelling unit shall comply with the following:

A. A maximum of one accessory dwelling unit (ADU) per property is permitted. In residential districts other than the R-40, more than one ADU may be allowed provided the second unit meets HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority. An ADU shall not be permitted on property where more than one dwelling unit currently exists. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

B. Exterior alterations, enlargements, or extensions of the single-family dwelling or detached accessory structure are permitted in order to accommodate the accessory dwelling unit. However, no such change is permitted which would alter the appearance of the single-family dwelling to look like a duplex or any other multifamily structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any accessways into the house and/or detached garage which are required for access to the accessory dwelling unit shall be located to the side or rear of the building whenever possible.

C. An ADU shall have an area of no less than 300 square feet and no greater than 800 square feet. If located in a detached accessory structure, the accessory dwelling unit may be located on either floor of the structure. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

D. A minimum of one dedicated off-street parking space shall be provided for the ADU.

E. The single-family dwelling (and detached accessory structure, when applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling. In order to ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds, and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a certificate of occupancy.

F. The property owner must occupy one of the two dwelling units. Electric, water and sewer utilities shall be metered on a single bill.

G. Where municipal sewer service is not provided, the septic system shall meet New Hampshire Department of Environmental Services, Water Division, requirements for the combined system demand for total occupancy of the premises. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1 following the date of approval of the certificate of use and then by every January 1 thereafter for so long as the accessory dwelling unit continues. Fees shall be levied as set forth in the City of Dover Fee Schedule, as amended annually, for accessory dwelling unit certificates of use and renewals.

ARTICLE VII

Floodplain Development
[Amended 8-19-2015 by Ord. No. 2015.07.22-017]

§ 170-25. General provisions. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006]

A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.

B. Conflict and severability. If any provision of this article differs or appears to conflict with any other provision of this chapter or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this article be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this section as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

C. Purpose. Certain areas of the City of Dover are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.[9] Therefore, the City of Dover has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (PL 90-488, as amended) as detailed in this article. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of flooding by regulating the alteration and/or the development of those areas of special flood hazard identified by FEMA. The following regulations shall apply to all lands designated as areas of special flood hazard by FEMA in its Flood Insurance Study for the County of Strafford, New Hampshire, dated September 30, 2015, together with the following associated Flood Insurance Rate Map panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of this chapter and are hereby incorporated by reference. The Flood Insurance Study is on file at the Department of Planning and Community Development.

D. Definitions. As used in this section, the following terms mean:

AREA OF SHALLOW FLOODING — A designated AO Zone on the FIRM with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within the City of Dover subject to a one-percent or greater annual possibility of flooding in any given year. The area is designated on the FIRM as Zones A, AO, and AE.

9. **Editor's Note: See 42 U.S.C. § 4001 et seq.**

BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION — The water surface elevation having a one-percent chance of being equaled or exceeded in any given year as defined on the Flood Insurance Rate Map (FIRM) currently in effect and the Flood Insurance Study (FIS) report. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

BASEMENT — Any area of a building having its floor subgrade on all sides.

BUILDING — "Structure" as defined in this subsection.

CRITICAL FACILITIES — Facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

DEVELOPMENT — Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FEMA — Federal Emergency Management Agency.

FLOOD or FLOODING — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) — An official map incorporated within this chapter on which FEMA has delineated both the areas of special flood hazard and the risk premium zones that are applicable to the City of Dover.

FLOOD INSURANCE STUDY (FIS) — An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

FLOODPLAIN — Any land area which is susceptible to being inundated by water from any source. (See definition of "flooding.")

FLOODPROOFING or FLOODPROOFED — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

HISTORIC STRUCTURE — Any structure that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for

individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or individually listed on a local inventory of historic places, provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements set forth herein.

MANUFACTURED HOME — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. "Manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site greater than 180 days. This includes manufactured homes located in a manufactured home park or manufactured home subdivision.

MANUFACTURED HOME PARK or MANUFACTURED HOME SUBDIVISION — A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL — The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION — Structures for which the start of construction commenced on or after April 9, 1980, and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE — A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation more than a designated height.

RIVERINE — Relating to, formed by or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION — The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. "Start of construction" includes substantial improvements. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the

installation of streets and/or walkways; nor does it include excavation for a basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

STRUCTURE — A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT or SUBSTANTIALLY IMPROVED — Any reconstruction, rehabilitation, or other improvement to a structure, taking place during a five-year period, in which the cumulative cost equals or exceeds 50% of market value of the structure before the start of construction of the improvement. The period of accumulation begins when the first improvement of the structure is permitted subsequent to September 1, 2021. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include either: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Building Official, and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places, provided that the alteration will not preclude the structure's continued designation as an historic structure.

UNSUITABLE DEVELOPMENT AREA — 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. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

VIOLATION — The failure of a structure or other development to be fully compliant with this section. A structure or other development without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION — The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains.

E. Development review.

(1) All proposed development in any area of special flood hazard shall require a permit. Prior to the issuance of a building permit by the Building Official, whether for new construction (manufactured homes included) or the substantial improvement thereon, the Department of Planning and Community Development

shall determine whether said project site is located in an area of special flood hazard. If said project site is so located, wholly or in part, in an area of special flood hazard, then compliance with the rules and regulations contained herein shall be required.

(2) Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(3) Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(4) Duties and responsibilities of the Zoning Administrator concerning development review shall include, but are not limited to: **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) Ensure compliance with the rules and regulations contained herein.

(b) Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this section are met.

(c) Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this section.

(5) For all development in an area of special flood area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to, flood, fire, wind or snow) and any other improvement of or work on such structure, including within its existing footprint, the Zoning Administrator shall consult with the Building Official who shall determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined herein. This determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement." If the applicant disagrees with the Building Official's substantial improvement or repair of substantial damage determination, it may appeal said determination to the Zoning Board of Adjustment per § 170-59D. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

F. Required data. Applications for development shall include the following:

(1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures; fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:

(a) A certified FEMA elevation certificate with as-built elevation data in relation to mean sea level of the lowest floor, including basement, and including whether or not such structures contain a basement.

(b) Elevation, in relation to mean sea level, to which any structure has been floodproofed.

(c) Certification by a registered engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Subsection K(2).

(2) Permit review. The Department of Planning and Community Development shall:

(a) Review all development permits to determine that the requirements of this section have been satisfied.

(b) Review all development permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Department of Planning and Community Development.

(c) The Department of Planning and Community Development shall review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the areas of special flood hazard. For purposes of this section, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot at any point within the City of Dover.

G. Information to be obtained and maintained.

(1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of floodproofing required in Subsection K(2) and a certified FEMA elevation certificate with the as-built elevation, in relation to mean sea level, of the lowest floor, including the basement, of all new or substantially improved structures and shall include whether or not such structures contain a basement and, if the structure has been floodproofed, the as-built elevation, in relation to mean sea level, to which the structure was floodproofed. This information must be furnished by the applicant.

(2) In areas of special flood hazard, the Department of Planning and Community Development shall determine the base flood elevation in the following order of precedence according to the data available:

(a) In Zone AE, refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

(b) In Zone A, the Building Official shall obtain, review and reasonably utilize any base flood elevation data available from any federal, state or other source, including data submitted for development proposals (i.e., subdivisions, site review plans, etc.) to the community.

(c) In Zone A, where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.

(d) In Zone AO, the base flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two feet.

(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this article.

H. Alteration of watercourses.

(1) In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Planning Board in the form of a conditional use permit application, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau and notice of scheduled hearings before the Planning Board for conditional use permits as required by § 170-27, Conservation District, and § 170-28, Wetland Protection District.

(2) The applicant shall submit to the Planning Board, in the form of a conditional use permit application, certification provided by a professional engineer assuring that the flood-carrying capacity of an altered or relocated watercourse can and will be maintained.

I. Interpretation of boundaries.

(1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the area of special flood hazard in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the applicant may be required to submit an accurate site plan showing flooding relationships, including elevations.

(2) To determine accurately if a structure is located in an area of special flood hazard, the owner or applicant may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the structure's location.

(3) The structure is considered borderline if it is located within 100 feet of a boundary. A certified engineer shall compare the base flood elevation and the lowest ground elevation at the borderline structure's location to determine if the structure is in or out of the area of special flood hazard. If the engineer certifies the structure as out of the area of special flood hazard, but the Planning and Community Development Department or Community Services Department has historic or other data that confirms the property is prone to flooding, the Planning and Community Development Department may request a letter of map amendment (LOMA) from FEMA.

J. General standards. In all areas of special flood hazard, the following standards are required:

(1) Anchoring.

(a) All new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All manufactured homes to be placed or substantially improved within areas of special flood hazard shall be elevated on a permanent foundation, such that the lowest floor of the manufactured home is at least two feet above the base flood elevation, and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

[1] Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side, or frame ties shall be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side.

[2] All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.

[3] Any additions to the manufactured home shall be similarly anchored.

(2) Construction materials and methods.

(a) All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are elevated at least two feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) Utilities and storage. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) The applicant shall provide the Department of Planning and Community Development with assurance that all new and replacement water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the system.

(b) The applicant shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or

eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.

(c) The applicant shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(d) The storage of hazardous materials is prohibited.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize flood damage.

(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

(c) All subdivision proposals shall include adequate drainage paths to guide floodwaters around and away from the proposed structures and to reduce exposure to flood damage.

(d) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contains at least 50 lots or five acres, whichever is less.

(e) Specific provisions on unsuitable development areas which include floodplains are referenced in and consistent with Dover Code Chapter 157, Land Subdivision Regulations (§§ 157-21, 157-22, and 157-60), and Chapter 170, Zoning (§§ 170-6, 170-29, and 170-32). **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

K. Specific standards. In all areas of special flood hazard where base flood elevation data has been established per Subsection G(2), the following provisions are required:

(1) Residential construction, new construction and substantial improvement of any residential structure shall have the lowest floor, including the basement, elevated to at least two feet above base flood elevation.

(2) All new construction or substantial improvements of nonresidential structures shall have the lowest floor, including basement, elevated to at least two feet above the base flood elevation or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed so that below the base flood elevation the structure is watertight at least two feet above the base flood elevation with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

(3) Manufactured homes.

(a) Manufactured homes shall be anchored in accordance with Subsection J(1)(b). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured park or manufactured home subdivision:

[1] Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at least two feet above the base flood level.

[2] Adequate surface drainage and access for a hauler are provided.

[3] In the instance of elevation on pilings, lots are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart and reinforcement is provided for pilings more than six feet above the ground level.

(c) Recreational vehicles placed on sites within areas of special flood hazard shall either: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[1] Be on the site for fewer than 180 days;

[2] Be fully licensed and ready for highway use; or

[3] Meet all standards of Subsection E(1), (2) and (3) and the elevation and anchoring requirements for manufactured homes in Subsection K(3)(a) and (b).

(4) For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted, provided that the enclosed areas meet the following requirements:

(a) The enclosed area is unfinished or flood-resistant, usable solely for parking of vehicles, building access or storage.

(b) The area is not a basement.

(c) The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

[1] A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

[2] The bottom of all openings shall be no higher than one foot above grade.

[3] Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(5) Proposed structures to be located on slopes within Zone AO shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

(6) Accessory structures. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) New construction and substantial improvement of any accessory structures with finished or habitable space shall follow the same requirements as the principal structure as specified in Subsections J and K.

(b) Any new construction and substantial improvement of any accessory structures without finished or habitable space shall not be used for the storage of hazardous materials.

(c) It is recommended that any new construction and substantial improvement of any accessory structures without finished or habitable space meet the following standards:

[1] The structure is not located in the floodway;

[2] The structure is wet floodproofed and designed to allow for the automatic entry and exit of floodwater as detailed in Subsection K(4)(c);

[3] When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and

[4] Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry floodproofed to or above the base flood elevation.

(7) All new residential structures or residential developments and all new nonresidential structures and nonresidential developments shall have all driveways and/or all road access or streets constructed with the driving surface at or above base flood elevation to ensure safe ingress and egress during a 100-year flood. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(8) Critical facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) All new critical facilities are prohibited within areas of special flood hazard.

(b) Critical facilities that are to be replaced, substantially improved or meet the definition of "substantial damage" shall be constructed so that the lowest floor, including basement, shall be elevated or dry floodproofed at least two feet above the areas of special flood hazard. A critical facility shall have at least one access road connected to land outside the areas of special flood hazard and is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the base flood elevation of the area of special flood hazard.

L. Regulatory floodways. Located within areas of special flood hazard established in Subsections C and I are areas designated as regulatory floodways. Since the regulatory floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Along watercourses that have a designated regulatory floodway, no encroachments, including fill, new construction, substantial improvements or other development, are allowed within the designated regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any regulatory floodway data available from a federal, state or other source as criteria for requiring that development meet the regulatory floodway requirements of this subsection.

(2) Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvements or other development (including fill), shall be permitted within Zone AE unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(3) If Subsection L(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions set forth herein.

M. Variances and appeals.

(1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this section may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.

(2) If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under New Hampshire statute, that:

(a) The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

(b) If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) The Zoning Board of Adjustment shall notify the applicant, in writing, that the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The Department of Planning and Community Development shall:

(a) Maintain a record of all variance actions, including the justification for their issuance; and

(b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE VIII
Overriding Districts

§ 170-26. Additional regulations.

All overriding districts shall be superimposed upon other zoning districts established in this chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable City ordinances.

§ 170-27. Conservation District. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high-water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of structures and land uses on naturally occurring wetlands and flood-prone areas which would contribute to pollution of surface water and groundwater by sewage or other contaminants.

(2) To prevent the destruction of natural wetlands or aquifer areas which provide flood protection, recharge of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the City to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons, inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, stormwater runoff, slope instability risks, and environmental degradation, associated with development on steep and/or unstable slopes.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of 100 feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of 100 feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of 50 feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as lots Map 28, Lot 32; Map D, Lot 1; Map C, Lots 5, 7 and 12; Map H, Lots 58 and 63; Map 40, Lots 10A, 13, and 17; Map F, Lots 14 and 42; Map A, Lot 29A-1; and Map 37, Lot 40.

(4) Those areas with slopes in excess of 20% [e.g., four feet vertical in twenty feet horizontal distance) and totaling more than 2,000 square feet of contiguous area.

C. Conditional use permits. Conditional use permits may be granted by the Planning Board for the following uses within the Conservation District:

(1) Streets, roads and other accessways and utility rights-of-way, communications equipment, and easements, including power lines and pipelines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of the land, provided that:

(a) The applicant shall demonstrate that the proposed use is essential to the productive use of land not in the district and is located and constructed to minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district, and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

[1] Stabilization of exposed soils and soil stockpiles;

[2] Protection of steep slopes from erosion;

[3] Construction site waste management;

[4] Inspection and maintenance of runoff control measures (BMPs);

[5] Minimization of land clearing;

[6] Stabilization of drainageways;

[7] Installation of perimeter controls;

[8] Installation of sediment trapping devices; and

[9] Storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the conditional use permit by the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The Commission's review shall address the following, but is not limited to:

[1] Attempted avoidance of the impact;

[2] Minimization of the impact;

[3] Planned mitigation of the effects of the impact; and

[4] Efficacy of the soil erosion and sedimentation control plan.

D. Procedures for subdivision. No subdivision of land shall be permitted which would create a lot or parcel or leave as a remainder a lot or parcel which does not have, outside the Conservation District, an area equal to the minimum lot size required for the underlying zoning district, unless such a lot or parcel is to be permanently dedicated to open space or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be noncontiguous. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

E. Other provisions. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply and that in all cases, the more restrictive law should apply.

(2) In all cases where the Conservation District is superimposed over another zoning district in the City, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as open space under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use assessment of such property shall apply.

(4) The provisions of RSA 483-B:9, V(a), shall apply to the portions of the Conservation District as described in Subsection B(1) and (2) that are within 50 feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9, V(b), shall apply to the portion of the Conservation District as described in Subsection B(1) that is between 50 and 100 feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(6) Upon the discretion of the Building Inspector, a structure may be erected within the Conservation District as described in Subsection B(1) up to but never closer than 75 feet to the reference line (as defined in RSA 483-B:4, XVII), provided that:

(a) The lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The structure cannot feasibly be constructed on a portion or portions of the lot which are outside the 100-foot setback of the Conservation District.

(7) Customary accessory structures shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than 75 feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

(9) 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.

(10) The City shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront lots located in Urban Exemption Area, as approved by the New Hampshire Department of Environmental Services Commissioner on August 4, 2008, per File No. 2008-2000372. (See map on file in the Planning and Community Development Department.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

G. Boat docks. A boat dock may be allowed on a residential lot, provided that the following provisions are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) The dock is for recreational and accessory use only.

(2) One dock is allowed per lot.

(3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to nonwaterfront lots, shall be entitled to one boat dock within the prescribed easement or right-of-way.

(4) All applicable state and federal approvals have been received.

(5) A dock may be provided a maximum space for two slips. Joint use of private docks by adjoining waterfront residents, not to exceed two slips per lot, shall be encouraged when appropriate.

§ 170-28. Wetland Protection District.

A. Authority. By the authority granted under RSA 674:16 and 674:17, 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 alteration 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 water and groundwater by sewage, 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. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(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. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(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.

(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.

C. District boundaries. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands. A "wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(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."

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. 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. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Applications for a building permit, 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 20 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, additional plantings in areas to be revegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) In the event that the accuracy of the boundaries submitted by the applicant is suspect, the Planning Board may call upon the services of a certified wetlands 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 subdivision plat 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. 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 Subsection E must first receive conditional use approval, as provided for in Subsection F, before any building permit or subdivision/site plan can be approved. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Crossing of a Wetland Protection District as provided for in Subsection F(1).

(2) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

(a) 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 Code of Administrative Rules (Env-Wt 300, 500 and 600). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) The natural contour of the wetland is preserved.

(c) All other applicable provisions of the this chapter have been met.

F. Conditional use approval.

(1) Conditional use approval may be granted by the Planning Board (RSA 674:21, II) 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. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(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 New Hampshire Department of Environmental Services 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 § 170-28B(2). **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(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.

(6) A narrative shall be provided indicating criteria of Subsection F(1)(a) to (f) above have been met. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

G. Specific provisions.

(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 50 feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the United States 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 Subsection D(1) above. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) 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 include a temporary disturbance of wetlands buffers, pursuant to Subsection G(1)(e)[4] 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, noninvasive 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 device. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in Subsection G(1)(e) 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:

[1] The establishment or expansion of salt storage, junkyards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities.

[2] The bulk storage of chemicals, petroleum products, or toxic and hazardous materials.

[3] The dumping or disposal of snow and ice collected from roadways and parking lots.

(d) 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 Subsection F above:

[1] All uses not specifically prohibited in Subsection G(1)(c) above, or specifically exempted in Subsection G(1)(e) below.

[2] The erection or construction of a building or structure, excluding fences, that meets the requirements of § 170-51, or the construction of parking lots or loading areas.

[3] Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

[4] The removal of stumps and roots (grubbing), the recontouring or grading of the land, or the placement of impervious surfaces or creation of stormwater detention ponds.

[5] The installation of water, sewer, or buried electrical or telecommunications cables.

[6] The installation of water supply wells.

(e) Uses allowed without a conditional use permit. The following uses and activities are allowed within a wetland buffer with the noted conditions:

[1] Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire dredge and fill permit, in accordance with New Hampshire Department of Environmental Services (NHDES) Rules Env-Wt 308.01(a) and 308.02, repair of an existing legal structure, or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[2] The removal of vegetation in accordance with NHDES Rules Env-Wt 309.02(a), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[3] The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[4] 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 Subsection G(1)(b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than 75 feet to any Wetland Protection District. 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.

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

H. 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 §§ 170-52 and 170-53 of this chapter.

I. Exemption for one- and two-family residential structures, existing lots, impoundments and maintenance dredging.

(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 this section, 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 section.

(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.

(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) is 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 Corps 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. Severability. 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.

§ 170-29. Transfer of development rights.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring development rights (TDR) within said districts.

B. Purpose and intent. Within the City of Dover, there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover, furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission which is active in protecting and preserving open space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

C. Applicability. Upon request by an applicant for development approval and at the discretion of the Planning Board, the provisions of this section may apply to the district(s) defined in Subsection D below.

D. Districts defined. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) The Industrial TDR District is hereby determined to be any IT or CM Zoning District as shown on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be open space and related setbacks as defined by the City of Dover Wetland Protection District, § 170-28, which are located in any IT or CM Zoning District. The "receiving area" is defined to be all remaining land in be any IT or CM Zoning District. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The Residential TDR District is hereby determined to be residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted September 11, 2019. The "sending area" is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The "receiving area" is defined to be all non-R-40 or -R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

(a) If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural requirements.

(1) At the discretion of the Planning Board, an applicant for development approval within the receiving area of the defined Industrial TDR district may apply the performance standards specified in Subsection F below in return for the acquisition of land or development rights from the sending area within the same TDR district. The performance standards for the Residential TDR district are outlined in Subsection G below.

(2) A certified boundary survey of the associated land in the sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the receiving area. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) The owner of the subject open space within the sending area of the TDR district shall sign all application materials as a co-applicant of the development application. For residential application, proof of an agreement to sell development rights must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the open space associated with the plan may be submitted to the Planning Board for review at a regularly scheduled meeting. The Planning Board, within 30 days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections F and G below. Waivers shall be reviewed using the same criteria as are used for 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. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

(b) If the sketch plan requires an environmental conditional use permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated open space within the sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and

access crossings in accordance with Subsection H below. The designation of the land protection agency to hold the easement shall be approved by the Planning Board.

F. Industrial performance standards.

(1) Land within a sending area, when surveyed, approved by the Planning Board and preserved by easement or covenant as specified in Subsection E, above, may be counted for the open space requirement for a development site in a receiving area. The amount of land preserved in a sending area shall equal or exceed the open space requirement for the development site, but in no case be less than one acre. Notwithstanding, development sites within the IT and CM Zoning Districts shall maintain open space or landscaped area on at least 10% of the site. The design of the development site shall locate the open space or landscaped area to maximize the aesthetic value of the site. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(3) The minimum frontage requirement may be waived by the Planning Board for land subjected to the transfer of development rights, provided that paved access to all developed areas suitable for emergency vehicles is approved by the Planning Board.

(4) Setbacks for parking, paved areas, and buildings may be waived by the Planning Board and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, buildings shall be at least 150 feet from residential structures that exist on the date of enactment of the IT and CM Zoning Districts, and 75 feet from the lot line of a disagreeing residential abutter. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(5) The developer shall record covenants that address architectural considerations for structures, signage and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or open space around the perimeter of the site, near the proposed buildings, and within the parking lot that promotes the highest possible aesthetic quality of the development.

G. Residential performance standards. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve open space within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development and coordinated with the Conservation Commission. This cost shall become the value at which development rights may be purchased.

(2) Proceeds from the purchase of development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

(3) A residential transfer of development rights applicant may pursue one of the following methods for transferring development rights.

(a) Single-family detached method.

[1] An applicant shall develop a baseline yield for the lot to be developed through the following formula: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[a] The square footage of the parent lot minus unsuitable areas is the base lot size.

[b] The base lot size is then reduced by 15% to account for roadway; this creates the net area.

[c] The net area is then multiplied by a factor determined by the amount of unsuitable development area over the parent lot. This is the developable area.

Percentage of Parcel That Is Unsuitable Development Area	Factor
0% to < 10%	0.85
10% to < 20%	0.8
20% to < 30%	0.75
30%	0.7

[d] The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

[i] This base number is not required to be restricted by the requirements in Subsection G(3)(a)[3], unless the formula defined in Subsection G[2][a] is utilized. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[e] The development plan shall be laid out in a design that meets the requirements for block length and cul-de-sac length. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

[2] The transfer shall equate to one of the following calculations: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[a] For construction of units no larger than 600 square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

[b] For construction of units no larger than 1,000 square feet of total living area, two units per development right purchased shall be allowed.

[c] For construction of units no larger than 1,400 square feet of total living area, one unit per development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

[3] The units created through the transfer must be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[a] Limited to the square footage originally constructed.

[4] A note shall be placed on the approved plan, and any building permit shall note the adherence to this section of the Code.

[5] A note shall be placed in the property/unit deed citing the restrictions listed above.

[6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

(b) Single-family, two-family, three-family, and four or more method. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

[1] The transfer may be through the purchase of development rights, as described in Subsection G(1), or through the protection of land via a permanent conservation easement as per Subsection E(5).

[a] In mixed-use or multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.

[b] If the additional unit(s) resulting from TDR is restricted so that the rent of said unit(s) conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, there shall be no fee collected for said unit(s).

[2] The transfer shall equate to one unit per acre preserved or purchased. If the end result is a village-themed residential/nonresidential project, whereby 35% of the square footage being created is nonresidential, the transfer shall equate to one unit per 2,500 square feet preserved or purchased.

[3] Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet may create and transfer one unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the certificate of occupancy for the additional space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

[a] If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

[4] The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum lot size requirement may be waived by the Planning Board for land subjected to the transfer of development rights.

(5) Regardless of the method utilized, the setbacks shall be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

Minimum Building Setbacks for Subdivision Lots		
Abutting a Street	Abutting a Side Lot Line	Abutting a Rear Lot Line
20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum frontage requirement may be waived by the Planning Board, to no less than 40 feet. Paved access to all developed areas shall be suitable for emergency vehicles. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty-foot no cut, no disturb buffer. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(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 meets the following criteria and a narrative is submitted indicating how those criteria are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) Is consistent with the Master Plan.

(b) Is compatible with the land uses on neighboring lots (e.g., a multifamily building fits in within 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.[10]

§ 170-30. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No. 1 shall apply to the project area, as approved by the Dover City Council.

§ 170-31. Riverfront Residential Overlay District.

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of district. The Riverfront Residential Overlay District is an overlay district that includes all land located within 250 feet of the reference line (as defined by RSA 483-B:4, XVII) of any tidal water body or tidal river in a single-family residential district (R-12, R-20, and R-40).

C. Minimum lot size requirement. The minimum lot size for a lot within the Riverfront Residential Overlay District shall be three times the minimum lot size required by § 170-12, Applicability of Table of Dimensional Regulations by District, for the underlying zoning district, but land classified as wetlands can be included for up to 50% of the minimum lot area required in this district.

D. Minimum shoreland frontage requirement. Any new lot created within the district shall provide a minimum of 150 feet of river shoreland frontage per dwelling unit for lots dependent on septic systems and a minimum of 100 feet of river shoreland frontage per dwelling unit for lots served by municipal sewer.

E. Existing lots. Existing lots of record are exempt from the provisions of this section. Only lots subdivided after the posting of this section shall be subject to its provisions.

F. Other provisions. Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain over other local zoning districts, the more restrictive regulations shall apply.

§ 170-32. Residential-Commercial Mixed-Use (RCM) Overlay District. [Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]

A. Purpose and intent.

10. Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.

(1) The Residential-Commercial Mixed-Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing outside the traditional residential developments.

B. Conditional use permit.

(1) Conditional use approval 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 applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The applicant shall submit a fiscal impact analysis as defined in § 157-21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.

(2) 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.

C. Location. 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 acres and served by public water and sanitary sewer. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

D. Permitted uses. The following uses are permitted:

(1) Principal uses.

(a) Housing:

[1] Single-family dwelling, including the use of manufactured housing.

[2] Two-family dwelling.

[3] Three- to four-family dwelling.

[4] Multifamily dwelling.

[5] Manufactured housing parks (permitted outright without a special exception).

(b) Public and private utilities.

(c) Nonresidential uses as allowed as follows:

[1] Any use allowed in the underlying zone.

[2] Barber or beauty shop.

[3] Bank.

[4] Eating/drinking establishments (no drive-through service).

[5] Bed-and-breakfast.

[6] Office.

[7] Retail store.

[8] Theater.

[9] Adult day care.

[10] Nursing homes at a density of one bedroom per 7,500 square feet of land.

[11] Congregate care facilities at a density of one unit per 7,500 square feet of land.

[12] Other uses compatible with housing may be approved via conditional use, using the criteria in § 170-20B(2).

[13] Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) Accessory uses.

(a) Recreational facilities.

(b) "Community building," defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.

(c) Maintenance buildings.

(d) Rental and sales offices.

E. Procedural concepts.

(1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development; residential uses must not exceed 45% of the total proposed floor area for the development. Nonresidential uses within projects located in the CM District must be 90% manufacturing and assembly in nature. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § 157-60) must be usable uplands and reasonably accessible to all property owners or lessees in the project. Any open space provided above 20% may be mixed unsuitable areas and upland. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § 157-60) applied to the development lot and not individually to the internal dwelling lots.

(4) For residential development that includes single-family homes over 1,001 square feet of total living area, or three- to four-family, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(5) For single-family residential homes 1,000 or less square feet of total living area, development, two-family dwellings, or multifamily dwellings, density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) If units 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, there shall be no density for said unit(s).

(6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:

(a) Construction of structures;

(b) Environmental remediation;

(c) Site preparation or demolition;

(d) Roadway utility or recreation and common area design and construction; and

(e) Bonding or other security for site development.

(7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer, and included in the conditional use approval.

(8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.

(9) Residential development plan guidelines.

(a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from § 170-29, Transfer of development rights. Layouts may include individual lots or a cluster of units without lot lines.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses.

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

(e) All manufactured homes shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.

(10) Nonresidential development plan guidelines.

(a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.

(b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

(1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.

(a) Minimum internal right-of-way.

[1] Maximum residential: 35 feet.

[2] Maximum nonresidential: 50 feet.

(b) Minimum pavement width.

[1] Minimum residential: 20 feet.

[2] Minimum nonresidential: 28 feet.

[3] Minimum sidewalk pavement width: five feet.

[4] Minimum bike/Segway®/golf cart path width: five feet.

(c) Minimum tangent length at intersections: 75 feet.

(d) Maximum street angle at intersections: 60°.

(e) Minimum center-line radius: 100 feet.

(f) Minimum tangent length between reverse curves: 50 feet.

(2) Dimensional requirements.

(a) Nonresidential/mixed-use buildings.

[1] Minimum structure setback from external lot line: 50 feet. Expanding existing nonresidential uses are not held to this setback.

[2] Minimum structure setback from external right-of-way: 50 feet.

[3] Maximum nonresidential building height: 55 feet.

[4] For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.

(b) Residential dwellings.

[1] Minimum structure and parking setback from external lot line: 50 feet.

[2] Minimum structure and parking setback from external row: 100 feet.

[3] Maximum residential building height: 35 feet.

[4] Minimum frontage on internal road: 40 feet.

[5] Minimum setbacks:

[a] Front yard setbacks: 20 feet.

[b] Distance between buildings: 24 feet.

(c) There shall be no minimum lot size or frontage for internal lots created.

(3) Parking.

(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.

(b) Overnight parking shall not be permitted on internal roadways.

(c) Parking shall be utilized and available to all components of the development plan, through the recording of access and parking easements.

§ 170-33. Groundwater protection.

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the primary and secondary groundwater protection zones. The boundaries of the primary and secondary groundwater protection zones are depicted on maps titled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the Planning and Community Development Department and the City Clerk's office. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

C. Applicability.

(1) All land use activities and development conducted within the primary or secondary groundwater protection zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone 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 ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire Administrative Rules Part Env-Wq 401, land use activities within a 400-foot radius of a municipal well, the primary groundwater protection zone, shall be subjected to more restrictive standards than the balance of the groundwater protection zones. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(4) Any nonconforming use may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the primary groundwater protection zones. All other land uses are prohibited.

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing structure, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the secondary groundwater protection zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env-Wq 800 to 811 is prohibited.

(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA 147-A, except for the temporary storage of such materials when they are incidental to or by-products of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter 153, Site Review Regulations, and other applicable state and federal regulations.

(d) Junkyard or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary accessory use designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D(2)(c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the groundwater protection zone.

(i) Industrial uses that discharge contaminated wastewater on site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the secondary groundwater protection zones only if the Planning Board approves a conditional use permit for the specific use per Subsection E(4):

(a) General service and repair shops, including, but not limited to, furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; and refrigeration, heating, ventilating and air-conditioning shops.

(b) Metalworking shops, including, but not limited to, machine shops; metal plating shops; heat-treating shops; smelting shops; and jewelry-making shops.

(c) Manufacturing facilities, including, but not limited to, electronics and chemical manufacturing, processing, and reclamation; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical

production; pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical offices, including, but not limited to, medical, dental, and veterinary offices; and research and analytical laboratories.

(e) Cleaning services, including, but not limited to, dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the secondary groundwater protection zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land uses permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D(2) or (3) above.

(5) In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than 20% of the area of said soils except as provided for below. Any development in the secondary groundwater protection zone that proposes a total impervious surface greater than 20% shall only be permitted if the Planning Board grants a conditional use permit per Subsection E(4). In reviewing a conditional use permit application filed under this provision, the Planning Board shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the Planning Board and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the secondary. groundwater protection zone of all development-generated stormwater runoff from a ten-year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking lot runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and building permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on site and details the proposed method for disposal of such waste outside of the groundwater protection zones.

(7) A hydrogeologic study may be required by the Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the applicant shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the groundwater protection zones that require subdivision or site plan approval from the Planning Board also shall be reviewed by the Dover Conservation Commission. The Planning Board and Conservation Commission shall verify that the proposed activity will comply with this chapter before the Planning Board grants approval.

(2) The Building Inspector shall not issue a building permit for development or land use activities until such time as he verifies with the Zoning Administrator that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning and Community Development Department as he deems necessary. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(3) Land use activities that do not require Planning Board approval or building permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The Planning Board, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the applicant shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance management requirements of the New Hampshire Department of Environmental Services Best Management Practices for Groundwater Protection (Part Env-Wq 401). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the City in reviewing the groundwater protection information shall be paid by the applicant for the conditional use application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

F. Performance standards.

(1) Applicability. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to all new nonresidential and multifamily development, expansion of preexisting nonresidential and multifamily developments that expand the lot coverage of the existing structure(s) by more than 20%, and all subdivisions of four or more new lots:

(a) Post-development infiltration volumes shall be no greater than predevelopment volumes as determined by use of the Development Review Model described in Subsection G below.

(b) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than 80% of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.

(c) No stormwater infiltration system shall be located within the 200-day travel time of an existing or proposed municipal well as depicted on the map referenced in Subsection B above. In absence of a defined 200-day-travel-time radius, the applicant shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific requirements. Within the primary and secondary groundwater protection zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four feet above the seasonal high-water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II, the requirements of this subsection may be waived if the applicant demonstrates that such excavation will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the New Hampshire Department of Environmental Services.

(b) Pursuant to Chapter 81, Fire Prevention and Life Safety, § 81-24, on-premises use of heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, Installation of Oil-Burning Equipment. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

G. Development review. All developments to which Subsection F, Performance standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by reference. A copy of this model shall be on file at the Planning and Community Development Department and the City Clerk's office. The Building Inspector shall withhold a building permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B, of said Development Review Model. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-34. Scenic Road Overlay District.

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public rights-of-way of scenic roads as designated by the Dover City Council per the authority granted by Chapter 117, Scenic Roads. By adopting this

section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately owned land adjacent to the scenic roads.

B. Location of district. The Scenic Road Overlay District is an overlay district that includes all land located within 25 feet of the right-of-way of a scenic road, as designated by the City Council. At present, the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer requirements. Within the Scenic Road Overlay District, the natural vegetative buffer existing at the time of the adoption of this section shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a lot is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34-a, is permitted.

D. Compliance with other requirements. Nothing in this section shall relieve the property owner from complying with the provisions of, Chapter 117, Scenic Roads.

§ 170-35. Hazardous Waste Landfill District I.

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City-owned lots shown on the City of Dover's Assessor's Map C, Lot Nos. 16, 18 and 24.

C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the plat, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE IX
Excavations

§ 170-36. Authority.

RSA 155-E stipulates that, with some exceptions, all earth excavations in the state are subject to regulation from the local municipality in which the operation occurs. Pursuant to the authority vested in the Planning Board by the Code and RSA 155-E, the City adopts the following regulations to govern the excavation of earth materials in the City of Dover.

§ 170-37. Purpose and intent.

The goals of this regulation are to provide for reasonable opportunities for excavation; minimize safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no earth materials in the City shall be removed except in conformance with these regulations.

§ 170-38. Applicability.

A. Projects requiring a permit:

(1) Those that commenced operations since August 24, 1979, without first obtaining a permit, unless specifically exempted by Subsection B below.

(2) Any excavation proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979, and wish to expand the excavation area.

(4) Those excavations from an area that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979, and wish to expand.

B. Projects exempt from a permit.

(1) The following projects do not require a permit but are nevertheless subject to §§ 170-42, 170-43, and 170-44. In the event of a question regarding compliance, the Planning Board may require the owner/operator to come before the Planning Board and submit such information as may be necessary to demonstrate compliance with said standards.

(a) Existing excavations that lawfully existed as of August 24, 1979, from which earth materials of sufficient weight and volume to be commercially useful have been removed during the two-year period before August 24, 1979, provided that:

[1] At the time operation began, it was in compliance with any local ordinances that may have been in effect;

[2] The owner or operator of such an excavation area shall have filed an excavation report per RSA 155-E:2, I(d) with the Planning Board no later than August 4, 1991. Any existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the Planning Board before continuing excavation of the site.

(2) The following projects do not require a permit but are nevertheless subject to §§ 170-42, 170-43, and 170-44 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-

permit status can occur only after the Planning Board has given written notice that the excavation is not in compliance and the owner has failed to bring it into compliance within 30 days of receipt of such notice.

(a) Excavations from a site that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such excavation site.

(b) Excavations from a site that on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before August 4, 1989, which used earth obtained from such site.

(c) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of a Class I, II, III, IV, or V highway. A copy of the pit agreement executed between the pit owner, the agent, and the governmental unit shall be filed with the Planning Board prior to the start of excavation. In addition, the provisions of § 170-40 of this chapter and the provisions of RSA 155-E:2, IV(b) and (c), shall be complied with.

(3) The following projects are exempt from a permit and are not subject to regulation by the Planning Board:

(a) Excavation that is exclusively incidental to the lawful construction or alterations of a building or structure, a parking lot or way, including a driveway, on a portion of the premises where removal occurs. This excavation cannot be started, however, until all required state and local permits have been issued.

(b) Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth at a later date after written notification to the City Engineer and Zoning Administrator.

§ 170-39. Abandoned excavations.

A. Any excavation, except for those associated with stationary manufacturing plants, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the reclamation standards of this regulation shall be considered abandoned if:

(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two-year period either before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the Planning Board approves a reclamation timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site; however, in no case shall the incremental bond amount be less than $2,500 per acre.

(2) The excavation site is in use and is not an excavation associated with stationary manufacturing plants, but either has not been brought into compliance with the incremental reclamation standards of this regulation or a bond has not been posted and the Planning Board has not approved a reclamation timetable.

(3) The owner or operator of the excavation has neither secured a permit pursuant to these regulations nor filed an excavation report with the Planning Board within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period of time. Should reclamation not be completed, the Planning Board may request the City to authorize reclamation at the City's expense. The City's costs shall constitute an assessment against the owner and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of Subsection B above also apply to any excavation that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the reclamation standards, if the Zoning Administrator determines, in writing, that specified reclamation measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

§ 170-40. Prohibited projects.

The Planning Board shall not grant a permit:

A. Where the project cannot comply with the requirements of §§ 170-42, 170-43, and 170-44.

B. For excavations within 50 feet of the boundary of a disapproving abutter or within 10 feet of an approving abutter unless approval is requested by said abutter.

C. Where the excavation is not permitted by zoning or other applicable ordinances; provided, however, that reasonable opportunities for excavation exist in the City, as described in RSA 155-E:4, III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

E. Where existing visual barriers would be removed, except to provide access to the excavation.

F. Where the excavation would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the excavation cannot receive required necessary approvals from state or federal agencies, such as alterations of terrain or wetlands permits.

§ 170-41. Criteria for nonconforming expansions. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

Expansion of existing excavations located in an area in which excavations are no longer permitted by zoning that was in effect on August 4, 1989, may be restricted or modified with conditions by the Planning Board if, after notice to the owner and a public hearing, the Planning Board finds that the expansion will have a substantially different and adverse impact on the neighborhood. Impacts will vary depending upon the particular neighborhood; nevertheless, the following criteria will be taken into consideration:

A. The excavation will not cause a diminution in area property values or unreasonably change the character of the neighborhood.

B. The excavation will not create any nuisance or create health or safety hazards.

C. The excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

§ 170-42. Operational standards.

For excavations not requiring a permit, the following standards apply. For those excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Planning Board.

A. No excavation shall be permitted within 50 feet of the boundary of a disapproving abutter, within 150 feet of a dwelling that either existed or for which a building permit has been issued at the time the excavation is commenced.

B. No excavation shall be permitted below road level within 50 feet of the right-of-way of any public highway as defined in RSA 229:1 unless such excavation is for the purpose of said highway.

C. Vegetation or suitable berm or combination of both shall be maintained or provided within the peripheral areas of Subsections A and B of this section.

D. No fuels, lubricants or other toxic or polluting chemicals shall be stored on site unless in compliance with state laws or rules pertaining to the storage of such materials.

E. Where temporary slopes will exceed a one-to-one grade, a fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

G. Excavation practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

H. No excavation shall be permitted within 100 feet of any great pond, navigable river, or any other standing body of water 10 acres or more in area, or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 482-A:15, I, or any other wetland area as defined by the Department of Environmental Services (DES) and § 170-28C of this chapter.

I. Sand and gravel extraction operations shall not excavate below an elevation four feet above the seasonal high-water table observed when the associated water supply well has not been operating for at least two weeks prior to the date of measurement. Refer to § 170-33, Groundwater protection, for monitoring report requirements.

§ 170-43. Site reclamation standards.

A. For excavations not requiring a permit, the following standards apply. For excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the Planning Board.

B. Within 12 months following the expiration date of a permit issued under these regulations, or the completion of any excavation with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil, or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All earth and vegetative debris resulting from the excavation shall be removed or otherwise lawfully disposed of.

(3) All slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the Planning Board. Changes of slope shall not be abrupt but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the excavation that are judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For excavation projects requiring a permit from the Department of Environmental Services, Water Division, the provisions of RSA

485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-44. Incremental reclamation.

Except for excavation sites operating stationary manufacturing plants, any excavated area of five contiguous acres or more which is depleted of commercial earth materials, excluding bedrock, or any excavation operation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a two-year period shall be reclaimed in accordance with § 170-43 within 12 months following such depletion or nonuse, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas within the reclamation site, shall be submitted to the Planning Board for review and approval by each operator, other than the operators of stationary manufacturing plants that are exempt from permit requirements.

§ 170-45. Performance guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an existing excavation site, the applicant shall submit to the Planning and Community Development Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than $2,500 per acre. The purposes of the bond are to guarantee reclamation of the area and compliance with the permit and to defray costs of any inspections. Off-site improvements for potential damage of City streets or facilities caused by the transportation of earth materials shall be discussed at this stage. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the Planning Board. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site reclamation plan have been complied with.

§ 170-46. Waivers.

Due to the diverse nature of excavation operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the Planning Board may, upon application and following a duly noticed hearing, grant any waiver, in writing, to the standards contained in §§ 170-42, 170-43, 170-44 and 170-45 for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

§ 170-47. Application procedures.

Prior to the Planning Board rendering a decision for an excavation permit, a public hearing shall be held, with due notification of all abutters and the public. The procedure for holding these public hearings is as follows:

A. Filing of the application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Applications for new excavation permits shall be filed with the Planning and Community Development Department by April 1. Applications to renew excavation permits shall be due by April 1 once every two years. Applications to renew shall be due by April 1 of the renewal year. Excavations operating within the primary and secondary groundwater protection zones must still comply with the annual reporting requirements set forth in § 170-33F(2)(a).

(2) The application will be reviewed with the applicant upon submittal to the Planning and Community Development Department and will be accepted only if it is found to meet all submission requirements for a completed application. The application must be accepted as complete no later than April 15 in order to be scheduled for a public hearing. If the application is not completed by the deadline, then another meeting may be scheduled, but may not be later than the expiration date of the permit. All operations shall cease upon permit expiration until a new hearing is scheduled and a completed application is approved.

B. Board action on application.

(1) At the Planning Board's first meeting date in May, the Planning Board may vote to accept the application and, if accepted, will schedule a public hearing to be held within 30 days.

(2) Within 20 days of the close of the hearing on the application, or any continuation thereof, the Planning Board shall make a decision. The Board may for good cause, with proper notice, accept the application, hold the public hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Planning and Community Development Department within 72 hours. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(3) The applicant shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices required for public hearing.

(1) All abutters will be notified by verified mail, not less than 14 days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of abutters must be taken from City records not more than five days before filing the application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 14 days prior to the meeting.

(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees.

(1) A filing fee as contained within the Fee Schedule plus abutter notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the Planning Board to not accept the application. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(2) A permit fee as contained within the Fee Schedule shall be paid upon the issuance of a permit, to defray the costs of permit compliance. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid, upon approval, for the filing of any new plan, if so required by the Planning Board.

(4) Additional reasonable fees shall be charged should the Planning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

§ 170-48. Application submission items.

The applicant shall submit at least 15 copies of an excavation and a reclamation plan; one additional copy shall be sent to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved. The Planning Board may, upon good cause shown, waive any of the items in Subsection A or B below.

A. Excavation plan. The excavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all abutters.

(2) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and North arrow.

(3) Zoning district boundaries of the proposed area and within 200 feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any existing excavations, including the area in square feet and acres.

(5) The location of existing buildings, structures, septic systems and wells within 200 feet of the boundary.

(6) Public streets, driveways, intersections, rights-of-way, and all easements within 200 feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five feet or less.

(8) All surface drainage patterns, including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and slope of the proposed excavation and the estimated duration of the project.

(11) The elevation of the highest annual average groundwater table within or next to the proposed excavation. Refer to § 170-33, Groundwater protection, for requirements of the annual report documenting compliance with the four-foot buffer rule.

(12) Test pits that extend to either the seasonal high-water table, ledge, or a minimum of six feet below the maximum proposed excavation depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including height and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for stormwater management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

B. Reclamation plan. The reclamation plan shall address the effects of the proposed excavation on soil, surface water and groundwater, vegetation, overburden, topography, and fill material, and should address future land use consistent with the City's Master Plan. The plan shall show or be accompanied by the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and North arrow.

(2) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of this site.

(3) Final topography of the area proposed for reclamation, at contour intervals of five feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the excavation area.

(6) Schedule of final reclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other information. The Planning Board reserves the right, per RSA 155-E:3, VII, to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the Planning Board by RSA 676:4, I(g), any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Planning Board to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of § 170-33, Groundwater protection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the applicant demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the New Hampshire Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and excavation taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties.

(3) A copy of the notice of intent to excavate filed with the Assessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the Planning Board.

§ 170-49. Administration and enforcement.

A. Permits.

(1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.

(2) A permit shall be valid for two years, and the expiration date shall be May 30.

(3) Failure to file for a permit shall be considered a violation, and operators who fail to file will be issued a cease and desist order by the Zoning Administrator.

(4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

(5) All permitted sites shall be inspected once every two years. Inspections by the Zoning Administrator or his designee shall be scheduled in April to coincide with permit renewal applications and in October each year by the Zoning Administrator or his designee. The inspection reports shall be timely submitted to the Planning Board for its review.

B. Amendments and renewals. Permit holders wishing to alter the size or location of the excavation, the rate of removal or the plan for reclamation shall apply for a renewal or

amendment following the same procedures as those required for the original excavation permit.

C. Inspections. The Zoning Administrator or his designee may make periodic inspections of all excavation sites to determine if the operations are in conformance with these regulations and the approved plans.

D. Suspensions and revocations. The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the Zoning Board of Adjustment.

E. Appeals. Any person affected by the Planning Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit may appeal to the Zoning Board of Adjustment for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within 10 days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within 10 days, and if the request is granted, a rehearing shall be scheduled within 30 days. Any person affected by the Zoning Board's decision on a motion for rehearing may appeal in accordance with RSA 677:4 to 677:15.

F. Penalties. Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 676:17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

ARTICLE X
Signs and Fences

§ 170-50. Sign review and regulations. [Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-26-2016 by Ord. No. 2016.10.12-015]

The purpose of this section is to create a legal framework for signage regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate identification, advertising and communication. While this section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

A. Permitted signs. No sign shall be permitted within the City of Dover except in accordance with the provisions of this section. See Tables of Use and Dimensional Regulations by District for overview of permitted signs.

B. Permit required. No sign, other than a residential nameplate or a sign exempted from the permitting requirements of this section as described herein, shall be erected or placed in the City of Dover without a sign permit. Said permit shall be issued by the Zoning Administrator, provided that the sign meets all the regulations of this section, after the submission of an application and a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing signs and support structures, where the area, location or materials are being altered, shall require a permit, and such replacement shall conform to the regulations of this section.

C. General provisions. All signs shall conform to the following regulations:

(1) Sign location. Signs shall relate only to the premises upon which they are located, excluding temporary signs as regulated in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(2) All signs shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All signs shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All signs shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic sign, signal or like device.

(5) The illumination of any sign shall be nonflashing; spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.

(a) Flashing signs are prohibited.

(b) Illuminance of the sign face shall not exceed the following standards:

[1] External illumination: 50 footcandles as measured on the sign face.

[2] Internal illumination: 5,000 nits (candelas per square meter) during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.

[3] Direct illumination: 5,000 nits during daylight hours, and 500 nits between dusk and dawn, as measured at the sign's face.

(6) The top edge of a wall sign shall be at least one foot below the top of the wall or parapet wall. The top edge of a roof sign shall be at least one foot below the roof ridge or the highest point of the roof if no ridgepole exists.[11]

(7) No sign shall be painted or affixed with adhesive directly on the surface of a building.

11. Editor's Note: See Figure 1 of the Sign Diagrams, Part I, included as an attachment to this chapter.

(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. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(8) Rotating signs or beacons, waving pennants or whirling devices are prohibited.

(9) Temporary signs are prohibited, except as otherwise provided in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(10) All signs are prohibited within the public right-of-way, except as otherwise provided in this section.

(11) The terms of this section shall not apply to signs being necessary for the public welfare and, as such, are required by the municipal, state, or federal government.

(12) The material and construction of any sign or supporting elements shall be in accordance with the building and electrical codes (in use by the City at the time of installation) and all other applicable City regulations.

(13) On a corner lot, no freestanding sign or support element shall be erected to materially impede vision between a height of 2 1/2 feet and eight feet above curb grades in the same area bounded by the street lines of such corner lot and a straight line joining points along said street lines 30 feet from point of their intersection except as otherwise provided in this section.

(14) Essential directional signs not exceeding four square feet in area are permitted indicating entrance and exit driveways. Said signs shall not be subject to the permitting requirements of this section.

(15) Signs not exceeding two square feet in area are permitted in parking lots indicating aisles or reserved areas or spaces. Said signs shall not be subject to the permitting requirements of this section.

(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 sign not exceeding 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 sign not exceeding 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. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(b) One sign not to exceed four 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.

(17) Wall signs shall conform to the following additional regulations:

(a) No wall sign shall be located in such a manner so as to extend above the next floor's windowsill or descend below the top of the lower floor's lintel.[12]

(b) In all nonresidential zoning districts where a business/premises fronts on more than one public street or municipal parking lot, one wall sign shall be permitted upon each frontage. The sign area displayed shall not exceed that area permitted by the frontage on that public street or parking lot.[13]

(c) In all nonresidential zoning districts, one informational/directional wall sign shall be permitted for each building entryway. Said sign shall not exceed four square feet in area and shall not be illuminated. Said sign shall not be subject to the permitting requirements of this section.

(18) All freestanding signs shall conform to the following regulations:

(a) No freestanding signs shall be located in an area designated for parking unless said sign is protected along all sides by curbing. A four-foot clear space is required along all approaches.[14]

(b) No freestanding sign shall be placed within 50 feet of a low-density residential district (R-40, R-20) boundary.

(19) All projecting signs shall conform to the following additional regulations:

(a) Projecting signs shall be attached to the main wall of the building.

(b) Projecting signs shall be prohibited from projecting over a street, alley or other public space beyond four feet eight inches from a building facade or 2/3 of the width of the sidewalk, whichever is less.[15]

(c) A clear space of not less than 10 feet shall be provided below all parts of a projecting sign, except for residential nameplates.

(d) In all nonresidential zoning districts where a business/premises fronts on more than one public street or municipal parking lot, one projecting sign shall be permitted upon each frontage. The sign area displayed shall not exceed that area permitted by the frontage on that public street or parking lot.

(20) Awnings may be used in lieu of permitted wall signs, provided said letters, insignia or emblems do not exceed the square footage allowed for a wall sign in the applicable zoning district.

D. Signs permitted in residential districts. Any sign permitted in a residential district shall conform to the following regulations (see tables for overview of permitted signs):

12. Editor's Note: See Figure 2 of the Sign Diagrams, Part I, included as an attachment to this chapter.

13. Editor's Note: See Figure 3 of the Sign Diagrams, Part I, included as an attachment to this chapter.

14. Editor's Note: See Figure 4 of the Sign Diagrams, Part I, included as an attachment to this chapter.

15. Editor's Note: See Figure 5 of the Sign Diagrams, Part I, included as an attachment to this chapter.

(1) Customary home occupation signs shall identify only the name of each occupant and the street address. Said sign shall not exceed two square feet and shall not be subject to the permit requirements of this section.

(2) One sign not to exceed 16 square feet may be erected in connection with any legally permitted nonresidential use, excepting home occupations and bed-and-breakfasts.

(3) One sign may be erected in connection with a lawfully maintained nonconforming use.

(4) All nonresidential signs may only be illuminated by constant external illumination. The lighting element shall be shielded and shall illuminate only the sign. No sign shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One sign not to exceed four square feet may be erected in connection with a bed-and-breakfast.

(6) No sign shall be located greater than eight feet above the ground, whether freestanding or attached to a building.

E. Signs permitted in CBD and CWD Districts. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Wall signs.[16] An additional one square foot of sign area per one foot of business frontage shall be permitted, provided that the character of the sign conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

F. Signs permitted in C District. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Freestanding signs.

(a) Where a principal building fronts on more than one street, one freestanding sign may be erected upon each frontage, provided that the building complies with applicable setbacks.

(b) One freestanding sign shall be permitted for every principal entryway to a shopping center. Such signage shall be a distance of 500 feet apart.

(c) Each freestanding sign shall not exceed 16 feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, freestanding signs fronting on the Spaulding Turnpike shall not exceed 30 feet in height.

(d) Notwithstanding, no freestanding sign shall be allowed on Old Rochester Road.[17]

G. Signs permitted in O and Gateway Districts. No sign shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted signs.) Signs shall only

16. Editor's Note: See Figure 6 of the Sign Diagrams, Part II, included as an attachment to this chapter.

17. Editor's Note: Original § 170-32G, Signs permitted in B-1 Districts, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

be illuminated by constant external illumination. The lighting element shall be shielded and shall illuminate only the sign. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

H. Signs permitted in CM District. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Freestanding signs.

(a) Where a principal building fronts on more than one street, one freestanding sign may be erected upon each frontage, provided that the building complies with applicable signage setbacks.

(b) Two freestanding development identification signs shall be permitted per approved industrial park, provided that the combined square footage of such signs does not exceed 500 square feet in area and that, if on a corner lot, such signs shall be set so as to not materially impede vision.

I. Signs permitted in IT District. (See table for overview of permitted signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Freestanding signs.

(a) Where a development fronts on more than one public street or roadway, one freestanding sign shall be permitted upon each frontage.

(b) Each freestanding sign shall not exceed 16 feet in height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, freestanding signs fronting on the Spaulding Turnpike shall not exceed 30 feet in height.

(c) Sign area shall not exceed 60 square feet in area. Notwithstanding, a freestanding sign fronting the Spaulding Turnpike shall not exceed 100 square feet in area.[18]

J. Political advertising signs. Political advertising signs are permitted per the political advertising sign provisions of state law.

K. Obsolete signs. Any sign which is located on property which becomes vacant and unoccupied for a period of more than six months shall be deemed to have been abandoned, and the sign shall be considered obsolete. Such obsolete signs are prohibited and shall be removed by the owner of the sign or owner of the premises. In the event that the said sign(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said structure(s) and assess all costs and expenses incurred in said removal against the structure's owners and/or the owner of the land upon which said structure(s) is located.

L. Nonconforming signs. A sign installed prior to the effective date of this section which meets the applicable requirements of the Zoning Code then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted

18. Editor's Note: Original § 170-32K, Signs permitted in the B-5 District, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

nonconforming sign. Such nonconforming sign shall, however, be subject to the following regulations:

(1) No nonconforming sign shall be altered in any way, in structure or material, which makes the sign less in compliance with the requirements of this section than it was before the alterations.

(2) No nonconforming sign shall be relocated to a position making it less compliant with the requirements of this section.

(3) Nonconforming freestanding signs and projecting signs may be replaced upon approval of a sign permit application, provided that the support structure of the sign remains in place and the dimensions of the sign are the same or smaller. If any other nonconforming sign is replaced, it shall be replaced in total with a sign that is in conformance with the provisions of this section.

(4) Should a nonconforming sign be destroyed by any means to an extent of more than 75% of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this section.

M. Mill motif design criteria.

(1) Intent.

(a) A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial building stock. Influenced by the early 19th century mill development, signage was closely integrated with the style and composition of the building, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering, was dominant. Projecting signs were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

(b) The use of a mill motif signage theme is an attempt to promote a style of architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all signage should be guided by general design criteria.

(2) Sign location. Every sign shall be required to be an integral part of its building. Signs shall be located with respect to the basic architectural framework of the building, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a building's framework.

(3) Sign composition.

(a) Lettering.

[1] No more than one font shall be permitted per sign. More than one size is permitted.

[2] Letters may be attached to the building facade.

[3] Light-colored letters on a dark background are required.

[4] Lettering shall be located so as not to obstruct architectural detailing on the building face.

[5] Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

[6] Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.

[7] The size of the lettering shall be in proportion to both the sign configuration and the building.

(b) Color.

[1] No more than three colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one color.

[2] Colors used in signage should relate to the color composition of the building material and be compatible with them.

[3] The determination of sign color must relate to the degree of contrast between the sign lettering and sign background.

(c) Lighting.

[1] Internal illumination and direct illumination are prohibited.

[2] Only shielded external illumination shall be permitted if lighting is used.

(d) Materials.

[1] The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.

[2] Wooden signs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

[3] Projecting signs shall be supported by black, iron attachments to the building. Guy wires shall not be permitted as a principal sign support member.

[4] No support for a projecting sign shall extend above the cornice line of the building to which it is attached.

(4) Permit process.

(a) The Zoning Administrator shall be responsible for the issuance of sign permits relative to mill motif accessory signs. Application for said signs shall include the following items:

[1] A scaled elevation drawing of the entire building facade(s).

[2] Proposed sign clearly delineated on the elevation drawing.

[3] Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

[4] A photograph of the building.

[5] A sample color rendering of the intended sign.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the applicant of the decision, in writing.

N. Fees for the review of signage are set annually and may be found in the City's Fee Schedule.

O. Temporary signs. No temporary sign shall be erected or placed in the City of Dover without a temporary sign permit issued by the Planning and Community Development Department, except as noted in Subsection O(1)(b). The following regulations shall apply: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) Temporary signs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R). Where permitted temporary signs are subject to the following regulations:

(a) Temporary signs allowed with one-week permit. A lot or tenant may obtain a temporary sign permit for one week, provided that all of the following conditions are met:

[1] One-week temporary sign permits are valid for a consecutive seven-day period and may be obtained once every three months, for a maximum of four one-week temporary signs per year. If the permit is not used in one quarter, it shall not be carried over to the next quarter.

[2] The temporary sign shall be limited to 24 square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner-type temporary signs are permitted only in the C Zoning District.

[3] The temporary sign shall be removed within 24 hours after the end of the approved display period. If the temporary sign or banner is not removed within 24 hours, the temporary sign or banner may be removed by the City of Dover.

[4] If the temporary sign is located on a City sidewalk or within a public right-of-way directly in front of the building, the requirements in Subsection O(1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(b) Temporary signs allowed without a permit. One A-frame sandwich board temporary sign is permitted per lot or tenant and does not require a permit, provided all of the following conditions are met:

[1] The temporary sign is not located on a City sidewalk or within a public right-of-way.

[2] The maximum size of the temporary sign is eight square feet.

[3] The temporary sign must be placed directly in front of the building at a distance no greater than two feet from the building and must not impede pedestrian or handicapped access to the business or adjacent businesses.

(c) Temporary signs allowed with annual permit. One temporary sign shall be permitted per each principal building. Buildings with an excess of 100 feet of street frontage shall be permitted one additional temporary sign per every additional 100 feet of street frontage. See District Tables of Use for additional requirements.[19]

[1] If the temporary sign is located on a City sidewalk or within a public right-of-way directly in front of the building, the requirements in Subsection O(1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

[2] The following additional regulations shall apply to temporary signs located in the CBD-General District:

[a] The structure of the temporary sign must consist of medium density overlay plywood, or a similar durable, wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages; see below). The use of other materials is permitted if styled and composed to imitate wood or metal.

[b] Any graphics, lettering, words, numbers, messages and/or symbols on the temporary sign shall be applied directly onto the surface of the sign and/or shall be made with sign plastic film.

[c] The material for changeable messages shall be either chalkboard or dry-erase board. Temporary signs with moveable slide-in plastic letters are not permitted.

[d] Temporary signs using stencils or spray paint are not permitted.

[e] Temporary signs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.

19. Editor's Note: The District Tables of Use are included as attachments to this chapter.

(d) Temporary signs located on a City sidewalk or within a public right-of-way. Temporary signs located on a City sidewalk or within a public right-of-way shall meet the following requirements:

[1] A certificate of insurance in the amount of $100,000 (bodily injury/ property damage) shall be filed as part of the temporary sign permit application to ensure sufficient liability coverage of the applicant.

[2] A hold harmless certification letter shall be filed as part of the temporary sign permit application to relieve the City of Dover from bodily injury and property damage liability.

[3] Temporary signs shall only be displayed during business hours.

[4] A five-foot clear passageway must be maintained at all times.

[5] Temporary signs shall be located directly in front of the building or in front of the space within the building occupied by the temporary sign owner.

(2) Community signs. With a permit, temporary signs may be located in the public right-of-way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road, provided that the following requirements are met:

(a) Community signs shall be A-frame/sandwich board type and no larger than six square feet in area and no greater than three feet in height.

(b) No more than three permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No applicant will be issued a community sign permit for more than 12 display periods per calendar year.

(d) Applications for community sign permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar year's display schedule and payment of fees are submitted by the applicant. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (applicant or applicant's landlord) and shall include:

[1] A certificate of insurance in the amount of $100,000 (bodily injury/ property damage) to ensure sufficient liability coverage of the applicant.

[2] A hold harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community sign permit and shall be affixed to the lower right corner of the sign face.

§ 170-51. Fence review and regulations. [Amended 6-22-2016 by Ord. No. 2016.06.08-010]

A. Fence heights. No person or other entity shall erect or cause to be erected a fence exceeding four feet in height between the right-of-way and either 10 feet from the right-of-way or a line parallel with the front of the house closest to the right-of-way, whichever is less. Fences may be up to eight feet in height for the remainder of the lot. Height is measured from ground level.

B. Fence design.

(1) The finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. When erected on a property or lot boundary line, all of the fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting said fence.

(2) On a corner lot, no fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the street lines of such corner lot and a straight line joining points along said street lines 30 feet from the point to the intersection. For corner lots that are located on the inside curve of streets and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit sight distance.

C. Exceptions. The provisions described in Subsection A shall not apply in the Commercial Manufacturing (CM), Commercial (C), Central Business (CBD), Gateway (G), Office (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to this chapter, requires for screening purposes a fence exceeding eight feet. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-007]**

ARTICLE XI
Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.[20]

Where, at the time of passage of this chapter, lawful use of land exists which would not be permitted by the regulations imposed by this chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this chapter, with the exception of a single-family structure. Said single-family

20. Editor's Note: Original § 170-39, Nonconforming lots, of the 2013 Code, which immediately preceded this section, was repealed 10-13-2021 by Ord. No. 2021.09.08-006. See now § 170-14, Nonconforming lots.

structure may be expanded up to 20% of its gross habitable floor space, provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this chapter.

C. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months or for 24 months during any three-year period, any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which such land is located.

D. No additional structure not conforming to the requirements of this chapter shall be erected in connection with such nonconforming use of land with the exception of accessory structures associated with a single-family house, provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a lot meets the requirements of § 170-14, any additions or accessory structures may be allowed to meet the side yard setbacks outlined therein.

§ 170-53. Nonconforming structures.

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area, lot coverage, height or yards, its location on the lot or other requirements concerning the structure may be continued so long as it remains otherwise lawful, subject to the following:

A. Except as provided for in §§ 170-52A and 170-53D, no such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

B. A building or structure nonconforming either in terms of use or bulk may be restored to its former bulk if destroyed by fire, other hazard or if it is determined by the building official to be a hazard to persons or buildings abutting it, provided that restoration of the structure is begun within 12 months after the act of destruction. All such structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, alterations or repairs are in compliance with the provisions of Subsection A. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C. Should such structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family structures that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements shall be permitted within the front, side or rear setback areas, provided that the addition is no closer to the lot line than the existing nonconforming structure, and no closer than 10 feet to the lot line.

E. For nonconforming single-family structures that were made nonconforming by a zoning amendment that changed the front, side or rear setback requirements, accessory structures that are less than one story in height shall be permitted within the front, side or rear setback areas provided that the accessory structure is no closer to the lot line than the existing nonconforming principal structure, and no closer than five feet to the lot line, and has no windows on the side of the building facing that encroached area. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

§ 170-54. Repairs and maintenance. [Amended 8-22-2018 by Ord. No. 2018.08.08-009]

On any nonconforming structure or portion of a structure containing a nonconforming use, ordinary repairs may be made, subject to the following provisions: if a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by the Housing Standards Board to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a structure to be secured to a safe condition.

§ 170-55. Uses permitted by special exception. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

Any use which is permitted as a special exception in a district under the terms of this chapter (other than a change through the Zoning Board of Adjustment action from a nonconforming use to another use not generally permitted in the district) shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE XII
Off-Street Parking and Loading

§ 170-56. Applicability.

The following conditions shall apply to all parking and loading spaces provided in conformance with this chapter:

A. Conformity with the Site Review Regulations, Chapter 153, §§ 153-14 and 153-17, site development criteria.

B. Where parking spaces are provided for nonresidential structures and this parking area adjoins a residential use, suitable screening at least seven feet in height shall be provided and maintained.

C. In the Central Business District (CBD) and Cochecho Waterfront District (CWD), municipal parking facilities may be substituted for the requirements of this section.

D. Parking spaces for nonresidential uses and multifamily dwellings shall have independent access to an aisle or driveway and be accessible year-round.[21]

ARTICLE XIII
Administration

§ 170-57. Administrative officer.

A. This chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this chapter.

B. The Building Inspector shall not approve an application or issue a building permit or certificate of occupancy for any purpose, except in compliance with the provisions of this chapter.

§ 170-58. Violations and penalties.

The administration and enforcement of this chapter shall be in any manner authorized by state statute, including but not limited to RSA 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b.

§ 170-59. Zoning Board of Adjustment.

A. Purpose. The purpose of the Zoning Board of Adjustment is to hear and decide appeals of any person(s) who is aggrieved by the administration, enforcement and application of this chapter.

B. Authority. The Zoning Board of Adjustment shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this chapter as set forth herein.

C. Powers and duties.

(1) Powers. The Zoning Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made in the enforcement of this chapter (interpretation of ordinance). **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) To hear and decide special exceptions to the terms of this chapter upon which the Zoning Board of Adjustment is required to pass under this chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to

21. Editor's Note: Original § 170-46, Loading spaces, of the 2013 Code which appeared in this article was repealed 6-22-2016 by Ord. No. 2016.06.08-010.

special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this chapter where a structure has been found to be in violation of said dimensional requirement.

(2) Interpretation of chapter.

(a) On appeal from an order or decision made by any officer or board of the City, the Zoning Board of Adjustment shall have the power to decide any of the following questions:

[1] Determination of the meaning of any provision of the text of this chapter.

[2] Determination of the exact location of any district boundary shown on the Zoning Map.[22]

[3] The Zoning Board of Adjustment shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this chapter. Upon such appeal, the Zoning Board of Adjustment may, in accordance with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. The Zoning Board of Adjustment shall have the power to hear and decide on application for special exceptions. In applying a special exception, the applicant need not demonstrate hardship, since the basis for the action is of general benefit to the City as a whole.

(a) In granting a special exception, the Zoning Board of Adjustment, with due regard to the nature and condition of all adjacent structures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

[1] The requested use is essential or desirable to the public convenience or welfare.

[2] The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

[3] The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

22. Editor's Note: The Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

(b) Any special exception which has not been acted upon in accordance with the approval of the Zoning Board of Adjustment within four years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The Zoning Board of Adjustment may authorize a variance from the terms of this chapter for:

[1] A particular use.

[2] A parcel of land.

[3] An existing/proposed building.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this chapter.

(c) In granting variances, the Zoning Board of Adjustment, if it deems it proper to the carrying out of the intent and purpose of this chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of this chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the Zoning Board of Adjustment within four years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the Zoning Board of Adjustment shall not exempt the applicant from any provision of this chapter not specifically ruled upon by the Zoning Board of Adjustment or specifically set forth as excepted in this particular case from a provision of this chapter. It shall be unlawful for any owner or person to reconstruct, convert or alter a structure or change the use, increase the intensity of use or extend or displace the use of any building, other structure or lot or change any required limitations or special conditions imposed by the Zoning Board of Adjustment in authorizing a special exception or variance without appealing to the Zoning Board of Adjustment as a new case, over which the Zoning Board of Adjustment shall have complete administrative power to deny, approve or modify.

(6) Public hearing. The Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal in accordance with its bylaws, and before any hearing is given either on an appeal or an application for variance or special exception of this chapter, notice shall be given to all abutters of any portion of the lot in question. Notice shall be given to abutters by verified mail, and also placed in a newspaper of general circulation, not less than five days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or applicant to the Department of Planning and Community Development. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

D. Appeal from the decision of the Zoning Board of Adjustment.

(1) Rehearing. Within 30 days after any order or decision of the Zoning Board of Adjustment, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor, and the Zoning Board of Adjustment may grant such rehearing if, in its opinion, good reason therefor is stated in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the Zoning Board of Adjustment shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within 30 days after the application for a rehearing is denied or, if the application is granted, then within 30 days of the decision on such rehearing, the applicant may appeal by petition to the Superior Court.

§ 170-60. Amendment procedure.

A. Power to amend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this chapter.

B. Initiation of amendments. Amendments may be initiated by the City Council, the Planning Board, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for consideration of a proposed amendment.

(1) Amendments initiated by the Planning Board. The Planning Board may, upon its own initiative, from time to time, consider amendments to this chapter or Zoning Map and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in Subsection D below.

(2) Amendments initiated by the City Council. The City Council may, upon its own initiative, from time to time, consider amendments to this chapter or Zoning Map. All such City Council-initiated amendments shall be referred to the Planning Board for its review and study. The referral shall be made, in writing, by the Mayor. The Planning Board shall, after following the public notice and hearing requirements contained in Subsection D below, submit written recommendations regarding the amendments to the City Council within 60 days of their referral.

(3) Amendments initiated by Dover citizens or property owners. Dover citizens or owners of property in Dover submitting amendments to this chapter or Zoning Map shall forward their proposed amendments to the Planning Board for its consideration and recommendation. Such submission shall contain the information required by Subsection E below. The Planning Board shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in Subsection D below, can be met. After the public hearing,

the Planning Board shall make its recommendations concerning the petitioned amendments to the City Council within 60 days of the date of the initial public hearing.

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 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 (b)(3), notice of the public hearing shall be posted in at least three public places, including the City website. In accordance with RSA 675:7, I(b), the posting on the City website shall appear prominently on the City's home page (or a link directly to the notice appearing prominently on the City's home page), shall be posted at least 10 days before the hearing, and shall remain posted on the website until the conclusion of the hearing. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(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 a 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. 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 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 subsection. 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 subsection. 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 subsection. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(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, and a general description of the property involved, where applicable, and designate a place where the full text of the amendment is on file for public inspection.

E. Submission requirements for petitioned amendments. A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment;

(3) A statement of the impact of the proposed amendment on the City's economy, environment, municipal services, municipal facilities and neighborhoods;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and Tax Map number of each property owner of the area proposed for rezoning and each property owner within 100 feet of the subject area. The list shall be current within 10 days of submittal; and

(7) A nonrefundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a nonrefundable fee as contained within the Fee Schedule per landowner and abutter required to be notified per Subsection D(2). **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

F. Criteria for Planning Board review of proposed amendments. The Planning Board shall provide to the City Council a report on each proposed amendment. The report of the Planning Board shall include the Planning Board's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

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

(3) The effect of the proposed amendment on the City's municipal services and capital facilities as described in the capital improvements program;

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

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

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

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

G. City Council action on proposed amendments.

(1) Setting a hearing date. Upon receipt of the Planning Board's report and recommendations on the proposed amendment, or upon the expiration of the sixty-day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in Subsection D.

(2) Waiver of notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and abutters may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one of the zoning districts established by § 170-7 of this chapter. Under no

circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in Subsection D(1) of this section be waived.

(3) Action on the proposed amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the Planning Board recommendations unless by a vote of not less than 2/3 of its membership present and voting.

(4) Protest petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of 2/3 of the City Council members present shall be required.

170 Attachment 1

City of Dover

Rural Residential (R-40) District
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Clinic
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Country club [7]
- Dwelling, two-family [8]
- Dwelling, three- to four-family [8]
- Dwelling, single-family
- Educational institution, K-12
- Excavation [7]
- Farm [9]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [10]
- Hospital
- Manufactured housing
- Office [5] [11]
- Personal service establishment [5]
- Public recreation
- Public utility
- Recreational camp
- Retail sale of agricultural or farm products raised on site
- Theater [5]
- Veterinary office, animal hospital or kennel [12]
- Wholesaling of farm products [7]

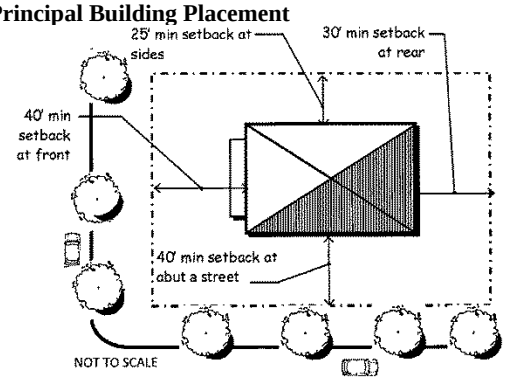
Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Junkyard
- Manufactured housing park
- Nursing home

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	40,000 sf
Maximum lot coverage	10%
Minimum frontage	150 ft
Principal Building	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	25 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



Sign Regulations

Size	R-40 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)

Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Footnotes

[1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.

[2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major subdivision. In an R-40 District, any major subdivision must follow the procedures for an open space subdivision (OSS).

[5] Use is allowed as a commercial component to an open space subdivision. (See § 157-21.)

[6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.

[7] Use is not allowed as a commercial component to an open space subdivision. (See § 157-21.)

[8] Use is allowed when included within an open space subdivision with commercial components. (See § 157-21.)

[9] Farm animals are permitted, provided that the tract upon which such animals are kept shall support a minimum land area of 100,000 square feet. In no instance shall the shelters used to contain said animals be closer than 100 feet to any property boundary.

[10] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[11] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[12] Veterinary office and animal hospital uses are allowed as a commercial component to an open space subdivision. (See § 157-21.) Shelters and runs used to house and/or contain animals shall be no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

Special Exception Criteria

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 sf of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of 1 unit per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of 1 unit per 7,500 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the R-40 District in areas not serviced by City water and sewer utilities, at a density of 1 bedroom

per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities, at a density of 1 bedroom per 7,500 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Helicopter Takeoffs and Landings: Helicopter takeoffs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a special exception, contained in § 170-59C(3) must also be satisfied

Junkyard: A junkyard may only be permitted upon the determination that the property values of land adjacent to such use will not be compromised. Conditions may include but not be limited to the provision of adequate and properly maintained screening around land so used.

Manufactured Housing Parks: Manufactured housing parks shall be subject to the following regulations:

A. The proposed park must conform to Chapter 101, Manufactured Home Parks, of the Code.

B. All plans for the proposed park must have been granted preliminary approval from the Dover Planning Board.

C. A determination by the Zoning Board of Adjustment that the proposed manufactured housing will not adversely affect overall land values in the neighborhood.

D. A determination by the Zoning Board of Adjustment that the proposed manufactured housing will not result in the creation of hazardous traffic conditions.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities, at a density of 1 bedroom per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities, at a density of 1 bedroom per 7,500 sq. ft. of land.

B. Provided that parking and service areas are screened from abutting residential uses.

170 Attachment 2

City of Dover

Low Density Residential (R-20) District
[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [5]
- Dwelling, two-family [6]
- Dwelling, three- to four-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10] [5]
- Personal service establishment [5]
- Public recreation
- Public utility [11]
- Retail sale of agricultural or farm products raised on site
- Roadside farm stand [12]
- Theater [5]
- Veterinary office, animal hospital or kennel [13]

Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Nursing home

Sign Regulations

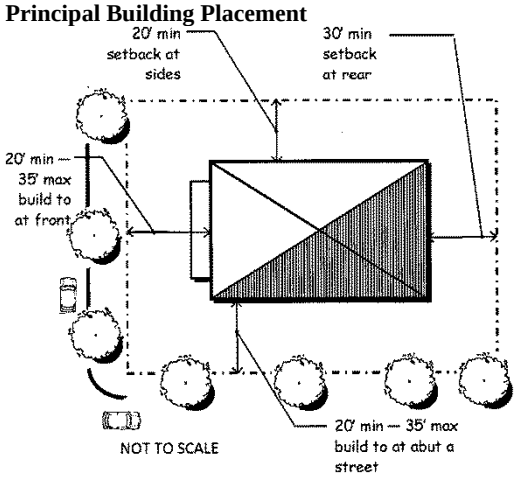
Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1][2]

Lot	
Minimum lot size [3]	20,000 sf
Maximum lot coverage	30%
Minimum frontage	125 ft
Principal Building	
Front build-to line	20 ft min, 35 ft max*
Abut a street build-to line	20 ft min, 35 ft max*
Side setback	20 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building or 35 feet, whichever is less
Abut a street setback	No closer than the principal building or 35 feet, whichever is less
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

* Expansions to, or renovations of, existing structures have a twenty-foot setback.

Principal Building Placement



Footnotes

[1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.

[2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major subdivision. Any major subdivision in an R-20 District must follow the procedures for an open space subdivision if the original lot meets the minimum lot size required.

[5] Use is allowed as a commercial component to an open space subdivision. (See § 157-21.)

[6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.

[7] Two-family dwellings are permitted on lots with a density of 15,000 square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.

[8] Farm animals permitted, provided that the tract upon which such animals are kept shall support a minimum land area of 100,000 square feet. In no instance shall the shelters and pens or runs used to contain said animals be closer than 100 feet to any property boundary.

[9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[10] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[12] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and building area shall not exceed 600 square feet. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

[13] Veterinary office and animal hospital uses are allowed as a commercial component to an open space subdivision. (See § 157-21.) Shelters and runs used to house and/or contain animals shall be

no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-20 District at 1 unit per 5,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: in the R-20 District at a density of 1 bedroom per 5,000 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Helicopter Takeoffs and Landings: Helicopter takeoffs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
C. The facility shall be accessory to the principal use located on the lot.
D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
E. The conditions for granting a special exception, contained in § 170-59C(3) must also be satisfied.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-20 District at 1 unit per 5,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

170 Attachment 3

City of Dover

Medium Density Residential (R-12) District
[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bed-and-breakfast
- Child-care facility
- Conservation lot
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Educational institution, postsecondary
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10]
- Public recreation
- Public utility [11]
- Roadside farm stand [12]

Uses Permitted by Special Exception

- Elderly assisted care home

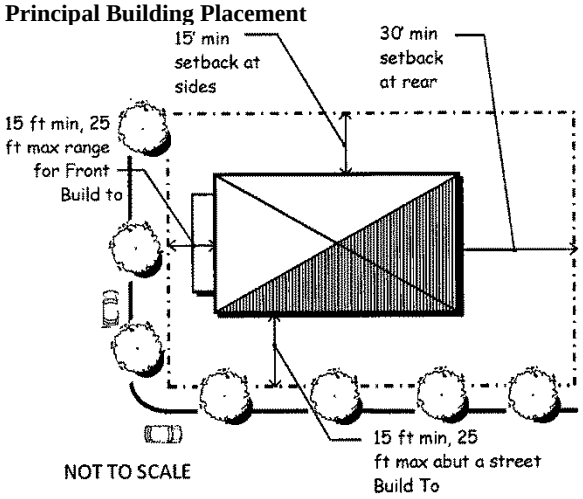
Sign Regulations

Size	R-12 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign max 2 sf, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	12,000 sf
Maximum lot coverage	30%
Minimum frontage	100 ft
Principal Building	
Front build-to line	15 ft min, 25 ft max [5]
Abut a street build-to line	15 ft min, 25 ft max [5]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building
Abut a street setback	No closer than the principal building
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



Footnotes

[1] In the case of an open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover.

[2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[4] Refer to Chapter 157, Subdivision of Land, Article IV for the minimum lot size for a major subdivision. Any major subdivision in an R-12 district must follow the procedures for an open space subdivision if the original lot meets the minimum lot size required.

[5] Expansions to, or renovations of, structures on existing lots have a five-foot setback.

[6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least 4,000 square feet per dwelling unit and a minimum floor area of 500 square feet per dwelling unit. Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents.

[7] Two-family dwellings are permitted on lots with a density of 9,000 square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street, and only 1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.

[8] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

[9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[10] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[12] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed 400 sq. ft. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Elderly Assisted Care Home:

Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: in the R-12 District at a density of 1 bedroom per 3,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure

must be contained within or contiguous to the original structure.

170 Attachment 4

City of Dover

Suburban Density Multi-Residential (RM-SU) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conversion of existing dwelling to accommodate 5 or more units [3]
- Conversion of existing dwelling to accommodate not more than 4 units [3]
- Dwelling, two-family
- Dwelling, three- to four-family [3]
- Dwelling, multifamily [3]
- Dwelling, single-family
- Educational institution, K-12
- Farm [5]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Office [7]
- Public recreation
- Public utility [8]
- Roadside farm stand [9]

Uses Permitted by Special Exception

- Elderly assisted care home

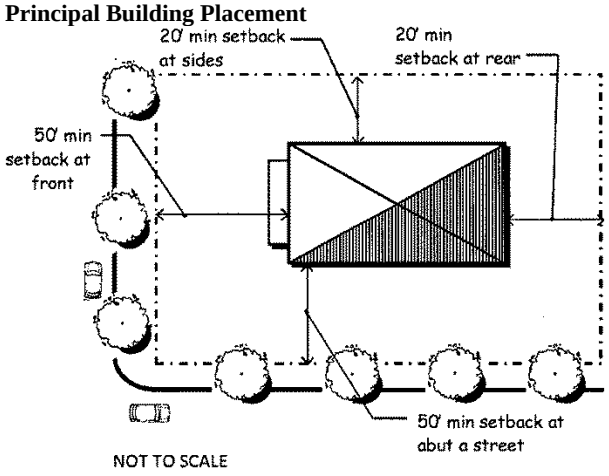
Sign Regulations

Size	RM-SU District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	20,000 sf
Maximum lot coverage	40%
Minimum frontage	100 ft
Principal Building	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	20 ft
Rear setback	20 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Provided that the lot upon which such multifamily residence is to be constructed shall contain at least 10,000 square feet for each dwelling unit.

[4] Reserved

[5] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

[6] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[7] Permitted only if operated as a customary home occupation. (Refer to definition in § 170-6B.)

[8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[9] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 400 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and building area shall not exceed 1,000 sq. ft. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Elderly Assisted Care Home:

Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: in the RM-SU District at a density of 1 bedroom per 5,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

170 Attachment 5

City of Dover

Urban Density Multi-Residential (RM-U) District
[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses
- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [4]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Office [6]
- Public recreation
- Public utility [7]
- Rooming house

Uses Permitted by Special Exception
- Assisted living facility
- Beauty shop and barbershop
- Congregate care facility
- Continuing care community facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Nursing home
- Retail store

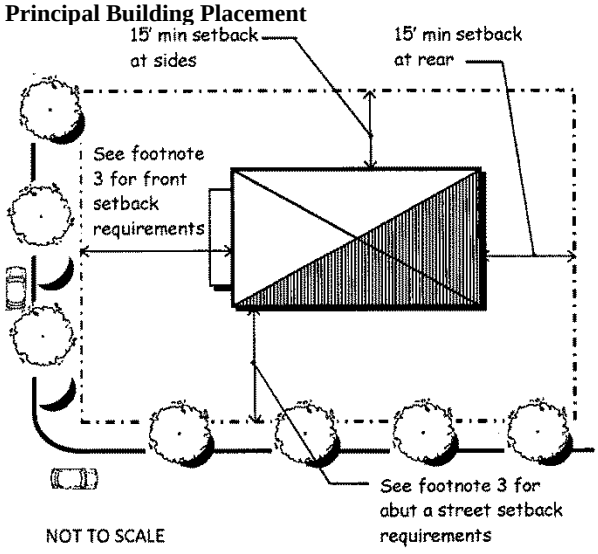
Sign Regulations

Size	**RM-U District**
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	40%
Minimum frontage	80 ft
Principal Building	
Front setback	[3]
Abut a street setback	[3]
Side setback	15 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal
Abut a street setback	No closer than the principal
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front facade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus 5 feet.

[4] Provided that the lot contains at least 2,000 square feet for each dwelling unit, plus an additional 500 square feet for every bedroom contained in such multiunit residence. A maximum of 4 units per lot is allowed.

[5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than six chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of six animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[6] Permitted only if operated as a customary home occupation (refer to definition in § 170-6B).

[7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,500 square feet of lot area in the RM-U District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Barbershops and Beauty Shops: Barber and beauty shops shall be subject to the following regulations:

A. No more than 1 operator's chair is permitted.
B. No assistants are to be employed.
C. All operators are to be members of the immediate family who reside in the home.
D. All such uses shall conform to the regulations governing customary home occupations in § 170-18.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the RM-U District at 1 unit per 2,500 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Conversion to or Creation of Dwelling, Three- to Four-Family: Three- or four-family dwellings and conversions of existing dwellings to 3 or 4 units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within 200 feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.
B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two parking spaces per unit shall be required.
C. Parking lots shall be at least 5 feet from a side property line and 10 feet from a front property line.
D. Parking areas shall be screened from the street and from abutting lots.
E. Structures shall be at least 20 feet from a front property line, 15 feet from a rear property line and 15 from a side property line unless abutting a

street, in which case the distance from the side property line shall be 20 feet.

F. If the units generated are restricted to the HUD Fair Market Rent rates, for Dover, criteria A and E do not apply.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the RM-U District at a density of 1 bedroom per 2,500 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Group Home for Minors: Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

Nursing Home: Nursing home is allowed as a special exception in accordance with the density and provisions stated below:

A. In the RM-U District at 1 unit per 2,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Retail Store: A retail store shall be subject to the following regulations:

A. The store shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The store shall be no larger than 2,000 square feet.
C. No more than half of the required parking necessary shall be on-site parking, which shall be screened from abutting residential lots.
D. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
E. The proposed use shall be compatible with the surrounding neighborhood.
F. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., Sunday to Thursday.

170 Attachment 6

City of Dover

Heritage Residential (HR) District
[Added 8-19-2015 by Ord. No. 2015.07.22-017; amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses***

- Accessory dwelling unit
- Adult day care
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [5]
- Customary home occupation
- Dwelling, two-family [5]
- Dwelling, single-family
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Public recreation
- Public utility [7]
- Roadside farm stand [8]

Uses Permitted by Conditional Use Permit***

- Bed-and-breakfast (permitted on Silver Street only)
- Child-care facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Office

Sign Regulations

Size	**HR District**
Total signs permitted	1
Total area permitted	8 sf (customary home occupation sign 2 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations* [1] [2]

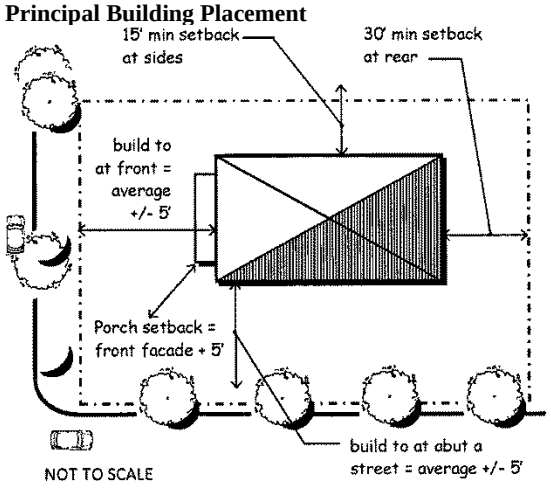
Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	40%
Minimum frontage	80 ft
Principal Building***	
Front build-to line	[3]
Abut a street build-to line	[3]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use***	
Front setback	[4]
Abut a street setback	[4]
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	24 ft min**, 40 ft max
Outbuilding	40 ft max

* Deviations from these requirements are permitted by conditional use permit, subject to the requirements of § 170-20B(1), where applicable.

** The minimum principal building height shall not apply to additions constructed onto the rear of the principal building, provided that where the addition will be closer to either side lot line than the existing principal building, the addition shall be located no closer than 45 feet to the front lot line.

*** See next page for architectural considerations.

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front facade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus 5 feet.

[4] Accessory structures must be set back at least 20 feet from the average front setback of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line.

[5] Two-family dwellings shall be designed to look like single-family dwellings (i.e., the two-family dwelling should not look like it was designed to occupy more than 1 family). At a minimum, this shall mean that only 1 entrance shall be visible from a public street. Notwithstanding any other provision of Chapter 170, a legal or legal nonconforming accessory structure existing as of the effective date of these regulations may be converted into a second unit, provided that it shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

[6] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: No more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[8] Roadside farm stands shall be set back a minimum of 20 feet from all abutting vehicular rights-of-way. The area of any building associated with the roadside farm stand shall not be greater than 200 square feet in area and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed 400 square feet. Off-street parking shall be provided in the amount of 1 off-street parking space per 250 square feet of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Architectural Considerations

The goal of the Heritage Residential District is to recognize, celebrate, and enhance the unique character of this area, in part by promoting architecture with a strong sense of place, fine detailing, quality materials, and designed with the site context and adjacent development in mind. To that end, applicants for new construction are encouraged to refer to the Dover Historic Preservation Guide (June 1991) for examples of architecture and design that is fitting for the Heritage Residential District. This document is available for viewing on the Planning and Community Development Department webpage and at the offices of the Planning and Community Development Department and Inspection Services Division, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.

Conditional Use Permit Criteria

The requirements of § 170-20B(2) and (3) shall apply to all uses permitted by conditional use permit, in addition to the requirements set forth below.

Child-Care Facility: Child-care facilities shall be subject to the requirements set forth in the "child-care facility" definition, § 170-6.

Conversion to or Creation of Dwelling, Three- or Four-Family: Three- or four-family dwellings and conversions of existing dwellings to 3 or 4 units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within 200 feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two parking spaces per unit shall be required.
C. Parking lots shall be at least 5 feet from a side property line and 10 feet from a front property line.
D. Parking areas shall be screened from the street and from abutting lots.
E. Structures shall be at least 20 feet from a front property line, 30 feet from a rear property line and 15 from a side property line unless abutting a street, in which case the distance from the side property line shall be 20 feet.
F. For new construction, the building must be designed to look like a single-family dwelling. At a minimum, this shall mean that only 1 entrance shall be visible from a public street. For conversions, the building must retain its appearance as a single-family dwelling or a two-family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal nonconforming accessory structure existing as of the effective date of these regulations may be converted into 1 or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

Elderly Assisted Care Home: Elderly assisted care home is allowed in accordance with the densities and provisions stated below:

A. Elderly assisted care homes larger than 6 bedrooms are permitted at a density of 1 bedroom per 2,500 square feet.
B. Parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Group Home for Minors: Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.
F. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., Sunday to Thursday, and 6:00 a.m. to 10:00 p.m., Friday and Saturday.

170 Attachment 7

City of Dover

Commercial (C) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]

Permitted Uses [8]
- Adult day care
- Auto service station
- Bank
- Barber and beauty shop
- Child-care facility
- Clinic
- Commercial parking facility
- Commercial recreation
- Computer and data processing
- Dwelling, multifamily [3]
- Eating and drinking establishment [4]
- Farm
- Hotel/motel
- New car sales
- Office
- Personal service establishment
- Public utility [5]
- Publishing facility
- Retail store
- Theater
- Used car lot [6]
- Veterinary office, animal hospital or kennel

Uses Permitted by Special Exception
- Adult bookstore and/or video store
- Adult cabaret
- Vehicle refueling and recharging station

Sign Regulations

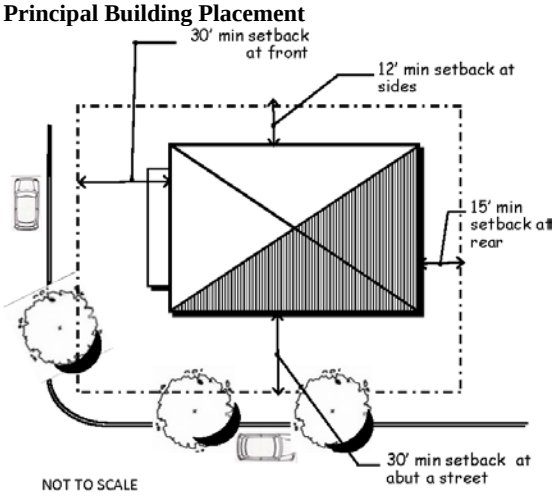
Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike)
Type	
Freestanding	(Max size 60 sf, max height 16 ft. 1 sign per side of frontage. Freestanding signs shall be located on low planter walls or be monument signs.)
Projecting	Permitted (max size 8 sf)
Wall/awning	(Provide building signage that is proportional to the scale of the tenant facade, max 1 sf for each linear foot of business frontage)
Temporary	Permitted (max ht 4 ft, max size 32 sf)

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	20,000 sf
Maximum coverage	50%
Minimum frontage	125 ft
Principal	
Front setback	30 ft
Abut a street setback	30 ft
Side setback [7]	12 ft
Rear setback [7]	15 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

* Parking areas shall be set back at least 25 feet from property lines

Principal Building Placement



Signs shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be designed to further the design theme of the building and be consistent with any sign package. Paint sign backgrounds and sign cabinets to complement building colors.

Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Provided the lot contain 5,000 square feet per dwelling unit. Units are allowed only in mixed-use buildings, where no more than 2/3 of the overall square footage of the building is residential.

[4] If the eating and drinking establishment has drive-in services, said service shall be set back either 50 feet from a residential abutting lot line or 100 feet from the abutting residential structure whichever is greater.

[5] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[6] Permitted if an accessory use to a new car dealership.

[7] A vegetated buffer of no less than 50 feet must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation, where available, and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year-round basis for the benefit of the residential uses abutting the C Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques, with a preference toward preserving existing healthy trees, where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.

[8] Solar/green roof standard:

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

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Adult bookstore and/or video store, adult cabaret: Adult bookstore and/or video store and adult cabaret shall be subject to the following conditions:

A. An adult bookstore, video store or cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.

B. An adult bookstore, video store or cabaret shall be at least 1,000 feet from a parcel of land containing a school, church, community park or public recreational area.

C. No adult bookstore, video store or cabaret shall be permitted within 1,000 feet of an existing similar use.

D. The proposed use shall comply with all other state statutes, and City ordinances and codes.

Vehicle refueling/recharging 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 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 80,000 square feet; the minimum lot width shall be 150 feet. Thirty-three percent of the subject parcel shall be open/green space.

C. The total permitted sign area shall not exceed 100 square feet, inclusive of the canopy and fueling equipment, and any signage for retail or eating or drinking uses.
D. Hours of operations shall be limited to 6:00 a.m. to 9:00 p.m.
E. If a drive-in thru service is proposed, said facility shall be set back either 50 feet from a residential abutting lot or 100 feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with Subsection G below.
F. No fuel storage tanks may be constructed or enlarged closer than 100 feet to any Conservation District, and 200 feet to a secondary groundwater protection zone.
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.

170 Attachment 8

City of Dover

Commercial Manufacturing (CM) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010; 8-9-2023 by Ord. No. 2023.07.12-008]

Permitted Uses [9]

- Adult day care
- Child-care facility
- Commercial recreation
- Eating and drinking establishment [5]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - ◊ Drugs
  - ◊ Office, computing and accounting machines
  - ◊ Radio and television receiving equipment; communication equipment
  - ◊ Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - ◊ Measuring and controlling instruments
  - ◊ Optical instruments and lenses
  - ◊ Surgical, medical and dental instruments and supplies
  - ◊ Photographic equipment and supplies
  - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- Farm [6]
- Fuel, oil, or gas storage
- Helicopter take offs and landings [7]
- Hotel/motel
- Industry
- Light industry
- Office
- Open storage [8]
- Personal service establishment
- Public utility
- Publishing facility
- Research institutions
- Retail sale of agricultural or farm products raised on site
- Trucking terminal
- Warehousing
- Wholesaling

Uses Permitted by Special Exception

- Auto service
- Vehicle refueling and recharging station

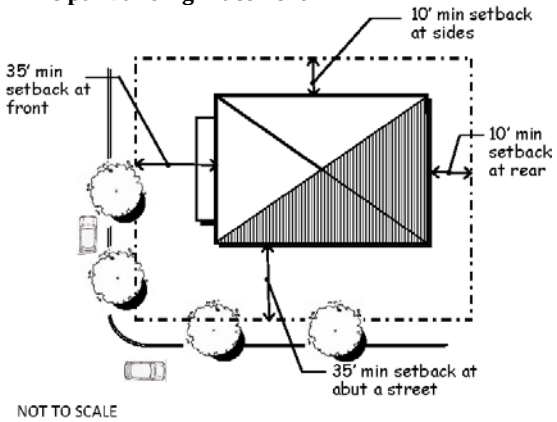
Uses Permitted by Conditional Use

- Alternative treatment center
- Self-service storage facility

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	20,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback [3]	35 ft
Abut a street setback	35 ft
Side setback	10 ft
Rear setback	10 ft
Outbuilding/Accessory Use	
Front setback	35 ft
Abut a street setback	35 ft
Side setback	10 ft
Rear setback	10 ft
Building Height	
Principal building [4]	50 ft max
Outbuilding/accessory use	40 ft max

Principal Building Placement



Sign Regulations

Size	CM District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
Freestanding	Permitted, provided that the principal building is set back

	at least 35 ft (max size 100 sf, max ht 30 ft)
Projecting	Permitted
Wall/awning	Permitted
Temporary	Permitted

Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] The maximum building heights may be increased to 75 feet provided the following conditions are met:

A. The additional building height above 50 feet is necessary to meet an industrial function.
B. The building is located a minimum of 150 feet from a residential district.
C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.

[5] If the eating and drinking establishment has drive-in services, said service shall be set back either 150 feet from a residential abutting lot line or 200 feet from the abutting residential structure whichever is greater.

[6] Shall not include the raising and sale of farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

[7] Helicopter take offs and landings are allowed subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
C. The facility shall be accessory to the principal use located on the lot.
D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

[8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening, of at least 6 feet in height, of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.

[9] Solar/green roof standard:

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

Special Exception Criteria [see § 170-59C(3) for additional regulations]

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 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 80,000 square feet, the minimum lot width shall be 150 feet. Thirty-three percent of the subject parcel shall be open/green space.

C. The total permitted sign area shall not exceed 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 100 feet to any Conservation District, and 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 6:00 a.m. to 9:00 p.m.

G. If a drive-in thru service is proposed, the facility shall be set back either 50 feet from a residential abutting lot or 100 feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with Subsection E above.

Conditional Use Permit Criteria

An alternative treatment center, as defined in RSA 126-X:1, I, shall be allowed if a conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. An alternative treatment center shall not be located within 1,000 feet of the property line of a public or private elementary or secondary school or designated drug-free school zone.
B. The alternative treatment center shall be located in a permanent building and may not be located in a trailer, manufactured home, cargo container, or any structure that has axles with wheels. Drive-in services are prohibited.
C. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday.
D. The alternative treatment center shall provide for the proper disposal of cannabis remnants or by-products, which remnants or by-products shall not be placed in the facility's exterior refuse containers.
E. The applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the alternative treatment center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
F. The use of cannabis on the premises is prohibited.
G. The alternative treatment center shall emit no cannabis-related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the lot lines of the property where the facility is located.

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. No storage unit building which units are externally accessed shall be visible from the street.
C. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday.
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 20 feet.
    ii. Not hold auctions or sales of contents of storage containers.
    iii. Have screening sufficient to block the view of the buildings from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
E. All setbacks shall be double the setbacks required in the district, not just the front setback.
F. The architectural design standards of § 153-14L(8)(b) shall be adhered to.

170 Attachment 9

City of Dover

Innovative Technology (IT) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]

Permitted Uses [10] [11] [12] [13] [14] [15]

- Adult day care
- Child-care facility
- Computer and data processing
- Eating and drinking establishments [7]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - ◊ Drugs
  - ◊ Office, computing and accounting machines
  - ◊ Radio and television receiving equipment; communication equipment
  - ◊ Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - ◊ Measuring and controlling instruments
  - ◊ Optical instruments and lenses
  - ◊ Surgical, medical and dental instruments and supplies
  - ◊ Photographic equipment and supplies
  - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- Excavation
- Farm [8]
- Laboratories (scientific, medical, chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- Office
- Public utility [9]
- Publishing facility
- Veterinary office, animal hospital or kennel [10]
- Warehousing
- Wholesaling

Sign Regulations

Size	IT District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike)
Type	
Freestanding	Permitted, provided that the principal building is set back at least 75 ft (max ht 16 ft, max size 100 sf)
Projecting	Not permitted
Wall/awning	Permitted
Temporary	Permitted

Dimensional Regulations [1] [2]

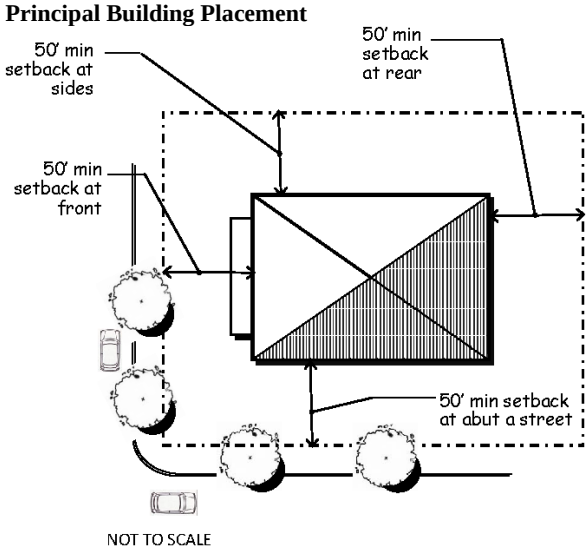
Lot	
Minimum lot size [3]	2 acres
Maximum lot coverage [4]	33%
Minimum frontage	200 ft [3]
Principal Building	
Front setback [5]	50 ft
Abut a street setback	50 ft
Side setback	50 ft
Rear setback	50 ft
Outbuilding/Accessory Use*	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building [6]	55 ft max
Outbuilding	55 ft max

* Parking areas shall be set back at least 25 feet from property lines.

Uses Permitted by Conditional Use

- Educational institution, post-secondary
- Helicopter take offs and landings
- Personal service establishment
- Self-service storage facility

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Not applicable to lots of internal or private roadways.

[4] At least 33% of the site shall be maintained as open space, either landscaped or left natural. A maximum of 33% of the site can be covered by buildings.

[5] See § 170-15.

[6] The maximum building heights may be increased to 75 feet provided the following conditions are met:

A. The additional building height above 50 feet is necessary to meet an industrial function.

B. The building is located a minimum of 200 feet from a residential district.

C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.

D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.

[7] No drive thru allowed.

[8] Where farm animals are raised and boarded, shelters to house said animals shall not be less than 100 feet from any property boundary.

[9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[10] Shelters and runs used to house and/or contain animals shall be no closer than 100 feet to any property line and must support a minimum tract size of 100,000 square feet.

[11] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.

[12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.

[13] A residential structure located within the Innovative Technology District and existing prior to 7-8-1987 may be increased up to 20% of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Innovative Technology District, but must remain within 75 feet of the nonconforming residential structure.

[14] Development within the IT District shall conform to design standards contained in Chapter 153, Site Review Regulations, § 153-15.

[15] Solar/green roof standard:

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

Conditional Use Permit Criteria

The following uses shall be allowed if a conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

Self-storage facility:

A. The minimum front setback shall be double the setbacks required in the district.

B. No storage unit building which units are externally accessed shall be visible from the street.

C. Hours of operation shall be limited to 9:00 a.m. to 9:00 p.m., Monday through Friday, and 10:00 a.m. to 6:00 p.m. on Saturday and Sunday.
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 20 feet.
    ii. Not hold auctions or sales of contents of storage containers.
    iii. Have screening sufficient to block the view of the buildings from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
E. All setbacks shall be double the setbacks required in the district, not just the front setback.
F. The architectural design standards of § 153-14L(8)(b) shall be adhered to.

Helicopter take offs and landings:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
C. The facility shall be accessory to the principal use located on the lot.
D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

Educational institution, post-secondary:

A. The school is a trade/vocational/career technical school.
B. The school is accredited by the State of New Hampshire

Personal service establishments:

A. The use is part of a larger retail/office or service center
B. The use is complimentary to the adjacent advanced manufacturing or assembly uses.

170 Attachment 10

City of Dover

Gateway District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 9-14-2022 by Ord. No. 2022.08.10-010; 8-9-2023 by Ord. No. 2023.07.012-008]

The information included in this table represents the requirements for development in this district; see § 170-20 for additional requirements.

Statement of Purpose

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multistory buildings, civic buildings, etc.). In Dover the primary Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	50% max
Frontage build-out	60% min.
Front primary build to line	5 ft. min - 20 ft. max
Front secondary build to line	5 ft. min - 20 ft. max
Side setback	10 ft. min
Rear setback	15 ft. min
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	10 ft. min
Rear setback	15 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/light well	Permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Not permitted
Height of Building	
Principal building	4 story max, 2 story min#
Outbuilding/accessory	2 story max

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

Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses* [1]

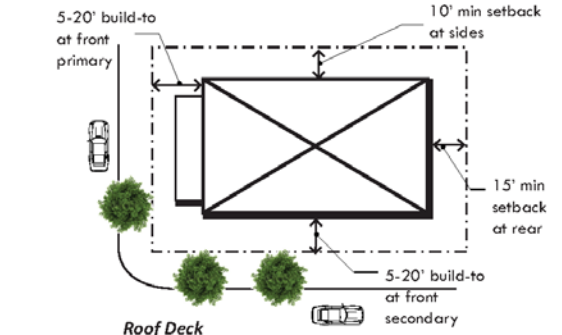
Use	
Residential	Permitted; density: 4,000 sf. per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150 ft. from residential. 13 or more rooms are permitted with CUP.
Day care	Adult and child permitted, institutional not permitted.
Professional services and offices	Permitted#
Eating and drinking establishments	Permitted#
Retail/personal services	Permitted#
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

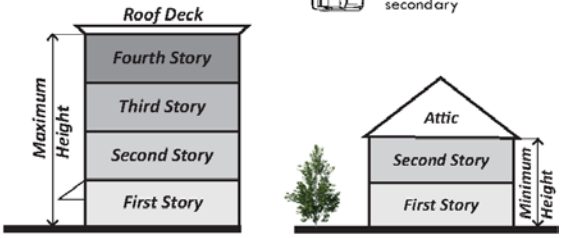
* CUP (§ 170-20B) may be used to adjust standards.

Footnotes

[1] If a four-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.

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size and Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted - 16 ft. max ht.
Projecting	Permitted - 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/awning	Permitted
Temporary	Permitted per § 170-50O(1)

Downtown Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Gateway District is integral to maintaining the character and identity of our community. Building 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 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/nonresidential 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- 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 square feet or more must also incorporate solar panels and/or a green roof on at least 30% 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 equivalent standard is encouraged.
- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

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

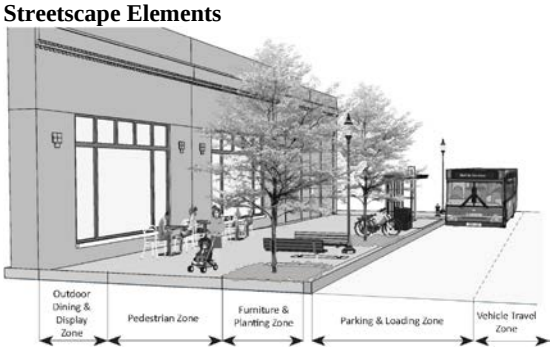
Streetscape Standards

Streetscape standards were crafted to ensure streets in mixed-use areas of the 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 are encouraged to be brick and shall be a 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 ground cover 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 five-foot-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 is 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 nonresidential project.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).

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

Streetscape Elements



** Density: 3,000 square feet per unit if part of a mixed-use building with 35% nonresidential uses; 2,000 square feet per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.

Rooming houses and manufactured homes are considered other uses.

On Dover Point Road, within 300 feet of the center line of New Rochester Road, and for lots on Rutland Street:

- Building height is limited to 2 stories, unless a structure on adjacent property 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 and office, eating and drinking establishments and retail/personal services are limited to 2,000 square feet per unit.

170 Attachment 11

City of Dover

Hospital (H) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-26-2016 by Ord. No. 2016.10.12-015; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses
- Accessory dwelling unit
- Adult day care
- Assembly hall
- Assisted living facility [3]
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [4]
- Continuing care community facility [3]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Elderly assisted care [5]
- Funeral parlor
- Hospital
- Nursing home [4]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit
- Eating and drinking establishment
- Retail store
- Group home for minors

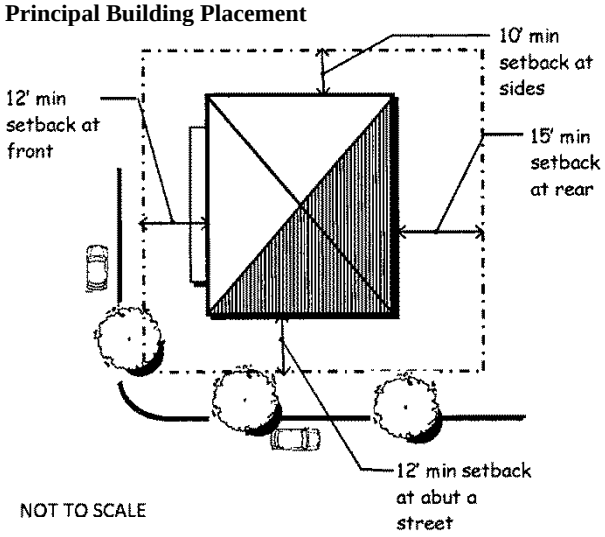
Sign Regulations

Size	H District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size is 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max ht 16 ft above ground elevation, or to bottom of sills of first level of windows above the first floor, whichever is lowest)
Temporary	Permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Front secondary setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	65 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] An assisted living facility or continuing care community facility shall be serviced by municipal sewer and have a density of 1 unit requirement per 2,000 square feet of lot area. Parking lots and service areas are screened from abutting residential uses, and the facility shall obtain a license from the State of New Hampshire.

[4] A congregate care facility shall require a minimum lot size of 1,000 sq. ft. per unit, and a nursing home facility shall require a minimum lot size of 1,000 sq. ft. per bedroom.

[5] An elderly assisted care facility larger than 6 bedrooms shall meet the density of 1 bedroom per 2,500 sq. ft. Provide parking and service areas that are screened from abutting residential uses. Also, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

Eating and Drinking Establishment: An eating and drinking establishment 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 eating and drinking establishment shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The eating and drinking establishment shall be no larger than 2,000 square feet.
C. The eating and drinking establishment shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.
J. The applicant shall provide proof that he/she has conducted a preliminary code review for an eating and drinking establishment with the Inspection Services Division.

Retail Store: A retail store 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 store shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The store shall be no larger than 2,000 square feet.
C. The store shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m., Sunday through Thursday, and 6:00 a.m. to 10:00 p.m., Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.

Group Home for Minors: Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

170 Attachment 12

City of Dover

Little Bay Waterfront (LBW) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-26-2016 by Ord. No. 2016.10.12-015; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bank
- Barbershop and beauty shop
- Bed-and-breakfast
- Child-care facility
- Commercial recreation
- Dwelling, three- to four-family [3]
- Dwelling, two-family
- Dwelling, single-family
- Eating and drinking establishment [4]
- Educational institution, postsecondary
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Marina
- Office
- Personal service establishment
- Public utility [6]
- Retail store
- Water-related education/resource center
- Waterborne passenger transportation facility

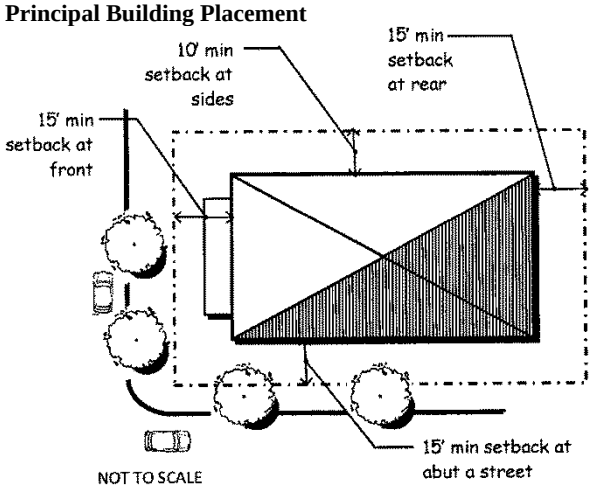
Sign Regulations

Size	LBW District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 ft of sign area for each 3 ft of linear business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (max ht 16 ft or 12 sf in area regardless of the number of individual tenants within the building)
Projecting	Permitted (max size 8 sf)
Wall/awning	Permitted (max size 16 sf; max ht 16 ft or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest)
Temporary	Permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	75 ft
Principal Building	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] Provided that the lot contains at least 10,000 square feet per dwelling unit.

[4] If fully enclosed with no drive-in service.

[5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

170 Attachment 13

City of Dover

Office (O) District
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-26-2016 by Ord. No. 2016.10.12-015; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [3]
- Dwelling, two-family
- Dwelling, three- to four-family [4]
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Nursing home [3]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit

- Eating and drinking establishment
- Retail store

Uses Permitted by Special Exception

- Assisted living facility
- Continuing care community facility
- Elderly assisted care
- Group home for minors

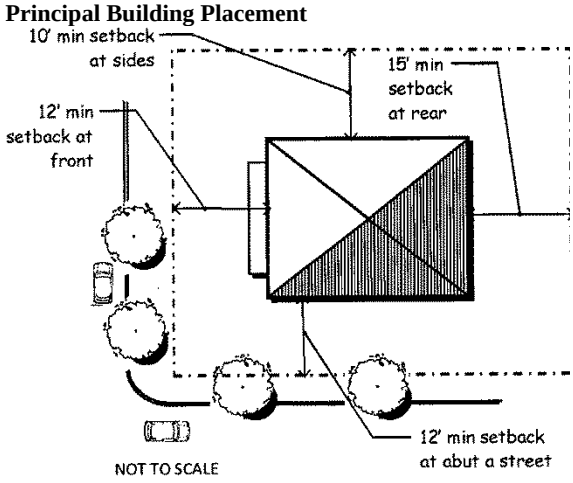
Sign Regulations

Size	O District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max height 16 ft above ground elevation, or to bottom of sills of first level of windows above first floor, whichever is lowest)
Temporary	Permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	45 ft max
Outbuilding	40 ft max

Principal Building Placement



Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[3] A congregate care facility shall require a minimum lot size of 1,000 square feet per unit, and a nursing home facility shall require a minimum lot size of 1,000 square feet per bedroom.

[4] Provided that the lot contains at least 5,000 square feet for each dwelling unit. Dwelling units are allowed only in the second story or higher of a newly constructed structure.

[5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met. Chickens: no more than 6 chickens and no roosters, with 3 square feet of chicken coop and 20 square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

Eating and Drinking Establishment: An eating and drinking establishment 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 eating and drinking establishment shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The eating and drinking establishment shall be no larger than 2,000 square feet.
C. The eating and drinking establishment shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 10:00 p.m., Sunday through Thursday, and 6:00 a.m. to 11:00 p.m., Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.
J. The applicant shall provide proof that he/she has conducted a preliminary code review for an eating and drinking establishment with the Inspection Services Division.

Retail Store: A retail store 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 store shall contribute to a neighborhood feel and be pedestrian-friendly.
B. The store shall be no larger than 2,000 square feet.
C. The store shall not include drive-in service.
D. The required parking may be reduced by 50% if on-street parking is available in the neighborhood.
E. All on-site parking shall be screened from abutting residential lots.
F. Any loading or unloading of products shall not disrupt neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding neighborhood.
H. Hours of operation shall be limited to 6:00 a.m. to 9:00 p.m. Sunday through Thursday and 6:00 a.m. to 10:00 p.m. Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of 2 stories.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.

C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Continuing Care Community Facility:
A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Elderly Assisted Care Home: Elderly assisted care home is allowed by special exception in accordance with the densities and provisions stated below:
A. Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: in the O District, at a density of 1 bedroom per 2,500 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in § 170-56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

Group Home for Minors: Group home for minors shall be subject to the following conditions:
A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

170 Attachment 14

City of Dover

CBD Transit Oriented Development Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

This is an area ripe for redevelopment. This area west of Chestnut Street was once the home of coal yards, warehouses, and other supporting structures for the rail line that passes through it. The rail line will be the key to its future success as well. In combination with the associated transportation center, transportation is the key to future development here. It is envisioned that this could be an area of very dense development along the banks of the Cochecho River. A wide variety of uses is intended here, with residences dominating upper levels, and retail and commercial activity dominating lower levels.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

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

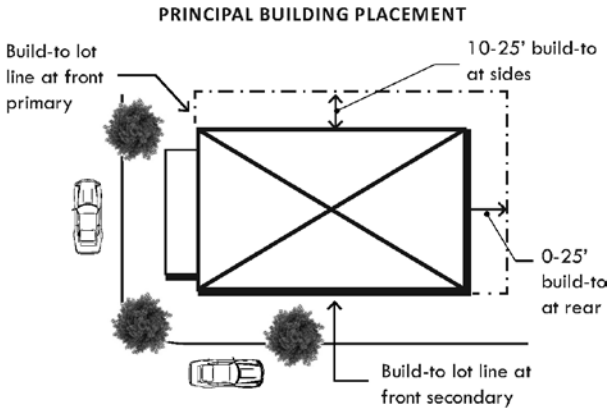
Parking Location Standards (See § 153-14)

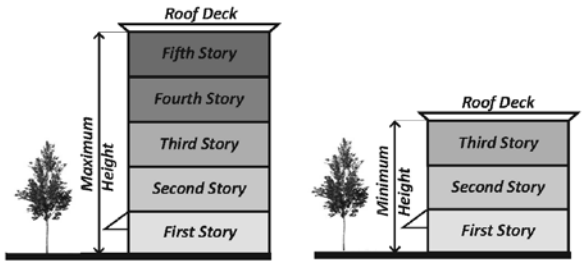
New construction resulting in additional square footage, or an increase in residential units, must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted but not on ground floor, except as existing use
Lodging	Permitted
Professional services & offices	Permitted
Eating & drinking establishments	Permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

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





Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/Awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170-50O(1)

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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 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/nonresidential uses. 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- No more than 80% of any street facade shall be for parking.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety for 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.
- 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% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy-efficient design techniques, LEED standards, or an equivalent standard is encouraged.
- Other integrated green infrastructure elements are encouraged.

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

Streetscape Standards

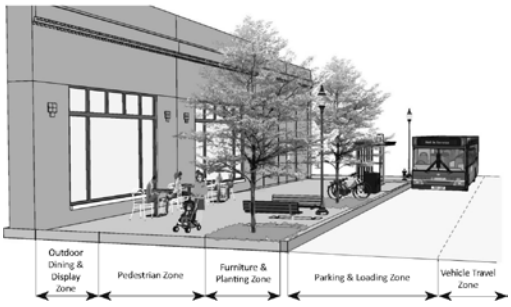
Streetscape standards were crafted to ensure streets in transportation-oriented, mixed-use areas of the CBD accommodate pedestrians and bicyclists and facilitate alternative transportation travel. All street elements must be consistent with Dover streetscape and landscape standards. For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be brick and a 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 ground cover 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 be maintained to ensure 5-foot-wide walkways.
- 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, at a minimum, be provided as follows:
  - 1 bench for every 75 feet of frontage.
  - At least 1 waste bin at each block corner.
  - At least 1 bike rack per project plus 10% of the parking spaces provided for bike storage.

- Lighting and mechanical equipment standards per § 170-20E(3)(d).

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

STREETSCAPE ELEMENTS



Adult Bookstore, Video Store, or Cabaret

These uses are subject to the following conditions:

- An adult bookstore, video store or cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.
- An adult bookstore, video store or cabaret shall be at least 1,000 feet from a parcel of land containing a school, church, community park or public recreational area.
- No adult bookstore, video store or cabaret shall be permitted within 1,000 feet of an existing similar use.
- The proposed use shall comply with all other state statutes, and City ordinances and codes.

170 Attachment 15

City of Dover

CBD Mixed Use Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

This is an area in transition. Once the homes of the mills' managers and the community's professionals and successful merchants, shipbuilders, sea captains, and others, these stately Victorian buildings are a tribute to Dover's financial success during the height of the mill economy. These elegant structures lend grace to the community. While some of the existing buildings remain as single-family residences, others are being converted to apartments and offices. As new structures replace older ones, they should follow the setback and massing of earlier structures. Residences in these newer buildings should be restricted to upper levels. Landscaping is an important element of this district, in both the public and private arenas.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min.
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

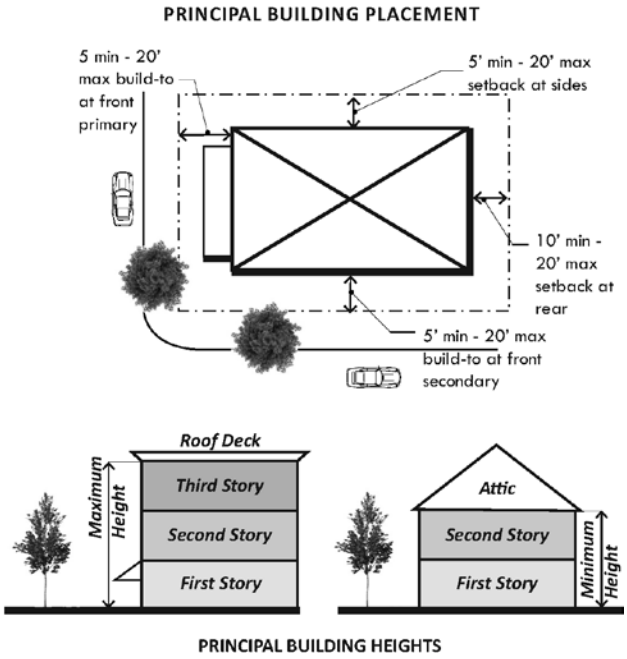
Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted, but not on ground floor except in existing structures; density allowed at 5,000 sf per unit, 10 units max
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Permitted
Eating & drinking establishments	Not permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru Services	Not permitted
Other	Via conditional use permit

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



Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170-50O(1)

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

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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 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/nonresidential uses. 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- 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.
- Utility elements shall be screened in an aesthetically pleasing manner.
- 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% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc., is encouraged.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy-efficient design techniques, LEED standards, or an equivalent standard is encouraged.
- Other integrated green infrastructure elements are encouraged.

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

Streetscape Standards

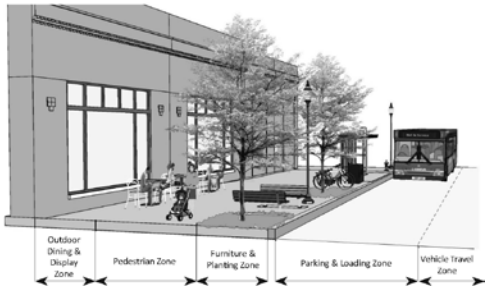
Streetscape standards were crafted to ensure streets in mixed-use areas of the CBD have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover streetscape and landscape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

- Sidewalks shall be brick and a 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 ground cover or shrubs, no bare ground or mulch-only areas 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.

- 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, at a minimum, 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 nonresidential project.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings and maintain in such a way so that the walkway is cleared.
- Approved public art is encouraged.

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

STREETSCAPE ELEMENTS



170 Attachment 16

City of Dover

CBD Residential Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

North of the downtown core are neighborhoods of smaller homes, once the residences of mill employees, shopkeepers, and others for whom the close proximity to the downtown was an important feature. Smaller in scale than the more ornate homes in the Mixed Use District, many of these buildings still present considerable architectural detailing. Many of them have outbuildings at the rear of the property. The continued use of these areas as residential neighborhoods is important, both to the City's heritage and to achieving the smart growth and low carbon impact goals of the Master Plan. Where new structures are added, they should mimic the placement, scale, and building materials of the older homes.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Minimum lot coverage	40%
Minimum frontage	75 ft.
Frontage build-out	40% min
Front primary build-to line	8 ft. min - 15 ft. max
Front secondary build-to line	8 ft. min - 10 ft. max
Side setback	10 ft.
Rear setback	15 ft.
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	5 ft. min
Rear setback	5 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Not permitted
Gallery	Not permitted

Height of Building	
Principal building	3 story max, 2 story min
Outbuilding/accessory	2 story max

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

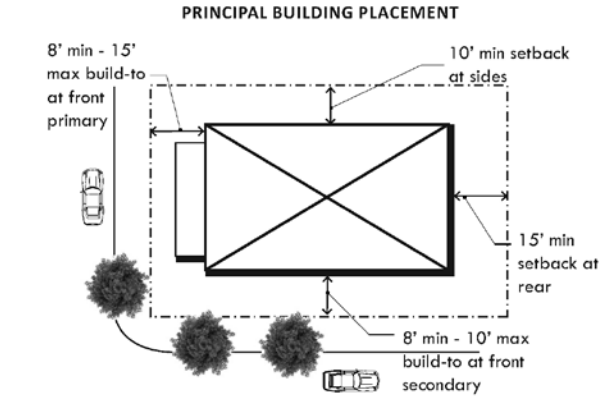
Parking Location Standards (See § 153-14)

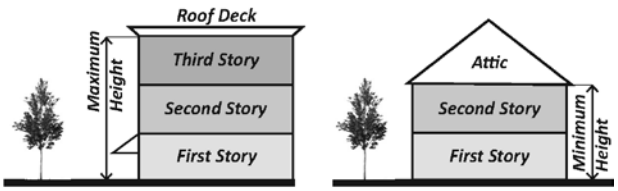
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Via conditional use permit
Eating & drinking establishments	Not permitted
Retail/personal services	Via conditional use permit
Industrial	Not permitted
Civic	Permitted
Other	Via conditional use permit

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





PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size & Quantity	
Total signs permitted	1
Total area of all signs	16 sf
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sf max size
Wall/awning	Permitted - 16 ft. max height or to bottom of 2nd floor window sills, whichever is lowest
Temporary	Not permitted

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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 of place and context. For more information, please see Section 3 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/nonresidential uses. 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 facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.

Required Building Standards:

- Building designs shall be harmonious with neighboring structure in terms of mass, width, height, proportion, spacing, and setback.
- Building designs shall consider the quality of the pedestrian environment.
- Garage doors shall be relatively unobtrusive.
- Utility elements shall be screened in an aesthetically pleasing manner.

Optional Standards:

- Desirable materials include wood (clapboard and shakes), brick, stone, and contemporary materials that are harmonious and compatible with the aesthetic of the sub-district and its neighboring structures.
- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy-efficient design techniques, LEED standards, or an equivalent standard is encouraged.

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

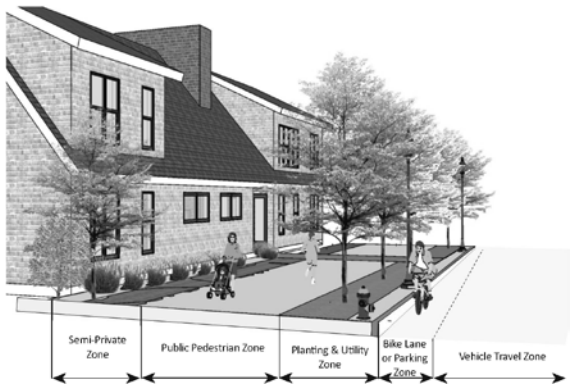
Streetscape Standards

Streetscape standards were crafted to ensure streets in residential areas of the CBD are walkable, 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 2 of Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be a minimum of 5 feet wide.
- Projects shall be designed to maintain and enhance the quality of pedestrian, bicycle and vehicular facilities, and circulation and safety on affected public streets.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).
- 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 ground cover or shrubs, no bare or mulch-only ground areas 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.
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings but maintain them in a way to not block the walkways.

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

STREETSCAPE ELEMENTS



170 Attachment 17

City of Dover

CBD General Sub-District
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

The information included in this table represents the requirements for development in this sub-district; see § 170-20 for additional requirements.

Statement of Purpose

From the late 1700's, when Dover began to shift from a farming community to a manufacturing center, the land and blocks in and around Washington and Main Streets and Central Avenue have been the community's commercial core. Both redevelopment and new development should reflect that 250-year history. A wide array of retail and commercial activity should be encouraged here. Residential activity should be encouraged on the upper floors of buildings. New construction, where needed, should follow the pattern of existing development in terms of building placement, building height, and the use of durable construction materials. Public spaces are important here, and should be encouraged and maintained properly.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75%
Frontage build-out	70% min
Front primary build-to line	(1)
Front secondary build-to line	(1)
Side setback	0 ft. min - 24 ft. max
Rear setback	10 ft. min
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 2 story min
Outbuilding/accessory	Not permitted

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

(1) The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front facade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus 5 feet.

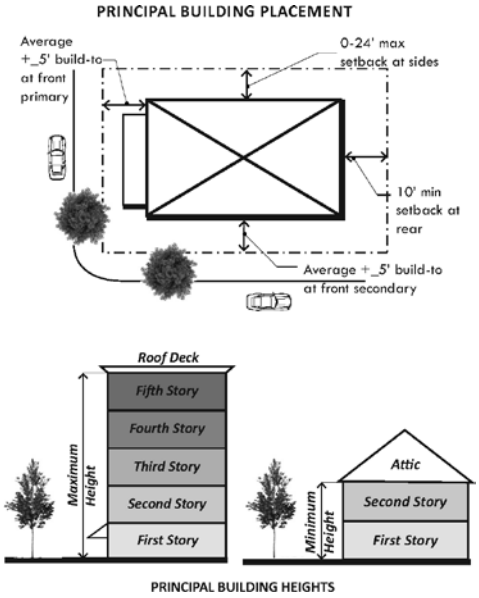
Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted, but not on ground floor except in an existing use
Lodging	Permitted
Professional services & offices	Permitted
Eating & drinking establishments	Permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

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



Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if Mill Motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sf
Wall/awning	Permitted, 40 sf max
Temporary	Permitted per § 170-50O(1)

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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 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/nonresidential uses. 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 80% of the facade shall be windows.
- A pedestrian entrance shall be required at the street side or front facade.
- For new construction only nonresidential uses shall be on the ground floor level.
- Ground floor exterior lighting on the building is encouraged and should offer a feeling of warm security and increased 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.
- 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% of the roof area.

Optional Standards:

- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc., is encouraged.
- LEED standards or an equivalent standard is encouraged.
- Energy-efficient design techniques, LEED standards, or an equivalent standard is encouraged.
- Other integrated green infrastructure elements are encouraged.

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

Streetscape Standards

Streetscape standards were crafted to create a vibrant, walkable downtown area that facilitates pedestrian activity. The experience

each person will have with the street, the sidewalk, the buildings, and the surrounding environment is what helps define the unique character of a place. 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 brick and a 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 ground cover or shrubs, no bare ground or mulch-only areas 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-foot-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 provided as follows:
  - -1 bench for every 75 feet of frontage.
  - -At least 1 waste bin at each block corner.
  - -1 bike rack per project.
- Lighting and mechanical equipment standards per § 170-20E(3)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.
- Approved public art is encouraged.

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

STREETSCAPE ELEMENTS



170 Attachment 18

City of Dover

Cochecho Waterfront District (CWD)
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 9-11-2019 by Ord. No. 2019.08.28-012; 8-12-2020 by Ord. No. 2020.07.22-009; 8-9-2023 by Ord. No. 2023.07.012-008]

Permitted Uses [8]
- Bank
- Bed-and-breakfast
- Child-care facility
- Commercial parking facility
- Commercial recreation
- Dwelling, two-family [4]
- Dwelling, three- to four-family [4]
- Dwelling, multifamily [4]
- Dwelling, single-family [5]
- Eating and drinking establishments [6]
- Educational institution, postsecondary
- Hotel/retail
- Marina
- Office
- Personal service establishment
- Public recreation
- Public utility [7]
- Retail store
- Theater
- Water-related education/resource center
- Waterborne passenger transportation facility

Uses Permitted by Special Exception
- Conversion of existing dwelling to accommodate additional residential units [5]
- Helicopter takeoffs and landings

Sign Regulations

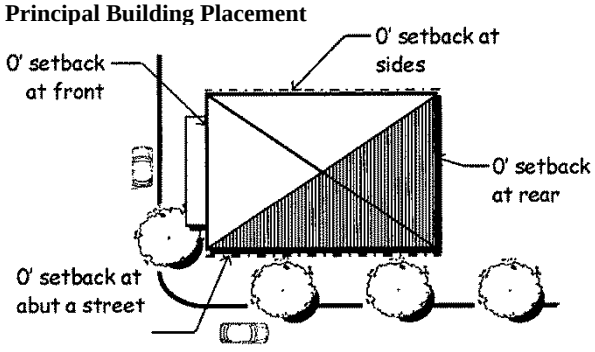
Size	CWD District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each linear foot of business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 5 ft (max size is 60 sf, max height is 16 ft)
Projecting	Permitted (max size 24 sf, min ht 10 ft above sidewalk, max ht is 25 ft above sidewalk)
Wall/Awning	Permitted (max size 40 sf)
Temporary	Permitted (max height is 3 ft, max size 6 sf; see § 170-50E for additional regulations)

Dimensional Regulations [1]

Lot	
Minimum lot size	N/A
Maximum coverage [2]	75%
Minimum frontage	N/A
Principal Building	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Outbuilding/Accessory Use	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Height of Building	
Principal building	55 ft max
Outbuilding	55 ft max

*: Deviations from these requirements are permitted by conditional use permit, subject to the requirements of § 170-20B(1), where applicable.

Principal Building Placement



NOT TO SCALE

Footnotes

[1] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the New Hampshire Code of Administrative Rules Env-Wt 101.113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the minimum lot size required.

[2] Lots located in the Cochecho Waterfront District (CWD) and located south of the Cochecho River may have a maximum lot coverage of 100%.

[3] Any new construction along the existing CWD/R-12 zoning boundary (as described herein*) shall conform to the following setbacks:

- Structures and buildings shall be set back a minimum of 75 feet from said boundary.
- Pavement and parking shall be set back a minimum of 25 feet from said boundary.

*Boundary runs from the northwest corner of Tax Assessor's Map K lot 3; thence turning and running southerly until the southern property line of Tax Assessor's Map K lot 4-B, and turning and running westerly along a line 400' parallel to Henry Law Avenue, until meeting Assessor's Map 22 lot 41, running northerly to intersection with Assessor's Map 22 lot 42, and running westerly along the southern property line of said lot for a distance of approximately 980 feet to the northeast corner of Tax Assessor's Map 22 lot 33; thence running westerly to the northeast corner of Tax Assessor's Map 22 lot 12.

[4] Provided that the lot contains at least 1,000 square feet of land area for each dwelling unit and that each dwelling unit contains at least 600 square feet of gross floor area.

[5] Single-family units are only allowed if adjoined to other residential or nonresidential uses in the same structure. Single-family detached units are not allowed.

[6] If fully enclosed with no drive-in service.

[7] Public utility facilities shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[8] Shall follow solar/green roof standard:

- All buildings must be solar ready.
- Commercial and mixed-use buildings that are 25,000 square feet or more must also incorporate solar panels and/or a green roof on at least 30% 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.

Special Exception Criteria [see § 170-59C(3) for additional regulations]

Helicopter Takeoffs and Landings: Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of 1,000 feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a special exception contained in § 170-59C(3) must also be satisfied.

170 Attachment 19

City of Dover

Sign Diagrams
Part I

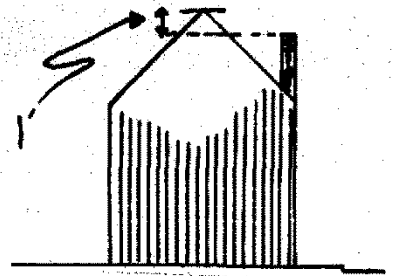


Figure 1

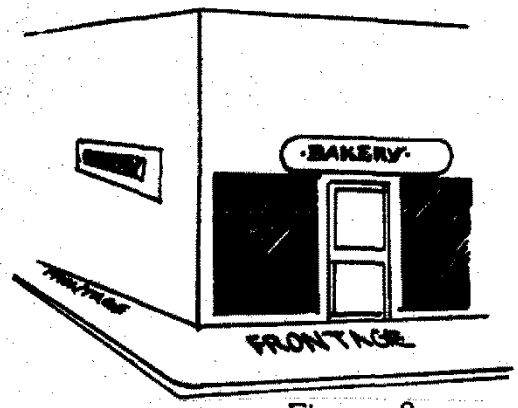


Figure 3

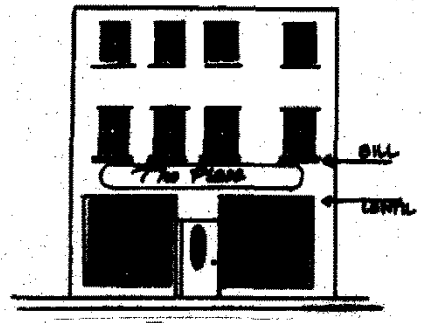


Figure 2

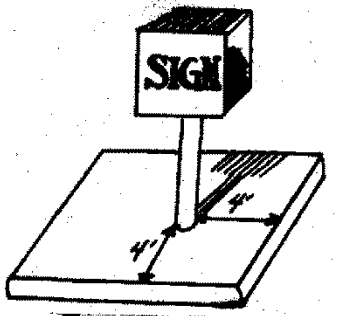


Figure 4

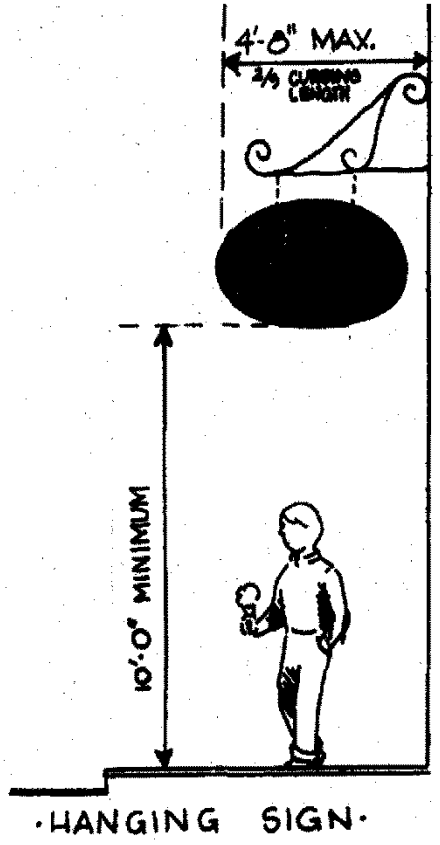


Figure 5

City of Dover

Sign Diagrams
Part II

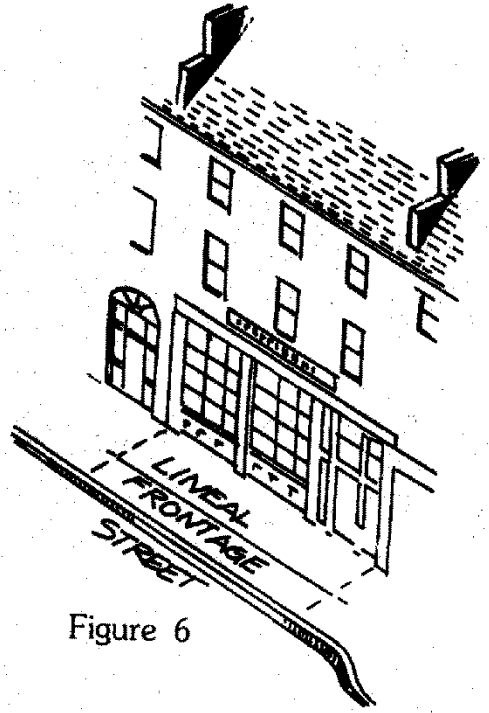


Figure 6

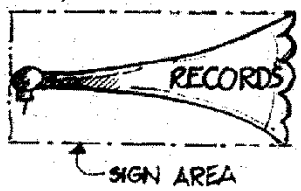


Figure 9

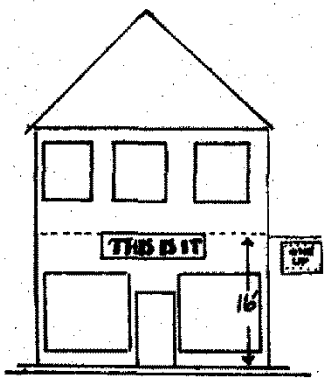


Figure 7

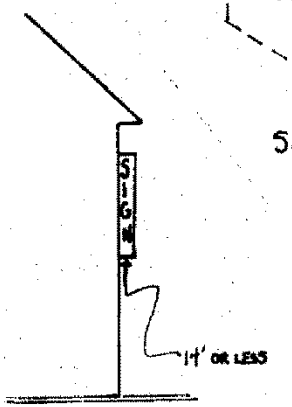


Figure 10

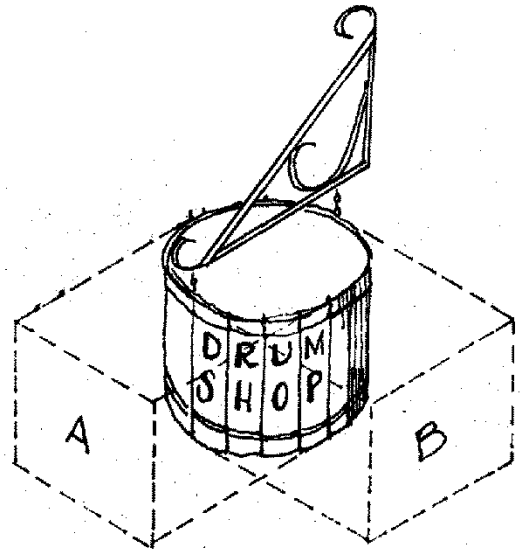


Figure 8

City of Dover

Sign Diagrams
Part III

In Figure A, the sign above the shop front has been placed as high as it would be allowed in this particular instance: just below the sills of the second story windows. It is also as wide as is allowed: the full width of the building's sign frontage. The result is a jarring relationship between the sign and the building's facade. Nothing on the sign seems to line up with anything that is part of the building itself: the window sills appear to rest on top of the sign, the lintel (the horizontal beam over the shop front) is partly covered. The total effect is one of everything being slightly off balance.

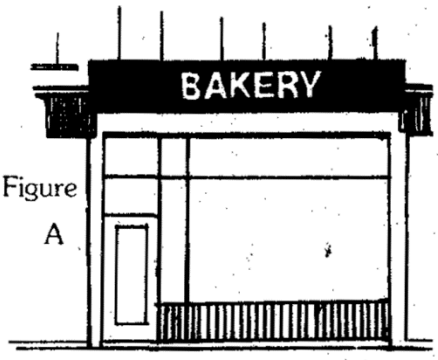


Figure A

Figures B, C and D, on the other hand, show three (3) different ways in which the same sign idea can be made to relate successfully to the rest of the building.

In Figure B, the sign becomes part of the architecture of the building by being lowered and reduced slightly in depth so it appears as a facing to the lintel, which was half covered in Figure A. This is a good solution if there is enough depth to the lintel to permit the use of legible-size letters.

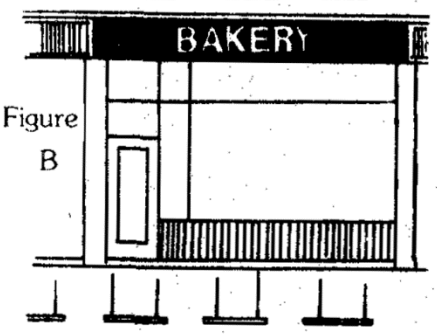


Figure B

Another approach, where the lintel is quite shallow, is shown in Figure C. Here the sign is integrated with the shop front by being enclosed within the frame of the building, which is outlined by the side walls and the lintel itself. This solution is particularly effective where the frame of the shop front is relatively high and may allow the use of a deeper sign than that shown in Figure B. Being placed lower, the sign may also be more legible from the street.

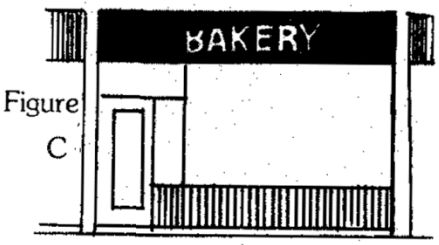


Figure C

In Figure D, the sign is in the form of applied or painted letters, with the building lintel itself as the background. If carefully designed and executed, this treatment not only respects the building but enhances it; unlike signs mounted on boards, the open letters do not totally obscure any part of the building, and they cause the least interruption to the continuity of the building's architecture, which can be seen through and around the letters. The individually attached letters also give a sense of permanence to the business they advertise.

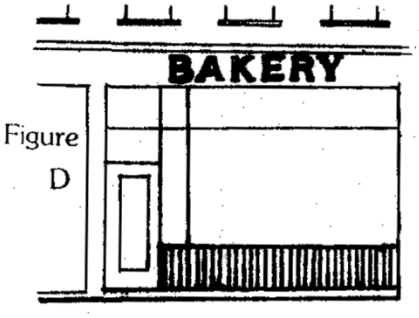


Figure D

City of Dover

Sign Diagrams
Part 1V

Figure E shows the basic framework or pattern of the buildings that form the street front as they were originally conceived in terms of solid and void, or wall and hole. Despite the fact that the window and door holes of the different buildings do not line up exactly, which provides variety and adds to the interest of the street, there is quite a strong feeling of continuity and unity in the row of structures since they all have the same basic elements.

Figure F, shows how the even rhythm of these basic elements (the shop front holes and the windows in the lower floors of the buildings) can be almost completely obliterated by the jumble of shop signs of widely varying shapes, sizes and heights.

In Figure G, the basic pattern of the street front has been retained by the simple fact that the shop fronts and their signs have stayed within the frames provided by the buildings. (The one exception is the sign on the right, because it is composed of individual letters applied directly to the buildings itself.) Three (3) of the shop fronts, quite different in the character of their signs and entrances, are now seen to form the ground floor of the same building, the sort of thing that helps create a feeling of continuity along the street.

Figure E

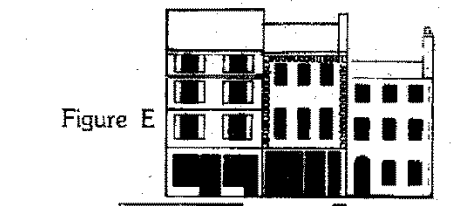


Figure F

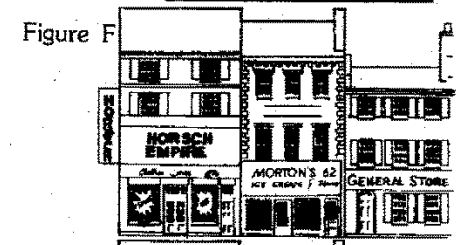
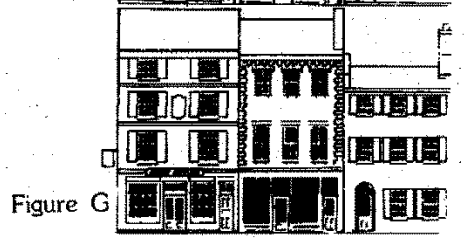


Figure G



It should be noted that the marked improvement to the street front shown in Figure G has been achieved without any sacrifice in the effectiveness of individual signs. Although the signs are smaller in size, they are actually easier to read because they are of cleaner and simpler design. This emphasizes another important point: Legibility and effectiveness do not depend on size alone, but also on design.

Chapter 170, Zoning

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§ 170-2. Authority.
§ 170-3. Purpose.
§ 170-4. Interpretation.
§ 170-5. Applicability.

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§ 170-6. Word usage and definitions.

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§ 170-8. Zoning Map.
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§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District.

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§ 170-15. Recreation space and separation between use requirements.
§ 170-16. Swimming pools.
§ 170-17. Removal of barriers to access.

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§ 170-19. Non-environmental conditional use permit criteria.

§ 170-20. Central Business District regulations.
§ 170-21. Alternative energy systems.
§ 170-22. Telecommunications facilities.
§ 170-23. Impact fees ~~Fee Ordinance~~.
§ 170-24. Accessory dwelling units.

ARTICLE VII
Floodplain Development

§ 170-25. General provisions.

ARTICLE VIII
Overriding Districts

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§ 170-27. Conservation District.
§ ~~170-27.1.~~ 170-28. Wetland Protection District.
§ ~~170-27.2.~~ 170-29. Transfer of development rights.
§ ~~170-28.~~ 170-30. Urban Renewal District.
§ ~~170-28.1.~~ 170-31. Riverfront Residential Overlay District.
§ ~~170-28.2.~~ 170-32. Residential-Commercial Mixed-Use (RCM) Overlay District.
§ ~~170-28.3.~~ 170-33. Groundwater protection.
§ ~~170-28.4.~~ 170-34. Scenic Road Overlay District.
§ ~~170-28.5.~~ 170-35. Hazardous Waste Landfill District I.

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§ ~~170-29.1.~~ 170-37. Purpose and intent.
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§ ~~170-29.5.~~ 170-40. Prohibited projects.
§ ~~170-29.6.~~ 170-41. Criteria for nonconforming expansions.
§ ~~170-29.7.~~ 170-42. Operational standards.
§ ~~170-29.8.~~ 170-43. Site reclamation standards.
§ ~~170-29.9.~~ 170-44. Incremental reclamation.
§ ~~170-30.~~ 170-45. Performance guarantee.
§ ~~170-30.1.~~ 170-46. Waivers.
§ ~~170-30.2.~~ 170-47. Application procedures.
§ ~~170-30.3.~~ 170-48. Application submission items.
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~~§ 170-31. Reserved.~~

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§ ~~170-32.~~ 170-50. Sign review and regulations.
§ ~~170-33.~~ 170-51. Fence review and regulations.
~~§§ 170-34 to 170-38 (Reserved)~~

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Nonconforming ~~Lots,~~ Uses and Structures

§ ~~170-39.~~ ~~(Reserved)~~
§ ~~170-40.~~ 170-52. Nonconforming uses of land.
§ ~~170-41.~~ 170-53. Nonconforming structures.
§ ~~170-42.~~ 170-54. Repairs and maintenance.
§ ~~170-43.~~ 170-55. Uses permitted by special exception.

ARTICLE XII
Off-Street Parking and Loading

§ ~~170-44.~~ 170-56. Applicability.
~~§ 170-45. (Reserved)~~
~~§ 170-46. (Reserved)~~

ARTICLE XIII
Administration

§ ~~170-47.~~ 170-57. Administrative officer.
~~§§ 170-48 to 170-50 (Reserved)~~
§ ~~170-51.~~ 170-58. Violations and penalties.
§ ~~170-52.~~ 170-59. Zoning Board of Adjustment.
§ ~~170-53.~~ 170-60. Amendment procedure.

Schedule C

Comparison of Previous and New (Recodified) Ch. 170

Chapter 170

ZONING

~~CHAPTER 170~~

ARTICLE I

~~GENERAL PROVISIONS~~

~~170-1. Title.~~

~~170-2. Authority.~~

~~170-3. Purpose.~~

~~170-4. Interpretation.~~

~~170-5. Applicability.~~

General Provisions

§ 170-1. Title.

§ 170-2. Authority.

§ 170-3. Purpose.

§ 170-4. Interpretation.

§ 170-5. Applicability.

ARTICLE II ~~TERMINOLOGY~~

Terminology

§ 170-6. ~~Word Usage~~usage and ~~Definitions~~definitions.

ARTICLE III ~~DISTRICTS AND BOUNDARIES~~

~~170-7. Establishment of Districts.~~

~~170-8. Zoning Map.~~

~~170-9. Amendments to Zoning Map.~~

~~170-10. Interpretation of District Boundaries.~~

Districts and District Boundaries

§ 170-7. Establishment of districts.

§ 170-8. Zoning Map.

§ 170-9. Amendments to Zoning Map.

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§ 170-10. Interpretation of district boundaries.

ARTICLE IV ~~USES; TABLES~~

~~170-11. Use Regulations.~~

~~170-12. Applicability of Tables of Use and Dimensional Regulations by District.~~

~~Current through 8/16/2023~~

~~170-18. CUSTOMARY HOME OCCUPATIONS.~~

~~170-19. Reserved.~~

~~170-20. Central Business District Regulations.~~

~~170-21. ALTERNATIVE ENERGY SYSTEM.~~

~~170-22. TELECOMMUNICATIONS FACILITES.~~

~~170-23. IMPACT FEE Ordinance.~~

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~~FLOODPLAIN DEVELOPMENT~~

~~170-25. General Provisions.~~

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~~DIMENSIONAL REGULATIONS~~

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~~170-16. Swimming Pools.~~

~~170-17. Removal of Barriers to Access.~~

Uses; Tables

§ 170-11. Use regulations.

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§ 170-13. Availability of utilities and services.

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§ 170-16. Swimming pools.

§ 170-17. Removal of barriers to access.

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§ 170-23. Impact fee ordinance.

§ 170-24. Accessory dwelling units.

ARTICLE VI

Floodplain Development

§ 170-25. General provisions.

§ 170-26. Dimensional Regulations by District.

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ARTICLE VI
Additional Regulations

~~ADDITIONAL REGULATIONS~~

~~[HISTORY: Formerly Chapter 113, which was adopted by the City Council on 3-25-1987 as Ord.~~ ~~by Ord. No. 26-98; General syntax updates on 07-22-2020 by Ord. No. 2020.07.08.006 Amendments noted where applicable. Merged into 170 on 08-12-2015 by Ord. No. 2015.07.22-017]~~

§ 170-18. Customary home occupations.

§ 170-19. Non-environmental conditional use permit criteria.

§ 170-20. Central Business District regulations.

§ 170-21. Alternative energy systems.

§ 170-22. Telecommunications facilities.

§ 170-23. Impact fees.

§ 170-24. Accessory dwelling units.

ARTICLE VII
Floodplain Development

§ 170-25. General provisions.

~~No. 87.1. Revised in its entirety by the City Council on 01-20-1999~~

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§ 170-31. Riverfront Residential Overlay District.

§ 170-32. Residential-Commercial Mixed-Use (RCM) Overlay District.

§ 170-33. Groundwater protection.

§ 170-34. Scenic Road Overlay District.

§ 170-35. Hazardous Waste Landfill District I.

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~~OVERRIDING DISTRICTS~~

~~170-26. Additional Regulations.~~

~~170-27. Conservation District.~~

~~170-27.1. Wetland Protection District.~~

~~170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.~~

~~170-28. Urban Renewal District.~~

~~170-28.1. Riverfront Residential Overlay District.~~

~~170-28.2. Residential-Commercial Mixed Use (RCM) Overlay~~

~~170-28.3. Groundwater Protection.~~

~~170-28.4. Scenic Road Overlay District.~~

~~170-28.5. Hazardous Waste Landfill District I.~~

~~ARTICLE IX~~

~~EXCAVATIONS~~

ARTICLE IX
Excavations

§ 170-~~29~~36. Authority.

§ 170-~~29.1~~37. Purpose and ~~Intent~~ intent.

~~170-29.2.~~

§ 170-~~29.3~~38. Applicability.

§ 170-~~29.4~~39. Abandoned ~~EXCAVATIONS~~ excavations.

§ 170-~~29.5~~40. Prohibited ~~Projects~~ projects.

§ 170-~~29.6~~41. Criteria for ~~Non-conforming EXPANSIONS~~ nonconforming expansions.

§ 170-~~29.7~~42. Operational ~~Standards~~standards.

§ 170-43. Site reclamation standards.

§ 170-44. Incremental reclamation.

§ 170-45. Performance guarantee.

§ 170-46. Waivers.

§ 170-47. Application Procedures

§ 170-48. Application submission items.

§ 170-49. Administration and enforcement

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~~170-29.8. Site RECLAMATION Standards.~~

~~170-29.9. Incremental RECLAMATION.~~

~~170-30. Performance Guarantee.~~

~~170-30.1. Waivers.~~

~~170-30.2. Application Procedures.~~

~~170-30.3. Application Submission Items.~~

~~170-30.4. Administration and Enforcement.~~

~~170-31. Reserved (Formerly Standards).~~

~~ARTICLE X~~

~~SIGNS AND FENCES~~

~~170-32. SIGN Review and Regulations.~~

~~170-33. FENCE Review and Regulations.~~

~~170-34. through 170-38. (Reserved)~~

ARTICLE X

Signs and Fences

§ 170-50. Sign review and regulations.

§ 170-51. Fence review and regulations.

ARTICLE XI ~~NONCONFORMING LOTS, USES AND STRUCTURES~~

~~170-39. Reserved.~~

~~170-40. NONCONFORMING USEs of land.~~

~~170-41. Nonconforming STRUCTUREs.~~

~~170-42. Repairs and Maintenance.~~

~~170-43. Uses Permitted by Special Exception.~~

Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.

§ 170-53. Nonconforming structures.

§ 170-54. Repairs and maintenance.

§ 170-55. Uses permitted by special exception.

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ARTICLE XII

~~OFF-STREET PARKING AND LOADING~~

Off-Street Parking and Loading

§ 170-~~44.~~ 56. Applicability.

~~170-45. Reserved (Formerly Required Spaces).~~

~~170-46. Reserved (Formerly Loading Spaces).~~

ARTICLE XIII

~~ADMINISTRATION~~

Administration

§ 170-57.~~170-47.~~ Administrative ~~Officer~~officer.

~~170-48. Reserved (Formerly Building Permit Procedure).~~

~~170-49. Reserved (Formerly CERTIFICATE OF OCCUPANCY).~~

~~170-48. Reserved (Formerly Building Permit Fees).~~

§ 170-58.~~170-51.~~ Violations and ~~Penalties~~penalties.

~~170-52. ZONING BOARD OF ADJUSTMENT.~~

§ 170-60.~~170-53.~~ Amendment ~~Procedure~~procedure.

~~TABLES OF USE AND DIMENSIONAL REGULATIONS BY DISTRICT~~

~~Residential~~

~~HR Heritage Residential District R-40~~ Rural Residential (R-40) District

~~R-20~~ Low-Density Residential ~~District~~(R-20) District

~~R-12~~ Medium-Density Residential (R-12) District

~~RM-SU~~ Suburban Density Multi-~~residential~~ Residential (RM-SU) District~~RM-U~~

Urban Density Multi-~~residential~~

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Residential (RM-U) District

Heritage Residential (HR) District

~~Nonresidential~~

~~C~~ Commercial (C) District

~~CM~~ Commercial Manufacturing (CM) District

~~IT~~ Innovative Technology (IT) District

Gateway (G) District

~~Mixed-Use~~

~~H Hospital~~Hospital (H) District

Little Bay Waterfront (LBW) District

CBD ~~Central Business District~~Transit-Oriented Development Sub-District

~~Regulating Plan~~

~~General~~

~~Mixed Use~~

~~Residential~~

~~TOD Transit Oriented Development~~

~~CWD Cocheco Waterfront District~~

CBD Mixed-Use Sub-District

CBD Residential Sub-District

CDB General Sub-District

Cocheco Waterfront District (CWD)

Sign Diagrams

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[HISTORY: Adopted by the City Council ~~on 05-23-1979 as Ord. No. 15-79; Amended on 09-~~13-2013 by Ord. No. 2013.~~08.14-12;~~10.09-013 as Ch. 170 of the 2013 Code. Amended ~~on 02-~~2-26-2014 by Ord. No. 2014.01.22-001; ~~Amended on 04-~~4-23-2014 by Ord. No. 2014.04.09-008~~; Amended on 08-12-2015 by Ord. No. 2015.07.22-017~~. Subsequent amendments ~~No.~~ noted where applicable.]

~~GENERAL REFERENCES PLANNING BOARD See Ch. 41. Site Plan Review See Ch. 149. STREETS and SIDEWALKS See Ch. 152. Subdivision of Land See Ch. 155.~~

ARTICLE I

General Provisions~~GENERAL PROVISIONS~~

§ 170-1. Title.

This ~~Chapter~~chapter shall be known and may be cited as the "Zoning Ordinance of the City of Dover, New Hampshire."

§ 170-2. Authority.

This ~~Chapter~~chapter is adopted pursuant to the authority granted by RSA 674:16.

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§ 170-3. Purpose. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

This ~~Chapter~~chapter is an element of the Dover Master Plan and is designed to promote the health, safety, and the general welfare of Dover's residents by serving to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; to encourage the maintenance of Dover's economic and aesthetic quality of life; and to encourage the most appropriate use of land throughout the City of Dover.

§ 170-4. Interpretation.

The provisions of this ~~Chapter~~chapter shall be interpreted to be the minimum requirements adopted for the promotion of the health, safety, morals and the general welfare of the City of Dover. The provisions of this ~~Chapter~~chapter are not intended to repeal or in any way impair or negate any other lawfully adopted ordinance, regulation or rule. Whenever the regulations made under the authority hereof differ from those prescribed by any ordinance or regulation, that provision which imposes the greater restriction shall govern.

§ 170-5. Applicability. ~~[Amended on 06-10-87 by Ord. No. 13-87.]~~

All ~~BUILDINGS~~buildings or ~~STRUCTURES~~structures hereafter erected, reconstructed, ~~ALTERED~~altered, enlarged or relocated or all future use of premises in the City of Dover shall be in conformity with the provisions of this ~~Chapter~~chapter. This ~~Chapter~~chapter shall not apply to existing ~~BUILDINGS~~buildings or ~~STRUCTURES~~structures, nor to the existing use of any ~~BUILDING~~building or ~~STRUCTURE~~structure or of land to the extent to which it is used at the time of enactment of this ~~Chapter~~chapter. Furthermore, if the ~~PLANNING BOARD~~Planning Board has formally accepted an application for development prior to the first legal notice of a proposed change to this ~~Chapter~~chapter, the Building Official shall not withhold a ~~BUILDING~~building permit, and the proposed regulation shall not affect the accepted application.

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ARTICLE II ~~TERMINOLOGY~~

Terminology

[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 6-22-2016 by Ord. No. 2016.06.08-010; 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. ~~170-6. Word Usage and Definitions. [Amended on 9-24-80 by Ord.~~ 2020.07.08-006]

§ 170-6. Word usage and definitions.

~~No. 15-80; Amended on 6-10-87 by Ord. No. 13-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 11-30-88 by Ord. No. 24-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-01-93 by Ord. No. 20-93; Amended on 09-15-93 by Ord. No. 19-93; Amended on 10-20-93 by Ord. No. 28-93; Amended on 08-24-94 by Ord. No. 09-94; Amended on 03-18-98 by Ord. No. 02-98; Amended on 02-17-99 by Ord. No. 25-98; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-19-2003 by Ord. No. 05-03; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-19-2015 by Ord. No. 2015.07.22-017; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.006, Amended on 07-22-2020 by Ord. No. 2020.07.08.007, Amended on 09-14-2022 by Ord. No. 2022.08.10.010., Amended on 08-09-2024 by Ord. No. 2023.07.12-008]~~

A. For the purposes of this ~~Chapter~~chapter, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the ~~words~~word "used" or ~~occupies" include~~"occupied" includes the words "intended, designed or arranged to be used or occupied~~,"~~"; and certain terms or words shall be interpreted as follows~~:~~.

B. Words and terms appearing ~~in CAPITAL LETTERS~~ throughout this ~~Chapter~~chapter shall have the meanings indicated below. Other ~~Land Use/Planning~~land use/planning related words and terms not defined in this ~~Chapter~~chapter shall rely on the definition(s) contained within A Planners Dictionary published and updated by the American Planning Association~~:~~.

ABANDONED SIGN ~~means any SIGN~~ — Any sign that does not display a well-maintained message for a consecutive ~~one-hundred-eighty (~~180~~)~~ -day period, and/or the owner of said ~~SIGN~~sign cannot be located after reasonable efforts have been made, and/or said ~~SIGN~~sign is no

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longer fully supported by the ~~STRUCTURE~~structure designed to support the ~~SIGN~~sign for a consecutive ~~one hundred eighty (~~180~~)~~ day period, and/or the ~~SIGN~~sign no longer advertises bona fide business and/or products sold for a consecutive ~~one hundred eighty (~~180~~)~~ day period. The Zoning Administrator shall direct the removal of any ~~SIGN~~sign which meets this definition.

ABUTTER ~~means:~~

(1) The owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within ~~two hundred (~~200~~)~~ feet (including land across the ~~STREET~~street or waterway) of the proposed site under consideration by the ~~PLANNING BOARD~~Planning Board.

(2) For the purposes of receiving testimony only, and not for purposes of notification, the term "~~ABUTTER~~abutter" shall include any person or entity who is able to demonstrate that his land will be directly affected by the proposal under consideration.

(3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "~~ABUTTER"~~abutter" means the officers of the collective or association, as defined in RSA 356-B:~~3~~ 3, XXIII. Additionally, the individual owners of units within the association~~,~~ which are located within ~~two hundred (~~200~~)~~ feet of the common property line shall be notified only by first~~-~~class mail.

(4) For purposes of notification and receiving testimony, ~~ABUTTER~~"abutter" means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the ~~PLANNING BOARD~~Planning Board.

(5) For purposes of notification, ~~ABUTTER~~abutter ownership information for ~~LOTS~~lots located in Dover~~,~~ shall be obtained through the ~~City's~~City's Tax Assessment Office.

ACCESSORY DWELLING UNIT ~~means a~~ A secondary ~~DWELLING UNIT (a)~~dwelling unit attached and subordinate to a ~~SINGLE FAMILY DWELLING or (b)~~single-family dwelling or constructed within a detached garage that is~~-~~

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accessory and subordinate to a ~~SINGLE FAMILY DWELLING.~~single-family dwelling. See ~~Section~~§ 170-24 for the accessory dwelling unit regulations. **[Amended 10-13-2021 by Ord. No. ~~ACCESSORY DWELLING UNIT~~2021.09.08-006]**

~~regulations.~~

ACCESSORY STRUCTURE ~~means a STRUCTURE~~ — A structure with a minimum ~~FLOOR AREA~~floor area of ~~two hundred (~~200~~)~~ square feet which exists on the same ~~LOT~~lot and within the same zoning district as the ~~PRINCIPAL BUILDING~~principal building and which shall be customarily incident and subordinate to the ~~PRINCIPAL BUILDING~~principal building, subject to the provisions of § 170-10E. **[Amended 10-13-2021 by Ord. No. ~~Chapter 170-10 E.~~2021.09.08-006]**

ACCESSORY USE ~~means a~~ — A use existing on the same ~~LOT~~lot and within the same zoning district as the principal use which shall be customarily incident and subordinate to the principal use~~;~~, subject, however, to the provisions of § 170-~~10 E~~10E.

ADULT BOOKSTORE AND/OR VIDEO STORE ~~means a~~

(1) A place of business that devotes more than ~~fifteen percent (~~15~~%)~~% of the total display, shelf, rack, table, stand or ~~FLOOR AREA,~~floor area for the display and sale of the following: ~~[Added]~~

~~(1)~~ Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, ~~video cassettes~~videocassettes, slides, tapes, records, CD-~~ROMS~~ROMs or other

(a) forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or

~~(2)~~(b) Instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571-B:1, other than birth~~-~~control ~~devises~~devices.

(2) An ~~**ADULT BOOKSTORE**~~adult bookstore and/or ~~VIDEO STORE~~video store does not include an establishment that sells books, periodicals or videos as an incidental or accessory part of its principal stock ~~and~~ in trade and does not devote more than ~~fifteen percent (~~15~~%)~~% of the total ~~FLOOR AREA~~floor area of the establishment to the sale of books, periodicals or videos.

ADULT CABARET ~~means a night club~~ — A nightclub, bar, restaurant or similar establishment which, during a substantial portion of the total presentation time, features live performances that meet the definition of "harmful to minors" and/or "~~a~~ sexual conduct" as set forth in RSA 571-B:1 and/or shows films, motion pictures, ~~video cassettes~~videocassettes, slides or other photographic reproductions~~,~~ which ~~meets~~meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

ADULT DAY CARE ~~means a~~ — A facility used for the care of three ~~(3)~~ or more adults for less than ~~twenty-four (~~24~~)~~ hours per day who are in need of supervision or assistance with daily living activities. The facility may provide for dining, recreation activities,

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education and counseling services, and ~~ACCESSORY USEs~~accessory uses related to the care of adults in need.

AGRICULTURE – — See RSA 21:34-a~~.~~, II. ~~AGRICULTURE~~Agriculture shall not include marketing or selling at wholesale or retail, except where permitted as part of a ~~ROADSIDE FARM STAND~~roadside farm stand or where the retail sale of agricultural or ~~FARM~~farm products raised on site is a permitted use. One ~~SINGLE FAMILY DWELLING~~single-family dwelling shall be permitted as an accessory to the ~~principle~~principal use.

ALTER or ~~**ALTERATIONS** means any~~ALTERATION — Any change involving the structural frame of a ~~BUILDING~~building or use of a ~~BUILDING~~building.

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ALTERNATIVE ENERGY SYSTEM ~~means a~~ — A system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

ALTERNATIVE TOWER STRUCTURE ~~means the~~ — The use of ~~STRUCTURES~~ structures such as man-made trees, clock ~~TOWERS~~towers, bell steeples, rooftops on ~~BUILDINGS~~buildings five ~~(5)~~ stories or more, light poles, and similar ~~Alternative~~alternative-design mounting ~~STRUCTURES~~structures that camouflage or conceal the presence of ~~ANTENNAS~~antennas or ~~TOWERS~~towers and their appurtenances.

ANTENNA ~~means any~~ — Any exterior apparatus designed for telephonic, radio, television, personal communications service (PCS), pager network, repeater, or any other communications through the sending and/or receiving of electromagnetic waves of any bandwidth.

APPLICANT ~~means any~~ — Any person, agent, firm, association, partnership or corporation that makes application to a land use board ~~-~~ pursuant to the rules and regulations of this ~~Chapter~~chapter.

ASSEMBLY HALL — A building or a portion of a building, not to exceed 5,000 square feet, used for groups of people to gather for an event or regularly scheduled program. Assembly halls include but are not limited to service clubs, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.

ASSESSED PROPERTY ~~means any~~ — Any land or ~~BUILDINGS~~buildings comprising ~~NEW DEVELOPMENT~~new development that is subject to an ~~IMPACT FEE~~ impact fee assessment under this chapter.

ASSESSMENT ~~under this Article.~~

~~**ASSESSMENT** means a~~ — A notification issued by the City of Dover, its ~~PLANNING BOARD~~Planning Board, or its Building Inspector ~~-~~ which states the amount of an ~~IMPACT FEE~~impact fee due on an ~~ASSESSED PROPERTY~~assessed property and the responsibilities, conditions or schedules pertinent to the process and timing of ~~IMPACT FEE~~impact-fee payments to the City.

ASSISTED LIVING FACILITY ~~means a~~ — A facility, licensed under RSA 151-E, that provides housing and supportive services and care for more than ~~twelve (~~12~~)~~ elderly residents who require assistance with daily living activities but do not require the skilled nursing and medical care provided in a ~~NURSING~~

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~~HOME~~nursing home. Such supportive services include the provision of meals, housekeeping, laundry, transportation, daily personal care, dispensing of medications and ~~twenty-four~~

(~~staffing~~ 24~~)~~ hours per day ~~staffing~~. An ~~ASSISTED LIVING FACILITY~~assisted living facility includes a community dining ~~ROOM~~room in which meals are provided to all residents and each individual assisted living unit may also have a kitchenette. Other than any accommodations provided for use by the ~~facility's~~facility's staff, only assisted living units are permitted as part of an ~~ASSISTED LIVING FACILITY~~assisted living facility.

~~**ASSEMBLY HALL** means a BUILDING or a portion of a BUILDING, not to exceed five thousand (5,000) square feet, used for groups of people to gather for an event or regularly scheduled program. ASSEMBLY HALLs include but are not limited to SERVICE CLUB, religious institutions, cultural and educational lecture/performance halls, banquet halls, and similar facilities.~~

AUTO SERVICE ~~means a~~ A place of business which offers as a service the repair of automobiles. Such ~~"AUTO SERVICE"~~auto service place shall not be construed to be a ~~VEHICLE REFUELING /RECHARGING STATION~~vehicle refueling/ recharging station.

BED ~~-~~ AND ~~-~~ BREAKFAST ~~means a~~ A residential ~~STRUCTURE~~structure consisting of nine

~~(~~9~~)~~ or ~~less~~fewer bedrooms rented on a temporary, short ~~-~~ term basis for overnight sleeping purposes. Said facility shall have common eating and living areas and provide on ~~-~~ site management on a twenty-four ~~(~~24~~)~~ ~~-~~ hour basis. Breakfast shall be the only meal served and shall be served to registered guests only.

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BERM ~~means a~~ — A mound of ~~EARTH~~earth that may contain stumps of sufficient ~~HEIGHT~~height to serve as sight, sound, sand and dust screening of operations in an ~~EXCAVATION SITE~~excavation site.

BLOCK ~~means a~~ — A tract of land bounded by ~~STREETs~~streets or by a combination of ~~STREETs~~streets and public land, railroad ~~RIGHTS-OF-WAY~~rights-of-way, waterways or other barriers to the continuity of a development.

BLOCK CORNER ~~means where~~ — Where two public ~~STREETs~~streets meet on a ~~BLOCK~~block.

BLOCK FACE ~~means the~~ — The aggregate of all the ~~BUILDING~~building facades on one side of a ~~BLOCK~~block.

~~**BUILD TO LINE** means a line parallel to the STREET RIGHT-OF-WAY LINE representing the distance that part of the BUILDING must be located. Front porches, stairs and handicap ramps may extend beyond the BUILD TO LINE up to half their depth. If locating the BUILDING at the BUILD TO LINE is not possible due to SETBACK or buffer requirements of Chapter 170-27 or Chapter 170-27.1, the BUILDING shall be located as close to the BUILD TO LINE as feasible. For parcels with no FRONTAGE, the BUILD TO LINE shall be calculated from the boundary parallel to the nearest STREET RIGHT-OF-WAY LINE. For parcels with FRONTAGE on a tidal waterway, the BUILD TO LINE may be a one hundred (100) foot SETBACK, unless reduced via a Conditional Use Permit from the reference line, no matter the distance to the STREET RIGHT-OF-WAY LINE.~~

~~**BUILDING** means any STRUCTURE~~BUILDING — Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such ~~"BUILDING"~~building includes open decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, ~~MANUFACTURED HOME~~manufactured home or any other like product. For the purposes of measuring ~~SETBACKs~~setbacks, eaves and uncovered porches, accessible ramps or steps may encroach into the side, ~~REAR~~rear and front ~~SETBACKs or~~setbacks for a distance of up to three ~~(3)~~ feet. Improvements made at ground level (patio, pads, deck) are not required to meet ~~SETBACKS~~setbacks.

BUILD-TO LINE — A line parallel to the street right-of-way line representing the distance that part of the building must be located. Front porches, stairs and handicap ramps may extend beyond the build-to line up to half their depth. If locating the building

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at the build-to line is not possible due to setback or buffer requirements of § 170-27 or 170-28, the building shall be located as close to the build-to line as feasible. For parcels with no frontage, the build-to line shall be calculated from the boundary parallel to the nearest street right-of-way line. For parcels with frontage on a tidal waterway, the build-to line may be a 100-foot setback, unless reduced via a conditional use permit from the reference line, no matter the distance to the street right-of-way line.

BULK ~~means a~~ — A term used to indicate the physical size, ~~SETBACKS~~setbacks, and location of a ~~BUILDING~~building upon a ~~LOT~~lot.

~~**BUSINESS FLOOR AREA - [Repealed on 08-08-2018 by Ord. No. 08-08-2018-009]**~~

BUSINESS FRONTAGE ~~means the~~ — The length along the ~~GROUND FLOOR~~ground floor of a ~~BUILDING~~building front, having ~~FRONTAGE~~frontage on the ~~STREET~~street, which is occupied by a separate and distinct principal use~~;~~, or the length along the ~~GROUND FLOOR~~ground floor of a ~~BUILDING~~building side, having ~~FRONTAGE~~frontage on a ~~STREET~~street, which is occupied by a separate and distinct principal use or by the same principal use which occupies the front of said ~~BUILDING~~building.

CERTIFICATE OF OCCUPANCY — See Chapter 57, Building Construction, § 57-9, of the Code of the City of Dover.

CERTIFIED SOIL SCIENTIST ~~means a~~ — A person who, by reason of special knowledge of pedological principles acquired by professional education and practical experience as specified by RSA 310-A:84, is qualified to practice soil science and who has been duly certified by the State Board of Natural Scientists.

~~**CERTIFICATE OF OCCUPANCY** — See Chapter 68 of the Code of the City of Dover, titled "Building Construction", Section 68-15.~~

CHILD-CARE FACILITY ~~means a non-residential~~ — A nonresidential facility used for the care of children for periods of less than ~~twenty-four (~~24~~)~~ hours per day~~,~~ and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. ~~A CHILD CARE FACILITY~~A child-care facility requires Technical Review Committee review.

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CHILD-CARE HOME ~~means an~~ An occupied ~~SINGLE FAMILY DWELLING~~ single-family dwelling in which child day care is provided for less than ~~twenty four (~~24~~)~~ hours per day, except in emergencies. A ~~CHILD CARE HOME~~child-care home is subject to the ~~CUSTOMARY HOME OCCUPATION~~customary home occupation requirements and requires a ~~CUSTOMARY HOME OCCUPATION Certificate~~customary home occupation certificate of ~~Use~~use. There are two types of ~~CHILD CARE HOMES~~child-care homes, as follows:

(1) ~~Group CHILD CARE HOME~~A group child-care home is a child day care for seven ~~(7)~~ to ~~twelve (~~12~~)~~ preschool-aged children from one or more unrelated families. The ~~twelve (~~12~~)~~ children shall include all children residing with the caregiver in the home, except children ~~ten (~~10~~)~~ years of age or older. In addition to the ~~twelve (~~12~~)~~ children, up to five ~~(5)~~ children enrolled in a full-day school program may also be cared for up to five ~~(5)~~ hours per day on school days and all day during school holidays. Applications require Technical Review Committee review~~;~~ and are subject to possible ~~Site Review~~site review and ~~PLANNING BOARD~~Planning Board approval per ~~Section 149-4.D of the Site Review Regulations.~~

~~Family CHILD CARE HOME~~§ 153-4D of Chapter 153, Site Review Regulations.

~~(2)~~ A family child-care home is a child day care for up to six ~~(6)~~ preschool-aged children from one or more unrelated families. The six ~~(6)~~ children shall include all children residing with the caregiver in the home, except children ~~ten (~~10~~)~~ years of age or older. In addition to the six ~~(6)~~ children, up to three

~~(3)~~(2) children enrolled in a full-day school program may also be cared for up to five ~~(5)~~ hours per day on school days and all day during school holidays. ~~A Family CHILD CARE HOME~~A family child-care home for up to three ~~(3)~~ children (at any one time and not including the ~~provider's~~provider's own children) shall not require a ~~CUSTOMARY HOME OCCUPATION Certificate of Use~~customary home occupation certificate of use and does not require Technical Review Committee review.

CIVIC BUILDING ~~means a BUILDING~~ A building operated by not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking, or for use approved by the legislative body.

CIVIC SPACE ~~means an~~ An outdoor area dedicated for public use.

COLLECTION ~~means the~~ The actual delivery of payment of an

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~~ASSESSMENT~~assessment of an ~~IMPACT FEE~~impact fee to the City of Dover on behalf of an ~~ASSESSED PROPERTY~~assessed property.

COMMENCEMENT OF CONSTRUCTION ~~means the~~ — The beginning of the physical construction of an approved ~~STRUCTURE~~structure. Said construction shall include the erection of any portion of a ~~STRUCTURE~~structure above or below grade level.

COMMERCIAL EXCAVATION ~~means EXCAVATION~~ — Excavation of ~~EARTH~~earth intended for commerce, excluding ~~EXCAVATION~~excavation that is strictly conducted for the purpose of ~~ALTERATIONs~~alterations, renovation, improvement or construction to the property on which the ~~EXCAVATION~~excavation takes place. Any material leaving the property for whatever reason is considered to be a commercial operation, except agricultural activities, as defined by RSA 21:34-a.

~~**COMMERICAL PARKING FACILITY** means an area of OFF-STREET PARKING, where, for a fee, or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight OFF-STREET PARKING. Said facility may provide shuttle or park-n-ride services.~~

COMMERCIAL RECREATION ~~means leisure~~ — Leisure-time activities conducted at prescribed places, sites, or fields as a principal use, in order to obtain profit for a private group, organization, or individual. For the purpose of this ~~ordinance, COMMERCIAL RECREATION~~chapter, commercial recreation may include but not be limited to~~: (a)~~ mechanical-, and/or electronic-operating games ~~(b)~~, animated mechanical devices, and/or rides ~~(c)~~and live entertainment~~;~~, and ~~(d)~~ food concessions will be allowed by permit.

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COMMERCIAL PARKING FACILITY — An area of off-street parking where, for a fee or permit, motor vehicles may be stored for the purpose of temporary, daily, weekly, or overnight off-street parking. Said facility may provide shuttle or park-and-ride services.

COMMON YARD ~~means a~~ — A planted private ~~FRONTAGE~~frontage wherein the facade is set back from the front property line.

CONGREGATE CARE FACILITIES ~~means a~~ — A residential facility for elderly persons containing individual~~,~~ one ~~(1)~~, and two ~~(2)~~ bedroom units. Each unit may also have a kitchenette. The facility shall contain common dining facilities and amenities, such as housekeeping, transportation and organized social and recreational activities, and may include limited medical services on site. This facility is intended for and solely occupied by persons ~~sixty-two (~~62~~)~~ years of age or older and thereby qualifies as ~~"~~housing for older persons~~"~~ under state law.

CONSERVATION LOT ~~means a LOT~~ — A lot created solely for the purpose of land conservation. The ~~CONSERVATION LOT~~conservation lot must contain no less than ~~fifty percent (~~50%~~)~~% developable uplands, but will have no ~~DEVELOPMENT RIGHTS.~~development rights. The ~~CONSERVATION LOT~~conservation lot may be owned by a private, nonprofit organization, which has as its purpose the preservation of ~~OPEN SPACE~~open space, or dedicated to a public entity. ~~CONSERVATION LOTs~~Conservation lots must meet the required minimum ~~LOT~~lot size and ~~SETBACKs.~~ ~~CONSERVATION LOTs~~setbacks. Conservation lots do not need to meet the minimum ~~FRONTAGE~~frontage requirements. ~~CONSERVATION LOTs~~Conservation lots must be created following the regulations outlined in Chapter 157, Land Subdivision Regulations. **[Amended 10-13-2021 by Ord. No. ~~of Land.~~2021.09.08-006]**

CONTIGUOUS ~~means land~~ — Land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, wholly within the City, except in the case of ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants, whose perimeter is not defined by the ~~City's~~City's boundaries.

CONTINUING ~~—~~CARE COMMUNITY FACILITY ~~means a~~ — A residential development that provides multiple elements of adult living, including independent living units, assisted- living units and skilled nursing care, enabling residents to live at a single location as their medical needs change over time. This facility is licensed pursuant to RSA 420-D and includes common dining, recreation and health facilities and other common areas; provides services such as medical care~~,~~ and programmed social activities; and may include limited accessory retail and personal services. This facility is intended for and solely occupied by persons ~~sixty-two (~~62~~)~~ years of age or older and thereby qualifies as ~~"~~housing for older persons~~"~~ under state law.

COUNTRY CLUB ~~means a~~ — A nonprofit establishment involving the use of a golf course, swimming pool or tennis courts and a ~~STRUCTURE~~structure designed as a center for these activities within which food and drink may be served to members of said club and their guests. The term "~~COUNTRY CLUB~~country club" shall not be so construed as to include within its meaning any operation conducted with a profit-

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making intent.

COVERAGE ~~means the~~ — The percentage of area of a ~~LOT~~lot which is occupied by the physical limits of a ~~BUILDING~~building or ~~BUILDINGs~~buildings. Roofed area to the extent of the ~~drip line~~dripline shall constitute the physical limits of a ~~BUILDING~~building.

COVER CROP ~~means vegetation~~ — Vegetation designed to prevent erosion of the soil.

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CUSTOMARY HOME OCCUPATION ~~means an~~ — An occupation carried on as a secondary use in a ~~DWELLING UNIT~~dwelling unit or accessory ~~BUILDING~~building by the occupant of such unit.

DEVELOPMENT IDENTIFICATION SIGN ~~means a SIGN~~ — 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~~temporary sign for this purpose. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

DEVELOPMENT RIGHTS ~~means the~~ — The legal claim to construct or develop specified land uses within specified densities and/or dimensional limits as granted by ~~the City of Dover Zoning Ordinance~~this chapter.

DIMENSION STONE ~~means rock~~ — Rock that is cut, shaped or selected for use in ~~BLOCKS~~blocks, slabs, sheets or other construction units of specified shapes or sizes and is used for external or interior parts of ~~BUILDINGS~~buildings, foundations, curbing, paving, flagging, bridges, revetments or for other architectural or engineering purposes. ~~DIMENSION STONE~~Dimension stone includes quarry ~~BLOCKS~~blocks from which sections of ~~DIMENSION STONE~~dimension stone are to be produced. ~~DIMENSION STONE~~Dimension stone does not include ~~EARTH~~earth as defined below.

DIRECT ~~ILLUNIMATION means that the~~ILLUMINATION — The material of which a ~~SIGN~~sign is made is itself illuminated (e.g., neon light).

DRIVE-IN SERVICE ~~means service~~ — Service whereby the customer need not leave his vehicle in order to obtain the product offered for sale.

~~**DWELLING, MULTI-FAMILY** means a BUILDING containing more than four (4) DWELLING UNITs.~~

~~**DWELLING, SINGLE-FAMILY** means a detached BUILDING containing one~~

~~(1)~~ DWELLING UNIT ~~only.~~

~~**DWELLING UNIT** means one~~ — One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the ~~DWELLING UNIT~~dwelling unit for exclusive use of a single family maintaining a household.

DWELLING, MULTIFAMILY — A building containing more than four dwelling units.

DWELLING, SINGLE-FAMILY — A detached building containing one dwelling unit

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only.

EARTH ~~means sand~~ — Sand, gravel, rock, soil or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally- occurring unconsolidated materials that normally mask the bedrock.

~~**EDUCATIONAL INSTITUTION, POST SECONDARY** means an institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.~~

EDUCATIONAL INSTITUTION, K-12 ~~means a~~ — A facility, licensed by the State of New Hampshire, that provides curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

EDUCATIONAL INSTITUTION, POST-SECONDARY — An institute of higher education that provides a curriculum of academic instruction beyond the high school level, is licensed by the State of New Hampshire, and is accredited by an approved agency.

ELDERLY ASSISTED- CARE HOME ~~means a~~ — A residential facility permanently housing six ~~(6)~~ to ~~twelve (~~12~~)~~ elderly residents with common dining facilities and ~~ACCESSORY USES~~accessory uses typically needed by elderly persons. The Zoning Board of Adjustment may increase the number of residents through the granting of a special exception.

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ENERGY STORAGE ~~is the~~ — The capture of energy produced at one time for use at a later time. A device that stores energy is generally called an "accumulator" or "battery~~.~~." Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

EXCAVATION ~~means a~~ — A land area that is used, or has been used, for the commercial taking of ~~EARTH~~earth, including all ~~SLOPES~~slopes.

EXCAVATION AREA ~~means the~~ — The area within an ~~EXCAVATION SITE~~ excavation site where ~~EXCAVATION~~excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the "pit area~~.~~."

EXCAVATION SITE ~~means any~~ — Any area of ~~CONTIGUOUS~~contiguous land in common ownership upon which ~~EXCAVATION~~excavation takes place.

EXISTING EXCAVATION ~~means any EXCAVATION~~ — Any excavation that lawfully existed as of August 24, 1979, from which ~~EARTH~~earth material of sufficient weight or volume to be commercially useful had been removed during the two ~~(2)~~ -year period before August 24, 1979.

EXISTING TOWERS AND ANTENNAS ~~means any TOWER~~ — Any tower or ~~ANTENNA~~ antenna lawfully constructed or permitted prior to the adoption of this ~~ordinance~~chapter. Additionally, any ~~TOWER~~tower or ~~ANTENNA~~antenna lawfully constructed in accordance with this ~~ordinance~~chapter that predates an application currently before the ~~PLANNING BOARD~~Planning Board.

EXPANSION (pertaining to ~~EXCAVATIONs) means~~excavations)

(1) "Expansion of ~~EXISTING EXCAVATIONS~~existing excavations" means ~~EXCAVATION~~excavation beyond the limits of the City and the area which on ~~8/~~August 24~~/79~~, 1979, had been ~~CONTIGUOUS~~contiguous to and in common ownership with the ~~EXCAVATION SITE~~excavation site and has been appraised and inventoried for tax purposes as part of the same tract as the ~~EXCAVATION SITE~~excavation site.

~~(2)~~ "Expansion of ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants" means to any

(2) ~~CONTIGUOUS~~ contiguous lands which were in common ownership with the site of the plant on ~~8/~~August 4~~/89~~, 1989.

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EXTENSION, BUILDING. ~~means any~~ — Any action which shall cause the ~~FLOOR AREA~~floor area or volume of a ~~STRUCTURE~~structure to be increased.

EXTENSION, USE. ~~means the~~ — The enlargement of a business, industrial or residential activity beyond the limits in use at the time this ~~Chapter~~chapter was passed.

EXTERNAL ILLUMINATION. ~~means a~~ — A separate light fixture that shines onto a ~~SIGN~~sign in order to illuminate it.

FAA. ~~means an~~ — An acronym meaning "Federal Aviation Administration.~~"~~

~~**FAMILY. [Repealed on 08-01-90 by Ord. No. 8-90]**~~

FARM. ~~-~~ — See RSA 21:34-a~~.~~ I. See also the definition of ~~AGRICULTURE~~"agriculture."

FARM ANIMALS. ~~means animals~~ — Animals that are commonly raised or kept in an agricultural setting, including, but not limited to, chickens, roosters, turkeys, ducks, pigs, sheep, goats, horses, cows, cattle, llamas, emus, ostriches, donkeys, mules, buffalo, bison~~, alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats, totaling six (6) or fewer, shall not be considered to be included.~~

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alpacas, elk, deer and reindeer; provided, however, that chickens, sheep or goats totaling six or fewer shall not be considered to be included.

FARM ANIMALS FOR FAMILY USE ~~means animals~~ — Animals commonly raised or kept by a family for ~~non-commercial~~noncommercial purposes on a ~~LOT~~lot containing a one- or two-family dwelling. Includes chickens, sheep or goats totaling six ~~(6)~~ or fewer, but does not include roosters.

FCC ~~means an~~ — An acronym meaning "Federal Communications Commission~~.~~."

FENCE ~~means a~~ — A freestanding ~~STRUCTURE~~structure of metal, masonry, composition of wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.

FLASHING SIGN ~~means any~~ — Any directly or indirectly illuminated ~~SIGN~~sign which changes the intensity of illumination so as to result in changes in light, color, ~~director~~direction or animation. Included in this definition shall be electronic changeable message boards or ~~SIGNS~~signs of similar technologies, excluding those deemed necessary for the public safety and welfare by ~~Federal, State~~federal, state or municipal authorities.

FLOOR AREA ~~means the~~ — The sum of the gross horizontal areas of all floors of any ~~BUILDING~~building or ~~BUILDINGS~~buildings on a ~~LOT~~lot measured from the exterior walls. In particular, the ~~"FLOOR AREA"~~floor area shall include:

(1) In dwellings, any basement space designed to be used for residential purpose.

(2) In other than dwellings, any basement or cellar space used for any purpose.

(3) In all ~~BUILDINGS~~buildings, interior balconies, mezzanines, roofed porches or terraces and all spaces other than basement or cellar spaces with structural ~~head ROOM~~headroom of at least seven ~~(7)~~ feet.

~~**FLOOR RATIO - [Repealed 08-01-90 by Ord. No. 8-90]**~~

FREESTANDING SIGN ~~means a SIGN~~ — A sign permanently erected on a freestanding frame, mast or pole and not attached to any ~~BUILDING~~building. A-frame ~~SIGNs~~signs shall not be considered freestanding but rather ~~a~~ temporary ~~SIGN~~signs. Each individual tenant panel on a multi-tenant ~~SIGN~~sign shall require a ~~SIGN~~sign permit and shall be counted towards each ~~tenants'~~tenant's permitted number of ~~SIGNs~~signs and ~~SIGN AREA~~sign area.

FRONTAGE ~~means the~~

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(1) The linear distance measured along the front ~~LOT LINE~~lot line between the points of intersection with the side ~~LOT LINEs. "FRONTAGE"~~lot lines. Frontage along ~~cul~~culs-de-~~sacs~~sac shall be the linear distance at the appropriate ~~FRONT YARD BUILDING set back~~front yard building setback depth from the front ~~LOT LINE~~lot line between the points of intersection with the side ~~LOT LINEs~~lot lines. For the purpose of measurement, ~~LOT "FRONTAGE"~~lot frontage shall be continuous and measured along the joining boundary of the front ~~LOT LINE~~lot line and a public right-of-way.

(2) ~~**FRONTAGE**, in the CBD~~In the Central Business District, "frontage" means the area between a ~~BUILDING~~building facade and the public ~~STREET~~street, inclusive of its built and planted components.

GALLERY ~~means a~~ A private ~~FRONTAGE~~frontage conventional for retail use wherein the facade is aligned close to the front property line with an attached, cantilevered shed or lightweight colonnade overlapping the ~~SIDEWALK~~sidewalk.

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GEOTHERMAL ENERGY ~~means a~~— A system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

GROUND FLOOR ~~means the STREET~~— The street level floor of a ~~STRUCTURE~~structure.

GROUND-MOUNTED SOLAR ~~means a~~— 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. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9- 2023 by Ord. No. 2023.07.12-008]**

GROUP HOME FOR MINORS ~~means a~~— A group boarding home for minor children and others attending Grades K—12 which is issued a general or intermediate license by, and operated in accordance with standards promulgated by the State of New Hampshire Department of Health and Human Services. Such use may include ~~ACCESSORY USEs~~accessory uses, such as educational and counseling programs, which are directly related to the primary purpose of the home.

HAZARDOUS WASTE/MATERIAL ~~means a~~— A material, waste or combination of materials or wastes which, because of the quantity, concentration or infectious characteristics, may cause or significantly contribute to illness or present a substantial hazard to health, safety or welfare or to the environment.

HEIGHT, ~~when~~— When referring to a telecommunications ~~TOWER~~tower or other ~~STRUCTURE~~structure, means the distance measured from ground level to the highest point on the ~~TOWER~~tower or other ~~STRUCTURE~~structure or appurtenance, even if said highest point is an ~~ANTENNAs~~antenna or other appurtenance.

HEIGHT OF BUILDING ~~means the~~— The vertical distance measured from the average grade level adjoining the ~~BUILDING~~building to the highest level of the roof surface or front ~~PARAPET~~parapet, whichever is greater. Television and radio receiver ~~ANTENNAs~~antennas and photovoltaic systems as well as church steeples shall not be included in this calculation.

~~**HEIGHT RATIO - [Repealed 08-01-90 by Ord. No. 8-90]**~~

HIGH INTENSITY SOIL MAP (HIS) ~~means a~~— A map prepared using the methods prescribed by the Society of Soil Scientists of Northern New England in the publication ~~HIGH INTENSITY SOIL MAPs~~High Intensity Soil Maps for New Hampshire, January 1987, as amended.

HOME-BASED ~~AGRICULTRUAL~~AGRICULTURAL ACTIVITIES ~~means the~~— The sale of products associated with raising poultry~~/~~, bees~~/~~ or like animals, or harvesting

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of herbs, flowers or vegetables/ fruit. Products must be grown on- site and may be sold ~~in~~ either in raw or value- added forms.

HOTEL ~~means a BUILDING~~ — A building consisting of ~~ten (~~10~~)~~ or more ~~ROOMS~~rooms accessed by a common hallway and designed for~~,~~ or used commercially as temporary living quarters for persons who are lodged with or without meals.

IMPACT FEE ~~means a~~ — A fee or ~~ASSESSMENT~~assessment imposed upon development, including subdivision, ~~BUILDING~~building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the City of Dover or the Dover School District, including and limited to water treatment and distribution facilities; wastewater treatment and ~~disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and RIGHTS OF WAY; municipal OFFICE facilities; public school facilities; public safety facilities; solid waste COLLECTION, transfer, recycling, processing and disposal facilities; public library facilities; and PUBLIC RECREATIONAL FACILTIES not including PUBLIC OPEN SPACE.~~

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disposal facilities; sanitary sewers; stormwater, drainage and flood-control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities, not including public open space.

INTERMITTENT STREAM ~~means a~~ — A stream that flows for sufficient times of the year to develop and maintain defined channels but which may not flow during dry portions of the year.

INTERNAL ILLUMINATION ~~means illumination~~ — Illumination that is located within a translucent or otherwise diffusive ~~SIGN~~sign material.

JUNKYARD ~~means an~~ — An open area where waste~~,~~ or used or secondhand materials are brought, sold, exchanged, stored, baled, packed, ~~dissembled~~disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. The term "~~JUNKYARD~~junkyard" shall not include uses established entirely within enclosed ~~BUILDINGs~~buildings.

JUNKYARD, MOTOR VEHICLE ~~means any~~ — 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~~bulk to two ~~(2)~~ or more motor vehicles. ~~"MOTOR VEHICLE JUNKYARD~~"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. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

KENNEL ~~means any BUILDING~~ — Any building(s) or land operated as a business for the boarding, breeding, training, or selling of five ~~(5)~~ or more dogs, cats or other household pets.

LANDSCAPE AREA ~~means the~~ — The area unoccupied by pavement or ~~STRUCTUREs~~structures and open to the sky in either a landscaped or grassed condition. May include recreational fields, lawns, and public parks that do not possess significant conservation features.

LIGHT INDUSTRY ~~means all~~ — All manufacturing and assembly processes carried on completely within a ~~STRUCTURE,~~structure and involving no permanent outside storage of equipment or materials (except as a customary ~~ACCESSORY USE~~accessory use in connection with the permitted activities with the ~~STRUCTUREs~~structures), unless such storage is approved by the Dover ~~PLANNING BOARD~~Planning Board. This term shall not be interpreted to include any industry, the operations of which shall result in

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significant objectionable noise, glare, vibration or odor which would constitute a ~~NUISANCE~~nuisance in an industrial district and which exceed the maximum levels of adjacent activities.

LOADING BERTH ~~means a~~ — A berth designed for the ~~on-loading~~onloading and off-loading of trucks and other commercial vehicles.

LOT ~~means a~~ — A parcel of land which fronts on and has ingress and egress by means of a public vehicular right-of-~~-~~way and is occupied by, or is intended to be occupied by, one ~~(1) PRINCIPAL BUILDING~~principal building and its accessory ~~BUILDINGS~~buildings or uses customarily incidental to it, together with-

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such ~~OPEN SPACEs~~open spaces and yards as are required by this ~~Chapter~~chapter. More than one ~~(1) PRINCIPAL BUILDING~~principal building may be placed on a ~~LOT~~lot located in the Central Business or Gateway District. More than one ~~(1) PRINCIPAL BUILDING~~principal building may also be placed on a ~~LOT~~lot in all other districts with ~~PLANNING BOARD~~Planning Board approval for ~~non-residential~~nonresidential developments, ~~MULTI-FAMILY DWELLING~~multifamily dwelling developments, and ~~OPEN SPACE~~open space subdivisions. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

LOT LINE — A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

LOT WIDTH — The width of a lot along a straight line parallel to the front street line and lying at a distance from said street line equal to the required minimum front yard setback for said lot.

LOT, CORNER ~~means a LOT~~ — A lot abutting upon two ~~(2)~~ or more ~~STREETs~~streets at their intersection. The side of the ~~CORNER LOT~~corner lot that fronts on the ~~STREET~~street that provides the address for the property shall be considered the front, and the side(s) of the ~~CORNER LOT~~corner lot that front on any other ~~STREETs~~streets shall be considered the abut-a-street.

~~**LOT LINE** means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other PUBLIC SPACE.~~

~~**LOT WIDTH** means the width of a LOT along a straight line parallel to the front STREET line and lying at a distance from said STREET line equal to the required minimum FRONT YARD SETBACK for said LOT.~~

MANUFACTURED HOUSING ~~means any STRUCTURE~~ — Any structure, transportable in one or more sections, which, in the traveling mode, is eight ~~(8)~~ body feet or more in width and ~~forty (40)~~ body feet or more in length, or, when erected on site, is ~~three hundred and twenty (320)~~ square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. ~~MANUFACTURED HOUSING~~Manufactured housing shall not include presite built housing as defined in RSA 674:31-a.

MANUFACTURED HOUSING PARK or MOBILE HOME PARK ~~means any~~ — Any plot of ground upon which two ~~(2)~~ or more ~~MANUFACTURED HOMES~~manufactured homes, occupied for dwelling or sleeping purposes, are located.

~~**MANUFACTURED HOUSING SUBDIVISION**~~

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~~[Repealed on 11-28-2012 by Ord. No. 2012.11.14-24.]~~

MARINA ~~means a~~— A facility for storing, servicing, fueling, berthing, securing and launching of private pleasure marine craft that may include the sale of fuel and incidental supplies for boat owners, crews and guests.

METEOROLOGICAL TOWER (MET TOWER) ~~means the TOWER~~— The tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ~~ordinance,~~ chapter, "MET ~~TOWERS~~tower", shall refer only to those whose purpose ~~are~~is to analyze the environmental factors needed to assess the potential to install, construct or erect a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system.

MODIFICATION ~~in~~— In relation to a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system, means any change to the system that materially ~~ALTERS~~alters the size, type or location of the ~~SMALL WIND ENERGY SYSTEM.~~small wind energy system. Like-kind replacements shall not be construed to be a ~~MODIFICATION~~modification.

MOTEL ~~means a BUILDING~~— A building consisting of ~~ten (~~10~~)~~ or more ~~ROOMS~~rooms having direct outside access and designed for, or used commercially as temporary living quarters for persons who are lodged with or without meals.

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NEIGHBORHOOD ~~means a~~ — A grouping of ~~STRUCTURES~~structures with more clearly evident relationship to one another than to other ~~STRUCTURES~~structures in the community.

NET METERING ~~means the~~ — The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the ~~customer's ALTERNATIVE ENERGY SYSTEM~~ customer's alternative energy system that is fed back into the electric distribution system over a billing period. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

NEW DEVELOPMENT ~~means an~~

(1) An activity that results in:

~~(1)~~(a) The creation of a new ~~DWELLING UNIT~~dwelling unit or units; ~~or~~

~~(2)~~(b) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of ~~DWELLING UNITs; or~~dwelling units;

~~(3)~~(c) Construction resulting in a new ~~non-residential BUILDING~~nonresidential building or a net increase in the ~~FLOOR AREA~~floor area of any ~~non-residential BUILDING~~nonresidential building; or

~~(4)~~(d) The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of ~~IMPACT FEE ASSESSMENTs~~impact fee assessments.

(2) ~~**NEW DEVELOPMENT**~~New development shall not include the replacement of an existing ~~MANUFACTURED HOME~~manufactured home or the reconstruction of a ~~STRUCTURE~~structure that has been destroyed by fire or natural disaster where there is no change in its size, density or type of use, and where there is no net increase in demand on public capital facilities.

NONCONFORMING USE ~~means a~~ — A lawful use that does not conform to the prescribed use regulations of the district in which it is located.

NUISANCE ~~means a~~ — A factor generally recognized to be undesirable, such as odor, noise, glare or vibration.

NURSING HOME ~~means a~~ — A residential facility for elderly persons that is licensed by the ~~State~~state, containing a common dining facility and ~~ACCESSORY USEs~~accessory uses typically needed by elderly residents.

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OFFICE means a place of business which may fall under the following categories:

Accessory. An OFFICE facility that is incidental and accessory to another business or sales activity that is the primary use of the STRUCTURE or site.

Administrative Business Professional. An establishment providing direct, "over-the-counter" services to consumers (e.g., insurance agencies, real estate OFFICEs, travel agencies, utility company OFFICEs, etc.) and OFFICE-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes: accounting, auditing and bookkeeping services, advertising agencies, airline, lodging, chain, and rental car company reservation centers, architectural, engineering, planning and surveying services, attorneys, legal services, commercial art and design services, computer software and hardware design, counseling services, court reporting services, data processing services, detective agencies and similar services, educational, scientific and research organizations, employment, stenographic, secretarial and word processing services, insurance claim processing, literary and talent agencies, mail order and e-commerce transaction processing, management and public relations services, media postproduction services, photography and commercial art studios, police facility used as an OFFICE where there are no jail detention facilities or storage of vehicles except the parking of police cars, psychologist, TELECOMMUNICATIONS FACILITY design and management, telemarketing, writers and artists OFFICEs;

Government. An administrative, clerical, or public contact OFFICE of a government agency,

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~~including postal facilities, together with the incidental storage and maintenance of vehicles.~~

~~Medical. An OFFICE or health facility providing health services including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these OFFICEs, but exclude inpatient services and overnight accommodation.~~

OFF-SITE IMPROVEMENTS ~~means those~~ — Those public facility improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision ~~PLAT~~plat or site plan approval by the ~~PLANNING BOARD.~~Planning Board. Such ~~OFF-SITE IMPROVEMENTS~~off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

OFF-STREET PARKING ~~means parking~~ — Parking facilities located in ~~city~~City or privately owned ~~LOTs~~lots and ~~STRUCTURES~~structures.

OFFICE — A place of business which may fall under the following categories:

(1) Accessory. An office facility that is incidental and accessory to another business or sales activity that is the primary use of the structure or site.

(2) Administrative business professional. An establishment providing direct, over-the-counter services to consumers (e.g., insurance agencies, real estate offices, travel

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agencies, utility company offices, etc.) and office-type facilities occupied by businesses providing professional services and/or engaged in the production of intellectual property. This use includes accounting, auditing and bookkeeping services; advertising agencies; airline, lodging, chain, and rental car company reservation centers; architectural, engineering, planning and surveying services; attorneys; legal services; commercial art and design services; computer software and hardware design; counseling services; court reporting services; data processing services; detective agencies and similar services; educational, scientific and research organizations; employment, stenographic, secretarial and word processing services; insurance claim processing; literary and talent agencies; mail order and e-commerce transaction processing; management and public relations services; media postproduction services; photography and commercial art studios; police facility used as an office where there are no jail detention facilities or storage of vehicles except the parking of police cars; psychologists; telecommunications facility design and management; telemarketing; and writers' and artists' offices.

(3) Government. An administrative, clerical, or public contact office of a government agency, including postal facilities, together with the incidental storage and maintenance of vehicles.

Medical.

(4) An office or health facility providing health services, including, without limitation, preventative and rehabilitation treatment, diagnostic services, testing and analysis. This use includes offices providing medical, dental, surgical, rehabilitation, podiatric, optometric, chiropractic and psychiatric services, and medical or dental laboratories incidental to these offices, but excludes inpatient services and overnight accommodation.

OPEN SPACE ~~means land~~ — Land that is not built upon or substantially ~~ALTERED~~altered by human activity, including open fields, such as meadows and farmland, and forest as well as undeveloped shorelands and ~~waterbodies~~water bodies.

ORDINARY HIGH-WATER MARK ~~means the~~ — The line on shore, running parallel to the main stem of the river, established by the fluctuations of the water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristic of the surrounding areas.

OUTBUILDING ~~— see ACCESSORY STRUCTURE~~ — See "accessory structure."

PARAPET ~~means a~~ — A low, protective wall or railing along the edge of a raised ~~STRUCTURE~~structure such as a roof or balcony.

PARKING SPACE ~~means an~~ — An off-~~Street~~street area available with paved surface, accessible and suitable for parking one ~~(1)~~ motor vehicle.

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PERSONAL SERVICE ESTABLISHMENT ~~means a~~ A commercial use, the primary concern of which is the rendering of services rather than the sale of products. "Primary concern" shall mean less than ~~fifty percent (50%)~~% of the revenues from such commercial use shall be gained from the sale of products. ~~A "PERSONAL SERVICE ESTABLISHMENT"~~A personal service establishment shall not be construed to include a gasoline service station.

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PLANNING BOARD ~~means the PLANNING BOARD~~ — The Planning Board of the City of Dover.

PLAT ~~means a~~ — A map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of ~~the Zoning Ordinance (Ch. 170),~~this chapter, the Site Review Regulations (~~Ch. 149~~Chapter 153), and the Subdivision Regulations (~~Ch.155~~Chapter 157) of the Code of the City of Dover.

PORCH ~~means a~~ — A private ~~FRONTAGE~~frontage set back from the front property line with an attached porch permitted to encroach beyond the ~~BUILD-TO LINEs~~build-to lines.

POWER GRID ~~means the~~ — The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

PRINCIPAL BUILDING ~~means the~~ — The main ~~BUILDING~~building on a ~~LOT~~lot, usually located toward the ~~FRONTAGE~~frontage.

PROJECTING SIGN ~~means a SIGN~~ — A sign attached to a ~~BUILDING~~building with the plane of the ~~SIGN~~sign at an angle to the plane of the wall of the ~~BUILDING~~building.

PUBLIC ART ~~means works~~ — Works of art in any media that ~~has~~have been planned and executed with the specific intention of being sited or staged in the physical public domain, usually outside and accessible to all.

PUBLIC OPEN SPACE ~~means a~~ — A parcel of land essentially unimproved and principally intended for ~~OPEN SPACE~~open space preservation, natural resource conservation, or similar uses. For the purposes of this ~~Article~~chapter, City parks that do not include "~~"~~public recreation facilities constitute public open space.

PUBLIC RECREATION ~~FACILITIES" constitute PUBLIC OPEN SPACE.~~

~~**PUBLIC RECREATION** means leisure~~ — Leisure-time activities open to the public, subject to reasonable limitations as to participation, and conducted at prescribed places, sites or fields by ~~non-profit~~nonprofit corporations or charitable organizations. The ~~non-profit~~nonprofit organization or charitable organization may either rent or own the site. Food concessions will be allowed by permit.

PUBLIC RECREATION FACILITIES ~~means the~~ — The land and facilities owned or operated by the City of Dover, other than ~~PUBLIC OPEN SPACE~~public open space, that are used or designed for the conduct of recreational sports or recreation programs, and which include equipment or substantial improvements to the land to provide indoor or outdoor ~~PUBLIC RECREATION~~public recreation opportunities. ~~PUBLIC RECREATION FACILITIES~~Public recreation facilities may also include those portions

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of ~~PUBLIC OPEN SPACE~~public open space parcels that are improved with developed trail systems for uses such as hiking or cross-country skiing.

PUBLIC SPACE ~~means open~~— Open to public view or access.

PUBLISHING FACILITY ~~means a STRUCTURE~~— A structure or part of a ~~STRUCTURE,~~

structure, with ~~OFFICE~~office space and production facilities, which is used for producing newspapers, magazines, books and/or other related published materials. For the purpose of this definition, production facilities shall include a printing press and/or similar equipment.

REAR ~~means the~~— The private back portion of a property.

RECEIVING AREA ~~means a~~— A defined area within a TDR ~~DISTRICT~~District to which ~~DEVELOPMENT RIGHTS~~development rights are transferred resulting in more efficient and intense use of suitable development sites.

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RECLAMATION ~~means the~~ — The restoring of an ~~EXCAVATION SITE~~excavation site to a standard at least equal to those outlined in ~~Section~~§ 170-~~29.8~~43.

REGULATING PLAN ~~means a~~ — A zoning map or set of maps that shows the sub-districts subject to regulation by ~~Section~~§ 170-20.

REVOCATION ~~means the~~ — The revoking of the approved extraction permit by the ~~PLANNING BOARD~~Planning Board. The ~~REVOCATION~~revocation requires ceasing operations until such time as the owner or operator can bring the operation into compliance, and subsequently reapply for permitted status with the ~~PLANNING BOARD~~Planning Board at a regular meeting using standard application steps as outlined in this ~~article~~chapter.

~~**RIGHTS**~~ RIGHT-OF-WAY ~~means a~~ — A public or private area that allows for the passage of people, goods, and/or utilities. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

RIGHT-OF-WAY LINES ~~means the~~ — The lines that form the boundaries of the ~~RIGHT-OF-WAY~~right-of-way.

ROADSIDE FARM STAND — An accessory use where permitted agricultural products grown on site are sold.

ROOFTOP SOLAR ~~mean a~~ — A photovoltaic system that generates electricity by capturing solar energy and is mounted on the rooftop of a residential or commercial building or structure. **[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

ROOM ~~means an~~ — An unsubdivided portion of the interior of a ~~DWELLING UNIT~~dwelling unit, excluding bathrooms, closets, hallways and service porches.

~~**ROADSIDE FARM STAND** means an ACCESSORY USE where permitted AGRICULTURE products grown on site are sold.~~

ROOMING HOUSE ~~means any BUILDING~~ — Any building in which ~~ROOMS~~rooms are rented, leased or otherwise made available for compensation to not more than ~~ten (~~10~~)~~ persons, for longer than one night, but not requiring a long-term lease. ~~Said ROOMS~~, said rooms being for a sleeping purpose and containing communal bathroom facilities and cooking facilities.

SELF-SERVICE STORAGE FACILITY ~~means a~~ — A building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of ~~customers'~~customers' property. Internally accessed facilities shall be considered warehousing but ~~are~~ still are required to have the parking and screening requirements of externally accessed self-storage facilities. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

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SENDING AREA ~~means a~~— A defined area within a TDR ~~DISTRICT~~District from which ~~DEVELOPMENT RIGHTS~~development rights are transferred, resulting in the permanent preservation of lands possessing significant conservation features.

SERVICE CLUB ~~means an~~— An establishment to be used as a gathering place for a group of citizens organized for a ~~non-profit~~nonprofit purpose.

SETBACK ~~means the~~— The area of a ~~LOT~~lot measured from the ~~LOT LINE~~lot line to a ~~BUILDING~~building facade or elevation that is maintained clear of permanent ~~STRUCTURES~~structures, with the exception of allowed encroachments for stairs or porches.

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SHADOW FLICKER ~~means the~~ — The visible flicker effect when rotating blades of the ~~WIND GENERATOR~~wind generator cast shadows on the ground and nearby ~~STRUCTURES~~structures causing a repeating pattern of light and shadow.

~~**SHOPFRONT** means a~~SHOP FRONT — A private ~~FRONTAGE~~frontage conventional for retail use with substantial glazing and an awning, wherein the facade is aligned close to the front property line with the ~~BUILDING~~building entrance at ~~SIDEWALK~~sidewalk grade.

SHOPPING CENTER ~~means any BUILDING~~ — Any building containing five ~~(5)~~ or more tenants and containing more than ~~fifty thousand (~~50,000~~) Square~~ square feet of gross ~~FLOOR AREA~~floor area.

SIDEWALK ~~means the~~ — The paved section of the public ~~FRONTAGE~~frontage dedicated to pedestrian activity, ~~café~~cafe seating, and other ~~STREET FURNITURE~~street furniture.

SIGN ~~means any~~ — Any name, identification, description, display, or illustration which is affixed to or painted or represented directly or indirectly upon a ~~BUILDING, STRUCTURE~~building, structure or piece of land, in view of the general public, and which directs attention to an object, product, place, activity, person, institution, organization or business.

SIGN AREA ~~means the~~ — The entire area within a single continuous perimeter enclosing the extreme limits of the actual ~~SIGN~~sign surface. It does not include any structural elements outside the limits of such perimeter which do not form an integral part of the display. For projecting or double-faced ~~SIGNs~~signs, only one ~~(1)~~ display space shall be measured in computing total surface area where the ~~SIGN~~sign faces are parallel or where the interior angle formed by the faces is ~~ninety degrees (~~90°~~)~~° or less.[1] For ~~FREESTANDING SIGNs, SIGN AREA~~freestanding signs, sign area does not include any portion of the ~~SIGN~~sign displaying the ~~BUILDING~~building address.[1]

SITE DEVELOPMENT PLAN ~~means professionally~~ — Professionally rendered drawings which delineate a proposed ~~non-residential, multi-family~~nonresidential, multifamily or ~~MANUFACTURED HOME~~manufactured home development. Said plan shall include~~:~~ property lines, location of ~~BUILDINGs~~buildings, means of ingress and egress, access to off-site parking and all provisions as outlined in this ~~Chapter~~chapter and Chapter ~~149, entitled~~153, Site Review Regulations, of the Code of the City of Dover.

SLOPE ~~means the~~ — The ratio of vertical distance to horizontal distance (rise divided by run), usually expressed in percent or degrees. ~~SLOPE~~Slope is measured over horizontal distances of ~~twenty (~~20~~)~~ feet or more, utilizing elevations at two-foot contours.

~~**SQUARE** means a CIVIC SPACE designed for unstructured recreation and civic purposes, spatially defined by BUILDING FRONTAGEs and consisting of paths, lawns~~

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~~and trees.~~

SMALL WIND ENERGY SYSTEM ~~means a~~ — A wind energy conversion system consisting of a ~~WIND GENERATOR~~wind generator, a ~~TOWER~~tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for ~~onsite~~on-site consumption.

SQUARE — A civic space designed for unstructured recreation and civic purposes, spatially defined by building frontages and consisting of paths, lawns and trees.

STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS — Facilities ~~means facilities~~ that are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying or processing excavated ~~EARTH~~earth materials.

1. Editor's Note: See Figures 8 and 9 of the Sign Diagrams, Part II, included as an attachment to this chapter.

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STOOP ~~means a~~ — A private ~~FRONTAGE~~frontage wherein the facade is aligned close to the front property line with the first story elevated from the ~~SIDEWALK~~sidewalk for privacy, with an exterior stair and landing at the entrance.

STREET ~~means a city~~ — A City thoroughfare for vehicle access.

STREET FURNITURE ~~means benches~~ — Benches and other ~~STRUCTURES~~structures incorporated into the ~~STREETSCAPE~~streetscape for use by pedestrians.

~~**STREET LIGHTS** means pedestrian~~ STREETLIGHTS — Pedestrian-scale lighting incorporated into the ~~STREETSCAPE~~streetscape and in parking facilities to promote safe travel during evening hours.

STREETSCAPE — The physical elements along a street, including trees, benches, waste bins, and bike racks.

STREET TREES ~~means canopy~~ — Canopy trees used to reinforce the area along vehicular ~~STREETS~~streets where pedestrian activities are encouraged.

STREET WALLS ~~means a~~ — A freestanding wall built along the front property line. It may mask a parking ~~LOT~~lot from the ~~STREET~~street, provide privacy to a ~~SIDE YARD~~side yard, and/or strengthen the spatial definition of the public realm.

~~**STREETSCAPE** means the physical elements along a STREET including trees, benches, waste bins, and bike racks.~~

STRUCTURE ~~means a~~ — A framework of support.

SUSPENSION ~~means the~~ — The ordered cessation of that portion of an extraction operation that is in violation of this ~~Article~~chapter until such time as the owner or operator can demonstrate compliance to the Zoning Administrator.

SYSTEM HEIGHT ~~means the~~ — The vertical distance from ground level to the tip of the ~~WIND GENERATOR~~wind generator blade when it is at its highest point.

TDR DISTRICT — An area defined as a "zoning overlay district," which includes a sending area and a receiving area for the purpose of transferring development rights from a parcel within the sending area to a parcel within the receiving area.

TELECOMMUNICATIONS ~~**FACILITIES** means any STRUCTURE,~~

~~ANTENNA, TOWER~~FACILITY — Any structure, antenna, tower or other device which provides licensed commercial mobile wireless services, cellular telephone services,

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specialized mobile radio communications (SMR), enhanced specialized mobile radio communications (ESMR), personal communications service (PCS), paging, and similar services marketed to the general public.

TEMPORARY SIGN ~~means a SIGN~~— A sign(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, which is not permanently affixed to the ground, A-frame, sandwich board, inflatable, and other ~~SIGNs~~signs not permanently affixed, directly or indirectly, upon a ~~BUILDING, STRUCTURE~~building, structure, or land and not otherwise referenced under the ~~definitions~~definition of "~~FREESTANDING SIGN," "PROJECTING SIGN~~freestanding sign," "projecting sign", or "~~WALL~~wall sign" shall also be considered as temporary signs.

~~SIGN", shall also be considered as "TEMPORARY SIGNs".~~

TERRACE/LIGHTWELL ~~means a~~— A private ~~FRONTAGE~~frontage set back from the front property line by an elevated terrace or sunken lightwell which is permitted to encroach beyond the ~~BUILD-TO LINEs~~build- to lines.

~~**TOURIST HOME -- [Repealed on 08-01-90 by Ord. No. 8-90.]**~~

TOWER ~~means any STRUCTURE~~— Any structure that is designed and constructed primarily for the purpose of supporting one or more ~~ANTENNAs~~antennas, including self-supporting lattice ~~TOWERs~~towers, guy ~~TOWERs~~towers, or-

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monopole ~~TOWERs~~towers. The ~~terms~~term also includes commercial radio and television transmission ~~TOWERs~~towers, microwave ~~TOWERs~~towers, common carriers ~~TOWERs~~towers, cellular telephone ~~TOWERs, ALTERNATIVE TOWER STRUCTUREs~~towers, alternative tower structures, and similar ~~STRUCTUREs~~structures.

TOWER ~~means the~~— The monopole, guyed monopole or lattice ~~STRUCTURE~~structure that supports a ~~WIND GENERATOR~~wind generator.

TOWER HEIGHT ~~means the HEIGHT~~— The height above grade of the fixed portion of the ~~TOWER~~tower, excluding the ~~WIND GENERATOR~~wind generator.

TRANSFER OF DEVELOPMENT RIGHTS (TDR) ~~means the~~— The conveyance of the ~~DEVELOPMENT RIGHTS~~development rights of a parcel of land by deed or other legal instrument approved by the ~~PLANNING BOARD~~Planning Board to the developer of another parcel. Said legal instrument shall be recorded at the Strafford County Registry of Deeds.

~~**TDR DISTRCT** means an area defined as a zoning overlay district, which includes a SENDING AREA and a RECEIVING AREA for the purpose of transferring DEVELOPMENT RIGHTS from a parcel within the SENDING AREA to a parcel within the RECEIVING AREA.~~

UNSUITABLE DEVELOPMENT AREA ~~means the~~— 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~~floodplain as shown on the latest FEMA maps accepted by the City, and public utility easements. **[Added 10-13-2021 by Ord. No. 2021.09.08-006; amended 8- 9-2023 by Ord. No. 2023.07.12-008]**

USED CAR LOT ~~means an~~— An unenclosed space on which three ~~(3)~~ or more used cars are stored or offered for sale.

VEHICLE REFUELING-/RECHARGING STATION ~~means an~~

— An establishment, the principle use of which is to provide for the sale of gasoline fuel (including but not limited to gasoline, diesel, natural gas, electricity or hydrogen) and oil to individual vehicles and retail sale of products required for motor vehicle maintenance such as oil, transmission fluid, brake fluid, polish, wax, fuel additives and treatments, wipers, tires, batteries, windshield wiper fluid, cleaning fluids and similar items. The retail sale of propane and kerosene is also allowed. The retail sale of over-the-counter retail consumer merchandise and drive-through service may also be allowed.

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~~The retail sale of over-the-counter retail consumer merchandise and DRIVE-THRU SERVICE may also be allowed.~~

WALL, SIGN ~~means a SIGN~~ — A sign attached to or erected against the wall of a ~~BUILDING~~building, with the face in a parallel plane to the plane of the ~~BUILDING~~building wall, and projecting no more than ~~fourteen (~~14~~)~~ inches from the ~~BUILDING~~building wall.[2]

WAREHOUSING ~~means only~~ — Only includes the activity of storing wares or goods by the occupant in his own behalf or for the benefit of others.

WATERBORNE PASSENGER TRANSPORTATION FACILITY — A facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.

WATER-DEPENDENT ~~means those~~ — Those uses and facilities which require direct access to, or location in, marine or tidal waters and which, therefore, cannot be located inland.

WATER-RELATED EDUCATIONAL/RESOURCE CENTER ~~means a~~ — A facility devoted to the provision of educational resources and materials and/or displays. Such a facility may include but not be limited to a museum, aquarium, and aquaculture facility.

~~**WATERBORNE PASSENGER TRANSPORTATION FACILITY** means a facility designed for storing, servicing, fueling, berthing, securing and launching of excursion boats and water shuttles for the purpose of transporting passengers.~~

2. **Editor's Note: See Figure 10 of the Sign Diagrams, Part II, included as an attachment to this chapter.**

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WETLAND EVALUATION HANDBOOK FOR DOVER ~~means the~~ — The manual used to conduct a functional evaluation of the wetland in order to obtain a conditional use permit as required by ~~the~~§ 170-28, Wetland Protection District ~~Ordinance.~~[3], of this chapter. This handbook shall be adopted and amended, as required, by the ~~PLANNING BOARD~~Planning Board after a public hearing. Notice for said public hearing shall be published in a newspaper of general circulation and posted in three ~~(3)~~ places at least ~~fifteen~~15 days prior to the hearing.

~~(15) days prior to the hearing.~~

WHOLESALING ~~means only~~ — Only includes the activity of storage, repacking, sale and/or distribution of commodities in ~~BULK~~bulk quantities to jobbers, retailers, processors and manufacturers and shall not allow the sale and/or distribution of commodities to consumers on a retail basis.

WIND GENERATOR ~~means the~~ — The blades and associated mechanical and electrical conversion components mounted on top of the ~~TOWER~~tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

WINDOW SIGN ~~means a~~ — A sign affixed to, or within one foot of, a window, intended to be visible and readable from the ~~RIGHT-OF-WAY~~right-of-way or from adjacent property. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

YARD, FRONT ~~means an~~ — An open, unoccupied space on a ~~LOT~~lot between the ~~STREET~~street line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said ~~LOT~~lot is located.

YARD, REAR ~~means an~~ — An open, unoccupied space on a ~~LOT~~lot between the ~~REAR LOT LINE~~rear lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said lot is located.

YARD, SIDE — An open, unoccupied space on a lot between the side lot line and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said ~~LOT~~lot is located.

~~**YARD, SIDE** means an open unoccupied space on a LOT between the side LOT LINE and a line parallel thereto at such distance therefrom as may be specified herein for the district in which said LOT is located.~~

ZONING BOARD OF ADJUSTMENT ~~means the ZONING BOARD OF ADJUSTMENT~~ — The Zoning Board of Adjustment of the City of Dover, as provided in

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~~the~~ RSA 673:3.

ARTICLE III

Districts and District Boundaries

§ 170-7. Establishment of districts. [Amended 8-22-2018 by Ord. No.

~~DISTRICTS AND DISTRICT BOUNDARIES~~

~~170-7. Establishment of Districts.~~ ~~[Amended on 3-30-83 by Ord. No. 5-83; Amended on 4-27-83 by Ord. No. 12-83; Amended on 10-26-88 by Ord. No. 18-88; Amended on 04-03-91 by Ord. No. 01-91; Amended on 09-16-92 by Ord. No. 23-92; Amended on 11-22-95 by Ord. No. 19-95; Amended on 10-18-2006 by Ord. 03-2006; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10.10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-~~22-2020 by Ord. No. 2020.07.08-006 ~~Amended on 07; 7~~-22-2020 by Ord. No. 2020.07.08-007.~~]~~

A. Districts. The City of Dover is hereby divided into the following districts:

~~(1) Residential.~~

(1) Residential.

R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-Residential District
RM-U	Urban Density Multi-Residential District

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HR Heritage Residential District

~~R-40 Rural Residential District~~
~~R-20 Low-Density Residential District~~
~~R-12 Medium-Density Residential District~~
~~RM-SU~~
~~Suburban~~
~~Density~~
~~Multi-~~
~~residential~~
~~District~~
~~RM-U~~
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~~(2)~~ (2) Nonresidential.

~~C Commercial District~~
~~CM Commercial Manufacturing IT~~
~~Innovative Technology~~

~~(3) Mixed-use.~~
~~G Gateway~~
~~H Hospital~~
~~LBW Little Bay Waterfront District O~~
~~Office District~~

~~CBD Central Business District CWD~~
~~Cochecho Waterfront District~~

~~(4) Overriding.~~

~~CD Conservation District URD~~
~~Urban Renewal District~~

~~RRD Riverfront Residential Overlay District GWP~~
~~Groundwater Protection District~~

~~HWD Hazardous Waste Landfill District RCM~~
~~Residential Commercial Mixed Use~~
~~SRD Scenic Road Overlay District~~
~~TDR Transfer of Development Rights TEL Telecommunications Facilities WPD Wetland Protection District~~

C	Commercial District
CM	Commercial Manufacturing
IT	Innovative Technology

(3) Mixed-use.

G	Gateway
H	Hospital
LBW	Little Bay Waterfront District
O	Office District
CBD	Central Business District
CWD	Cochecho Waterfront District

(4) Overriding.

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CD	Conservation District
URD	Urban Renewal District
RRD	Riverfront Residential Overlay District
GWP	Groundwater Protection District
HWD	Hazardous Waste Landfill District
RCM	Residential-Commercial Mixed-Use
SRD	Scenic Road Overlay District
TDR	Transfer of Development Rights
TEL	Telecommunications Facilities
WPD	Wetland Protection District

B. District purpose statements.

(1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.

~~C~~ Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with

(a) single-family homes are permitted, including-

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churches, hospitals, elementary schools, high schools and child-care facilities.

H(b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.

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

J(d) Suburban Density Multi-Residential District (RM-SU). The purpose of this residential district is to provide an environment suitable for a variety of moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

K(e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

L(f) Heritage Residential District (HR).

[1] These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows,

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steep roofs, and intricate and involved woodwork, there are

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~~(a)~~ noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

~~(b)~~ [2] The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

~~E~~(2) Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

~~(1)~~(a) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants, automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

~~(2)~~(b) Commercial/ Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.

~~(3)~~(c) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.

(3) Mixed-use districts. The mixed-use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense

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~~(3)~~ of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high- quality design is encouraged.

~~(a)~~ Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (~~multi-story~~multistory buildings, civic buildings, etc.). In Dover the primary Gateways (~~eg~~e.g., Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are

(a) generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground- floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

(b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

(c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.

(d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate- care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.

(e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for

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~~(e)~~ its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper-story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.

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

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rine-, history- or tourism-related land uses and activities, which take advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

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(4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.[3]

§ 170-8. Zoning Map. [Amended on 12-09-2009 26-2016 by Ord. No. 2009.09.09-15; Amended on 12-26-2014 by Ord. No. 2016.10.12-014]; 9-11-2019 by Ord. No. 2019.08.28-012]

A. The location and boundaries of the Zoning Districtszoning districts are hereby established as shown on a map entitledtitled "Zoning Map of the City of Dover, New Hampshire"§," dated September 11, 2019, which accompanies and is hereby declared to be part of this Chapterchapter.

B. For the purposes of the delineation of the Central Business District (CBD)), the location and boundaries of sub-districts are hereby established as shown on a map entitled "REGULATING PLAN"** titled "Regulating Plan for the CBD Zone"," dated December 9, 2009,September 11, 2019, which accompanies and is hereby declared to be part of this Chapter.chapter.[4]

§ 170-9. Amendments to Zoning Map.

Any change in the location of boundaries of a zoning district hereafter made through the amendment of this Chapterchapter shall be noted on the Zoning Map.

3. Editor's Note: See Art. VIII, Overriding Districts.

4. Editor's Note: The Zoning Map and Regulating Plan for the CBD Zone are on file in the office of the Planning and Community Development Department, where they may be examined during regular business hours.

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§ 170-10. Interpretation of ~~District Boundaries~~district boundaries.

Where any uncertainty exists with respect to the boundary of any district as shown on the Zoning Map, the following rules shall apply:

A. Boundaries indicated as a ~~STREET~~street, railroad, watercourse or other body of water shall be construed to be the center or middle thereof.

B. Boundaries indicated as following approximately or parallel to a ~~STREET~~street, railroad, watercourse or other body of water~~, it~~ shall be construed to be parallel thereto and at such distance ~~there from~~therefrom as shown on the Zoning Map.

C. Where a dimensioned boundary coincides within ~~ten (~~10~~)~~ feet or less with a ~~LOT LINE~~lot line, the boundary shall be construed to be the ~~LOT LINE~~lot line.

D. Where a boundary is indicated as intersecting the ~~centerline~~center line of a ~~STREET~~street, railroad, watercourse or other body of water, it shall be construed to intersect at right angles to said center line or, in the case of a curved center line, at right angles to the tangent of the curve at the point of intersection.

E. Where a district boundary divides one ~~(1) LOT~~lot and more than ~~fifty percent (~~50~~%)~~% of the area of such ~~LOT~~lot lies in the less restricted district, the regulations prescribed by this ~~Chapter~~chapter for the less restricted district may apply to the remainder of said ~~LOT~~lot up to a distance of not more than ~~fifty (~~50~~)~~ feet from the district boundary. In no case, however, shall such extension of the less restricted district be permitted closer than ~~one hundred~~100 feet to any street line in the more restricted district.

~~(100) feet to any STREET line in the more restricted district.~~

ARTICLE IV ~~USES; TABLES~~
Uses; Tables

§ 170-11. Use ~~Regulations~~regulations. [Amended ~~on 08-01-90 by Ord. No. 8-90; Amended on 12-09-2009 by Ord. No. 8-90; Amended on 08-~~22-2018 by Ord. No. 2018.08.08-009~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08-006.~~]

Except as herein provided, no ~~BUILDING~~ building or land shall be used except for the purposes permitted in the district as described in this ~~Article~~article.

A. Uses ~~Permitted~~permitted by ~~Right~~right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this ~~Chapter~~chapter and other sections of the Code of the City of Dover.

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B. Uses ~~Permitted~~permitted by ~~Right, With Conditions Imposed~~right, with conditions imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.

~~C.~~ Uses permitted by special exception. A use listed in the "Uses Permitted by Special Exception~~. A use listed in the " section~~ ~~Uses Permitted by Special Exception~~ ~~Section~~ of the Tables of Use and Dimensional Regulations by District may be permitted as a ~~Special Exception~~special exception granted by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment in accordance with the conditions of § 170-~~52~~59 herein and in conformance with such other rules and regulations as may apply.

C. The ~~Special Exception~~special exception designation in a given district does not constitute an authorization ~~of~~or an assurance that such use will be permitted.

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D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.

E. ~~PLANNING BOARD Site Review Approval.~~Planning Board site review approval. Any development/redevelopment meeting the criteria laid out in ~~the~~§ 153-4, Applicability ~~section~~, of ~~the~~Chapter 153, Site Review Regulations, of the Code of the City of Dover shall be subject to the rules and regulations contained in said chapter.

F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this ~~Chapter~~chapter. (Refer to Article ~~VII~~VIII.)

§ 170-12. Applicability of Tables of Use and Dimensional Regulations by District. ~~[Amended on 12-09-2009 by Ord. No. 2009.09.09-15.][1]~~[1]

A. Uses permitted in those zoning districts identified in § 170-7 shall be as set forth in the Tables of Use and Dimensional Regulations by District.

B. The minimum regulations for ~~LOT~~lot size, ~~LOT FRONTAGE, BUILDING SETBACK~~lot frontage, building setback standards for front, side, and ~~REAR YARDS, BUILDING HEIGHTS~~rear yards, building heights, and ~~LOT COVERAGE~~lot coverage shall be as specified in the Tables of Use and Dimensional Regulations by District.

ARTICLE V ~~DIMENSIONAL REGULATIONS~~ Dimensional Regulations

§ 170-13. Availability of ~~Utilities~~utilities and ~~Services~~services. [Amended ~~on 6-10-87~~7-22-2020 by Ord. No. ~~13-87.~~2020.07.08-006]

In instances where municipal sewer and water facilities are not provided, no residential ~~STRUCTURE~~structure shall be built on a ~~LOT~~lot with less than ~~thirty thousand (~~30,000~~)~~ square feet in area. Where municipal water is available and sewer is not, the minimum ~~LOT~~lot size shall be ~~twenty thousand (~~20,000~~)~~ square feet in area. In no instance, however, shall the above requirements be more permissive than those required by the New Hampshire Department of Environmental Services, Water Division, or required elsewhere in this ~~Chapter~~chapter. Furthermore, the above requirement shall not be substituted for mandatory hookups required by other chapters of the Code of the City of Dover.

§ 170-14. Nonconforming ~~LOTS.~~lots.[6] [Amended ~~on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 08-~~22-2018 by Ord. No. 2018.08.08-009~~.~~]; 10-13-2021 by Ord. No. 2021.09.08-006]

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In any district, structures which are allowed by right, but not structures that are allowed by special exception, may be erected on any nonconforming lot of record even though such lot fails to meet the requirements for area, width or frontage provided that:

~~(1)~~A. The lot has been duly recorded at the Strafford County Registry of Deeds on or before the effective date of adoption of this ~~Chapter~~chapter.

5. Editor's Note: The Tables of Use and Dimensional Regulations by District are included as attachments to this chapter. Ordinance No. 2020.07.08-007, adopted 7-22-2020, repealed the tables for the B-1, B-3, B-4, B-5, I-1, I-2, I-4 and ETP Districts and the CBD Downtown Gateway Sub-District and added tables for the C, CM, IT and G Districts.

6. Editor's Note: For nonconforming uses and structures see Art. XI.

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(2)B. Should the lot be less than five thousand (5,000) square feet and not have a minimum width of fifty (50) feet, it may be developed as long as the home constructed is no larger than one thousand (1,000) square feet in total living space.

(3)C. If the lot has a land area of at least five thousand (5,000) square feet and a minimum width of fifty (50) feet, a home constructed may be larger than one thousand (1,001) square feet in in total living space.

(4)D. In either case, the following side yard restrictions shall apply:

a.(1) A lot with a width of one hundred ten (110) feet or less and greater than seventy-five (75) feet, shall have a minimum side yard of ten (10) feet.

b.(2) A lot with a width of less than seventy-five (75) feet shall have a minimum side yard of six (6) feet.

§ 170-15. Recreation Spacespace and Separationseparation between Use Requirements.use requirements. [Amended on 08-01-90 by Ord. No. 8-90, Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]

A. For each bedroom of a multifamily [(greater than four (4) DWELLING UNITs)dwelling units) residential STRUCTUREstructure, there shall be provided at least one hundred (100) square feet of usable recreation space. Half of this required recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development.

1.(1) Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit.

2.(2) A payment in lieu of providing the recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.

B. The minimum distance between any main BUILDINGbuilding and any accessory BUILDINGbuilding not structurally attached to such main BUILDINGbuilding shall be not less than the HEIGHTheight of the REARrear wall of the accessory BUILDINGbuilding.

C. No part of a yard or other recreation space required for any BUILDINGbuilding for

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the purpose of complying with the provisions of this ~~Chapter~~chapter shall be included as part of a yard or other recreation space similarly required for another ~~BUILDING~~building.

~~D. Non-Residential~~Nonresidential uses requiring site plan review shall be at least ~~one hundred fifty~~

D. ~~(~~150~~)~~ feet from all existing residential ~~STRUCTURES,~~structures located within residential zones.

E. A continuous and year-round visual buffer of either vegetation or fencing shall separate ~~non-residential STRUCTURES and~~nonresidential structures or parking areas from existing residential ~~STRUCTURES~~structures located to the rear and side of any proposal.

F. All screening and setback requirements pursuant to this section shall not be binding in the IT or any mixed-use zoning district. **[Amended 7-22-2020 by Ord. No. ~~Mixed Use Zoning District.~~2020.07.08-007]**

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G. All recreation space requirements pursuant to this section shall not be binding in the CBD — General, TOD and CWD districts.

§ 170-16. Swimming Pools pools. [Amended 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 07-22-2020 by Ord. No. 2020.07.08-006.]

In Districts districts allowing one (1) Family Dwellings family dwellings, two (2) Family Dwellings family dwellings, and three- to four- (3—4) Family Dwellings family dwellings, pools for swimming or bathing shall be in conformity with the following regulations:

A. Every outdoor swimming pool shall be completely surrounded by a FENCE fence or wall not less than four (4) feet in HEIGHT height, which shall be so constructed as not to have openings, holes or gaps larger than four (4) inches in any dimension, except for doors and gates, and if a FENCE fence is erected or maintained, the horizontal dimension shall not exceed four (4) inches. A primary dwelling or accessory BUILDING building or STRUCTURE structure may be used as part of the enclosure.

B. Gates. All gates or door openings through such enclosure shall be equipped with a self- closing and self-latching device for keeping the gates or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.

C. Applicability. The requirements of this Chapter chapter shall be applicable to all new swimming pools hereafter constructed, other than indoor pools, and temporary wading pools less than twenty-two 22 inches (22") deep or eight feet (8') in diameter (whichever is more restrictive), and shall apply to all existing pools which have a

C. minimum depth of twenty-two (22) inches of water. No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of twenty-two (22) inches shall fail to provide and maintain such FENCE fence or wall as herein provided. [Amended 10-13-2021 by Ord. No. 2021.09.08-006]

D. Appeals and hearings. The Board of Adjustment, after public hearing, may make modifications in individual cases, upon a showing of good cause, with respect to the HEIGHT height, nature or location of the FENCE fence, wall, gates or latches or the necessity therefore therefor, provided that the protection as sought hereunder is not reduced thereby. The Board of Adjustment may permit other protective devices or STRUCTURES structures to be used so long as the degree of protection afforded by the substitute devices or STRUCTURES structures is not less than the protection afforded by the wall, FENCE fence, gate and latch described herein.

E. State requirements. Swimming pools shall conform to all requirements of the New Hampshire Department of Health and Human Services.

F. Option to FENCE fence regulation. When not in attendance, access ladders or slide

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ladders to pool shall be removed or raised and locked or otherwise made inaccessible from the outside to small children.

§ 170-17. Removal of ~~Barriers~~barriers to ~~Access~~access. [Amended ~~on 08-14-93 by Ord. No. 17-93; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 08~~8-22-2018 by Ord. No. 2018.08.08- 009~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08.~~-006.~~]]

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a ~~STRUCTURE~~structure constructed for the express purpose of improving and/or ~~providing accessibility to an existing BUILDING for physically and/or mentally disabled individuals may be erected within the BUILDING SETBACKs (front, side and/or REAR) as specified in the Table of Dimension Regulations provided:~~

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providing accessibility to an existing building for physically and/or mentally disabled individuals may be erected within the building setbacks (front, side and/or rear) as specified in the Table of Dimension Regulations, provided that:

A. The ~~STRUCTURE~~structure cannot feasibly and practicably be constructed on the ~~LOT~~lot in compliance with the Table of Dimensional Regulations;

B. The ~~STRUCTURE~~structure must not create a hazard or detrimental impact to surrounding properties.

ARTICLE VI ~~ADDITIONAL REGULATIONS~~

~~170-18. CUSTOMARY HOME OCCUPATIONS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]~~

Additional Regulations

§ 170-18. Customary home occupations.

A ~~CUSTOMARY HOME OCCUPATION~~customary home occupation is a permitted use in all ~~Residential Districts.~~ residential districts. The following conditions apply:

~~A.~~ "Home occupation" shall include not more than one ~~(1)~~ of the following uses, provided that such uses are clearly incidental and secondary to residential purposes~~;~~: dressmaker, artist, arts and crafts, writer, teacher, provided that not more than eight

A. ~~(8)~~ pupils simultaneously occupy the ~~BUILDING~~building, musician, antique dealer, hairdresser, ~~HOME BASED AGRICULTRUAL ACTIVITIES~~home-based agricultural activities, lawyer, doctor, photographer, dentist, architect, engineer or practitioner of any other profession or similar occupation which may be unobtrusively pursued in a residential area.

B. No more than one ~~(1)~~ nonresident shall be employed therein.

C. The use is carried on strictly by the occupant of the ~~PRINCIPAL BUILDING~~principal building.

D. No more than ~~twenty-five percent (~~25~~%)~~% of the existing net ~~FLOOR AREA~~floor area of the principal and any ~~ACCESSORY STRUCTURE~~accessory structure not to exceed ~~six hundred (~~600~~)~~ square feet is devoted to such use.

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E. There shall be no display of goods or wares visible from the ~~STREET~~street.

F. ~~No~~There shall be no advertising on the premises other than a small ~~no illuminated SIGN~~, nonilluminated sign not to exceed two ~~(2)~~ square feet in area and carrying only the occupant's name and his occupation.

G. The ~~BUILDINGS~~buildings or premises occupied shall not be rendered objectionable or detrimental to the residential character of the ~~NEIGHBORHOOD~~neighborhood because of the exterior appearance, traffic emission of odor, gas, smoke, dust, noise, electrical disturbance, light emissions, or in any other way. In a ~~MULTIFAMILY DWELLING~~multifamily dwelling, the use shall in no way become objectionable or detrimental to any residential use within the multifamily structure. **[Amended 10-13-2021 by Ord. No. ~~STRUCTURE.~~2021.09.08-006]**

~~a.~~(1) No rallying of employees for ~~offsite~~off-site work shall be conducted.

~~b.~~(2) If the home is occupied by a tradesman, craftsman or contractor, there may be incidental storage. Said storage shall be screened from abutters and the right-of-way, with either a solid fence or vegetation, and must be fully enclosed. ~~Onsite~~On-site storage of construction equipment or vehicles is not permitted.

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H. Any such BUILDINGbuilding shall include no feature of design not customary in BUILDINGSbuildings for residential use. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified above for home occupations and impair the use, value and quiet enjoyment of adjacent residential properties. Therefore, uses such as Retail, retail, clinic, landscaping, freight, trucking or shipping, painting of vehicles, trailers and boats, restaurants, caterers or bakeries, taxi service, tool or equipment rental, veterinary hospital or kennel and others of a similar nature shall not be considered as home occupations. Clinic, Landscaping, Freight, Trucking or Shipping, Painting of Vehicles, Trailers and Boats, Restaurants, Caterers, or Bakeries, Taxi Service, Tool or Equipment Rental, Veterinary hospital or KENNEL and others of a similar nature shall not be considered as home occupations.

I. A minimum of two (2) OFF-STREET PARKING SPACESoff-street parking spaces shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 153, Site Plan Review Regulations, or Chapter 157, Land Subdivision Regulations, as appropriate. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

J. Not more than one (1) commercial vehicle in connection with such home occupation shall be stored on the premises.

K. A certificate of use for the proposed home occupation is issued by the Zoning Administrator, verifying conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1st1 following the date of approval of the certificate of use and then by every January 1st1 thereafter for so long as the CUSTOMARY HOME OCCUPATIONcustomary home occupation continues. Fees shall be levied as set forth in the City of Dover Adoptedadopted Schedule of Fees, as amended annually, for CUSTOMARY HOME OCCUPATIONcustomary home occupation certificates of use and renewals.

L. The use of a ROOMroom in a dwelling or accessory BUILDINGbuilding as a home office by a resident/ occupant is a permitted use and does not require a certificate of use, provided that the use does not generate any traffic, such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients coming to the property.

§ 170-19. Non-Environmental environmental conditional use permit criteria.[7] [Added 8-9-2023Conditional Use Permit Criteria. [Amended on 07-22- 2020 by Ord. No. 2020.07.08.007. Amended on 08-09-2024 by Ord. No. 2023.07.12-008]

A. Purpose and Intentintent.

(1) Where a Conditional Use Permitconditional use permit is being requested for relief by use or standards as allowed by this ordinancechapter, the following criteria in SectionSubsection B shall be met.

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B. Conditional use criteria

~~(1)~~ Conditional use approval for relief from the standards herein may be granted by the ~~PLANNING BOARD~~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.~~

~~(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~~

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~~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.~~

~~(a) (j) That, if the relief is granted, the surrounding neighborhood is not negatively impacted.~~

~~(2)~~(1) ~~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) 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.

7. **Editor's Note: Original § 170-19, Flexible uses in I-1 District, of the 2013 Code was repealed 7-22-2020 by Ord. No. 2020.07.08-007.**

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(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, floor plan, and public and private space.

(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~~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~~nuisance.

(3) Conditional use approval shall be subject to a formal agreement between the ~~PLANNING BOARD~~Planning Board and the ~~APPLICANT~~applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

§ 170-20. Central Business District ~~Regulations.~~regulations.

A. Purpose and intent. **[Amended ~~on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 10-10.27-13; Amended on 06-22-2016 by Ord. No. 2016.06.08-010; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07~~7-22-2020 by Ord. No. 2020.07.08.-006~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08.-007~~, Amended on 09-14-2022 by Ord. No. 2022.08.10.010., Amended on 08-09-2024 by Ord. No.~~**

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~~2023-07-12-008~~]

~~A. Purpose and Intent~~

(1) The City of Dover Central Business District (CBD) follows the ~~premises~~premise of context-sensitive zoning. This context-sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent ~~NEIGHBORHOODs~~neighborhoods and major roadways leading into the downtown through a lively mix of uses—, with ~~SHOPFRONTs, SIDEWALK~~shop fronts, sidewalk cafes, and other commercial uses at ~~STREET~~street level, overlooked by canopy shade trees, upper-story residences and ~~OFFICEs~~offices.

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(2) Redevelopment within the CBD shall be regulated by these context-sensitive zoning regulations, in order to achieve the ~~City's~~City's vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the ~~PLANNING BOARD~~Planning Board on November 13, 2007.

(3) These context-sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has been divided into sub-districts, with special requirements for each sub-district to allow for context-sensitive development along roadways and ~~NEIGHBORHOODS~~neighborhoods alike. In 2012—2013, using a similar citizen-based process, these context-sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the ~~Downtown~~ "Gateway ~~Sub-district~~District."

(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of ~~STRUCTURES~~structures and a decreased emphasis on the function(s) contained within them. As such, this ~~Article~~section sets careful and clear controls on ~~BUILDING~~building form—, with broader parameters on ~~BUILDING~~building use—, so as to shape clear, attractive ~~PUBLIC SPACES~~public spaces (good ~~STREETS, NEIGHBORHOODS~~streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of ~~BUILDING~~building uses is natural and comfortable.

(5) Wherever there appears to be a conflict between the form-based code and other sections of ~~the Zoning Ordinance~~this chapter (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.

B. Conditional ~~Use Permit~~use permit.

(1) See ~~Section~~§ 170-19 for conditional use permit criteria. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**~~Conditional Use Permit Criteria~~

(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.

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(c) The requested use will not result in objectionable noise or odor which would constitute a nuisance.

~~(2)~~(3) Conditional use approval shall be subject to a formal agreement between the ~~PLANNING BOARD~~Planning Board and the ~~APPLICANT~~applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

~~C.~~ Sub-districts

~~(1)~~C. . The ~~REGULATING PLAN~~ regulating plan for the CBD shall locate the boundaries for the following sub-districts: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

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~~(a)~~(1) General.

~~(b)~~(2) Mixed-Use.

~~(c)~~(3) Residential.

~~(d)~~(4) Transit-Oriented Development (TOD~~)~~.

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~~this chapter. Included in each table are the following areas:

(a) District ~~Purpose~~purpose.

~~(b) LOT Occupation Regulations~~

(b) Lot occupation regulations.

(c) Diagram of ~~BUILDING HEIGHT~~building height.

(d) Diagram of ~~BUILD-TO LINES~~build-to lines.

(e) Special ~~Regulations~~regulations.

~~(f) Permitted Uses~~

(f) Permitted uses.

(2) Through the issuance of a conditional use permit, ~~BUILDING HEIGHT~~building height may be increased by one ~~(1)~~ story, which shall be ~~setback~~set back from the allowed height to create a terrace, for either: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(a) Each fully below-grade story of parking provided on the site; or **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(b) Additional units resulting from ~~this~~the 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.

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(3) General ~~Guiding Principles~~guiding principles for ~~BUILDING Placement~~building placement.

(a) The goal of the ~~BUILDING HEIGHT~~building height and ~~BUILD TO LINE~~build-to line standards is the creation of a healthy and vital public realm through good ~~STREET~~street space.

(b) ~~BUILDINGs~~Buildings are aligned and close to the ~~STREET~~street.

(c) The ~~STREET~~street is a coherent space, with consistent ~~BUILDING~~building forms on both sides of the ~~STREET~~street, creating a clear ~~PUBLIC SPACE~~public space and community identity.

(d) ~~BUILDINGs~~Buildings oversee the ~~STREET~~street (and ~~SQUARE~~square) with active fronts contributing to a vital and safe ~~PUBLIC SPACE~~public space.

(e) Property lines are physically defined by ~~BUILDINGs~~buildings or ~~STREET WALLs~~street walls.

(f) ~~BUILDINGs~~Buildings are designed for an urban feel and situation. Views are directed to the ~~STREET~~street and the garden/courtyard, not toward the neighbors. However, within the ~~STREET~~street, wall alcoves or small courtyards are permitted to allow for seating and public access.

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(g) Vehicle storage, garbage and mechanical equipment are kept away from the ~~STREET~~street.

(h) Within the General, and Mixed~~-~~ Use~~-sub~~, Sub-districts, new ~~non-residential~~nonresidential activities must make up at least 20 ~~percent~~% of the structure or be located on the ground floor. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13- 2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. ~~GROUND FLOOR.~~2022.08.10- 010]**

~~1.~~ [1] If retail and commercial activities are located on the ~~GROUND FLOOR~~ground floor of ~~BUILDINGS~~buildings not fronting directly onto a ~~STREET~~street or municipal parking lot, the ~~HEIGHT~~height of the ~~BUILDING~~building may be increased by one ~~(1)~~ story.

~~i.~~ [a] Any additional stories shall be ~~setback~~set back to create a terrace, and approved via a ~~Conditional Use Permit~~conditional use permit.

(i) In the TOD~~,~~ residential may be located on the ~~GROUND FLOOR,~~ground floor; however, new retail and commercial activities are encouraged to be developed. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 10-13-2021 by Ord. No. 2021.09.08-006]**

(j) Parking (not including on-street parking) should be away from the ~~STREETS~~streets and shared by multiple owners/users.

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

~~E. STREETSCAPE~~

E. Streetscape.

(1) Sites within the CBD shall be developed so that ~~BUILDINGS~~buildings are placed at or near the ~~RIGHT OF WAY~~right-of-way, along the outer edge of their sites and so as to ensure the unity of those ~~RIGHT OF WAYS~~rights-of-way. Furthermore, these standards establish an environment that encourages and facilitates pedestrian activity. ~~The~~The sub-district sheets, design guidelines, and Dover Streetscape Standards will serve as a reference document for many of the elements below. **[Amended 9-11-2019 by Ord. No. 2019.08.28- 012]**

(2) General ~~Principles~~principles and ~~Intent~~intent.

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(a) The ~~STREETSCAPE~~streetscape.

~~(i)~~ [1] The ~~STREET~~street and ~~BUILDING façade~~building facade receives more attention than the rest of the ~~BUILDING~~building.

~~(ii)~~ ~~STREETSCAPE~~[2] Streetscape elements, such as pavers, benches and waste~~-~~ bins, must be consistent within a project and adjacent properties where these elements are present.

~~(iii)~~ ~~PUBLIC ART~~[3] Public art is encouraged. **[Amended 9-11-2019 by Ord. No.**

~~PUBLIC ART~~2019.08.28-012]

~~a.~~ [a] Public art shall be reviewed and endorsed by the Dover Arts Commission.

~~PUBLIC ART~~

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~~b.~~ [b] Public art is a part of our public history and heritage, part of our evolving culture, reflects and reveals our society and adds meaning to our cities. ~~PUBLIC ART~~Public art should create a chronicle of our public experiences through a variety of genres and media.

~~(b) FRONTS AND REARS~~

(b) ~~BUILDING~~Fronts and rears.

~~(i)~~ [1] Building facades are the public "face" of every ~~BUILDING~~building. Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their ~~BUILDINGS~~buildings.

~~(ii)~~ [2] The private, ~~REAR~~rear portions of the ~~LOTS~~lots allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-~~-~~private (for apartment and condominium ~~BUILDINGS~~) ~~OPEN SPACE~~buildings) open space.

~~(c) OFF-STREET PARKING~~

(c) Off-street parking.

~~(i)~~ [1] Parking provided for a project shall be screened from the ~~STREET~~street. The design of the screen shall be subject to ~~PLANNING BOARD~~Planning Board approval and shall use materials that are compatible with the surrounding character of the ~~NEIGHBORHOOD~~neighborhood and contribute to an attractive ~~STREETSCAPE~~streetscape.

~~(ii)~~ [2] Parking shall be considered accessory and shall not be the principal use of a ~~LOT~~lot.

~~(3)~~ Minimum ~~Standards~~

standards. In addition to any regulations set forth in the CBD sub-~~-~~district tables and the Dover Streetscape Standards, development shall follow the regulations outlined below.

(3) ~~Subsections (~~ Subsection E(3)(a), (b), and (c) shall only apply to new

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construction and/or renovations that will result in a 50% or more increase in the value of the property, as determined by a licensed New Hampshire appraiser.

~~(a) STREET TREES/Landscaping~~

(a) Street trees/landscaping.

[1] Each ~~STREET~~street shall have canopy shade trees (~~STREET TREES). STREET TREES~~street trees). Street trees shall be planted at an average spacing not greater than ~~twenty-five (~~25~~)~~ to ~~thirty (~~30~~)~~ feet on center (measured per ~~BLOCK-FACE~~block face). The planting ~~area's~~area's minimum dimension shall be not less than five ~~(5)~~ feet. At planting, trees shall be ~~two and a half (~~

~~(i)~~ 2.5~~)~~ to three ~~(3)~~ inches in diameter (four ~~(4)~~ feet above grade) and shall meet the American Nursery Standards for ~~HEIGHT~~height. The tree species used shall be selected from the City of ~~Dover's~~Dover's approved list of ~~STREET TREES~~street trees.

~~(ii)~~ [2] Unpaved ground area along the frontage shall be planted with appropriate ~~groundcover~~ground cover or shrubs, no bare ground or mulch-only areas permitted. Low ~~Impact Development~~ 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 a five-foot ~~(5')~~ -wide walkway. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(b) Sidewalks. **[Amended 9-11-2019 by Ord. No.**

~~(b) SIDEWALKS~~

~~SIDEWALKS~~**2019.08.28-012]**

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(i) [1] Sidewalks shall be made of brick or concrete and shall be a minimum of five (5) feet wide, but ideally eight (8) feet wide.

(ii) [2] Existing surrounding sidewalk materials shall be reviewed in determining material used.

Street furniture. **[Amended 9-11-2019 by Ord. No.**

(c) STREET FURNITURE

(c) **2019.08.28-012]**

(i) [1] Benches—. Benches will have backs and arm rests and be accessible. See sub-district tables for spacing requirements. Benches shall be oriented to encourage social interaction, and be designed to enhance the site, not detract from it. Benches may be exchanged for street furniture (e.g., chess/checker tables) where space allows.

a. Benches may be exchanged for street furniture (eg chess/checker tables) where space allows.

(ii) [2] Waste Bins—bins. At a minimum, one (1) waste bin will be provided at each BLOCK CORNERblock corner.

(iii) [3] Bike Racks—racks. At a minimum, one (1) bike rack shall be required per non-residentialnonresidential project or residential projects with five (5) or more units.

(iv) PUBLIC ART[4] Public art. Public art should be integrated into the design and placement of STREET FURNITUREstreet furniture.

(d) Lighting.

i. [1] Materials and equipment chosen for lighting fixtures should be durable, energy—efficient, and weather well. Appropriate lighting is

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decoration. However, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution.

ii. [2] At the front of the BUILDINGbuilding, exterior lights shall be mounted between six (6) feet and fourteen (14) feet above the adjacent grade.

iii. [3] 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 LOTslots, or the STREETstreet. Floodlighting shall not be used to illuminate BUILDING building walls (i.e., no up-lighting), except in the TOD sub-districtSub-District.

iv. [4] Site lighting shall be of a design and HEIGHTheight so as to illuminate only the LOTlot. General site lighting shall conform with NHNew Hampshire Dark Sky Policy, as applicable by RSA 9-E:3. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

v. [5] No flashing, traveling, animated, or intermittent lighting shall be visible from the STREETstreet on the exterior of any BUILDINGbuilding, whether such lighting is of temporary or long-term duration.

(e) Mechanical Equipmentequipment.

[1] The following shall not be stored or located within any STREET,street and shall be screened from view from the STREET: Airstreet: air compressors, mechanical pumps, exterior water heaters, water softeners, utility and

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~~(i)~~ telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like may not be stored or located within any area considered a ~~FRONT YARD~~front yard under this Code.

~~(ii)~~ [2] Roof-~~-~~mounted equipment shall be screened from view from the ~~STREET~~street.

~~F.~~ Architectural ~~Standards~~

F. standards. The following standards, including those noted on sub-district sheets ~~and~~, may be utilized by the applicant. **[Amended 9-11-2019 by Ord. No. ~~APPLICANT.~~2019.08.28-012]**

(1) General ~~Principles~~principles and ~~Intent~~intent.

(a) Tradition.

~~(i)~~ [1] These standards favor ~~BUILDINGS~~buildings that are traditional in design in a broad sense. They specify an architectural language of load-~~-~~bearing walls and regional materials that help define ~~BUILDING~~building base and cornice. These standards encourage details, such as column and pier spacing, window proportions, entry level, roof or cornice configurations, storefronts, and overhangs.

~~(ii)~~ [2] The intent behind these standards is to reinforce the existing character and historic nature of ~~Dover's central business district.~~Dover's Central Business District. However, modern ~~BUILDINGS~~buildings that are sensitive to that character and their adjacent context may be permitted as well.

~~(iii)~~ [3] All ~~BUILDING~~building materials to be used shall express their specific properties. For example, stronger and heavier materials (masonry) support lighter materials (wood).

~~(b) Energy Efficiency~~efficiency and ~~Environmental Conservation~~

(b) ~~LEED (~~environmental conservation. Leadership in Energy and Environmental

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Design (LEED) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the building design. **[Amended 7-22-2020 by Ord. No. ~~BUILDING design.~~2020.07.08-006]**

~~(c) PUBLIC SPACE~~

(c) Public space. Many of these standards apply only in conditions that enhance and define the ~~PUBLIC SPACE~~public space. These controls concentrate on the ~~PUBLIC SPACE~~/public space/ views from the ~~PUBLIC SPACE~~public space and minimize interference in the private realm. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

~~(2) BUILDING Walls (Exterior)~~

(2) ~~BUILDING~~Building walls (exterior).

(a) Building walls should reflect and complement the traditional materials and techniques of ~~Dover's~~Dover's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, ~~BUILDING~~ building materials. Simple configurations and solid craftsmanship are favored over complexity and ostentation in ~~BUILDING~~building form and the articulation of details. All ~~BUILDING~~building materials to be used shall express their specific properties. For example, heavier, more permanent materials (masonry) support lighter materials (wood~~)~~, yet architectural detail shall be present throughout the building face horizontally and/or vertically rather than just on the first ~~twenty~~20 feet ~~(20')~~ from the ground.

~~BUILDING~~

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~~(b)~~ Building materials shall be context-sensitive and shall reflect a consistency to be found within the sub-district.

(b) ~~(i)~~ Brick, stone or masonry ~~BUILDING~~building materials are expected for exterior walls.

(3) Roofs and ~~PARAPETS~~parapets.

(a) Roofs and ~~PARAPETS~~parapets should demonstrate a ~~commonsense~~common-sense recognition of the climate by utilizing appropriate pitch, drainage, and materials.

(b) ~~BUILDINGS~~Buildings without visible roof surfaces and overhanging eaves may have a cornice projecting horizontally between six ~~(6)~~inches and ~~twelve (12)~~ inches beyond the ~~BUILDING~~building walls. For ~~BUILDINGS~~buildings three stories or taller, the cornice projection shall increase an additional six ~~(6)~~inches and ~~twelve (12)~~ inches per ~~STORY~~story.

(c) Skylights and roof vents are permitted only on the roof plane opposite the primary ~~STREET~~street or when shielded from the ~~STREET~~street view by the ~~BUILDING's PARAPET~~building's parapet wall. If a glass roof form is a primary design feature of a building it shall be considered in regard to the architectural design guidelines as part of the building elevations rather than a skylight.

(d) Overly elaborate, "postmodern" and/or "high-tech" designs are discouraged, where in conflict with existing architecture. However, ornamentation which contributes to the character of the ~~BUILDING~~building is encouraged. ~~BUILDING~~Building designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the ~~NEIGHBORHOOD~~neighborhood of ~~BUILDINGS~~buildings to reinforce the fabric and richness of the community.

(e) Green roof technologies are encouraged in all districts. Use of this technology to cover ~~thirty percent (30%)~~% of the roof is required on commercial and mixed-use structures over 25,000 square feet in the CBD. Vegetative cover should be considered for flat-roofed ~~STRUCTURES~~structures. Roofs that contain gardens or plants must be maintained per the approved maintenance agreement.

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(f) Solar panels are desirable ~~citywide~~City-wide.

~~i.~~ [1] In the CBD all buildings must be solar ready.

~~ii.~~ [2] Commercial and mixed-use buildings that are 25,000 ~~sq ft~~square feet or more must incorporate solar panels.

~~iii.~~ [3] Solar panels must be presented in an aesthetically pleasing pattern.

~~(g)~~

~~(4) STREET WALLS~~

~~(a)~~(4)~~STREET WALLS~~Street walls. Street walls establish a clear edge to the ~~STREET~~street in locations where the ~~BUILDINGS~~buildings do not. The CBD requirements include masonry walls that define outdoor spaces and separate the ~~STREET~~street from the private realm (parking ~~LOTS~~lots, trash cans, gardens, and equipment). All ~~STREET WALL façades~~street wall facades shall be as carefully designed as the ~~BUILDING façade~~building facade, with the finished side out, i.e. the ~~"~~"better"~~"~~ side facing the ~~STREET~~street.

(5) Windows and ~~Doors~~doors.

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(a) Windows should be divided by multiple- vertical panes of glass. This helps the window "hold" the surface of the façadefacade, rather than appearing like a "hole" in the wall (an effect produced by a large single- horizontal sheet of glass).

(b) PRINCIPAL BUILDINGPrincipal building entrances shall be clearly visible from the primary front STREETstreet and create a safe and inviting space.

G. Incentives for Architectural Standardsarchitectural standards.

(1) Any plan that demonstrates reasonable use of the optional architectural standards defined in SectionSubsection F, may apply for the following incentive:

(a) Fast-track review

(a) . The Director of Planning and Community Development shall give preference to projects in setting the PLANNING BOARDPlanning Board agendas and in other review processes. **[Amended 7-22-2020 by Ord. No. 2020.07.08- 006]**

(2) Reasonable use shall be considered demonstration of at least six (6) of the criteria or items mentioned under SectionSubsection F. These criteria/items will be listed on a waiver application form.

H. Administration.

(1) Deviations from the requirements herein may be requested by application to the PLANNING BOARDPlanning Board for a conditional use permit (see SectionSubsection B). Administrative appeals from this Sectionsection may be directed to the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment (as outlined in § 170-52-59). Projects submitted shall follow the process outlined with Chapter 149153, Site Review Regulations.

(1) Any redevelopment of an existing STRUCTUREstructure within the CBD Downtown Gateway District or Mixed-Use sub-districtsSub-District does not require a Conditional Use Permit conditional use permit if it results in three (3) or

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fewer total residential units, or if it increases the gross floor area of nonresidential space by less than ~~two thousand five hundred (~~2,500~~)~~ square feet, and is exempt from the regulations of this ~~Section~~section, except for ~~SETBACK, BUILD TO~~setback, build- to, and use regulations. Density requirements for residential uses do not apply. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) Any redevelopment within the CBD is exempt from ~~Wetlands Regulations~~wetlands regulations as described and administered in this ~~Chapter~~chapter.

§ 170-21. ~~**ALTERNATIVE ENERGY SYSTEM.** [Amended on 02-22-2012 by Ord. No. 2012.01.25;~~ **Alternative energy systems. [Amended** ~~on 11-28-2012 by Ord. No. 2012.11.14-24, Amended on 07~~**7-22-2020 by Ord. No. 2020.07.08**~~.007., Amended on 08-09-2024~~**-006; 7-22-2020 by Ord. No. 2023**~~2020~~**.07.**~~12-008~~**08-007]**

~~A. Authority/Purpose:~~

A. ; purpose. This ~~ALTERNATIVE ENERGY SYSTEMs~~alternative energy systems ordinance is enacted in accordance with RSA 674:62- to 674:66, and the purposes outlined in RSA 672:1-, III-a. The purpose of this ~~ordinance~~section is to accommodate ~~ALTERNATIVE ENERGY SYSTEMs~~alternative energy systems in appropriate locations, while protecting the ~~public's~~public's health, safety and welfare. In addition, this ~~ordinance~~section provides a permitting process for ~~ALTERNATIVE ENERGY SYSTEMs~~alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for ~~Review:~~review.

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~~(1)~~ Building ~~Permit: ALTERNATIVE ENERGY SYSTEMS~~permit. Alternative energy systems and ~~met TOWERS~~MET towers are an ~~ACCESSORY USE~~accessory use permitted in all zoning districts where ~~STRUCTURES~~structures of any sort are allowed. No ~~ALTERNATIVE ENERGY SYSTEM~~alternative energy system shall be erected, constructed, or installed without first receiving a ~~BUILDING~~building permit from the Building Inspector. A ~~BUILDING~~building permit shall be required for any physical ~~MODIFICATION~~modification to an existing ~~ALTERNATIVE ENERGY SYSTEM. Met~~

(1) ~~TOWERS~~alternative energy system. MET towers that receive a ~~BUILDING~~building permit shall be permitted on a temporary basis not to exceed three ~~(3)~~ years from the date the ~~BUILDING~~building permit was issued.

(2) Consumer ~~Use~~use. For the purposes of this ~~Section, Alternative~~section, alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.

~~a.~~(a) To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer ~~be~~ incidental and subordinate, and shall require ~~Technical Review~~technical review.

(3) Application~~:~~. Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:

(a) Property lines and physical dimensions of the ~~APPLICANT's~~applicant's property.

(b) Location, dimensions, and types of existing major ~~STRUCTURES~~ structures on the property.

(c) Location of the proposed ~~ALTERNATIVE ENERGY SYSTEM,~~ alternative energy system, foundations, guy anchors and associated equipment.

(d) ~~TOWER~~Tower foundation blueprints or drawings.

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(e) ~~TOWER~~Tower blueprints or drawings.

(f) ~~SETBACK~~Setback requirements as outlined in this ~~ordinance~~section.

(g) The ~~RIGHT-OF-WAY~~right-of-way of any public road that is ~~CONTIGUOUS~~contiguous with the property.

(h) Any overhead utility lines.

~~(i) SMALL WIND ENERGY SYSTEM~~

(i) Small wind energy system.

~~i.~~ [1] Specifications, including manufacturer, model, rotor diameter, ~~TOWER HEIGHT, TOWER~~tower height, tower type, and nameplate generation capacity.

~~ii.~~ ~~SMALL WIND ENERGY SYSTEMS~~[2] Small wind energy systems that will be connected to the ~~POWER GRID~~power grid shall include a copy of the application for interconnection with their electric utility provider.

~~iii.~~ [3] Sound-level analysis prepared by the ~~WIND GENERATOR~~wind generator manufacturer or qualified engineer.

~~iv.~~ [4] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the ~~NH~~New Hampshire State Building Code.

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v. [5] Evidence of compliance or non-applicabilitynonapplicability with Federal Aviation Administration requirements.

(j) Solar Panel Systemspanel systems.

i. [1] Specifications, including manufacturer, model, type, and nameplate generation capacity.

ii. [2] Solar Panelspanels that will be connected to the POWER GRIDpower grid shall include a copy of the application for interconnection with their electric utility provider.

iii. [3] Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NHNew Hampshire State Building Code, as well as applicable Electric Code.

(k) List of ABUTTERSabutters to the APPLICANT'sapplicant's property.

(4) ABUTTERAbutter and Regional Notification:regional notification. In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERSabutters and the local governing body by Verified Mailverified mail upon application for a BUILDINGbuilding permit to construct a ALTERNATIVE ENERGY SYSTEMan alternative energy system. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDINGbuilding permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. Small Wind Energy Systems Standards:wind energy system standards.

(1) The Building Inspector shall evaluate the application for compliance with the following standards:;

(a) SETBACK:Setback. The SETBACKsetback shall be calculated by multiplying the minimum SETBACKsetback requirement number by the SYSTEM HEIGHTsystem height and measured from the center of the TOWERtower base to property line, public roads, or nearest point on the foundation of an occupied BUILDINGbuilding.

Minimum SETBACKSetback Requirements

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Occupied ~~BUILDINGs~~Buildings on	Occupied ~~BUILDINGs~~Buildings on	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

(i) ~~SMALL WIND ENERGY SYSTEMs~~[1] Small wind energy systems must meet all ~~SETBACKs~~ setbacks for principal ~~STRUCTUREs~~structures for the zoning district in which the system is located.

(ii) [2] Guy wires used to support the ~~TOWER~~tower are exempt from the ~~SMALL WIND ENERGY SYSTEM SETBACK~~small wind energy system setback requirements.

~~TOWER:~~

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~~(b)~~ Tower. The maximum ~~TOWER HEIGHT~~tower height shall be restricted to ~~thirty-five~~

(b) ~~(~~35~~)~~ feet above the tree canopy within ~~three hundred (~~300~~)~~ feet of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system. In no situation shall the ~~TOWER HEIGHT~~tower height exceed ~~one hundred fifty (~~150~~)~~ feet.

~~(c)~~ Sound ~~Level:~~level. The ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall not exceed ~~sixty~~

(c) ~~(~~60~~)~~ decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

(d) ~~SHADOW FLICKER: SMALL WIND ENERGY SYSTEMS~~Shadow flicker. Small wind energy systems shall be sited in a manner that does not result in significant ~~SHADOW FLICKER~~shadow flicker impacts. Significant ~~SHADOW FLICKER~~shadow flicker is defined as more than ~~thirty (~~30~~)~~ hours per year on abutting occupied ~~BUILDINGS~~buildings. The ~~APPLICANT~~applicant has the burden of proving that the ~~SHADOW FLICKER~~shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential ~~SHADOW FLICKER~~shadow flicker will be addressed either through siting or mitigation measures.

(e) ~~SIGNs:~~Signs. All ~~SIGNs~~signs, including flags, streamers and decorative items, both temporary and permanent, are prohibited on the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system, except for manufacturer identification or appropriate warning ~~SIGNs~~signs.

(f) Code ~~Compliance:~~compliance. The ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall comply with all applicable sections of the New Hampshire State ~~BUILDING~~Building Code.

(g) Aviation~~:~~. The ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations, including but not limited to 14 ~~C.F.R. part~~CFR Part 77, ~~subpart~~Subpart B, regarding installations close to airports, and the New Hampshire Aviation ~~regulations~~Regulations, including but not limited to RSA 422-~~b~~B and ~~RSA~~ 424.

~~(a)~~(h) Visual ~~Impacts:~~impacts. It is inherent that ~~SMALL WIND ENERGY SYSTEMs~~small wind energy systems may pose some visual impacts due to the ~~TOWER HEIGHT~~tower height needed to access wind resources.

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The purpose of this section is to reduce the visual impacts without restricting the ~~owner's~~owner's access to the optimal wind resources on the property.

~~(h)~~ [1] The ~~APPLICANT~~applicant shall demonstrate through project site planning and proposed mitigation that the ~~SMALL WIND ENERGY SYSTEM's~~small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, ~~WIND GENERATOR~~wind generator design or appearance, buffering, and screening of ground-mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.

~~(ii)~~ [2] The color of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall either be the stock color from the manufacturer or painted with a ~~non-reflective~~nonreflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

~~A SMALL WIND ENERGY SYSTEM~~[3] A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If

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(iii) lighting is required, the APPLICANTapplicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEMsmall wind energy system.

(i) Approved WIND GENERATORS:wind generators. The manufacturer and model of the WIND GENERATORwind generator to be used in the proposed SMALL WIND ENERGY SYSTEMsmall wind energy system must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the stateState of New Hampshire, if available.

(j) Utility Connection:connection. If the proposed SMALL WIND ENERGY SYSTEMsmall wind energy system is to be connected to the POWER GRIDpower grid through NET METERINGnet metering, it shall adhere to RSA 362-A:9.

(k) Access:. The TOWERtower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHTheight of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(l) Clearing:. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL WIND ENERGY SYSTEMsmall wind energy system and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar Panel Standardspanel standards.

a.(1) Lot Coverage: solarcoverage. Solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.

b.(2) Placement of solar systems. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**:

i.(a) The height of a roof-mounted solar array shall not be counted towards the maximum permitted height of the structure it is is affixed to of the underlying zoning district and, if on a pitched roof, matches the same pitch as the roof and is no more than tentwo inches above the roof. If the proposed rooftop solar array consists of mounted tracking panels, a Conditional Use Permitconditional use permit is required.

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~~ii.~~(b) 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.~~(c) Ground-~~-~~mounted units shall not exceed 20 feet ~~in height~~ or the height of the ~~principle~~principal building whichever is shorter. However, with a ~~Conditional Use Permit, Solar Trackers~~conditional use permit, solar trackers may be permitted up to the maximum building height allowed in the underlying zoning district plus five feet provided they are located to the rear of the principal building and not clearly visible from the public ~~RIGHT-OF-WAY~~right- of-way or ~~75'~~75 feet from any property line if the lot is surrounded by ~~RIGHTS-OF-WAY~~rights- of-way creating a hardship.

(d) 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,-

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~~iv.~~ when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

~~v.~~(e) The use of reflectors to enhance solar production is prohibited.

E. Abandonment~~:~~.

(1) At such time that a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system is scheduled to be abandoned or discontinued, the ~~APPLICANT~~applicant will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

(2) Upon abandonment or discontinuation of use, the owner shall physically remove the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system within ~~ninety (~~90~~)~~ days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. ~~"~~"Physically remove~~"~~" shall include, but not be limited to:

(a) Removal of the ~~WIND GENERATOR~~wind generator and ~~TOWER~~tower and related above-grade ~~STRUCTURES~~structures.

(b) Restoration of the location of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

(3) In the event that an ~~APPLICANT~~applicant fails to give such notice, the system shall be considered abandoned or discontinued if the system is out~~-~~ of~~-~~ service for a continuous twelve ~~(12)~~ month period. After the ~~twelve (~~12~~)~~ months of inoperability, the Building Inspector may issue a ~~Notice~~notice of ~~Abandonment~~abandonment to the owner of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system. The owner shall have the right to respond to the ~~Notice~~notice of ~~Abandonment~~abandonment within ~~thirty (~~30~~)~~ days from ~~Notice~~notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system has been abandoned. If it is determined that the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system has not been abandoned, the Building Inspector shall withdraw the ~~Notice~~notice of ~~Abandonment~~abandonment and notify the owner of the withdrawal.

(4) If the owner fails to respond to the ~~Notice~~notice of ~~Abandonment~~abandonment or if, after review by the Building Inspector, it is determined that the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system has been abandoned or

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discontinued, the owner of the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system shall remove the ~~WIND GENERATOR~~wind generator and ~~TOWER~~tower at the ~~owner's~~owner's sole expense within ~~3~~three months of receipt of the ~~Notice~~notice of ~~Abandonment~~abandonment. If the owner fails to physically remove the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system after the ~~Notice~~notice of ~~Abandonment~~abandonment procedure, the Building Inspector may pursue legal action to have the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system removed at the ~~owner's~~owner's expense.

~~F. Violation:~~

F. . It is unlawful for any person to construct, install, or operate a ~~SMALL WIND ENERGY SYSTEM~~small wind energy system that is not in compliance with this ~~ordinance. SMALL WIND ENERGY SYSTEMs~~section. Small wind energy systems installed prior to the adoption of this ~~ordinance~~section are exempt from this ~~ordinance~~section, except when ~~MODIFICATIONs~~modifications are proposed to the ~~SMALL WIND ENERGY SYSTEM~~small wind energy system.

~~G. Penalties:~~

G. . Any person who fails to comply with any provision of this ~~ordinance~~section or a ~~BUILDING~~building permit issued pursuant to this ~~ordinance~~section shall be subject to enforcement and penalties as allowed by RSA 676:17.

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H. Conditional use permits. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(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) Any impacts on abutters are mitigated.

(d) Not be within 75 feet of the arterial or connector road.

(e) Not be clearly visible from the public right-of-way.

(f) Not cause glare on abutting structures or roadways.

(g) Have all power and communication lines between the solar infrastructure and the point of interconnection be buried underground or otherwise screened from view.

~~**170-22. Telecommunications Facilities. [Amended on 03-18-98 by Ord. No. 02-98; Amended on 10-20-99 by Ord. No. 13-99; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24 , Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]**~~

§ 170-22. Telecommunications facilities.

A. Authority. By the authority granted under RSA 674:16 and 674:21 and procedurally under the guidance of 675:1, II, this section creates an ordinance establishing a telecommunications program and amending the zoning code this chapter to add regulations pertaining to wireless communications facilities.

B. Purpose and Intent intent. This ordinance section is enacted in order to establish general guidelines for the siting of telecommunication TOWERS towers and ANTENNAS antennas and to enhance and fulfill the following goals:

(1) Preserve the authority of the City to regulate and to provide for reasonable opportunities for the siting of TELECOMMUNICATIONS FACILITIES telecommunications facilities while ensuring that telecommunications providers providers' service remains effective and efficient.

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(2) Reduce or eliminate adverse impacts such facilities may create. Adverse impacts may include, but are not limited to, impacts on aesthetics, impacts on environmentally sensitive areas, impacts to historically significant locations, impacts on flight corridors, reduction in property values, and health and safety concerns.

(3) Provide for co-location and minimal impact siting options through an assessment of technology, current locational options, future location availability, innovative siting techniques, and siting possibilities beyond the geographic boundaries of the City.

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(4) Permit the construction of new ~~TOWERS~~towers only where all other reasonable alternatives have been exhausted, and ~~to~~ encourage the owners and users of ~~TOWERS~~towers and ~~ANTENNAS~~antennas to configure them in a manner that minimizes visual impacts of said ~~STRUCTURES~~structures.

(5) Require ~~ANTENNA~~antenna co-location on existing ~~TOWER STRUCTURES~~tower structures through cooperation and agreements between providers.

(6) Provide for documentation of scheduling of recurring maintenance and safety inspections for all ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities and appurtenances.

(7) Provide for the demolition and removal of abandoned facilities. Provide a procedure for the City to remove abandoned ~~TOWERS~~towers to provide for the health and safety of citizens.

(8) Provide for the removal or upgrade of technologically outmoded facilities.

C. Location. ~~TELECOMMUNICATIONS FACILITIES~~ Telecommunications facilities shall be allowed in accordance with the following:

(1) On parcels situated in the City of Dover known as:

~~General Location~~	~~Map-LOT Number~~
~~Finch Lane~~	~~K 35A~~
~~Middle Road~~	~~M 57~~
~~Blackwater Road~~	~~A 29~~
	~~A 1~~
~~Parsons Lane~~	~~A 36~~
~~Venture Drive~~	~~D 7~~
	~~D 5A~~
~~Glen Hill Road~~	~~C 2012~~
	~~C 7~~
	~~C~~
	~~8~~

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~~C-20C-19C-22~~

~~Tolend Road C-27~~

~~French Cross Road F-14~~

General Location	Map-Lot Number
Finch Lane	K-35A
Middle Road	M-57
Blackwater Road	A-29
	A-1
Parsons Lane	A-36
Venture Drive	D-7
	D-5A
Glen Hill Road	C-2012
	C-7
	C-8
	C-20
	C-19
	C-22
Tolend Road	C-27
French Cross Road	F-14

(2) In other areas within the City of Dover only as a co-location on existing ~~TOWERs, ANTENNAs~~towers, antennas, and ~~ALTERNATIVE TOWER STRUCTURES~~alternative tower structures.

~~D. TELECOMMUNICATIONS FACILITIES Procedural Requirements.~~

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D. Telecommunications facilities procedural requirements.

(1) Location or replacement of ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities on existing ~~TOWERs, ANTENNAs~~towers, antennas or alternative tower structures. **[Amended 7-22-2020 by Ord. No. ~~ALTERNATIVE TOWER STRUCTURES.~~2020.07.08-006]**

~~(a)~~ The location or replacement of ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities on existing ~~TOWERs, ANTENNAs~~towers, antennas or ~~ALTERNATIVE TOWER~~

(a) ~~STRUCTURES~~alternative tower structures may be approved by the Planning and Community Development Department provided the following information is submitted in an application:

~~(1)~~ [1] A scaled plan detailing the exact size and location of the telecommunication ~~devise~~device, including a scaled elevation view.

~~(2)~~ [2] Submission of proof that the telecommunication device is needed to service City of Dover residents.

~~(3)~~ [3] Proof that the device meets all other technical requirements of this ~~ordinance~~section.

(b) Any application denied by the Planning and Community Development Department may be appealed to the ~~PLANNING BOARD~~Planning Board.

~~(2)~~ Proposed construction of ~~New TELECOMMUNICATIONS FACILITIES.~~

(2) new telecommunications facilities. An application for construction of any new ~~TELECOMMUNICATIONS FACILITIES~~telecommunications facilities shall be approved by the ~~PLANNING BOARD~~Planning Board. Public hearing requirements as outlined in the Site Review Regulations shall apply. The following application requirements shall be provided:

(a) A scaled plan in accordance with Site Review Regulations shall be submitted, including the following additional information~~:~~; a scaled elevation view, topography, radio frequency coverage, ~~TOWER HEIGHT~~tower height requirements, ~~SETBACKs~~setbacks, drives, parking, fencing, landscaping, adjacent land uses (up to ~~two hundred (~~200~~)~~ feet away), and any other information deemed necessary by the Director of Planning and Community Development. **[Amended 7-22- 2020 by Ord. No. 2020.07.08-006]**

(b) Written proof that the proposed use/facility complies with FCC regulations on radio frequency (RFD) exposure guidelines, and FAA regulations on

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~~TOWER~~tower lighting requirements, shall be submitted.

(c) The ~~APPLICANT~~applicant shall submit written proof that an evaluation has taken place, as well as the results of such evaluation, satisfying the requirements of the National Environmental Policy Act (~~NEAP~~)NEPA)[8] further referenced in applicable FCC rules. If an ~~Environmental Assessment~~environmental assessment (EA) or an ~~Environmental Impact Statement~~environmental impact statement (IS) is required under the FCC rules and ~~NEAP~~NEPA, submission of the EA or IS to the ~~PLANNING BOARD~~Planning Board prior to the beginning of the federal thirty ~~(30)~~ -day comment period, and the ~~City's~~City's site review process, shall become part of the application requirements.

(d) Each ~~APPLICANT~~applicant for an ~~ANTENNA~~antenna and/or ~~TOWER~~tower shall provide to the ~~PLANNING BOARD~~Planning Board an inventory of its existing ~~TOWERs~~towers that are within the jurisdiction of~~-~~

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8. Editor's Note: See 42 U.S.C. § 4321 et seq.

~~(d)~~ the City and those within two ~~(2)~~ miles of the border thereof, including specific information about the location, ~~HEIGHT,~~height, and design of each ~~TOWER~~tower, as well as economic and technological feasibility for co-location on the inventoried ~~TOWERs~~towers. The ~~PLANNING BOARD~~Planning Board may share such information with other ~~APPLICANTs~~applicants applying for approvals or special exception permits under this ~~ordinance~~section or other organizations seeking to locate ~~ANTENNAs~~antennas within the jurisdiction of the governing authority~~.~~; provided, however, that the ~~PLANNING BOARD~~Planning Board is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

The ~~APPLICANT~~applicant shall submit written evidence demonstrating that no existing ~~STRUCTURE~~structure can accommodate the ~~APPLICANT's~~applicant's proposed ~~ANTENNA~~antenna. This evidence shall consist of one or more of the following:

~~(i)~~ ~~—~~[1] Adequate evidence that no existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures are located within the geographic area required to meet the ~~APPLICANT's~~applicant's engineering requirements, provided that a description of the geographic area required is also submitted.

~~(ii)~~ ~~—~~[2] Adequate evidence that existing ~~TOWERs~~towers are not of sufficient ~~HEIGHT~~height to meet the ~~APPLICANT's~~applicant's engineering requirements, and why.

~~(iii)~~ ~~—~~[3] Adequate evidence that the existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures do not have sufficient structural strength to support ~~APPLICANT's~~the applicant's proposed ~~ANTENNA~~antenna and related equipment.

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~~(iv)~~ ~~POWER CODE~~ roposed ~~ANTENNA~~antenna would cause electromagnetic interference with the ~~ANTENNA~~antenna on the existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures, or the ~~ANTENNA~~antenna on the existing ~~TOWERs~~towers or ~~STRUCTUREs~~structures would cause interference with the ~~APPLICANT's~~applicant's proposed ~~ANTENNA~~antenna.

~~(v)~~ [5] Adequate evidence that fees, costs, or contractual provisions required by the owner in order to share the existing ~~TOWER~~tower or ~~STRUCTURE~~structure are unreasonable. Costs exceeding new ~~TOWER~~tower development are presumed to be unreasonable.

~~(vi)~~ [6] Adequate evidence that the ~~APPLICANT~~applicant can demonstrate other limiting factors that render existing ~~TOWERs~~towers and ~~STRUCTUREs~~structures unsuitable.

[4] Adequate evidence that ~~APPLICANT~~ applicant's

(e) The ~~APPLICANT~~applicant proposing to build a new ~~TOWER~~tower shall submit an agreement with the City that allows for the maximum allowance of co-location upon the new ~~STRUCTURE~~structure. Such statement shall become a ~~Condition~~condition to any ~~Approval~~approval. This statement shall, at a minimum, require the ~~APPLICANT~~applicant to supply available co-location for reasonable fees and costs to other telecommunication providers. All agreements shall outline a procedure requiring all disputes on terms and conditions of co-location be submitted to a recognized commercial arbitration board for ~~their~~its review. The arbitration ~~board's~~board's decision shall become final and binding. Failure to provide such an agreement is evidence of the ~~APPLICANT's~~applicant's unwillingness to cooperate with the orderly and well-planned development of the ~~(~~City~~)~~ and grounds for a ~~Denial~~denial.

(f) The ~~APPLICANT~~applicant shall submit the engineering information detailing the size and coverage required for the facility location. ~~The PLANNING BOARD may have this information reviewed by a consultant for verification of any claims made by the APPLICANT regarding technological limitations and feasibility for Alternative locations. Cost for this review shall be borne by the APPLICANT in accordance with RSA 676:4(g).~~The Planning Board may

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have this information reviewed by a consultant for verification of any claims made by the applicant regarding technological limitations and feasibility for alternative locations. Cost for this review shall be borne by the applicant in accordance with RSA 676:4, I(g).

(g) Each APPLICANTapplicant for a TOWERtower, monopole, or Alternative STRUCTUREalternative structure shall submit a design certified by a competent engineer that the STRUCTUREstructure has been engineered to accommodate the maximum number and type of all compatible telecommunication media ANTENNAEantennas, but in no event shall the APPLICANTapplicant provide fewer than three additional co-locations from three additional providers. This provision may be modified based on visual or aesthetic impacts.

E. Performance Standards.

E. standards. The uses listed in this section are deemed to be permitted uses and, at the discretion of the PLANNING BOARDPlanning Board, may require further review under this Chapterchapter in accordance with Chapter 149153, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or secondary use. **[Amended 7-22-2020 by Ord. No. Secondary Use.2020.07.08-006]**

(a) Subject to this ordinancesection, an APPLICANTapplicant who obtains site review approval to site under this ordinancesection as a secondary and permitted use may construct TELECOMMUNICATIONS FACILITIES telecommunications facilities in addition to the existing principal use. ANTENNAsAntennas and TOWERStowers may be considered either principal or secondary uses. A different existing use or an existing STRUCTUREstructure shall not preclude the installation of an ANTENNAantenna or TOWERtower on such LOTlot.

(b) For purposes of determining whether siting of an ANTENNAantenna or TOWERtower complies with zoning district development regulations, including but not limited to area, SETBACK, LOT COVERAGE, FRONTAGEsetback, lot coverage, frontage, and other dimensional requirements, the dimensions of the entire LOTlot shall control, even though the ANTENNAsantennas or TOWERStowers may be located on leased parcels within such LOTs. TOWERslots. Towers that are constructed and ANTENNAsantennas that are installed in accordance with the provisions of this ordinance,section shall not be deemed the expansion of a non-conformingnonconforming use or STRUCTUREstructure. Further, said facilities shall not be considered an ACCESSORY USEaccessory use.

(2) Height requirements. **[Amended 7-22-2020 by Ord. No. HEIGHT**

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~~Requirements.~~

(2) **2020.07.08-006]**

(a) New ~~TOWER Construction one hundred eighty (~~tower construction: 180~~)~~ feet maximum.

(b) Co-location on ~~Existing TOWER~~existing tower and ~~ANTENNAs~~ antennas: current ~~HEIGHT~~height plus ~~fifteen percent (~~15%~~)~~% (not to exceed ~~two hundred (~~200~~)~~ feet~~)~~).

(c) Co-location on ~~ALTERNATIVE TOWER STRUCTUREs~~ alternative tower structures: current ~~HEIGHT~~height plus ~~twelve (~~12~~)~~ feet.

(d) The ~~HEIGHT~~height requirements and limitations outlined above shall preempt all other ~~HEIGHT~~height regulations as required by ~~the~~ this chapter~~City of Dover Zoning Ordinance,~~ and shall apply only to ~~TELECOMMUNICATIONS FACILITIES.~~telecommunications facilities. A ~~Conditional Use Permit~~conditional use permit may be granted by the ~~PLANNING BOARD~~Planning Board to waive the ~~HEIGHT~~height limitations only if the intent of this ~~Chapter~~chapter is preserved (e.g.~~.~~, when it can be shown that there would be no-

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~~(d)~~ increase in adverse impact) and the increased ~~HEIGHT~~ height would provide a greater opportunity for co-location, provided that:

~~(1)~~ [1] The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property~~,~~ and will promote the public interest.

~~(2)~~ [2] A written narrative is provided, identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

~~(a) topography~~[a] Topography and other site features.

~~(b) availability~~[b] Availability of ~~Alternative~~alternative site locations.

~~(c) property~~[c] Property location as relates to required coverage area

~~(d) size~~. [d] Size/magnitude of project and availability of co-location.

~~(3)~~ [3] Necessary federal approvals and/or recommendations have been received.

~~SETBACKS~~

(3) Setbacks and ~~Separation~~separation. The following ~~SETBACKS~~setbacks and separation requirements shall apply only to ~~TELECOMMUNICATIONS FACILITIES,~~ telecommunications facilities and shall supersede all other such standards found elsewhere in this ~~Chapter~~chapter or other applicable City ~~Ordinances~~ordinances and ~~Regulations.~~regulations:

(a) ~~TOWERS~~Towers shall be set back a distance equal to ~~one hundred percent (~~100~~%)~~% of the ~~HEIGHT~~height of the ~~TOWER~~tower from any boundary line~~,~~ or other principal use ~~STRUCTURE~~structure located on the property the ~~TOWER~~tower is sited upon. This provision may be waived by the ~~PLANNING BOARD~~Planning Board, provided the intent of this ~~Chapter~~chapter remains intact.

(b) ~~TOWER~~Tower guys~~,~~ and all other accessory facilities shall conform ~~with~~to the minimum ~~SETBACK~~setback requirement of the zoning district in which said facilities and appurtenances are located.

(4) Security ~~Fencing. TOWERS~~fencing. Towers shall be enclosed by appropriate security fencing not less than six ~~(6)~~ feet in ~~HEIGHT,~~height and shall be equipped

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with an appropriate anti- climbing device.

(5) Landscaping.

(a) ~~TOWERs~~Towers shall be landscaped with a buffer of suitable vegetation that effectively screens the view of the ~~TOWER~~tower compound from abutting residential property. The minimum standard buffer shall consist of a landscaped strip ~~ten (~~10~~)~~ feet wide outside the perimeter of the ~~TOWER~~tower compound. Existing (natural) vegetation is preferred.

(b) The requirement for landscaped screening may be reduced or waived entirely by the ~~PLANNING BOARD~~Planning Board in locations where the visual impact of the ~~TOWER~~tower compound to abutting residential uses is deemed to be minimal.

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(c) Existing mature tree growth and natural land forms present on the site shall be preserved to the maximum extent possible. Natural growth on the site may be deemed a sufficient buffer on large, remote, wooded lots.

(6) Aesthetics and lighting. The guidelines in this subsection shall govern the location of all towers and the installation of all antennas. However, the Planning Board may waive those requirements, via conditional use permit, only if it determines that the goals of this chapter are served thereby.

(a) Towers shall either maintain a galvanized steel finish, subject to any applicable standards of the FAA, or be painted a neutral color, so as to reduce visual obtrusiveness.

(b) At a tower site, the design of buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities with the natural setting and previously developed environment. These buildings and facilities shall also be subject to all other requirements of Chapter 153, Site Review Regulations.

(c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

(e) Towers shall not contain any permanent or temporary signs, writing, symbols, or any graphic representation of any kind.

(7) Federal requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this

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~~Chapter~~chapter shall bring such ~~TOWERS~~towers and ~~ANTENNAS~~antennas into compliance with such revised standards and regulations within six ~~(6)~~ months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring ~~TOWERS~~towers and ~~ANTENNAS~~antennas into compliance with such revised standards and regulations shall constitute grounds for the removal, in accordance with ~~this Chapter 170-22.~~Subsection I, of the ~~TOWER~~tower or ~~ANTENNA~~antenna, as abandoned, at the ~~owner's~~owner's expense through the execution of the posted security.

(8) ~~BUILDING Codes—Safety Standards.~~Building codes; safety standards. To ensure the structural integrity of ~~TOWERS~~towers and ~~ANTENNAS~~antennas, the owner of a ~~TOWER~~tower shall ensure that it is maintained in compliance with standards contained in applicable local ~~BUILDING~~building codes and the applicable standards for ~~TOWERS~~towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a ~~TOWER~~

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~~(8)~~ tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the ~~TOWER~~tower, the owner shall have ~~thirty (~~30~~)~~ days to bring such ~~TOWER~~tower into compliance with such standards. If the owner fails to bring such ~~TOWER~~tower into compliance within ~~thirty (~~30~~)~~ days, such action shall constitute an abandonment and grounds for the removal, in accordance with ~~this Chapter 170-22.~~Subsection I, of the ~~TOWER~~tower or ~~ANTENNA~~antenna, as abandoned, at the ~~owners~~owner's expense through execution of the posted security.

(9) Certification of safety standards and continued need. The owner of a ~~TOWER~~tower or ~~ANTENNA~~antenna shall provide an annual certification to the Planning and Community Development Department verifying compliance with ~~BUILDING~~building codes and safety standards. The certification shall also verify that the ~~STRUCTURE~~structure is still needed for the operation of the ~~owners'~~owner's network. Said certification shall be submitted to the Planning and Community Development Department prior to December ~~31st~~31 of each year. Any owner who has failed to submit an annual certification shall be notified of the violation. A thirty ~~(30)~~ day extension for submission of a certification may be approved at the discretion of the Planning and Community Development Department. After notification of a violation by the Planning and Community Development Department, subsequent failure to submit an annual certification shall constitute abandonment and be grounds for removal in accordance with ~~170~~Subsection I. **[Amended 7-22-2020 by Ord. No. ~~D~~-2020.07.08-006]**

F. Exemptions.

(1) City ~~Use. ANTENNAS~~use. Antennas or ~~TOWERS~~towers owned, performing City functions, or otherwise controlled by the City shall be exempt from the requirements of this ~~TELECOMMUNICATIONS FACILITY Ordinance.~~section. This exemption shall only be available if a license or lease authorizing such ~~ANTENNA~~antenna or ~~TOWER~~tower has been approved by the City Council, and the City Council elects, subject to ~~RSA's~~the New Hampshire Revised Statutes Annotated, to seek said exemption.

(2) Amateur ~~Radio~~radio. This section shall not govern any ~~TOWER,~~tower or the installation of any ~~ANTENNA~~antenna that is owned and operated by a federally-licensed amateur radio station operator and the ~~TOWER~~tower or ~~ANTENNA~~antenna is used for the exclusive purpose of amateur radio operations. This application adopts the provisions and limitations as referenced in RSA 674:16, IV.

(3) ~~Citizen Band Radios.~~Citizens band radios. This section shall not govern the installation of any ~~ANTENNA~~antenna that is used for the exclusive purpose of facilitating the use of a ~~Citizen Band Radio~~citizens band radio, except any

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~~TOWERS~~towers in this ~~section~~subsection shall be limited to ~~seventy (~~70~~)~~ feet in ~~HEIGHT~~height.

(4) Receive-~~Only ANTENNAs.~~only antennas. This section shall not govern any ~~TOWER,~~tower or the installation of any ~~ANTENNA~~antenna that is used exclusively for receive-only ~~ANTENNAs~~antennas, except any ~~TOWERS~~towers in this ~~section~~subsection shall be limited to ~~seventy (~~70~~)~~ feet in ~~HEIGHT~~height.

(5) Essential ~~Services~~services and ~~Public Utilities.~~public utilities. Henceforth, from the date of adoption of this ~~ordinance, TELECOMMUNICATIONS FACILITIES~~section, telecommunications facilities shall not be considered as infrastructure, essential services, or public utilities, as defined or used elsewhere in the ~~City's~~City's ordinances and regulations. Siting for telecommunications facilities shall be considered a use of land and is addressed by this section.

~~Siting for TELECOMMUNICATIONS FACILITIES shall be considered a use of land, and is addressed by this ordinance.~~

~~C.~~ Restrictions for ~~Siting~~ siting on Garrison Hill

G. . Notwithstanding the provisions outlined in Subsection C, the siting of additional ~~TOWERS,~~ towers or monopoles~~,~~ or use of ~~Alternative STRUCTURES~~ alternative

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structures shall be prohibited on Garrison Hill in the City of Dover. Placement of new ANTENNAEantenna media on the existing TOWERStowers on Garrison Hill shall be allowed only after obtaining a Conditional Use Permitconditional use permit from the PLANNING BOARD.Planning Board. However, the replacement and/or repair of existing ANTENNAEantenna media on TOWERStowers on Garrison Hill is allowed by the Building Inspector, provided that there is no increase in the size or visual impact of the ANTENNAEantennas. Performance standards to ensure that vistas, view sheds and view corridors are protected shall include the following elements:

(1) The APPLICANTapplicant has demonstrated that the appearance, form or shape, color, and size of any ANTENNAantenna media to be attached to preexisting TOWERStowers or monopole STRUCTURESstructures is concealed or camouflaged or otherwise is harmonious with the immediately surrounding environment at Garrison Hill;.

(2) Any equipment shelters supporting such additional ANTENNAantenna shall be designed consistent with one of the following design standards:

(a) Equipment shelter shall be located in underground vaults; or

(b) Equipment shelter shall be designed consistent with Northernnorthern New England architectural styles and materials, with a roof pitch of at least ten and a half (10 1/2) and wood clapboard, red brick or shingle siding; or

(c) Equipment shelters shall be camouflaged behind an effective, year-round landscaped buffer, equal to the HEIGHTheight of the proposed BUILDINGbuilding, and/or wooden FENCE. PLANNING BOARDfence. The Planning Board shall determine the style of fencing and/ or landscaped buffer that is compatible with the NEIGHBORHOODneighborhood.

(3) Any ANTENNAantenna located on an existing STRUCTUREstructure shall be concealed, to the extent technologically and commercially practicable, behind existing architectural features to limit the visibility of the ANTENNAantenna from public ways.

H. Bonding and Securitysecurity and Insurance.insurance. **[Amended 7-22-2020 by Ord. No. 2020.07.08- 006]**

(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored TOWERStowers, the PLANNING BOARDPlanning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWERtower is abandoned and the

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~~TOWER~~tower owner is incapable and unwilling to remove the ~~TOWER~~tower in accordance with Subsection I~~)~~ below.

(2) Bonding and surety shall be consistent with the provisions in ~~the~~ Chapter ~~155,~~157, Land Subdivision ~~of Land~~Regulations. Furthermore, the ~~PLANNING BOARD~~Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

~~I.~~ Removal of ~~Abandoned ANTENNAS~~abandoned antennas and ~~Towers.~~

towers. Any ~~ANTENNA~~antenna or ~~TOWER~~tower that is not operated for a continuous period of ~~twelve~~

I. ~~(~~12~~)~~ months, or is no longer needed for the operation of the network, shall be considered abandoned and hazardous to the public health and safety. The owner shall remove the abandoned ~~STRUCTURE~~structure within ~~ninety (~~90~~)~~ days of receipt of a declaration of abandonment from the Zoning Administrator notifying the owner of such abandonment. A declaration of abandonment shall only be issued following a public hearing noticed per City regulations, with notice to ~~ABUTTERS~~abutters and the last known owner/operator of the ~~TOWER~~tower. If the abandoned ~~TOWER~~tower is not removed within ~~ninety (~~90~~)~~ days, the ~~City may execute the security and have the TOWER removed. If there are two or more users of a single TOWER, this provision shall not become effective until all users cease using the TOWER.~~

~~170-23. IMPACT FEE Ordinance. [Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06-~~

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City may execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

§ 170-23. Impact fees. [Amended 6-22-2016 by Ord. No. 2016.06.08-010~~; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.006.~~]

A. Purpose~~:~~. This ~~ordinance~~ section is enacted pursuant to RSA 674:16 and 674:21~~,~~ and in order to: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Assist in the implementation of the Master Plan and Capital Improvements Program~~;~~.

(2) Provide adequate public capital facilities necessitated by ~~NEW DEVELOPMENT;~~new development.

(3) Assess an equitable share of the cost of public capital facilities to ~~NEW DEVELOPMENT~~new development.

B. Authority.

(1) ~~IMPACT FEEs~~Impact fees may be assessed to ~~NEW DEVELOPMENT~~new development to compensate the City of Dover and the School District for the proportional share of capital facilities generated by ~~NEW DEVELOPMENT~~new development in the City of Dover. Any person who seeks approval for ~~NEW DEVELOPMENT~~new development may be required to pay an ~~IMPACT FEE~~impact fee in the manner set forth herein.

(2) The ~~PLANNING BOARD~~Planning Board may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an ~~APPLICANT~~applicant to pay an exaction for off-site improvements necessitated by the development.

(3) Nothing in this section shall be construed to limit the existing authority of the ~~PLANNING BOARD~~Planning Board to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the ~~PLANNING BOARD's~~Planning Board's authority to require off-site work to be performed by the ~~APPLICANT~~applicant in lieu of paying an exaction for ~~OFF-SITE IMPROVEMENTS~~off-site improvements, or the ~~board's~~Board's authority to

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impose other types of conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

~~C. ASSESSMENT Methodology~~

C. Assessment methodology.

(1) Proportionality~~:~~. The amount of the ~~IMPACT FEE~~impact fee shall be calculated by the ~~PLANNING BOARD~~Planning Board to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The ~~PLANNING BOARD~~Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards~~,~~ and which define a methodology for ~~IMPACT FEE ASSESSMENT~~impact fee assessment for public capital facilities and ~~IMPACT FEE ASSESSMENT~~impact fee assessment schedules ~~therefore~~therefor.

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(2) Existing Deficiencies:deficiencies. Upgrading of existing facilities and STRUCTURESstructures, the need for which is not created by NEW DEVELOPMENTnew development, shall not be paid for by IMPACT FEESimpact fees.

(3) In the case of NEW DEVELOPMENTnew development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.chapter. **[Added 8-22-2018 by Ord. No. 2018.08.08-009]**

D. Administration.

(1) Accounting:. In accord with RSA 673:16, II, and RSA 674:21, V(c), IMPACT FEESimpact fees shall be accounted for separately, shall be segregated from the City'sCity's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it wasthey were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of IMPACT FEE ASSESSMENT, IMPACT FEESimpact fee assessment, impact fees from the appropriate related capital facility, IMPACT FEEimpact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

(2) ASSESSMENTAssessment and COLLECTION:collection.

(a) Where subdivision or site plan approval is required for NEW DEVELOPMENT, IMPACT FEESnew development, impact fees shall be assessed at the time of PLANNING BOARDPlanning Board approval of a subdivision PLATplat or site plan. The amount of such ASSESSMENTassessment shall be applicable to subsequent BUILDINGbuilding construction within the approved subdivision or site plan for a period of four

(a) (4)five years from the date of PLANNING BOARDPlanning Board approval. Once this four (4) five-year period has expired, remaining construction for which no BUILDINGbuilding permit has been obtained shall be subject to

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the adopted fee schedule in force at the time the ~~BUILDING~~building permit application is made. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

~~(b)~~ With the exception of those ~~PLATS~~plats and site plans meeting the conditions in

(b) ~~A~~ Subsection D(2)(a), above, and when no other ~~PLANNING BOARD~~Planning Board approval is required, or has been made prior to the adoption or amendment of ~~the IMPACT FEE ordinance, IMPACT FEEs~~this section, impact fees shall be assessed upon the issuance of a ~~BUILDING~~building permit. In such cases, the ~~IMPACT FEE~~impact fee schedule in force at the time of the ~~BUILDING~~building permit application shall apply.

(c) ~~IMPACT FEEs~~Impact fees will be collected prior to or at the time of issuance of a ~~Certificate~~certificate of ~~Occupancy~~occupancy, unless the ~~PLANNING BOARD~~Planning Board establishes an alternate~~,~~, mutually acceptable schedule of payment of ~~IMPACT FEEs~~impact fees imposed on an ~~ASSESSED PROPERTY.~~assessed property. If an alternate schedule of payment is established, the ~~PLANNING BOARD~~Planning Board may require security, in the form of a cash bond, letter of credit, or performance bond, so as to guarantee future payment of ~~IMPACT FEEs~~impact fees. In no case will an ~~IMPACT FEE~~impact fee payment be allowed to be made after the issuance of a ~~CERTIFICATE OF OCCUPANCY.~~certificate of occupancy. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

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(3) Security. In the interim between ASSESSMENTassessment and COLLECTIONcollection, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed IMPACT FEESimpact fees.

(4) Refund of Fees Paid:fees paid. The current owner of record of property for which an IMPACT FEEimpact fee has been paid shall be entitled to a refund of that fee, plus accrued interest, under the following circumstances:

(a) When either the full or partial portion of the IMPACT FEEimpact fee, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or

(b) When the City of Dover, or, in the case of school IMPACT FEESimpact fees, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate theirits proportionate non- IMPACT FEEimpact-fee share of related capital improvement costs.

E. Appeals.

(1) A party aggrieved by a decision made by the Building Inspector regarding the ASSESSMENTassessment or COLLECTIONcollection of IMPACT FEESimpact fees authorized by this Sectionsection may appeal such decision to the PLANNING BOARDPlanning Board.

(2) In accord with RSA 676:5, III, appeals of the decision of the PLANNING BOARDPlanning Board in administering this ordinancesection may be made to Superior Court as provided in RSA 676:5, III, and RSA 677:15.

F. Waivers

F. . The PLANNING BOARDPlanning Board may grant full or partial waivers of IMPACT FEESimpact fees where the PLANNING BOARDPlanning Board finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEES impact fees are normally assessed: **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-006]**

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(1) The ~~PLANNING BOARD~~Planning Board may agree to waive all or part of an ~~IMPACT FEE ASSESSMENT~~impact fee assessment and accept in lieu of a cash payment~~,~~ a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of ~~IMPACT FEEs~~impact fees under this provision that would involve a contribution of real property or the construction of capital facilities~~;~~, the ~~PLANNING BOARD~~Planning Board shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind~~,~~ and may not be credited to other categories of ~~IMPACT FEE ASSESSMENT~~.impact fee assessment. The ~~APPLICANT~~applicant shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.

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~~ACCESSORY DWELLING UNITS.~~

§ 170-24. Accessory dwelling units. [Amended ~~on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06~~6-22-2016 by Ord. No. 2016.06.08-010~~.~~]

Where permitted, an ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit shall comply with the following:

A. A maximum of one ~~(1) ACCESSORY DWELLING UNIT~~accessory dwelling unit (ADU) per property is permitted. In residential districts other than the R-40, more than one ADU may be allowed provided the second unit meets HUD Fair Market Rent rates for Dover, published annually by the New Hampshire Housing Finance Authority. An ADU shall not be permitted on property where more than one ~~DWELLING UNIT~~dwelling unit currently exists. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

B. Exterior ~~ALTERATIONS~~alterations, enlargements, or extensions of the ~~SINGLE FAMILY DWELLING~~single-family dwelling or detached ~~ACCESSORY STRUCTURE~~accessory structure are permitted in order to accommodate the ~~ACCESSORY DWELLING UNIT.~~accessory dwelling unit. However, no such change is permitted which would ~~ALTER~~alter the appearance of the ~~SINGLE FAMILY DWELLING~~single-family dwelling to look like a duplex or any other ~~multi-family STRUCTURE~~multifamily structure (i.e., the house should not look like it was designed to occupy more than one family). The construction of any ~~access ways~~accessways into the house and/or detached garage which are required for access to the ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit shall be located to the side or ~~REAR~~rear of the ~~BUILDING~~building whenever possible.

C. An ADU shall have an area of no less than ~~three hundred (~~300~~)~~ square feet and no greater than ~~eight hundred (~~800~~)~~ square feet. If located in a detached ~~ACCESSORY STRUCTURE~~accessory structure, the ~~ACCESSORY DWELLING UNIT shall~~accessory dwelling unit may be located ~~entirely~~ on either floor of the ~~STRUCTURE.~~structure. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

D. A minimum of one dedicated ~~OFF-STREET PARKING~~off-street parking space shall

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be provided for the ADU.

~~E.~~ The ~~SINGLE FAMILY DWELLING~~single-family dwelling (and detached ~~ACCESSORY STRUCURE,~~

E. accessory structure, when applicable) and ~~LOT~~lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the ~~SINGLE FAMILY DWELLING.~~single-family dwelling. In order to ensure compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds, and a copy of which shall be provided to the Planning and Community Development Department and the City Assessor prior to the issuance of a ~~CERTIFICATE OF OCCUPANCY~~certificate of occupancy.

F. The property owner must occupy one of the two ~~DWELLING UNITs.~~dwelling units. Electric, water and sewer utilities shall be metered on a single bill.

G. Where municipal sewer service is not provided, the septic system shall meet ~~NH~~New Hampshire Department of Environmental Services, Water Division, requirements for the combined system demand for total occupancy of the premises. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January ~~1~~1st following the date of approval of the certificate of use and then by every January ~~1~~1st thereafter for so long as the ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit continues. Fees shall be levied as set forth in the City of Dover Fee Schedule, as amended annually, for ~~ACCESSORY DWELLING UNIT~~accessory dwelling unit certificates of use and renewals.

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ARTICLE V FLOODPLAIN DEVELOPMENTVII

170-25. Floodplain Development

[Amended 8-19General Provisions. [Added on 08-12-2015 by Ord. No. 2015.07.22-017, Amended on 07-]

§ 170-25. General provisions. [Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006.]

A. Authority. These rules and regulations are adopted by the City of Dover pursuant of the authority granted by RSA 674:16.

B. Conflict and Severabilityseverability. If any provision of this Sectionarticle differs or appears to conflict with any other provision of the Zoning Ordinancethis chapter or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling. Should any provision of this Sectionarticle be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Sectionsection as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

C. Purpose. [Amended on 04-20-05 by Ord. No. 13-2005] Certain areas of the City of Dover are subject to periodic FLOODINGflooding, causing serious damage to properties within these areas. Relief is available in the form of FLOODflood insurance as authorized by the National Flood Insurance Act of 1968.[a] Therefore, the City of Dover has chosen to become a participating community in the National Flood Insurance Program and

C. agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L.PL 90-488, as amended) as detailed in this Sectionarticle. The City of Dover recognizes the need to minimize the potential loss of life and property during periods of FLOODINGflooding by regulating the alteration and/or the DEVELOPMENTdevelopment of those AREAS OF SPECIAL FLOOD HAZARDareas of special flood hazard identified by FEMA. The following regulations shall apply to all lands designated as AREAS OF SPECIAL FLOOD HAZARDareas of special flood hazard by FEMA in its "Flood Insurance Study for the County of Strafford, N.H."New Hampshire, dated September 30, 2015, together with the following associated FLOOD INSURANCE RATE MAPFlood Insurance Rate Map panel numbers for the City of Dover: 33017CO218E, 33017CO302E, 33017CO305E, 33017CO310E, 33017CO320E, 33017CO330E, 33017CO340E, and 33017CO0405E, dated September 30, 2015, which are declared to be a part of this chapter and are hereby incorporated by reference. The Flood Insurance Study is on file at the Department of Planning and Community Development.

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~~33017CO0405E, dated September 30, 2015, which are declared to be a part of Chapter 170 and are hereby incorporated by reference. The FLOOD INSURANCE STUDY is on file at the Department of Planning and Community Development.~~

~~D. Definitions. [Amended on 4-18-90 by Ord. No. 3-90]~~

D. As used in this ~~Section~~section, the following terms mean:

AREA OF SHALLOW FLOODING ~~means a~~ A designated AO ~~zone~~Zone on the FIRM with a one- percent ~~(1%)~~ or greater annual possibility of ~~FLOODING~~flooding to an average depth of one ~~(1)~~ to three ~~(3)~~ feet where a clearly defined channel does not exist, where the path of ~~FLOODING~~flooding is unpredictable and where velocity flow may be evident. Such ~~FLOODING~~flooding is characterized by ponding or sheet- flow.

AREA OF SPECIAL FLOOD HAZARD ~~means the~~ The land in the ~~FLOODPLAIN~~floodplain within the City of Dover subject to a one- percent ~~(1%)~~ or greater annual possibility of ~~FLOODING~~flooding in any given year. The area is designated on the FIRM as Zones A, AO, and AE. ~~[Amended on 04-20-2005 by Ord. No. 13-2005]~~

9. Editor's Note: See 42 U.S.C. § 4001 et seq.

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BASE FLOOD ~~means the FLOOD~~ — The flood having a one-~~-~~percent ~~(1%)~~ chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION ~~means the WATER SURFACE ELEVATION~~ — The water surface elevation having

a one-~~-~~percent ~~(1%)~~ chance of being equaled or exceeded in any given year~~,~~ as defined on ~~flood insurance rate map (FIRM) currently in effect and~~ the Flood Insurance Rate Map (FIRM) currently in effect and the Flood Insurance Study (FIS) report. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

BASEMENT ~~means any~~ — Any area of a ~~BUILDING~~building having its floor subgrade on all sides.

BUILDING ~~means "STRUCTURE"~~ — "Structure" as defined in this subsection.

~~Critical facilities means facilities~~CRITICAL FACILITIES — Facilities that are vital to public health and safety, including police stations, fire and rescue facilities, hospitals, shelters, schools, nursing homes, and water supply and waste treatment facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

DEVELOPMENT ~~means any~~ — Any man-made change to improved or unimproved real estate, including but not limited to ~~BUILDINGS~~buildings or other ~~STRUCTURES~~structures, mining, dredging, filling, grading, paving, ~~EXCAVATION~~excavation or drilling operations or storage of equipment or materials.

FEMA ~~means~~ — Federal Emergency Management Agency.

FLOOD or FLOODING ~~means a~~ — A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) ~~means an~~ — An official map incorporated within ~~Chapter 170~~this chapter on which FEMA has delineated both the ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard and the risk premium zones that are applicable to the City of Dover.

FLOOD INSURANCE STUDY (FIS) ~~means an~~ — An examination, evaluation and determination of ~~FLOOD~~flood hazards and, if appropriate, corresponding ~~WATER SURFACE ELEVATIONS~~water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or ~~FLOOD~~-flood-related erosion hazards.

FLOODPLAIN ~~means any~~ — Any land area which is susceptible to being inundated by water from any source. (See definition of ~~FLOODING.~~)"flooding.")

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~~FLOOD PROOFING~~FLOODPROOFING or ~~FLOOD PROOFED means any~~FLOODPROOFED — Any combination of structural and ~~non-structural~~nonstructural additions, changes, or adjustments to ~~STRUCTUREs~~structures which reduce or eliminate ~~FLOOD~~flood damage to real estate or improved real property, water and sanitation facilities, ~~STRUCTUREs~~structures and their contents.

~~Freeboard means an~~FREEBOARD — An additional amount of height above the base flood elevation used as a factor of safety in determining the level at which a structure's lowest floor must be elevated or floodproofed. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

HIGHEST ADJACENT GRADE ~~means the~~ — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a ~~STRUCTURE~~structure.

HISTORIC STRUCTURE ~~means any STRUCTURE~~ — Any structure that is listed individually in the National Register of Historic Places (maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for~

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individual listing on the National Register; certified or preliminarily determined by the Secretary as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or individually listed on a local inventory of historic places,

provided the local historic preservation program has been certified by either the appropriate state or federal program.

LOWEST FLOOR ~~means the LOWEST FLOOR~~ — The lowest floor of the lowest enclosed area (including ~~BASEMENT~~basement). An unfinished or ~~FLOOD-~~flood-resistant enclosure, usable solely for parking of vehicles, ~~BUILDING~~building access or storage in an area other than a ~~BASEMENT~~basement area is not considered a ~~BUILDING's LOWEST FLOOR~~building's lowest floor, provided that such an enclosure is not built so as to render the ~~STRUCTURE~~structure in ~~VIOLATION~~violation of the applicable ~~non-elevation~~nonelevation design requirements set forth herein. ~~[Amended on 4-18-90 by Ord. No. 3-90]~~

MANUFACTURED HOME ~~means a STRUCTURE~~ — A structure, transportable in one ~~(1)~~ or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities.

~~MANUFACTURED HOME~~ "Manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site greater than ~~one hundred eighty (~~180~~)~~ days. This includes ~~MANUFACTURED HOMEs~~manufactured homes located in a ~~MANUFACTURED HOME PARK~~manufactured home park or ~~MANUFACTURED HOME SUBDIVISION~~manufactured home subdivision.

MANUFACTURED HOME PARK or MANUFACTURED ~~PARK~~ HOME SUBDIVISION ~~means a~~ —

A parcel or ~~CONTIGUOUS~~contiguous parcels of land divided into two ~~(2)~~ or more ~~MANUFACTURED HOME LOTs~~manufactured home lots for rent or sale.

MEAN SEA LEVEL ~~means the~~ — The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which ~~BASE FLOOD ELEVATIONs~~base flood elevations shown on a community's ~~FLOOD INSURANCE RATE MAP~~Flood Insurance Rate Map (FIRM) are referenced.

NEW CONSTRUCTION ~~means STRUCTUREs~~ — Structures for which the ~~START OF CONSTRUCTION~~start of construction commenced on or after April 9, 1980, and includes any subsequent improvements to such ~~STRUCTUREs~~structures.

RECREATIONAL VEHICLE ~~means a~~ — A vehicle which is built on a single chassis; ~~four hundred (~~400~~)~~ square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light-duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarters

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for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY ~~means the~~ — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the ~~BASE FLOOD~~base flood without increasing the ~~WATER SURFACE ELEVATION~~water surface elevation more than a designated height.

RIVERINE ~~means relating~~ — Relating to, formed by, or resembling a river, including tributaries, stream, brook, etc.

START OF CONSTRUCTION ~~means the~~ — The date the ~~BUILDING~~building permit was issued, provided the actual ~~START OF CONSTRUCTION~~start of construction, repair, reconstruction, placement, or other improvement was within ~~one hundred eighty (~~180~~)~~ days of the permit date.

~~START OF CONSTRUCTION~~ "Start of construction" includes ~~SUBSTANTIAL IMPROVEMENTs.~~substantial improvements. The actual start means either the first placement of permanent construction of a ~~STRUCTURE~~structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of ~~EXCAVATION;~~excavation or the placement of ~~MANUFACTURED HOME~~manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the-

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installation of ~~STREETS~~streets and/or walkways; nor does it include ~~EXCAVATION~~excavation for a ~~BASEMENT~~basement, footing, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory ~~BUILDINGS~~buildings, such as garages or sheds not occupied as ~~DWELLING UNITS~~dwelling units or part of the main ~~STRUCTURE. [Added 4-18-90 by Ord. No. 3-90]~~structure.

STRUCTURE ~~means a~~ — A walled and roofed ~~BUILDING~~building, including a gas or liquid storage tank that is principally above ground, as well as a ~~MANUFACTURED HOME~~manufactured home.

SUBSTANTIAL DAMAGE ~~means damage~~ — Damage of any origin sustained by a ~~STRUCTURE~~structure whereby the cost of restoring the ~~STRUCTURE~~structure to ~~it's~~its before ~~-~~damaged condition would equal or exceed ~~fifty percent (~~50%~~)~~% of the market value of the ~~STRUCTURE~~structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT or SUBSTANTIALLY IMPROVED ~~means~~ — Any reconstruction, rehabilitation, or other improvement to a ~~STRUCTURE~~structure, taking place during a five~~-~~year period, in which the cumulative cost equals or exceeds 50 ~~percent~~% of market value of the ~~STRUCTURE~~structure before the ~~"~~start of construction", of the improvement. The period of accumulation begins when the first improvement of the structure is permitted subsequent to September 1, 2021. This term includes ~~STRUCTURES~~structures that have incurred ~~SUBSTANTIAL DAMAGE~~substantial damage, regardless of actual repair work performed. The term does not, however, include either: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~A.~~(1) Any project for improvement of a ~~STRUCTURE~~structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the Building Official, and which are the minimum necessary to assure safe living conditions; or

~~B.~~(2) Any alteration of a ~~STRUCTURE~~structure listed on the National Register of Historic Places or a ~~State Inventory~~state inventory of ~~Historic Places~~historic places, provided that the alteration will not preclude the ~~STRUCTURE's~~structure's continued designation as ~~a HISTORIC STRUCTURE~~an historic structure.

~~Unsuitable development area means the~~UNSUITABLE DEVELOPMENT AREA — 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. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

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VIOLATION ~~means the~~ The failure of a ~~STRUCTURE~~structure or other ~~DEVELOPMENT~~development to be fully compliant with this ~~Section~~section. A ~~STRUCTURE~~structure or other ~~DEVELOPMENT~~development without an elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in ~~VIOLATION~~violation until such time as that documentation is provided.

WATER SURFACE ELEVATION ~~means the~~ The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, ~~(~~or other datum, where specified~~)~~, of ~~FLOODS~~floods of various magnitudes and frequencies in the ~~FLOODPLAINS~~floodplains.

~~E. DEVELOPMENT Review. [Amended on 10-14-2009 by Ord. No. 2009.09.23-21]~~

E. Development review.

(1) All proposed ~~DEVELOPMENT~~development in any ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard shall require a permit. Prior to the issuance of a ~~BUILDING~~building permit by the Building Official, whether for ~~NEW CONSTRUCTION (MANUFACTURED HOMES~~new construction (manufactured homes included) or the ~~SUBSTANTIAL IMPROVEMENT~~substantial improvement thereon, the Department of Planning and Community Development-

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~~(1)~~ shall determine whether said project site is located in an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard. If said project site is so located, wholly or in part, in an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, then compliance with the rules and regulations contained herein shall be required.

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(2) Prior to the granting of subdivision approval, the Zoning Administrator shall determine whether the property is located within an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(3) Prior to the granting of site review approval, the Zoning Administrator shall determine whether said site is located within an ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, and, if so situated, compliance with the rules and regulations contained herein shall be required.

(4) Duties and responsibilities of the Zoning Administrator concerning development review shall include, but are not limited to: **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) Ensure compliance with the rules and regulations contained herein.

(b) Ensure prior to any alteration or relocation of a watercourse that the required submittal and notification requirements in this ~~Ordinance~~section are met.

(c) Ensure the administrative and enforcement procedures detailed in RSA 676 are followed for any violations of this ~~Ordinance~~section.

~~(5)~~ For all development in an ~~areas~~area of special flood area that proposes to improve an existing structure, including alterations, movement, enlargement, replacement, repair, additions, rehabilitations, renovations, repairs of damage from any origin (such as, but not limited to, flood, fire, wind or snow) and any other improvement of or work on such structure, including within its existing footprint, the Zoning Administrator shall consult with the Building Official who shall determine if the proposed work constitutes substantial improvement or repair of substantial damage as defined herein. This determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "~~"~~substantial improvement~~.~~

(5) ." If the applicant disagrees with the Building ~~Official's~~Official's substantial improvement or repair of substantial damage determination, it may appeal said determination to the Zoning Board of Adjustment per § 170-~~52 D.~~ 59D. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

~~F.~~ Required ~~Data.~~

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F. data. Applications for ~~DEVELOPMENT~~development shall include the following:

(1) Plans in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed ~~STRUCTURES~~structures; fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required where appropriate:

(a) A certified FEMA ~~Elevation Certificate~~elevation certificate with as-built elevation data in relation to ~~MEAN SEA LEVEL,~~mean sea level of the ~~LOWEST FLOOR~~lowest floor, including ~~BASEMENT~~basement, and including whether or not such ~~STRUCTURES~~structures contain a ~~BASEMENT~~basement.

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(b) Elevation, in relation to ~~MEAN SEA LEVEL~~mean sea level, to which any ~~STRUCTURE~~structure has been ~~FLOOD-PROOFED~~floodproofed.

(c) Certification by a registered engineer or architect that the ~~FLOOD-PROOFING~~floodproofing methods for any nonresidential ~~STRUCTURE~~structure meet the ~~FLOOD-PROOFING~~floodproofing criteria in ~~subsection L~~Subsection K(2).

(2) Permit review. The Department of Planning and Community Development shall:

(a) Review all ~~DEVELOPMENT~~development permits to determine that the requirements of this ~~Section~~section have been satisfied.

(b) Review all ~~DEVELOPMENT~~development permits to determine that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act ~~Amendments of 1972, 33~~, Amendments of 1972, 33 U.S.C. § 1334. It shall be the responsibility of the applicant to certify these assurances to the Department of Planning and Community Development.

~~U.S.C. 1334. It shall be the responsibility of the APPLICANT to certify these assurances to the Department of Planning and Community Development.~~

(c) The Department of Planning and Community Development shall review all ~~DEVELOPMENT~~development permits to determine if the proposed ~~DEVELOPMENT~~development adversely affects the ~~FLOOD~~flood-carrying capacity of the ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard. For purposes of this ~~Section~~section, "adversely affects" means that the cumulative effect of the proposed ~~DEVELOPMENT~~development, when combined with all other existing and anticipated ~~DEVELOPMENT~~development, will not increase the ~~BASE FLOOD ELEVATION~~base flood elevation more than one ~~(1)~~ foot at any point within the City of Dover.

G. Information to be ~~Obtained and Maintained. [Amended on 04-20-2005 by Ord. No. 13-2005]~~obtained and maintained.

(1) The Department of Planning and Community Development shall maintain and record for public inspection the certification of ~~FLOOD-PROOFING~~floodproofing required in Subsection K(2) and a certified FEMA

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~~Elevation Certificate~~elevation certificate with the as-built elevation, in relation to ~~MEAN SEA LEVEL~~mean sea level, of the ~~LOWEST FLOOR~~lowest floor, including the ~~BASEMENT~~basement, of all new or ~~SUBSTANTIALLY IMPROVED STRUCTURESs~~substantially improved structures and shall include whether or not such ~~STRUCTURESs~~structures contain a ~~BASEMENT~~basement and, if the ~~STRUCTURE~~structure has been ~~FLOOD PROOFED~~floodproofed, the as-built elevation, in relation to ~~MEAN SEA LEVEL~~mean sea level, to which the ~~STRUCTURE~~structure was ~~FLOOD PROOFED.~~floodproofed. This information must be furnished by the ~~APPLICANT~~applicant.

(2) In ~~AREAs~~areas of ~~SPECIAL FLOOD HAZARD~~special flood hazard, the Department of Planning and Community Development shall determine the ~~BASE FLOOD ELEVATION~~base flood elevation in the following order of precedence according to the data available:

(a) In Zone AE, refer to the elevation data provided in the ~~community's FLOOD INSURANCE STUDY~~community's Flood Insurance Study and accompanying FIRM. ~~[Amended 04-20-2005 by Ord. No. 13-2005]~~

(b) In Zone A, the Building Official shall obtain, review and reasonably utilize any ~~BASE FLOOD ELEVATION~~base flood elevation data available from any federal, state or other source, including data submitted for ~~DEVELOPMENT~~development proposals (i.e., subdivisions, site review plans, etc.) to the community.

(c) In Zone A, where the ~~BASE FLOOD ELEVATION~~base flood elevation is not available, the ~~BASE FLOOD ELEVATION~~base flood elevation shall be at least two ~~(2)~~ feet above the ~~HIGHEST ADJACENT GRADE~~highest adjacent grade.

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(d) In Zone AO, the BASE FLOOD ELEVATION base flood elevation is determined by adding the elevation of the HIGHEST ADJACENT GRADE highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

(3) The Department of Planning and Community Development shall maintain for public inspection all records pertaining to the provisions of this Section article.

H. Alteration of Watercourses watercourses.

(1) In RIVERINE riverine situations, prior to the alteration or relocation of a watercourse, the APPLICANT applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the PLANNING BOARD Planning Board in the form of a Conditional Use Permit conditional use permit application, in addition to the copies required by RSA 482-A:3. Further, the APPLICANT applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Department of Planning and Community Development, including notice of all scheduled hearings before the Wetlands Bureau, and notice of scheduled hearings before the Planning Board for Conditional Use Permits conditional use permits as required by Section § 170-27, Conservation District & Section 170-27.1, Wetland Protection District., and

§ 170-28, Wetland Protection District.

(2) The APPLICANT applicant shall submit to the PLANNING BOARD Planning Board, in the form of a Conditional Use Permit conditional use permit application, certification provided by a professional engineer assuring that the FLOOD flood-carrying capacity of an ALTERed altered or relocated watercourse can and will be maintained.

I. Interpretation of Boundaries boundaries.

(1) The Department of Planning and Community Development shall make interpretations, where needed, as to the exact location of the boundaries of the AREA OF SPECIAL FLOOD HAZARD area of special flood hazard in a construction proposal; for example, where there appears to be a conflict between a mapped boundary and actual field conditions. To assist in this determination, the APPLICANT applicant may be required to submit an accurate site plan showing FLOODING flooding relationships, including elevations.

(2) To determine accurately if a STRUCTURE structure is located in an AREA OF SPECIAL FLOOD HAZARD area of special flood hazard, the owner or

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~~APPLICANT~~applicant may hire a licensed land surveyor or certified engineer to measure the distance from a physical feature on the FIRM to the ~~STRUCTURE's~~structure's location.

(3) The ~~STRUCTURE~~structure is considered borderline if it is located within ~~one hundred (~~100~~)~~ feet of a boundary. A certified engineer shall compare the ~~BASE FLOOD ELEVATION~~base flood elevation and the lowest ground elevation at the borderline ~~STRUCTURE's~~structure's location to determine if the ~~STRUCTURE~~structure is in or out of the ~~AREA OF SPECIAL FLOOD HAZARD.~~area of special flood hazard. If the engineer certifies the ~~STRUCTURE~~structure as out of the ~~AREA OF SPECIAL FLOOD HAZARD~~area of special flood hazard, but the Planning and Community Development Department or Community Services ~~Departments have~~Department has historic or other data that confirms the property is prone to ~~FLOODING~~flooding, the ~~Department of~~ Planning and Community Development Department may request a ~~Letter~~letter of ~~Map Amendment~~map amendment (LOMA) from FEMA.

~~J. General Standards.~~

J. standards. In all ~~AREAs OF SPECIAL FLOOD HAZARD,~~areas of special flood hazard, the following standards are required:

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§ 170-25 § 170-25

(1) Anchoring.

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~~(a)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTS~~

(a) substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the ~~STRUCTURE~~structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~(b)~~ All ~~MANUFACTURED HOMEs~~manufactured homes to be placed or ~~SUBSTANTIALLY IMPROVED~~substantially improved within ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard shall be elevated on a permanent foundation, such that the ~~LOWEST FLOOR~~lowest floor of the ~~MANUFACTURED HOME~~manufactured home is at least two ~~(2)~~ feet above the ~~BASE~~

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(b) ~~FLOOD ELEVATION~~base flood elevation, and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

~~(1)~~ [1] Over-the-top ties shall be provided at each of the four ~~(4)~~ corners of the ~~MANUFACTURED HOME~~manufactured home, with two ~~(2)~~ additional ties per side at intermediate locations, with ~~MANUFACTURED HOMEs~~manufactured homes less than ~~fifty~~ ~~(~~50~~)~~ feet long requiring one ~~(1)~~ additional tie per side, or~~;~~

~~Frame~~ frame ties shall be provided at each corner of the home, with five ~~(5)~~ additional ties per side at intermediate points, with ~~MANUFACTURED HOMEs~~manufactured homes less than ~~fifty (~~50~~)~~ feet long requiring four ~~(4)~~ additional ties per side.

~~(2)~~ [2] All components of the anchoring system shall be capable of carrying a force of ~~four thousand eight hundred (~~4,800~~)~~ pounds.

~~(3)~~ [3] Any additions to the ~~MANUFACTURED HOME~~manufactured home shall be similarly anchored.

(2) Construction materials and methods.

~~(a)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTs~~

(a) substantial improvements shall be constructed with materials resistant to ~~FLOOD~~flood damage.

~~(b)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTs~~

(b) substantial improvements shall be constructed using methods and practices that minimize ~~FLOOD~~flood damage.

~~(c)~~ All ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTs~~

(c) substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities that are elevated at least ~~2~~two feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of ~~FLOODING.~~flooding. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(3) Utilities and ~~Storage~~storage. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(a)~~ The ~~APPLICANT~~applicant shall provide the Department of Planning

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and Community Development with assurance that all new and replacement

(a) water supply systems, including on-site systems, shall be designed to minimize or eliminate infiltration of ~~FLOOD waters~~floodwaters into the system.

(b) The ~~APPLICANT~~applicant shall provide the Department of Planning and Community Development with assurance that new and replacement sanitary sewerage systems, including on-site systems, shall be designed to minimize or ~~eliminate infiltration of FLOOD waters into the systems and discharge from the systems into the FLOOD waters.~~

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eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.

(c) The APPLICANTapplicant shall provide the Department of Planning and Community Development with assurance that on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during FLOODINGflooding.

(d) The storage of hazardous materials is prohibited.

(4) Subdivision proposals.

(a) All subdivision proposals shall be consistent with the need to minimize FLOODflood damage.

(b) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize FLOODflood damage.

(c) All subdivision proposals shall include adequate drainage paths to guide FLOOD watersfloodwaters around and away from the proposed STRUCTUREsstructures and to reduce exposure to FLOODflood damage.

(d) BASE FLOOD ELEVATIONBase flood elevation data shall be provided for subdivision proposals and other proposed DEVELOPMENTdevelopment which contains at least fifty (50) LOTslots or five (5) acres, whichever is less.

(5) Specific provisions on unsuitable development areas which includesinclude floodplains are referenced in and consistent with Dover Code Chapter 157, Land Subdivision Regulations ((§§ 157-21, 157-22, and 157-60)), and the Dover Zoning Chapter 170, Zoning (§§ 170-6, 170-27.2, (e) 29, and 170-28.2).32). **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

K. Specific Standards.

standards. In all AREAs OF SPECIAL FLOOD HAZARDareas of special flood hazard where BASE FLOOD

K. ELEVATIONbase flood elevation data has been established per Subsection G.((2), the following provisions are required:

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(1) Residential construction, ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENT~~substantial improvement of any residential ~~STRUCTURE~~structure shall have the ~~LOWEST FLOOR~~lowest floor, including the ~~BASEMENT~~basement, elevated to at least two ~~(2)~~ feet above ~~BASE FLOOD ELEVATION~~base flood elevation.

~~(2)~~ All ~~NEW CONSTRUCTION~~new construction or ~~SUBSTANTIAL IMPROVEMENTs of~~

(2) substantial improvements of nonresidential ~~STRUCTUREs~~ structures shall have the ~~LOWEST FLOOR~~lowest floor, including ~~BASEMENT~~basement, elevated to at least two ~~(2)~~ feet above the ~~BASE FLOOD ELEVATION;~~base flood elevation or, together with attendant utility and sanitary facilities, shall:

(a) Be ~~FLOOD PROOFED~~floodproofed so that below the ~~BASE FLOOD ELEVATION~~base flood elevation the ~~STRUCTURE~~structure is watertight at least two ~~(2)~~ feet above the ~~BASE FLOOD ELEVATION~~base flood elevation with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

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(c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Sectionsection.

(3) MANUFACTURED HOMEs

(3) MANUFACTURED HOMEsManufactured homes.

(a) Manufactured homes shall be anchored in accordance with Subsection J.((1)(b). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) For new MANUFACTURED HOME PARKmanufactured home parks and MANUFACTURED HOME SUBDIVISIONSmanufactured home subdivisions; for expansions to existing MANUFACTURED HOME PARKsmanufactured home parks and MANUFACTURED HOME

(b) SUBDIVISIONSmanufactured home subdivisions; for existing MANUFACTURED HOME PARKSmanufactured home parks and MANUFACTURED HOME SUBDIVISIONSmanufactured home subdivisions where the repair, reconstruction or improvement of the STREETSstreets, utilities and pads equals or exceeds fifty percent (50%)% of the value of the STREETSstreets, utilities and pads before the repair, reconstruction or improvement has commenced; and for MANUFACTURED HOMEsmanufactured homes not placed in a MANUFACTURED PARK manufactured park or MANUFACTURED HOME SUBDIVISIONmanufactured home subdivision:

(i) [1] Stands or LOTslots are elevated on compacted fill or on pilings so that the LOWEST FLOORlowest floor of the MANUFACTURED HOMEmanufactured home will be at least two (2) feet above the BASE FLOODbase flood level.

(ii) [2] Adequate surface drainage and access for a hauler are provided.

(iii) [3] In the instance of elevation on pilings, LOTslots are large enough to permit steps; piling foundations are placed in stable soil no more than ten (10) feet apart and reinforcement is provided for pilings more than six (6) feet above the ground level.

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(c) ~~RECREATIONAL VEHICLES~~Recreational vehicles placed on sites within areas of special flood hazard shall either: **[Amended ~~on 04-20-2005~~10-13-2021 by Ord. No. ~~13-2005~~2021.09.08-006]**

~~(i)~~ [1] Be on the site for fewer than ~~one hundred eighty (~~180~~)~~ days;

~~(ii)~~ [2] Be fully licensed and ready for highway use; or

~~(iii)~~ [3] Meet all standards of Subsection E.~~((~~1.~~)~~. (2) and (3) and the elevation and anchoring requirements for ~~MANUFACTURED HOMES~~manufactured homes in ~~Subsections~~Subsection K.~~((~~3)(a) and ~~K.(3)((~~b).

~~(4)~~ For all ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTS,~~

(4) substantial improvements, fully enclosed areas below the ~~LOWEST FLOOR~~lowest floor that are subject to ~~FLOODING~~flooding are permitted, provided that the enclosed areas meet the following requirements:

(a) The enclosed area is unfinished or ~~FLOOD~~ flood-resistant, usable solely for parking of vehicles, ~~BUILDING~~building access or storage.

(b) The area is not a ~~BASEMENT~~basement.

(c) The area shall be designed to automatically equalize hydrostatic ~~FLOOD~~flood forces on exterior walls by allowing for the entry and exit of ~~FLOOD waters~~floodwaters. Designs for meeting this requirement must either be certified by a professional engineer or architect or must meet or exceed the following minimum criteria:

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~~(i)~~ [1] A minimum of two ~~(2)~~ openings having a total net area of not less than one ~~(1)~~ square inch for every square foot of enclosed area subject to ~~FLOODING~~flooding shall be provided.

~~(ii)~~ [2] The bottom of all openings shall be no higher than one ~~(1)~~ foot above grade.

~~(iii)~~ [3] Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of ~~FLOOD-waters~~floodwaters.

(5) Proposed ~~STRUCTURES~~structures to be located on ~~SLOPES~~slopes within Zone AO shall include adequate drainage paths to guide ~~FLOOD-waters~~floodwaters around and away from the proposed ~~STRUCTURES~~structures.

(6) Accessory structures. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) New construction and substantial improvement of any accessory structures with finished or habitable space shall follow the same requirements as the principal structure as specified in ~~Sections~~Subsections J and K.

(b) Any new construction and substantial improvement of any accessory structures without finished or habitable space shall not be used for the storage of hazardous materials.

(c) It is recommended that any new construction and substantial improvement of any accessory structures without finished or habitable space meet the following standards:

~~(i)~~ [1] The structure is not located in the floodway;

~~(ii)~~ [2] The structure is wet ~~flood-proofed~~floodproofed and designed to allow for the automatic entry and exit of ~~flood-water~~floodwater as detailed in ~~Section~~Subsection K-(4)(c);

~~(iii)~~ [3] When possible, the structure shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than the primary structure; and

~~(iv)~~ [4] Service facilities such as electrical, mechanical and heating equipment shall be elevated or dry ~~flood-proofed~~floodproofed to or above the base flood elevation.

(7) All new residential structures or residential developments and all new ~~non-residential~~nonresidential structures and ~~non-residential~~nonresidential developments shall have all driveways and/or all road access or streets constructed

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with the driving surface at or above base flood elevation to ensure safe ingress and egress during a 100-year flood. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(8) Critical facilities. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

(a) All new critical facilities are prohibited within areas of special flood hazard.

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(b) Critical facilities that are to be replaced, substantially improved or meet the definition of "substantial damage", shall be constructed so that the lowest floor, including basement, shall be elevated or dry~~-flood proofed~~ floodproofed at least two~~-(2)~~ feet above the areas of special flood hazard. A critical facility shall have at least one access road connected to land outside the areas of special flood hazard and is capable of accommodating emergency services vehicles. The top of the access road shall be no lower than six inches below the base flood elevation of the area of special flood hazard.

~~L. REGULATORY FLOODWAYS.~~

L. Regulatory floodways. Located within ~~AREAs OF SPECIAL FLOOD HAZARD~~areas of special flood hazard established in Subsections C and I are areas designated as ~~REGULATORY FLOODWAYS.~~regulatory floodways. Since the ~~REGULATORY FLOODWAY~~regulatory floodway is an extremely hazardous area due to the velocity of ~~FLOOD waters~~floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

~~(1)~~ Along watercourses that have a designated ~~REGULATORY FLOODWAY~~regulatory floodway, no encroachments, including fill, ~~NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS~~new construction, substantial improvements or other

(1) ~~DEVELOPMENT~~ development, are allowed within the designated ~~REGULATORY FLOODWAY~~regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in ~~FLOOD~~flood levels within the community during the ~~BASE FLOOD~~base flood discharge. In Zone A, the Department of Planning and Community Development shall obtain, review and reasonably utilize any ~~REGULATORY FLOODWAY~~regulatory floodway data available from a federal, state or other source as criteria for requiring that ~~DEVELOPMENT~~development meet the ~~REGULATORY FLOODWAY~~regulatory floodway requirements of this ~~Subsection~~subsection.

(2) Along watercourses that have not had a ~~REGULATORY FLOODWAY~~regulatory floodway designated, ~~on NEW CONSTRUCTION, SUBSTANTIAL IMPROVEMENTS~~no new construction, substantial improvements or other ~~DEVELOPMENT~~development (including fill), shall be permitted within Zone AE, unless it is demonstrated that the cumulative effect of the proposed ~~DEVELOPMENT~~development, when combined with all other existing and anticipated ~~DEVELOPMENT~~development, will not increase the ~~WATER SURFACE ELEVATION~~water surface elevation of the ~~BASE FLOOD~~base flood more than one ~~(1)~~ foot at any point within the community. ~~[Amended on 04-20-2005 by Ord. No. 13-2005]~~

(3) If Subsection L(1) is satisfied, all ~~NEW CONSTRUCTION~~new construction and ~~SUBSTANTIAL IMPROVEMENTS~~substantial improvements shall comply with all applicable ~~FLOOD~~flood hazard reduction provisions set forth herein.

M. Variances and ~~Appeals~~appeals.

(1) Any order, requirement, decision or determination of any official of the Department of Planning and Community Development made under this ~~Section~~section may be appealed to the ~~ZONING BOARD~~Zoning Board of ~~ADJUSTMENT~~Adjustment as set forth in RSA 676:5.

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(2) If the ~~APPLICANT~~applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the ~~APPLICANT~~applicant shall have the burden of showing, in addition to the usual variance standards under ~~NH~~New Hampshire statute, that:

(a) ~~That the~~The variance will not result in increased ~~FLOOD~~flood heights, additional threats to public safety, or extraordinary public expense.

(b) ~~That if~~If the requested variance is for activity within a designated ~~REGULATORY FLOODWAY~~regulatory floodway, no increase in ~~FLOOD~~flood levels during the ~~BASE FLOOD~~base flood discharge will result.

~~That the~~

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(c) The variance is the minimum necessary, considering the ~~FLOOD~~flood hazard, to afford relief.

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(3) The ~~ZONING BOARD~~Zoning Board of ~~ADJUSTMENT~~Adjustment shall notify the ~~APPLICANT~~applicant in writing that~~: (i)~~ the issuance of a variance to construct below the ~~BASE FLOOD~~base flood level will result in increased premium rates for ~~FLOOD~~flood insurance up to amounts as high as ~~twenty-five ($25.00) dollars~~$25 for ~~one hundred ($~~ ~~(3)~~ $100~~.00) dollars~~ of insurance coverage, and ~~(ii)~~ such construction below the base level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

(4) The Department of Planning and Community Development shall:

(a) Maintain a record of all variance actions, including ~~their~~the justification for their issuance~~;~~, and~~;~~

(b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE VIII

~~OVERRIDING DISTRICTS~~

Overriding Districts

§ 170-26. Additional ~~Regulations~~regulations.

All overriding districts shall be superimposed upon other zoning districts established in this ~~Chapter~~chapter. The regulations stipulated by the overriding districts shall be in addition to the regulations of the underlying zoning districts and other applicable ~~city~~City ordinances.

§ 170-27. Conservation District. [Amended ~~on 5-13-87 by Ord. No. 11-87; Amended on 9-14-88 by Ord. No. 15-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 06~~6-22-2016 by Ord. No. 2016.06.08-010~~; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.006., Amended on~~ ~~08-09-2024 by Ord. No. 2023.07.12-008~~]

A. Purpose. In the interest of environmental quality, public health, resource conservation and the general welfare of the public, the regulations of this district are designed to guide development activities in areas with extended periods of high-water table, with susceptibility to flooding and with unique or fragile geologic, ecological or nature features as follows:

(1) To prevent the development of ~~STRUCTURES~~structures and land uses on naturally occurring wetlands and flood-prone areas which would contribute to pollution of surface ~~and ground~~ water and groundwater by sewage or other contaminants.

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(2) To prevent the destruction of natural wetlands or aquifer areas 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 of groundwater supply and augmentation of stream flow during dry periods.

(3) To prevent unnecessary or excessive expenses to the ~~city~~City to provide and maintain essential services and utilities which arise because of inharmonious use of wetlands and other environmentally sensitive areas.

(4) To encourage those uses that can be most appropriately and safely located in wetland and other environmentally sensitive areas.

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(5) To preserve existing natural drainage systems and the vegetation and wildlife habitats therein.

(6) To preserve wetlands and other environmentally sensitive areas for other ecological reasons, inter alia, those cited in RSA 483-B.

(7) To preserve and enhance those aesthetic values associated with waterways and the natural shoreline.

(8) To protect public health and safety by minimizing hazards, including soil erosion, storm waterstormwater runoff, SLOPEslope instability risks, and environmental degradation, associated with development on steep and/or unstable SLOPEsslopes.

B. Location. The Conservation District is hereby determined to consist of the following:

(1) Those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any water body, river, stream, swamp or marsh subject to tidal action and those areas within a minimum of one hundred (100) feet of the reference line (as defined in RSA 483-B:4, XVII) of any freshwater river or natural pond.

(2) Those areas within a minimum of fifty (50) feet of the reference line (as defined in RSA 483-B:4, XVII) of any stream, brook or other freshwater body.

(3) Those areas owned by and situated in the City of Dover and known as LOTS:lots Map 28, LOTLot 32; Map D, LOTLot 1; Map C, LOTSLots 5, 7 and 12; Map H, LOTSLots 58 and 63; Map 40, Lots 10A, 13, and 17; Map F, Lots 14 and 42; Map A, Lot 29A-1; and Map 37, Lot 40.

and 63; Map 40, LOTS 10A, 13, and 17; Map F, LOTS 14 and 42; Map A, LOT
29A-1; and Map 37, LOT 40.

(4) Those areas with SLOPEsslopes in excess of twenty percent (20%), (% [e.g., four (4) feet vertical in twenty (20) footfeet horizontal distance) and totaling more than two thousand (2,000) square feet of CONTIGUOUScontiguous area.

C. Conditional Use Permitsuse permits. Conditional Use Permitsuse permits may be granted by the PLANNING BOARDPlanning Board for the following uses within the Conservation District:

(1) STREETsStreets, roads and other access-waysaccessways and utility rights-of-

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way, communications equipment, and easements, including power lines and ~~pipe lines~~pipelines, if essential to the productive use of land not so zoned and if so located and constructed as to minimize any detrimental impact of such uses upon the wetlands or other environmentally sensitive areas, where it is physically impossible to locate such ways over land not so zoned. Economic advantage alone shall not be deemed a sufficient reason for such a routing.

(2) The undertaking of a use not otherwise permitted in the Conservation District, which may include the erection of a ~~STRUCTURE~~structure, dredging, filling, draining or otherwise ~~ALTERING~~altering the surface configuration of the land, provided that:

~~(a)~~ The ~~APPLICANT~~applicant shall demonstrate that the proposed use is essential to the productive use of land not in the district~~;~~ and is located and constructed to

(a) minimize any detrimental impact of such use upon the surface waters or other environmentally sensitive areas, where it is physically impossible to locate such use on land not in the district~~;~~, and economic advantage alone shall not be deemed a sufficient reason for such proposed use.

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(b) A soil erosion and sedimentation control plan is submitted and followed to verify the planned avoidance of sediment pollutant runoff to bodies of water. This plan will address the following (if applicable), but should not be limited to:

~~(i) stabilization~~[1] Stabilization of exposed soils and soil stockpiles;

~~(ii) protection~~ [2] Protection of steep ~~SLOPEs~~slopes from erosion;

~~(iii) construction~~[3] Construction site waste management;

~~(iv) inspection~~[4] Inspection and maintenance of runoff control measures (BMPs);

~~(v) minimization~~ [5] Minimization of land clearing;

~~(vi) stabilization~~[6] Stabilization of ~~drainage ways;~~

~~(vii) installation~~drainageways; [7] Installation of perimeter controls;

~~(viii) installation~~[8] Installation of sediment trapping devices; and

~~(ix) storm~~ [9] Storm drain inlet protection.

(c) Necessary state and federal approvals have been applied for. Said permits shall be received prior to the issuance of the ~~Conditional Use Permit~~conditional use permit by the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(d) A written review by the Conservation Commission of the environmental effects of the proposed use upon the area in question has been submitted. The ~~Commission's~~Commission's review shall address the following, but is not limited to:

~~(i) attempted~~[1] Attempted avoidance of the impact;

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(ii) ~~minimization~~ [2] Minimization of the impact;

(iii) ~~planned~~[3] Planned mitigation of the effects of the impact; and

(iv) ~~efficacy~~[4] Efficacy of the soil erosion and sedimentation control plan.

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~~D.~~ Procedures for subdivision. No subdivision of land shall be permitted which would create a ~~LOT~~lot or parcel or leave as a remainder a ~~LOT~~lot or parcel which does not have,

D. outside the Conservation District, an area equal to the minimum ~~LOT~~lot size required for the underlying zoning district ~~if~~, unless such a ~~LOT~~lot or parcel is to be permanently dedicated to ~~OPEN SPACE~~open space or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be ~~non-contiguous.~~noncontiguous. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

E. Other provisions. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, which evidences a state concern over preservation of such lands. It is intended that the provisions of that statute shall apply, and that in all cases, the more restrictive law should apply.

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(2) In all cases where the Conservation District is superimposed over another zoning district in the ~~city~~City, that district whose regulations are the more restrictive shall apply.

(3) The Conservation District adopted herein is hereby designated as ~~OPEN SPACE~~open space under RSA 79-A, and all relevant provisions of RSA 79-A relating to current use ~~ASSESSMENT~~assessment of such property shall apply.

(4) The provisions of RSA 483-B:9, V(a~~)~~, shall apply to the portions of the ~~"~~Conservation District~~"~~ as described in ~~Subsections~~Subsection B-(1) and ~~B-~~(2~~),~~ that are within ~~fifty-(~~50~~)~~ feet of the reference line (as defined in RSA 483-B:4, XVII~~)~~. Limitations include restrictions on chemical and fertilizer use, preservation of rocks and stumps and their root systems, and restrictions on removal of ground cover, trees and saplings.

(5) The provisions of RSA 483-B:9, V(b~~)~~, shall apply to the portion of the ~~"~~Conservation District~~"~~ as described in Subsection B-(1~~).~~ that is between ~~fifty-(~~50~~)~~ and ~~one-hundred-(~~100~~)~~ feet of the reference line (as defined in RSA 483-B:4, XVII). Limitations include restrictions on the amount of vegetation that can be removed within the area.

(6) Upon the discretion of the Building Inspector, a ~~STRUCTURE~~structure may be erected within the Conservation District as described in Subsection B(1) up to but never closer than ~~seventy-five-(~~75~~)~~ feet ~~of~~to the reference line (as defined in RSA 483–B:4, XVII), provided that:

(a) The ~~LOT~~lot existed within the Conservation District, as recorded in the Strafford County Registry of Deeds, prior to the effective date of this subsection.

(b) The ~~STRUCTURE~~structure cannot feasibly be constructed on a portion or portions of the ~~LOT~~lot which are outside the ~~one-hundred~~100-foot ~~(100)-SETBACK~~setback of the Conservation District.

(7) Customary ~~ACCESSORY STRUCTURES~~accessory structures shall be allowed within the Conservation District as described in Subsection B(1) but in no case closer than ~~seventy-five-(~~75~~)~~ feet to the reference line (as defined in RSA 483-B:4, XVII).

(8) Projects which have been officially accepted by the ~~PLANNING BOARD~~Planning Board prior to the October 10, 1986, amendment posting date shall be exempt of all revisions herein.

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(9) The ~~PLANNING BOARD~~Planning Board may assess the ~~APPLICANT~~applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(10) The ~~city~~City shall have the power to enforce this section, and violations may be punishable by fines as provided by RSA 676:17.

F. The provisions of the Conservation District adopted herein shall not be binding on Cochecho waterfront ~~LOTs~~lots located in Urban Exemption Area, as approved by the ~~NH~~New Hampshire Department of Environmental Services Commissioner on August 4, 2008, per File #No. 2008-2000372. (See map on file in the Planning and Community Development Department~~).~~) **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

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~~G.~~ Boat ~~Docks.~~

~~(1)~~G. docks. A boat dock may be allowed on a residential ~~LOT~~lot, provided that the following provisions are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) The dock is for recreational and ~~ACCESSORY USE~~accessory use only.

(2) One ~~(1)~~ dock is allowed per ~~LOT~~lot.

(3) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to ~~non-waterfront LOTs~~nonwaterfront lots, shall be entitled to one ~~(1)~~ boat dock within the prescribed easement or right-of-way.

(4) All applicable state and federal approvals have been received.

(5) A dock may be provided a maximum space for two ~~(2)~~ slips. Joint use ~~of~~of private docks by adjoining waterfront residents, not to exceed two ~~(2)~~ slips per ~~LOT~~lot, shall be encouraged when appropriate.

~~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., Amended on 08-09-2024 by Ord. No. 2023.07.12-008]~~ § 170-28. Wetland Protection District.

A. Authority. By the authority granted under RSA 674:16 and 674:17, 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 alteration or destruction of wetland areas.

~~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~~structures and land uses on wetlands, which will contribute to pollution of surface ~~and ground~~ water and groundwater by ~~sewerage~~sewage, 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. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(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. **[Added 10-13-2021 by Ord. No. 2021.09.08.006]**

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(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~~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~~structures and prevent damage to ~~STRUCTURES~~structures and abutting properties caused by inappropriate development in wetland areas.

~~C.~~ C. District boundaries. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(1) The Wetlands Protection District is hereby determined to be all areas of wetlands. A ~~"Wetland"~~"wetland" means an area that is inundated or saturated by surface water or ~~ground water~~groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(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."

D. Procedural requirements.

~~D.~~E. ~~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.

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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~~certified wetland scientist shall conduct this delineation.

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(a) A ~~Certified Wetland Scientist~~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~~-~~

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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."~~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. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012; 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Applications for a ~~BUILDING~~building permit, subdivision and site plan approval shall locate and depict on the survey/subdivision ~~PLAT~~plat/site plan all Wetland Protection Districts on the subject parcel. Any ~~APPLICANT~~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~~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~~20 feet of the wetlands buffer. The ~~APPLICANT~~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~~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~~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, additional plantings in areas to be ~~re-vegetated~~revegetated, performance guarantees, impact mitigation measures, and a reduction in proposed impervious surfaces. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 10-13-2021 by Ord. No. 2021.09.08-006]**

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(3) In the event that the accuracy of the boundaries submitted by the ~~APPLICANT~~applicant is suspect, the ~~PLANNING BOARD~~Planning Board may call upon the services of a certified ~~wetland~~wetlands scientist and/or botanist to reexamine said area and report the findings to the ~~PLANNING BOARD~~Planning Board for a boundary determination. The ~~APPLICANT~~applicant shall pay the cost of said services.

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~~(4)~~ The Building Inspector shall not issue a ~~BUILDING~~building permit for construction and the ~~PLANNING BOARD~~Planning Board shall not approve a site plan or subdivision ~~PLAT~~

(4) plat unless such construction activity or proposal conforms to the provisions of this ~~Chapter~~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~~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.

E. ~~Permitted Uses.~~ Any use otherwise permitted by this ~~Chapter~~chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under ~~Section~~Subsection E ~~(1)~~ must first receive conditional use approval, as provided for in ~~Section~~Subsection F, before any ~~BUILDING~~building permit or subdivision/site plan can be approved. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Crossing of a Wetland Protection District as provided for in ~~Section~~Subsection F(1).

(2) The construction or reconstruction of ~~FENCES~~fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:

~~a.~~(a) Said ~~STRUCTURES~~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). **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~b.~~(b) The natural contour of the wetland is preserved.

~~c.~~(c) All other applicable provisions of the ~~city's Zoning Ordinance~~this chapter have been met.

F. Conditional use approval.

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(1) Conditional use approval may be granted by the ~~PLANNING BOARD~~Planning Board (RSA 674:~~21II~~21, II) 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~~structures, and parking ~~LOTs~~lots, provided that the proposed construction complies with the following standards:

(a) Practicable ~~*Alternative:*~~alternative. There is no practicable alternative that would have a less adverse impact on the area. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(b) Avoidance~~:~~. The potential impacts have been avoided to the maximum extent practicable. The ~~APPLICANT~~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~~alternative to the proposed construction exists which does not impact a wetland or which has less detrimental impact on a wetland.~~-~~

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~~(c)~~ 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~~applicant is required by ~~State~~state rules to prepare a compensatory mitigation plan, the ~~APPLICANT~~applicant shall provide the Conservation Commission and ~~PLANNING BOARD~~Planning Board with one copy each of said plan for their review.

(e) Approval for the wetlands impact has been received from the ~~NHDES~~New Hampshire Department of Environmental Services Wetlands Bureau pursuant to Section G-(3~~)~~.) below.

(f) To assess and summarize the ~~wetlands'~~wetlands' functions and values as denoted in the NH Method and ~~Section~~§ 170-~~27.1(B)(~~28B(2). **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(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~~Planning Board, prior to the granting of a conditional use approval, the ~~APPLICANT~~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~~Planning Board. The security shall be submitted and approved prior to issuance of any permit authorizing construction.

(5) The ~~PLANNING BOARD~~Planning Board may assess the ~~APPLICANT~~applicant reasonable fees to cover the costs of special investigative studies and for the review of documents required by applications.

(6) A narrative shall be provided indicating criteria of Subsection F(1)(a-) to (f) above have been met. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

G. Specific provisions.

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(1) Wetland buffers.

~~(1)~~ Buffers~~.~~

(a) ~~*Buffers Established*~~ 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~~)~~ feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the ~~U.S.~~United States 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~~-~~

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~~(a)~~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~~Subsection D-(1) above. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

~~(b)~~ Natural ~~*Conditions*~~conditions to be ~~*Maintained*~~maintained within ~~*Buffers*~~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~~building permit that ~~includes~~include a temporary disturbance of wetlands buffers, pursuant to ~~Section~~Subsection G

(b) (1) ~~( )(e) (iv))~~[4] below, shall include a ~~"Wetlands Buffer Encroachment~~wetlands buffer encroachment and ~~Restoration Plan."~~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~~, noninvasive species specified in the ~~"Wetlands Buffer Encroachment~~wetlands buffer encroachment and ~~Restoration Plan".~~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~~device. Mowing to maintain an existing lawn or field within a wetland buffer area is allowed without a permit, as specified in ~~Section~~Subsection G-(1)(e~~).~~) 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*~~ uses prohibited in ~~*Buffers*~~buffers. The following uses and activities are prohibited within a wetland buffer:

~~(i)~~ [1] The establishment or expansion of salt storage, ~~JUNKYARDs~~junkyards, resource recovery facilities, transfer stations, landfills, or solid or hazardous waste facilities~~;~~.

~~(ii)~~ [2] The ~~BULK~~bulk storage of chemicals, petroleum products, or toxic and hazardous materials~~;~~.

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~~(iii)~~ [3] The dumping or disposal of snow and ice collected from roadways and parking ~~LOTs;~~lots.

(d) Uses ~~*Allowed Only With a Conditional Use Permit.*~~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~~Subsection F above:

~~(i)~~ [1] All uses not specifically prohibited in ~~Section~~Subsection G-(1)~~(~~)(c) above, or specifically exempted in ~~Section~~Subsection G-(1)~~(~~)(e) below.

~~(ii)~~ [2] The erection or construction of a ~~BUILDING~~building or ~~STRUCTURE,~~structure, excluding ~~FENCEs~~fences, that ~~meet~~meets the requirements of § 170-~~33~~51, or the construction of parking ~~LOTs~~lots or loading areas.

~~(iii)~~ [3] Timber harvesting, except as conducted in accordance with the terms and provisions of RSA 227-J, Timber Harvesting.

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~~(iv)~~ [4] 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~~stormwater detention ponds.

~~(v)~~ [5] The installation of water, sewer, or buried electrical or telecommunications cables.

~~(vi)~~ [6] The installation of water~~-~~ supply wells.

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

~~(i)~~ [1] Activities within wetlands jurisdictional areas that are allowed without a State of New Hampshire ~~Dredge~~dredge and ~~Fill Permit~~fill permit, in accordance with New Hampshire Department of Environmental Services (NHDES) Rules Env-Wt 308.01(a) and 308.02—, repair of an existing legal ~~STRUCTURE;~~structure, or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(ii)~~ [2] The removal of vegetation in accordance with NHDES Rules Env-Wt ~~303.05(b~~309.02(a), or successor rules, provided the roots of the vegetation are not disturbed and the ground is frozen or sufficiently dry to avoid making ruts. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(iii)~~ [3] The installation of monitoring or test wells or geotechnical borings completed in accordance with NHDES Rules Env-Wt 309.02(i) or successor rules. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~(iv)~~ [4] Temporary disturbance of the wetland buffer to facilitate construction activities completed under a valid City of Dover ~~BUILDING~~building permit, provided the temporary disturbance is restored in accordance with ~~Section~~Subsection G-(1)~~(~~)(b) above.

(2) No septic tank or leach field may be constructed or enlarged closer than ~~seventy-five (~~75~~)~~ feet to any Wetland Protection District. In new subdivisions approved subsequent to adoption of this section, there must be sufficient ~~LOT~~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~~Planning Board.

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

H. 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~~building permit or subdivision is made.

(2) ~~STRUCTURES~~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~~52 and 170-~~41~~53 of this ~~Chapter~~chapter.

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I. Exemption for one- and two-family residential STRUCTURESstructures, existing LOTslots, impoundments and maintenance dredging.

(1) Notwithstanding other provisions of this Chapterchapter, 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 Dredgedredge and Fill Permitfill 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 EXCAVATIONexcavation and construction material outside the wetland and installation of siltation FENCEfence and/or hay bales to contain erosion of the construction site.

(2) Notwithstanding other provisions of the ordinancethis section, a new one- or two-family dwelling shall be permitted in the Wetlands Protection District or buffer, on an existing LOTlot, provided that all of the following conditions are found to exist:

(a) The LOTlot for which an approval/permit is sought was an official LOTlot 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 cityCity.

(b) The STRUCTUREstructure for which the approval/permit is sought cannot be feasibly built on a portion or portions of the LOT,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 LOTlot can be made without the exemption.

(d) The design and construction of the proposed STRUCTUREstructure will, to the extent practical, be consistent with the purpose and intent of this ordinancesection.

(e) The proposed STRUCTUREstructure will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the

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contamination of groundwater or other reason.

(f) The design and construction of the proposed ~~STRUCTURE~~structure will be done in a manner which minimizes the impacts on the affected wetland, including storage of ~~EXCAVATION~~excavation and construction material outside the wetland and installation of siltation ~~FENCE~~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~~Planning Board) is 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.~~Corps of Engineers shall be submitted to the ~~PLANNING BOARD~~Planning Board prior to construction.

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(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.~~ ~~Separability~~J. Severability. 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.

~~170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. [Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 08-22-2018 by Ord. No. 2018.08.08-009, Amended on 07-22-2020 by Ord. No. 2020.07.08.007., Amended on 08-09-2024 by Ord. No. 2023.07.12-008]~~

§ 170-29. Transfer of development rights.

A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring ~~DEVELOPMENT RIGHTS~~development rights (TDR) within said districts.

~~B.~~ Purpose and ~~Intent~~intent. Within the City of Dover, there are certain lands that possess significant conservation features, including but not limited to unsuitable development areas, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic ~~viewsheds~~view sheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover, furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

B. Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission ~~who are~~which is active in protecting and preserving ~~OPEN SPACE.~~open space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

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C. Applicability. Upon request by an ~~APPLICANT~~applicant for development approval and at the discretion of the ~~PLANNING BOARD~~Planning Board, the provisions of this ~~subsection~~section may apply to the district(s) defined in ~~this subsection E~~Subsection D below.

~~D. Districts Defined.~~

D. Districts defined. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009; 9-11-2019 by Ord. No. 2019.08.28-012]**

(1) The Industrial TDR ~~DISTRICT~~District is hereby determined to be any IT or CM ~~zoning district~~Zoning District as shown on the Zoning Map for the City of Dover, New Hampshire, adopted ~~December 9, 2009.~~September 11, 2019. The ~~SENDING AREA~~"sending area" is defined to be ~~OPEN SPACE~~open space and related ~~SETBACKs~~ setbacks as defined by the City of Dover Wetland Protection District, ~~Chapter (1)~~§ 170-~~27.1~~28, which are located in any IT or CM ~~zoning district.~~Zoning District. The ~~RECEIVING AREA~~"receiving area" is defined to be all remaining land in be any IT or ~~CM zoning district.~~ CM Zoning District. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The Residential TDR ~~DISTRICT~~District is hereby determined to be ~~Residential~~ residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted ~~December 9, 2009.~~September 11, 2019. The ~~SENDING AREA~~"sending area" is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R- 20 residential zoning districts. The ~~RECEIVING AREA~~"receiving area" is defined to be all non–R-40 or -R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

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~~a.~~(a) If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural requirements.

~~E. Procedural Requirements.~~

(1) At the discretion of the ~~PLANNING BOARD~~Planning Board, an ~~APPLICANT~~applicant for development approval within the ~~RECEIVING AREA~~receiving area of the defined Industrial TDR ~~DISTRICT~~district may apply the performance standards specified in Subsection F below in return for the acquisition of land or ~~DEVELOPMENT RIGHTS~~development rights from the ~~SENDING AREA~~sending area within the same TDR ~~DISTRICT~~district. The performance standards for the Residential TDR ~~DISTRICT~~district are outlined in Subsection G below.

(2) A certified boundary survey of the associated land in the ~~SENDING AREA~~sending area shall be submitted as a supplement to the site plan or subdivision plan for development within the ~~RECEIVING AREA.~~receiving area. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(3) The owner of the subject ~~OPEN SPACE~~open space within the ~~SENDING AREA~~sending area of the TDR ~~DISTRICT~~district shall ~~SIGN~~sign all application materials as a co-~~APPLICANT~~applicant of the development application. For residential application, proof of an agreement to sell ~~DEVELOPMENT RIGHTS~~development rights must be provided by the Conservation Commission.

(4) A sketch plan estimating layout of the development site and identifying the ~~OPEN SPACE~~open space associated with the plan ~~shall~~may be submitted to the ~~PLANNING BOARD~~Planning Board for review at a regularly scheduled meeting. The ~~PLANNING BOARD~~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~~F and ~~H~~G below. Waivers shall be reviewed using the same criteria ~~of~~ as are used for ~~Site Plan Waivers~~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. **[Amended 8-22- 2018 by Ord. No. 2018.08.08-009; 7-22-2020 by Ord. No. 2020.07.08-007; 8-9- 2023 by Ord. No. 2023.07.12-008]**

~~a.~~ The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The determination, made in writing, shall be made prior to the submittal of

(a) any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

~~b.~~(b) If the sketch plan requires an environmental ~~Conditional Use~~

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~~Permit~~conditional use permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning ~~Board's~~Board's review.

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(5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated ~~OPEN SPACE~~open space within the ~~SENDING AREA~~sending area. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and-

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~~(5)~~ access crossings in accordance with ~~subsection I~~Subsection H below. The designation of the land protection agency to hold the easement shall be approved by the ~~PLANNING BOARD~~Planning Board.

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F. Industrial ~~Performance Standards~~performance standards.

(1) Land within a ~~SENDING AREA~~sending area, when surveyed, approved by the ~~PLANNING BOARD~~Planning Board and preserved by easement or covenant as specified in Subsection E, above, may be counted for the ~~OPEN SPACE~~open space requirement for a development site in a ~~RECEIVING AREA.~~receiving area. The amount of land preserved in a ~~SENDING AREA~~sending area shall equal or exceed the ~~OPEN SPACE~~open space requirement for the development site, but in no case be less than one ~~(1)~~ acre. Notwithstanding, development sites within the IT and CM ~~zoning districts~~Zoning Districts shall maintain ~~OPEN SPACE~~open space or landscaped area on at least ~~ten percent (~~10~~%)~~% of the site. The design of the development site shall locate the ~~OPEN SPACE~~open space or landscaped area to maximize the aesthetic value of the site. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(2) The minimum ~~LOT~~lot size requirement may be waived by the ~~PLANNING BOARD~~Planning Board for land subjected to the ~~TRANSFER OF DEVELOPMENT RIGHTS~~transfer of development rights.

(3) The minimum ~~FRONTAGE~~frontage requirement may be waived by the ~~PLANNING BOARD~~Planning Board for land subjected to the ~~TRANSFER OF DEVELOPMENT RIGHTS~~transfer of development rights, provided that paved access to all developed areas suitable for emergency vehicles is approved by the ~~PLANNING BOARD~~Planning Board.

~~(4) SETBACKS~~Setbacks for parking, paved areas, and ~~BUILDINGS~~buildings may be waived by the ~~PLANNING BOARD,~~Planning Board and be consistent with the intent to promote intensive

(4) development of suitable development sites. Notwithstanding, ~~BUILDINGS~~buildings shall be at least ~~one hundred fifty (~~150~~)~~ feet from residential ~~STRUCTURES~~structures that exist on the date of enactment of the IT and CM Zoning ~~districts~~Districts, and ~~seventy five (~~75~~)~~ feet from the ~~LOT LINE~~lot line of a disagreeing residential ~~ABUTTER.~~abutter. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(5) The developer shall record covenants that address architectural considerations for ~~STRUCTURES, SIGNAGE~~structures, signage and lighting that are designed to promote the highest possible aesthetic quality of the development site.

(6) A landscaping plan shall be submitted with a development application that depicts landscaping or ~~OPEN SPACE~~open space around the perimeter of the site, near the proposed ~~BUILDINGS~~buildings, and within the parking ~~LOT~~lot that promotes the highest possible aesthetic quality of the development.

G. Residential ~~Performance Standards.~~performance standards. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

(1) Annually, the City shall update a document identifying the cumulative net acre spent to preserve ~~OPEN SPACE~~open space within the City of Dover. This

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list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which ~~DEVELOPMENT RIGHTS~~development rights may be purchased.

(2) Proceeds from the purchase of ~~DEVELOPMENT RIGHTS,~~development rights shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.

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~~(3)~~ A residential ~~TRANSFER OF DEVELOPMENT RIGHTS APPLICANT~~ transfer of development rights applicant may

(3) pursue one of the following methods for ~~TRANSFERING DEVELOPMENT RIGHTS~~transferring development rights.

(a) Single ~~Family Detached~~ family detached method.

~~i.~~ [1] An applicant shall develop a baseline yield for the lot to be developed~~,~~ through the following formula: **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~1.~~ [a] The square footage of the parent lot minus unsuitable ~~development~~ areas is the base lot size.

~~2.~~ [b] The base lot size is then reduced by ~~fifteen (~~15~~) percent~~% to account for roadway~~,~~; this creates the net area.

~~3.~~ [c] The net area is then multiplied by a factor determined by the amount of ~~wetlands~~unsuitable development area over the parent lot. This is the developable area.

Percentage of Parcel ~~that is unsuitable development~~	**Factor**
0% to < 10%	0.85
10% to < 20%	0.8
20% to < 30%	0.75
30%	0.7

~~0<10%~~	~~0.85~~
~~10<20%~~	~~0.8~~
~~20<30%~~	~~0.75~~
~~30%<~~	~~.7~~

~~4.~~ [d] The developable area is ~~the~~then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

~~a.~~ [i] This base number is not required to be restricted by the requirements in ~~subsection iii,~~Subsection G(3)(a)[3], unless the formula defined in ~~item ii 1.~~Subsection G[2][a]

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is utilized. **[Amended 7-22- 2020 by Ord. No. 2020.07.08-007]**

~~5.~~ [e] The development plan shall be laid out in a design that meets the requirements for block length and ~~cu~~ cul-de-sac length. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

~~ii.~~ [2] The transfer shall equate to one of the following calculations: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~1.~~ [a] For construction of units no larger than ~~six hundred (~~600~~)~~ square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).

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2. [b] For construction of units no larger than one thousand (1,000) square feet of total living area, two (2) units per DEVELOPMENT RIGHT development right purchased shall be allowed.

3. [c] For construction of units no larger than fourteen hundred (1,400) square feet of total living area, one (1) unit unit per DEVELOPMENT RIGHT development right purchased shall be allowed. The unit count shall be the whole number value and not rounded up.

[i] Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

iii. [3] The units created through the transfer must be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

1. [a] Limited to the square footage originally constructed.

iv. [4] A note shall be placed on the approved plan and any Building Permit building permit shall note the adherence to this section of the Code.

v. [5] A note shall be placed in the property/unit deed citing the restrictions listed above.

vi. [6] The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations. **[Added 7-22-2020 by Ord. No. 2020.07.08-007]**

(b) Single-Family, Two-family, three-family, two-family, three-family, and 4 four or more method. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(i) [1] The transfer may be through the purchase of development rights, as described in Subsection G(1), or through the protection of land via a permanent conservation easement as per section Subsection E(5).

a. [a] In mixed-use or multi-family multifamily zones, the base density shall be derived from the underlying zoning, and not through a formula.

b. [b] If the additional unit(s) resulting from TDR are is restricted so that the rent of said units unit(s) conforms to the HUD Fair

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ampshire ~~Housing~~ Finance Authority, there shall be no fee collected for said unit(s).

~~(ii)~~ [2] The transfer shall equate to one ~~(1)~~ unit per acre preserved, or purchased. If the end result is a village—themed residential/nonresidential project, whereby 35% of the square footage being created is ~~non-residential~~nonresidential, the transfer shall equate to one ~~(1)~~ unit per 2,500 square feet preserved or purchased.

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(iii) [3] Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved, above the 40,000 square foot base. The transfer shall not be completed prior to the issuance of the Certificate certificate of Occupancy occupancy for the additional space. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

a. [a] If the units are to be placed upon the same lot, the layout must be shown on the site plan for the development.

(iv) [4] The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum LOT lot size requirement may be waived by the PLANNING BOARD Planning Board for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS transfer of development rights.

(5) Regardless of the method utilized, the setbacks shall be: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

MINIMUM BUILDING SETBACKS FOR SUBDIVISION

Abutting A STREET a	Abutting A a Side LOT	Abutting A a Rear lot
20 feet	10 feet	30 feet

20 feet	10 feet	30 feet

(6) Regardless of the method utilized, the minimum FRONTAGE frontage requirement may be waived by the PLANNING BOARD Planning Board, to no less than forty 40 feet (40'). Paved access to all developed areas shall be suitable for emergency vehicles. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

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(7) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty ~~(30)~~ -foot no cut, no disturb buffer. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

(8) Regardless of the method utilized, any other provision in this ~~Chapter~~chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the ~~TRANSFER OF DEVELOPMENT RIGHTS~~transfer of development rights so long as the increase in density or intensity meets the following criteria and a narrative is submitted indicating how those criteria are met: **[Amended 7-22-2020 by Ord. No. 2020.07.08-007; 8-9-2023 by Ord. No. 2023.07.12-008]**

(a) Is consistent with the Master Plan.

(b) Is ~~not incompatible~~compatible with the land uses on neighboring ~~LOTs~~ ~~(eg~~lots (e.g., a multifamily building fits in ~~with~~within 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.

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(d) Any relief sought should not be caused by the additional density.[10]

§ 170-2830. Urban Renewal District.

The regulatory provisions contained in the so-called "Land Use Provisions and Building Requirements" for the Downtown Dover Urban Renewal Project No. 1 shall apply to the project area, as approved by the Dover City Council.

§ 170-28.131. Riverfront Residential Overlay District. [Amended on 02-17-99 by Ord. No. 25-98.]

A. Purpose. The purpose of this section is to promote the public health, safety and general welfare by protecting the shorelands which are valuable and fragile natural resources essential to maintain the integrity of public waters. By adopting this section, the City is striving to avoid uncoordinated, unplanned and piecemeal development of shorelands which could significantly impact public waters.

B. Location of Districtdistrict. The Riverfront Residential Overlay District is an overlay district that includes all land located within two hundred and fifty (250) feet of the reference line (as defined by RSA 483-B:4—, XVII) of any tidal water body or tidal river in a Single Family Residential Districtsingle-family residential district (R-12, R-20, and R-40).

C. Minimum LOT Size Requirement.lot size requirement. The minimum LOTlot size for a LOTlot within the Riverfront Residential Overlay District shall be three times the minimum LOT lot size required by Section C. § 170-12—, Applicability of Table of Dimensional Regulations by District, for the underlying zoning district, but land classified as wetlands can be included for up to fifty percent (50%)% of the minimum LOTlot area required in this district.

D. Minimum Shoreland FRONTAGE Requirement.shoreland frontage requirement. Any new LOTlot created within the district shall provide a minimum of one hundred fifty (150) feet of river shoreland FRONTAGEfrontage per DWELLING UNITdwelling unit for LOTslots dependent on septic systems and a minimum of one hundred (100) feet of river shoreland FRONTAGEfrontage per DWELLING UNITdwelling unit for LOTslots served by municipal sewer.

E. Existing LOTslots. Existing LOTslots of record are exempt from the provisions of this Chaptersection. Only LOTslots subdivided after the posting of this Chaptersection shall be subject to its provisions.

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F. Other ~~Provisions~~provisions. Reference is hereby made to RSA 483-B, the Comprehensive Shoreland Protection Act, the provisions of which apply. It is intended that the more restrictive law shall apply. In all cases where the Riverfront Residential Overlay District is overlain over other local zoning districts, the more restrictive regulations shall apply.

§ 170-~~28.2~~32. Residential-Commercial Mixed-Use (RCM) Overlay District. [Amended ~~on 01~~7-22-~~2003 by Ord.35-02; Amended on 05-17-2006 by Ord. No. 03-06; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 09-13-2013 by Ord. No. 2013.08.14-12, Amended on 07-22-~~2020 by Ord. No. 2020.07.08-006~~, Amended on 07~~; 7-22-2020 by Ord. No. 2020.07.08-007~~, Amended on 08-09-2024 by Ord. No.~~]~~ ~~2023.07.12-008]~~

A. Purpose and ~~Intent~~intent.

10. Editor's Note: Original § 170-27.2H of the 2013 Code, Conditional uses, which immediately followed this subsection, was repealed 8-22-2018 by Ord. No. 2018.08.08-009.

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(1) The Residential-Commercial Mixed-Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the PLANNING BOARD Planning Board shall have granted a Conditional Useconditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a Development Plandevelopment plan basis which allows flexibility in internal road design, with reduced dwelling LOTlot sizes and modified dimensional requirements.

(2) The mixed residential and commercial uses are intended to be complementary ofto one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote OPEN SPACEopen space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing outside the traditional residential developments.

B. Conditional Use Permituse permit.

(1) Conditional use approval may be granted by the PLANNING BOARDPlanning Board (RSA 674:21, II) after proper public notice and public hearing, provided that the proposed project complies with the following standards:

(a) The APPLICANTapplicant demonstrates that the development complies with the design guidelines that are outlined in Chapter 149-14.2,§ 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.

(b) The APPLICANTapplicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.

(c) The APPLICANTapplicant shall submit a Fiscal Impact Analysisfiscal impact analysis as defined in Chapter 155.22.C § 157-21C(1)(b) of the Land Subdivision of LandRegulations. The Analysisanalysis shall demonstrate that the project is at least a cost-neutral project for the City at present and ten10 years from the occupation.

(2) Conditional use approval shall be subject to a formal agreement between the

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~~PLANNING BOARD~~Planning Board and the ~~APPLICANT~~applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds.

~~C.~~ Location

C. . The Residential-Commercial Mixed- Use Overlay District shall include any parcel located within the CM, IT or R-40 ~~zone,~~Zone which is greater than 20 acres, and served by public water and sanitary sewer. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006; amended 8-9-2023 by Ord. No. 2023.07.12-008]**

D. Permitted ~~Uses~~uses. The following uses are permitted:

(1) Principal ~~Uses~~uses.

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(a) Housing:

[1] S I N G L E - F A M I L Y D W E L L I N G

Including

[1] Single-family dwelling, including the use of MANUFACTURED HOUSING

[2] manufactured housing. [2] Two-family dwelling.

[3] [3] Three- to Four-four-family dwelling. [4]MULTI-FAMILY DWELLING

Multifamily dwelling.

[5]MANUFACTURED HOUSING PARKS Manufactured housing parks (permitted outright without a special exception)).

(b) Public and private utilities.

(c) Non-ResidentialNonresidential uses as allowed as follows:

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~~DOVER CODE~~

~~[1]~~[1] Any use allowed in the underlying zone

~~[2]~~ . [2] Barber or ~~Beauty Shop~~beauty shop.

~~[3]~~ [3] Bank.

~~[4]~~ [4] Eating/~~Drinking Establishments~~drinking establishments (no ~~Drive thru Service)~~drive-through service).

[5] Bed-and-breakfast.

~~[5] BED AND BREAKFAST~~

~~[6] OFFICE~~

[6] Office.

~~[7]~~ [7] Retail store.

~~[8]~~ [8] Theater.

~~[9] ADULT DAY CARE~~

~~NURSING HOMEs~~[9] Adult day care.

~~[10]~~ [10] Nursing homes at a density of one bedroom per ~~seventy-five-hundred (~~7,500~~)~~ square feet of land.

~~[11]~~ ~~CONGREGATE CARE FACILITIES~~[11] Congregate care facilities at a density of one unit per ~~seventy-five-hundred (~~7,500~~)~~ square feet of land.

~~[12]~~ [12] Other uses compatible with housing may be approved via ~~Conditional Use~~conditional use, using the criteria in § 170-~~20-B~~20B(2).

~~[13]~~ ~~Non-residential~~[13] Nonresidential uses in existence at the adoption of this ~~ordinance~~section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

~~(2) ACCESSORY USEs~~

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(2) Accessory uses.

(a) Recreational facilities.

~~(b) "~~Community ~~BUILDING~~

(b) ~~Defined~~building," defined as ~~"A BUILDING~~a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development~~".~~.

(c) Maintenance ~~BUILDINGS~~buildings.

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(d) Rental and sales ~~OFFICES~~offices.

E. Procedural ~~Concepts~~concepts.

~~(1)~~ The developer shall prepare a ~~Development Plan~~development plan, which locates the proposed types of ~~non-residential~~nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership~~,~~ but shall be treated as one development and shall be bound by the approval granted for the entire ~~Development Plan.~~development plan. If approval is granted, individual ~~LOTs~~lots must be developed as part of the larger ~~Development Plan~~development plan and phasing outlined below, and not separately. The ~~Development Plan~~development plan must identify the percentage of the ~~non-residential~~nonresidential uses, residential uses and ~~OPEN SPACE. Non-residential~~ open space. Nonresidential and/or mixed~~-~~use uses must comprise at least ~~fifty-five percent (~~55~~%)~~% of the total proposed ~~FLOOR AREA~~floor area for the development; residential uses must not exceed ~~forty-five percent (~~45~~%)~~% of the total proposed ~~FLOOR AREA~~floor area for the development. Nonresidential uses within projects located in

(1) the CM ~~district~~District must be 90% manufacturing and assembly in nature. A ~~BUILDING~~building shall be considered "~~"~~mixed~~-~~use~~","~~ provided that at least 50% of the ~~FLOOR AREA~~floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the ~~BUILDING~~building and extends the length of the ~~BUILDING façade.~~building facade. Residential ~~ACCESSORY USES~~accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed~~-use BUILDING.~~-use building. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(2) A minimum of ~~twenty percent (~~20~~%)~~% of the area of the original tract shall be reserved as ~~OPEN SPACE~~open space and identified as such on the ~~Development Plan.~~development plan. Fifty percent ~~(50%)~~ of the required ~~OPEN SPACE~~open space (as defined in ~~Chapter 155~~§ 157-60) must be usable uplands and reasonably accessible to all property owners or lessees in the project. Any ~~OPEN SPACE~~open space provided above ~~twenty percent (~~20~~%)~~% may be mixed unsuitable ~~development~~ areas and upland. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

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(3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in ~~Chapter 155~~§ 157-60~~, Subdivision of Land~~) applied to the ~~Development LOT~~development lot and not individually to the ~~Internal Dwelling LOTs~~internal dwelling lots.

~~(4)~~ For residential development that includes single-family homes ~~over1~~over 1,001 square feet of total living area, ~~,~~or three ~~(3)~~ to four ~~(4)~~ family, density shall be based upon calculating one

(4) ~~(1)~~ unit per ~~forty thousand (~~40,000~~)~~ square feet of ~~CONTIGUOUS~~contiguous upland, and using ~~one hundred fifty (~~150~~)~~ feet of ~~FRONTAGE~~frontage on a public roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

(5) For single-family residential homes 1,000 or less square feet of total living area, development, two-family dwellings, or ~~MULTI-FAMILY DWELLINGS~~multifamily dwellings, density shall be based upon calculating one unit per ~~ten thousand (~~10,000~~)~~ square feet of ~~CONTIGUOUS~~contiguous upland, and using ~~one hundred (~~100~~)~~ feet of ~~FRONTAGE~~frontage on a public ~~a~~ roadway. **[Amended 10-13-2021 by Ord. No. 2021.09.08-006]**

~~a.~~(a) If units 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, there shall be no density for said unit(s).

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(6) The ~~Development Plan~~development plan may be phased for a term of five ~~(5)~~ years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with ~~Section 170-~~Subsection A. For the purposes of this section, development shall include:

~~28.2.A. For the purposes of this section, development shall include:~~

~~(a) construction of STRUCTUREs;~~

(a) ~~environmental~~Construction of structures;

(b) Environmental remediation;

(c) ~~site~~Site preparation or demolition;

(d) ~~roadway~~Roadway, utility or recreation and common area design and construction; and

(e) ~~bonding~~Bonding or other security for site development.

(7) The phasing plan shall provide that no more than ~~fifty percent (~~50~~%)~~% of the residential development may be occupied prior to completion of between ~~twenty-five percent (~~25~~%)~~% and ~~fifty percent (~~50~~%)~~% of the ~~non-residential STRUCTUREs~~nonresidential structures, as negotiated between the ~~PLANNING BOARD~~Planning Board and the ~~Developer~~developer, and included in the ~~Conditional Use Approval~~conditional use approval.

(8) Provided that the developer is making reasonable efforts to develop the site, the ~~PLANNING BOARD~~Planning Board may extend the initial five ~~(5)~~ -year phasing period, provided a request for extension is submitted before the expiration of the initial five ~~(5)~~ -year phasing term.

(9) Residential ~~Development Plan Guidelines~~development plan guidelines.

(a) The developer shall be permitted to allocate permitted density among ~~Internal Dwelling LOTs~~internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the ~~Development LOT~~development lot or ~~Legal LOT~~legal lot, unless the additional density is derived from ~~the Transfer of Development Rights Ordinance. Layouts may include individual LOTs or a cluster of units without LOT LINEs.~~ § 170-29, Transfer of development rights. Layouts may include individual lots or a cluster of units without lot lines.

(b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, ~~BUILDING~~building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external ~~STREETs~~streets shall be preserved as much as possible.

(c) Where possible, it is desirable and encouraged to mix residential and ~~non-~~

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~~residential~~nonresidential uses. This may be achieved through situating the ~~BUILDINGS~~buildings close to each other, or though allowing ~~STRUCTURES~~structures to house residential~~—~~, preferably on the second or above floor, with ~~non-residential~~nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses.

(d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include ~~STRUCTURES~~structures with peaked roofs~~,~~ and architectural shingles. The guidelines for this development are included in Chapter ~~149, Section 14.2,~~ 153, Site Review Regulations~~.~~ § 153-16.

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(e) All MANUFACTURED HOMESmanufactured homes shall adhere to the standards outlined in Chapter 126, MANUFACTURED HOME PARKS101, Manufactured Home Parks, with the exception of Sections 126§§ 101-3, 126101-4, 126101-5, 126101-6, and 126-7.H101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this Overlay Districtoverlay district and the provisions of Chapter 126, "MANUFACTURED HOME PARKS",101, Manufactured Home Parks, the provisions of the Overlay Districtoverlay district shall apply.

(10) Nonresidential Development Plan Guidelinesdevelopment plan guidelines.

(a) The general character of the nonresidential STRUCTURESstructures within the development LOTlot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, façadefacade treatment, and SIGNAGEsignage.

(b) The guidelines for this development are included in Chapter 149, section 14.2, 153, Site Review Regulations, § 153-16.

F. Standards and Regulationsregulations.

(1) Internal Roads

(1) roads. As part of the approval of the Conditional Useconditional use permit, the PLANNING BOARDPlanning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the STREETstreet design criteria laid out in the Code:.

(a) Minimum Internal R.O.Winternal right-of-way.

[1] [1] Maximum residential: 35 feet.

[2] [2] Maximum non-residential: nonresidential: 50 feet.

(b) Minimum Pavement Widthpavement width.

[1] [1] Minimum residential: 20 feet.

[2] [2] Minimum non-residential: nonresidential: 28 feet.

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~~[3]~~ [3] Minimum ~~SIDEWALK~~sidewalk pavement width: ~~5~~ five feet.

~~[4]~~ [4] Minimum bike/Segway~~/golfcart~~®/golf cart path width: ~~5~~ five feet.

(c) Minimum ~~Tangent Length~~tangent length at ~~Intersections =~~ intersections: 75 feet.

(d) Maximum ~~STREET~~street angle at ~~Intersections =~~intersections: 60 ~~degrees~~°.

(e) Minimum ~~centerline~~center-line radius ~~=~~ : 100 feet.

(f) Minimum ~~Tangent Length~~tangent length between reverse curves ~~=~~ : 50 feet.

(2) Dimensional ~~Requirements~~requirements.

~~(a) Non-residential/Mixed-Use BUILDINGs~~

(a) Nonresidential/mixed-use buildings.

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[1] Minimum ~~STRUCTURE SETBACK~~structure setback from external ~~LOT LINE~~lot line: 50 feet. Expanding existing ~~non-residential~~nonresidential uses are not held to this ~~SETBACK~~setback.

~~[1]~~ [2] Minimum ~~STRUCTURE SETBACK~~structure setback from external ~~ROW:~~ right-of-way: 50 feet

~~[2]~~ [3] Maximum ~~non-residential BUILDING HEIGHT:~~ nonresidential building height: 55 feet.

~~[3]~~ [4] For all other dimensional requirements for ~~non-residential STRUCTURES~~nonresidential structures and parking ~~SETBACKS~~setbacks refer to the underlying zone.

(b) Residential ~~Dwellings:~~dwellings.

[1] [1] Minimum ~~STRUCTURE~~ structure and parking ~~SETBACK~~ setback from external ~~LOT LINE:~~ lot line: 50 feet.

~~[1]~~ [2] Minimum ~~STRUCTURE~~structure and parking ~~SETBACK~~setback from external row: 100 feet. [3] Maximum residential building height: 35 feet.

~~from external ROW: 100 feet~~

~~[3] Maximum residential BUILDING HEIGHT: 35 feet~~

~~[4] Minimum FRONTAGE on internal road: 40 feet~~

~~[5] Minimum SETBACKs:~~

~~a. FRONT YARD SETBACKs: 20 feet~~

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~~b. Distance between BUILDINGS:~~ ~~24 feet~~

[4] Minimum frontage on [illegible] road: 40 feet.

[5] Minimum setbacks:

[a] Front yard setbacks: 20 feet.

[b] Distance between buildings: 24 feet.

(c) There shall be no minimum lot size or frontage for internal lots created.

(3) Parking.

(a) All ~~DWELLING UNITS~~dwelling units shall require two independently accessible ~~PARKING SPACES~~parking spaces per unit, except that the ~~CONGREGATE CARE~~congregate-care and ~~NURSING HOME~~nursing-home requirements shall be as otherwise defined by ~~the Zoning Chapter. Non-residential~~this chapter. Nonresidential uses shall comply with parking requirements defined by ~~the Zoning Chapter~~this chapter.

(b) Overnight parking shall not be permitted on internal roadways.

(c) Parking shall be utilized and available to all components of the ~~Development Plan~~development plan, through the recording of access and parking easements.

§ 170-~~28.3~~33. Groundwater ~~Protection.~~ ~~[Amended on 6-12-85 by Ord. No. 7-85; Amended on 1-30-88 by Ord. No. 24-88; Amended on 02-17-99 by Ord. No. 25-98; 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.]~~ protection.

A. Purpose. The purpose of this ~~Section~~section is to promote the public health, safety and general welfare by protecting and preserving the quality of existing and future groundwater supplies from adverse or detrimental land use, development or activities.

B. Location. These regulations shall apply to all lands within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones.~~secondary groundwater protection zones. The boundaries of the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones are depicted on maps ~~entitled~~titled "Groundwater Protection Zones," dated October 6, 1998. These maps shall be on file at the Planning and Community Development Department and the City Clerk's ~~Office.~~office. **[Amended 7-22- 2020 by Ord. No. 2020.07.08-006]**

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C. Applicability.

(1) All land use activities and development conducted within the ~~Primary~~primary or ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones shall be regulated by the standards established herein.

(2) The standards established herein shall constitute the rules of an overlay zone 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 ordinance or regulation, the more restrictive requirement shall control.

(3) Pursuant to New Hampshire ~~Code of Administration~~Administrative Rules Part Env-Wq 401, land use activities within a ~~four-hundred~~400-foot radius of a municipal well, the ~~Primary Groundwater Protection Zone~~primary groundwater protection zone, shall be subjected to more restrictive standards than the balance of the ~~Groundwater Protection Zones.~~groundwater protection zones. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(4) Any ~~NONCONFORMING USE~~nonconforming use may continue, and may be maintained and repaired, unless such use is determined to be an imminent hazard to public health and safety by the City Council or the Health Officer.

D. Standards and regulations.

(1) The following land uses are allowed in the ~~Primary Groundwater Protection Zones.~~primary groundwater protection zones. All other land uses are prohibited~~:~~.

(a) Construction, operation, and maintenance of wells, dams and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not used or stored within said zone.

(d) Maintenance and repair of any existing ~~STRUCTURE~~structure, provided that there is no increase in the area of impermeable surfaces.

(2) The following land uses are expressly prohibited from the ~~Secondary~~

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~~Groundwater Protection Zones~~secondary groundwater protection zones:

(a) Disposal or storage of solid waste that contains leachable toxic substances, except for temporary storage awaiting removal, provided that it is stored in a manner that avoids leaching and runoff.

(b) Disposal or storage of liquid waste, except for normal sanitary waste disposal from a domestic septic system approved in compliance with New Hampshire Department of Environmental Services (NHDES) Regulations, which may require a groundwater discharge permit under RSA 485-A:13. Land application of wastewater residuals (sewage sludge) subject to regulation under NHDES Rules Env-Wq 800- to 811 is prohibited.

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(c) All on-site handling, disposal, storage or recycling of solid or liquid waste and hazardous or toxic materials, as defined in RSA ~~174A~~147-A, except for the temporary storage of such materials when they are incidental to or ~~byproducts~~by-products of a manufacturing process. Such materials are to be stored and removed in accordance with Chapter ~~149~~153, Site Review Regulations, and other applicable state and federal regulations.

(d) ~~JUNKYARD~~ Junkyard or salvage yard.

(e) Motor vehicle service or repair shops, except as a customary ~~ACCESSORY USE~~accessory use designed to provide routine service to the vehicles operated by the principal use.

(f) Storage of petroleum or related products, exempting such products when they are a part of Subsection D.~~((2)~~(c) or (e) above and exempting normal heating oil. Notwithstanding, the facilities for storing and handling such products shall be designed to avoid groundwater contamination and shall be proposed for review and approval prior to construction.

(g) Storage of road salt and other deicers, except in a shelter constructed to avoid leaching and runoff for use on-site.

(h) The dumping of snow containing road salt or other deicers brought in from outside the ~~Groundwater Protection Zone~~groundwater protection zone.

(i) Industrial uses that discharge contaminated wastewater on-site.

(j) Animal feedlots.

(k) Commercial storage of manure, fertilizers, herbicides, pesticides or other leachables, except for the temporary storage of such material when it is incidental to the principal use and stored in a manner that avoids leaching and runoff.

(l) The use of wood piling treated with creosote or other preservative.

(3) The following land uses are allowed in the ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones only if the ~~PLANNING BOARD~~Planning Board approves a ~~Conditional Use Permit~~conditional use permit for the specific use per ~~Chapter 170-28.~~Subsection E.~~((~~4):

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(a) General service and repair shops, including, but not limited to~~:~~, furniture stripping, painting, and refinishing; photographic processing; printing; appliance and small engine repair; boat repair, service and refinishing; and refrigeration, heating, ventilating and air-conditioning shops.

(b) Metalworking shops, including, but not limited to~~:~~, machine shops; metal plating shops; heat-treating shops; smelting shops; and jewelry-making shops.

(c) Manufacturing facilities, including, but not limited to~~:~~, electronics and chemical manufacturing, processing, and ~~RECLAMATION~~reclamation; paper, leather, plastic, fiberglass, rubber, silicon and glass making; pharmaceutical-

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~~(c)~~production; pesticide manufacturing; and chemical preservation of wood and wood products.

(d) Laboratories and professional medical ~~OFFICES~~offices, including, but not limited to~~:~~, medical, dental, and veterinary ~~OFFICES~~offices; and research and analytical laboratories.

(e) Cleaning services, including, but not limited to~~:~~, dry cleaner; laundromats; beauty salons; and car washes.

(4) The following land uses are allowed in the ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones:

(a) Construction, operation and maintenance of wells, dams, and water conservation apparatus.

(b) Conservation, education and recreational activities which do not cause erosion or necessitate the application of chemicals.

(c) Forestry and agricultural uses, provided that fertilizers, herbicides, pesticides, manure and other leachables are not commercially stored within said zone.

(d) All land ~~use~~uses permitted in the applicable underlying zoning district, provided that they are not expressly prohibited in Subsection D.~~(~~(2) or (3) above.

~~(5)~~ In soils that are excessively drained, well-drained, moderately well-drained or somewhat poorly drained, as defined by a site specific soil survey completed in accordance with the standards of the Society of Soil Scientists of Northern New England, the development shall not make impervious to water more than ~~twenty percent (20%)~~% of the area of said soils except as provided for below. Any development in the ~~Secondary Groundwater Protection Zone~~secondary groundwater protection zone that proposes a total impervious surface greater than ~~twenty percent (20%)~~% shall only be permitted if the ~~PLANNING BOARD~~Planning Board grants a ~~Conditional Use Permit,~~conditional use permit per ~~Chapter 170-28.~~Subsection E

(4) In reviewing a ~~Conditional Use Permit~~conditional use permit application filed under this provision, the ~~PLANNING BOARD~~Planning Board shall require that the proposed development plan incorporates a stormwater drainage plan, approved by the ~~PLANNING BOARD~~Planning Board and prepared by a professional engineer certified to practice in the State of New Hampshire. The plan shall provide for the retention and percolation within the ~~Secondary~~

(5) ~~Groundwater Protection Zone~~secondary groundwater protection zone of all

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development-generated stormwater runoff from a ten ~~(10)~~ year storm. Furthermore, the stormwater drainage plan shall provide for the removal of oil and gasoline from parking ~~LOT~~lot runoff by use of treatment swales, oil/gas separators or other device, prior to retention and percolation of the runoff.

(6) In addition to standards and requirements contained in other ordinances and regulations, a proposed site plan and ~~BUILDING~~building permit application shall be accompanied by a report that specifies the amount and composition of industrial or commercial waste that will be generated on site and details the proposed method for disposal of such waste outside of the ~~Groundwater Protection Zones~~groundwater protection zones.

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(7) A hydrogeologic study may be required by the ~~PLANNING BOARD~~Planning Board to investigate the impacts a proposed development or land use activity will have on an existing or future groundwater supply. A qualified professional hydrologist or geologist shall be chosen from a list of such professionals provided by the City of Dover, and the ~~APPLICANT~~applicant shall pay any costs incurred.

E. Administration.

(1) Development or land use activities proposed within the ~~Groundwater Protection Zones~~groundwater protection zones that require subdivision or site plan approval from the ~~PLANNING BOARD~~Planning Board also shall be reviewed by the Dover Conservation Commission. The ~~PLANNING BOARD~~Planning Board and Conservation Commission shall verify that the proposed activity will comply with this ~~Chapter~~chapter before the ~~PLANNING BOARD~~Planning Board grants approval.

(2) The Building Inspector shall not issue a ~~BUILDING~~building permit for development or land use activities until such time as he verifies with the Zoning Administrator that the proposed development will comply with the provisions and standards established herein. The Building Inspector may consult with the Conservation Commission or Planning and Community Development Department as he deems necessary. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(3) Land use activities that do not require ~~PLANNING BOARD~~Planning Board approval or ~~BUILDING~~building permits are also subject to the requirements and standards established herein.

(4) Conditional use permits. The ~~PLANNING BOARD~~Planning Board, after receiving a recommendation from the Conservation Commission, may vary the provisions herein by granting a conditional use permit in accordance with RSA 674:21. Along with the conditional use permit application, the ~~APPLICANT~~applicant shall submit expert technical information from a professional engineer, hydrologist or geologist that documents that the requested relief is consistent with the stated purpose and intent of this ~~Chapter~~chapter. Such technical information shall include an environmental protection plan consistent with the regulated substance management requirements of the ~~NHDES's, "~~"New Hampshire Department of Environmental Services Best Management Practices for Groundwater ~~Source~~ Protection~~"~~" (Part Env-Wq 401). Said plan shall also include provisions for routine monitoring and reporting of environmental protection activities to be reported to the City of Dover. Any cost incurred by the ~~city~~City in reviewing the groundwater protection information shall be paid by the ~~APPLICANT~~applicant for the conditional use application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

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F. Performance ~~Standards~~standards.

~~(1)~~ Applicability. Within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones, the following performance standards shall apply to

~~(a)~~ all new ~~non-residential~~nonresidential and ~~multi-family~~multifamily development,

~~(b) Expansion~~ expansion of ~~pre-existing non-residential~~preexisting nonresidential and ~~multi-family~~multifamily developments that ~~expands~~expand the ~~LOT COVERAGE~~lot coverage of the existing ~~STRUCTURE~~structure(s) by more than ~~twenty percent (~~20~~%),~~% and

~~(c)~~(1) all subdivisions of four or more new ~~LOTs~~lots;

~~(i)~~(a) Post-development infiltration volumes shall be no greater than ~~pre-development~~predevelopment volumes as determined by use of the Development Review Model described in ~~Section~~Subsection G, below.

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~~(ii)~~(b) Stormwater shall be treated by use of a stormwater treatment system designed to remove no less than ~~eighty percent (~~80~~%)~~% of the annual load of total suspended solids. The removal rate shall be accomplished using best management practices installed in advance of the final infiltration system.

~~(iii)~~ No stormwater infiltration system shall be located within the ~~two hundred~~

(c) ~~(~~200~~)~~ day travel time of an existing or proposed municipal well as depicted on the map referenced in ~~Section 170-28.3.~~Subsection B, above. In absence of a defined ~~two hundred (~~200~~)~~ day travel time radius, the ~~APPLICANT~~applicant shall submit a technical evaluation from a professional engineer, hydrologist or geologist that documents that the proposed discharge is consistent with the stated purpose and intent of this requirement.

(2) Specific ~~Requirements~~requirements. Within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones, the following performance standards shall apply to specific activities which may impact the groundwater quality:

(a) Sand and gravel extraction operations shall not excavate below an elevation four ~~(4)~~ feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two ~~(2)~~ weeks prior to the date of measurement. The operator of the sand and gravel extraction operation shall prepare for the City an annual report documenting compliance with the requirements of this section. Pursuant to RSA 155-E:11, II, the requirements of this ~~section~~subsection may be waived if the ~~APPLICANT~~applicant demonstrates that such ~~EXCAVATION~~excavation will not adversely affect water quality and that written notice of such exception shall be recorded in the Registry of Deeds, and one copy filed with the ~~NH~~New Hampshire Department of Environmental Services.

(b) Pursuant to Chapter ~~109-27~~81, Fire Prevention and Life Safety, § 81-24, on-~~premise~~ premises use of heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, "Installation of Oil-Burning Equipment". **[Amended 7-22-2020 by Ord. No. 2020.07.08- 006]**

~~G.~~ Development ~~Review~~

G. review. All developments to which ~~Section~~Subsection F, Performance ~~Standards~~standards, above, applies shall complete the calculations as specified in the Development Review Model, or a performance equivalent, incorporated herein by

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reference. A copy of this model shall be on file at the Planning and Community Development Department and the City ~~Clerk's Office.~~Clerk's office. The Building Inspector shall withhold a ~~BUILDING~~building permit until such time as he/she verifies that the proposed development will comply with the infiltration and nitrogen maximums set forth in Table 1, Sections A and B, of said Development Review Model. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-~~28.4~~34. Scenic Road Overlay District. ~~[Amended on 01-22-2003 by Ord. No. 35-02.]~~

A. Purpose. The purpose of this section is to promote the protection of natural woodlands located adjacent to the public ~~right~~rights-of-~~ways~~way of scenic roads as designated by the Dover City Council per the authority granted by Chapter ~~143~~117, Scenic Roads. By adopting this ~~section, the City is striving to maintain the scenic qualities of scenic~~

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section, the City is striving to maintain the scenic qualities of scenic roads both within the public right-of-way and in the privately- owned land adjacent to the scenic roads.

B. Location of ~~District~~district. The Scenic Road Overlay District is an overlay district that includes all land located within ~~twenty-five (~~25~~)~~ feet of the right-of-way of a scenic road, as designated by the City Council. At present, the following roads have been designated as scenic roads: Old Garrison Road, David Tuttle Road and Rochester Neck Road.

C. Buffer ~~Requirements~~requirements. Within the Scenic Road Overlay District, the natural vegetative buffer, existing at the time of the adoption of this section, shall be maintained and preserved in its natural state, except as provided below:

(1) The removal of damaged, diseased or unsafe vegetation is permitted within the overlay district upon the approval of the City Arborist.

(2) The clearing of vegetation necessary for the construction of a driveway for access to a ~~LOT~~lot is permitted. Such driveway shall be designed to minimize the amount of clearing of vegetation necessary.

(3) The clearing of vegetation for agricultural uses, as defined by RSA 21:34-a, is permitted.

D. Compliance with ~~Other Requirements~~other requirements. Nothing in this section shall relieve the property owner from complying with the provisions of Chapter ~~143~~117, Scenic Roads.

§ 170-~~28.5~~35. Hazardous Waste Landfill District I. ~~[Amended on 5-13-87 by Ord. No. 9-87.]~~

A. Purpose. In the interest of responsible planning, public safety and concern for the general welfare of the citizens of Dover, the regulations of this district are designed to alert the public and prohibit development activities in areas potentially affected by the storage of hazardous waste until such time as a final cleanup and proper closure of the site can be completed.

B. Location. The Hazardous Waste Landfill District I is hereby to consist of those City-owned ~~LOTs~~lots shown on the City of Dover's Assessor's Map C, ~~LOT~~Lot Nos. 16, 18 and 24.

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C. Hazardous Waste Landfill District I criteria. All applications for further development, residential or commercial or industrial, in areas heretofore specified must contain a notation on the ~~PLAT~~plat, site plan and application stating that the development site is within the Hazardous Waste Landfill District.

ARTICLE ~~VIX EXCAVATIONS~~IX

~~[Amended on 6-10-87 by Ord. No. 13-87; Amended on 09-17-2003 by Ord. No. 18-03.]~~

Excavations

§ 170-~~29~~36. Authority.

RSA 155-E stipulates that, with some exceptions, all ~~EARTH EXCAVATIONS~~earth excavations in the ~~State~~state are subject to regulation from the local municipality in which the operation occurs.

Pursuant to the authority vested in the ~~PLANNING BOARD~~Planning Board by the Code and RSA 155-E, the City adopts the following regulations to govern the ~~EXCAVATION~~excavation of ~~EARTH~~earth materials in the City of Dover.

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§ 170-37. Purpose and ~~Intent~~intent.

The goals of this regulation are to~~:~~ provide for reasonable opportunities for ~~EXCAVATION~~excavation; minimize safety hazards which can be created by open ~~EXCAVATIONs~~excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the City. For the purpose of achieving these goals, no ~~EARTH~~earth materials in the City shall be removed except in conformance with these regulations.

§ 170-~~29.2. Reserved.~~

~~170-29.3~~38. Applicability.

A. Projects ~~Requiring~~requiring a ~~Permit~~permit:

(1) Those that commenced operations since August 24, 1979, without first obtaining a permit, unless specifically exempted by ~~Section 170-29.3.~~Subsection B below.

(2) Any ~~EXCAVATION~~excavation proposing to begin operation after the effective date of these regulations.

(3) Those that have lawfully operated prior to August 24, 1979, and wish to expand the ~~EXCAVATION AREA~~excavation area.

(4) Those ~~EXCAVATIONs~~excavations from an area that on August 4, 1989, was ~~CONTIGUOUS~~contiguous to or was ~~CONTIGUOUS~~contiguous land in common ownership with stationary manufacturing and processing plants that were in operation as of August 24, 1979, and wish to expand.

B. Projects ~~Exempt From~~exempt from a ~~Permit~~permit.

(1) The following projects do not require a permit, but are nevertheless subject to ~~Sections~~

~~(1)~~ §§ 170-~~29.7~~42, 170-~~29.8~~43, and 170-~~29.9~~44. In the event of a question regarding compliance, the ~~PLANNING BOARD~~Planning Board may require the owner/operator to come before the ~~PLANNING BOARD~~Planning Board and submit such information as may be necessary to demonstrate compliance with said standards.

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(a) ~~EXISTING EXCAVATIONs~~Existing excavations that lawfully existed as of August 24, 1979, from which ~~EARTH~~earth materials of sufficient weight and volume to be commercially useful ~~has~~have been removed during the two ~~(2)~~ year period before August 24, 1979, provided that:

~~(i)~~ [1] At the time operation began, it was in compliance with any local ordinances that may have been in effect;

~~(ii)~~ [2] The owner or operator of such an ~~EXCAVATION AREA~~excavation area shall have filed an ~~EXCAVATION~~excavation report per RSA 155-E:2, I—(d) with the ~~PLANNING BOARD~~Planning Board no later than August 4, 1991. Any ~~EXISTING EXCAVATION~~existing excavation that failed to file this report shall no longer be considered to be grandfathered and must obtain a permit from the ~~PLANNING BOARD~~Planning Board before continuing ~~EXCAVATION~~excavation of the site.

(2) The following projects do not require a permit, but are nevertheless subject to ~~Sections~~

~~(2)~~ §§ 170-~~29.7~~42, 170-~~29.8~~43, and 170-~~29.9~~44 of these regulations. Compliance with these standards is mandatory in order to retain the non-permit status. Loss of such non-~~permit status can occur only after the PLANNING BOARD has given written notice that the EXCAVATION is not in compliance and the owner has failed to bring it into compliance within thirty (30) days of receipt of such notice.~~

~~EXCAVATIONs~~

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~~start of EXCAVATION. In addition, the provisions of Section 170-29.5 of this Chapter and the provisions of RSA 155-E:2, IV, (b) and (c) shall be complied with.~~

(3) The following projects are exempt from a permit and are not subject to regulation by the ~~PLANNING BOARD~~Planning Board:

(a) ~~EXCAVATION~~Excavation that is exclusively incidental to the lawful construction or ~~ALTERATIONS~~alterations of a ~~BUILDING~~building or ~~STRUCTURE~~structure, a parking ~~LOT~~lot or way, including a driveway, on a portion of the premises where removal occurs. This ~~EXCAVATION~~excavation cannot be started, however, until all required state and local permits have been issued.

(b) ~~EXCAVATION~~Excavation that is incidental to agricultural or silvicultural activities, normal landscaping or minor topographical adjustment. In the event of questions, the Zoning Administrator shall determine what is incidental in accordance with RSA 21:34-a.

(c) ~~EXCAVATION~~Excavation from a granite quarry for the purpose of producing ~~DIMENSION STONE~~dimension stone, if such ~~EXCAVATION~~excavation requires a permit under RSA 12-E (Mining and ~~RECLAMATION~~Reclamation).

(4) A person owning land abutting a site that was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile ~~EARTH~~earth taken from the construction site and may remove the ~~EARTH~~earth at a later date after written notification to the City Engineer and Zoning Administrator.

§ 170-~~29.4~~39. Abandoned ~~EXCAVATIONS~~excavations.

A. Any ~~EXCAVATION~~excavation, except for those associated with ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants, whether subject to a permit under these regulations or not, for which the affected area has not yet been brought into complete compliance with the ~~RECLAMATION~~reclamation standards of this regulation shall be considered abandoned if:

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(1) No material of sufficient weight or volume to be commercially useful has been removed from the site during any two (2) year period either before, on, or after August 4, 1989. The time period may be extended if, prior to the end of the time period, the PLANNING BOARD Planning Board approves a RECLAMATION reclamation timetable, and a bond or other surety is posted in a form and amount prescribed by the City Engineer sufficient to cover the costs of reclaiming the entire site; however, in no case shall the incremental bond amount be less than two thousand five hundred dollars ($$2,500.00)/ per acre.

(2) The EXCAVATION SITE excavation site is in use and is not an EXCAVATION excavation associated with STATIONARY MANUFACTURING PLANTS stationary manufacturing plants, but either has not been brought into compliance with the incremental RECLAMATION reclamation standards of this regulation, or a bond has not been posted and the PLANNING BOARD Planning Board has not approved a RECLAMATION reclamation timetable.

(3) The owner or operator of the EXCAVATION excavation has neither secured a permit pursuant to these regulations nor filed an EXCAVATION excavation report with the PLANNING BOARD Planning Board within the prescribed period.

B. In the event the Zoning Administrator determines that any abandoned EXCAVATION excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete RECLAMATION reclamation within a reasonable period of time. Should RECLAMATION reclamation not be completed, the PLANNING BOARD Planning Board may request the City to authorize RECLAMATION reclamation at the City's expense. The City's costs shall constitute an ASSESSMENT assessment against the owner, and shall create a lien against the property on which the EXCAVATION excavation is located. Such ASSESSMENT assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

C. The provisions of 170-29.4. Subsection B above also apply to any EXCAVATION excavation that ceased commercially useful operation prior to August 24, 1977, but for which the affected area has not been brought into compliance with the RECLAMATION reclamation standards, if the Zoning Administrator determines, in writing, that specified RECLAMATION reclamation measures are necessary to eliminate or mitigate an identified hazard to public health or safety.

§ 170-29.540. Prohibited Projects projects.

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The ~~PLANNING BOARD~~Planning Board shall not grant a permit:

~~A.~~ Where the project cannot comply with the requirements of ~~Sections~~§§ 170-~~29.7~~42, 170-

A. ~~29.8~~43, and 170-~~29.9~~ 44.

B. For ~~EXCAVATIONS~~excavations within ~~fifty (~~50~~)~~ feet of the boundary of a disapproving ~~ABUTTER~~abutter or within ~~ten (~~10~~)~~ feet of an approving ~~ABUTTER~~abutter unless approval is requested by said ~~ABUTTER~~abutter.

C. Where the ~~EXCAVATION~~excavation is not permitted by zoning or other applicable ordinances~~,~~; provided, however, that reasonable opportunities for ~~EXCAVATION~~excavation exist in the City, as described in RSA 155-E:~~4~~ III.

D. Where the issuance of the permit would be unduly hazardous or injurious to the public welfare. The Board shall give particular consideration to such factors as noise, traffic, dust, fumes, or danger from operation.

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E. Where existing visual barriers would be removed, except to provide access to the EXCAVATIONexcavation.

F. Where the EXCAVATIONexcavation would substantially damage a known aquifer, as designated by the United States Geological Survey.

G. When the EXCAVATIONexcavation cannot receive required necessary approvals from state or federal agencies, such as ALTERATIONSalterations of Terrainterrain or Wetlandswetlands permits.

§ 170-29.641. Criteria For Non-conforming EXPANSIONSfor nonconforming expansions. [Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]

EXPANSIONExpansion of EXISTING EXCAVATIONSexisting excavations located in an area in which EXCAVATIONSexcavations are no longer permitted by zoning that was in effect on August 4, 1989, may be restricted or modified with conditions by the PLANNING BOARD,Planning Board if, after notice to the owner and a public hearing, the PLANNING BOARDPlanning Board finds that the EXPANSIONexpansion will have a substantially different and adverse impact on the NEIGHBORHOODneighborhood. Impacts will vary depending upon the particular NEIGHBORHOODneighborhood; nevertheless, the following criteria will be taken into consideration:

A. The EXCAVATIONexcavation will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOODneighborhood.

B. The EXCAVATIONexcavation will not create any NUISANCEnuisance or create health or safety hazards.

C. The EXCAVATIONexcavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.

§ 170-29.742. Operational Standards. [Amended on 07-22-2020 by Ord. No. 2020.07.08.006.]standards.

For EXCAVATIONSexcavations not requiring a permit, the following standards apply. For those EXCAVATIONSexcavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARDPlanning Board.

A. No EXCAVATIONexcavation shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTERabutter, within one hundred fifty (150) feet of a dwelling that either existed or for which a BUILDINGbuilding permit has been issued at the time the EXCAVATIONexcavation is commenced.

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B. No ~~EXCAVATION~~excavation shall be permitted below road level within ~~fifty (~~50~~)~~ feet of the right-of-way of any public highway as defined in RSA 229:1 unless such ~~EXCAVATION~~excavation is for the purpose of said highway.

C. Vegetation or suitable ~~BERM~~berm or combination of both shall be maintained or provided within the peripheral areas of ~~items (1)~~Subsections A and ~~(2)~~B of this section.

D. No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with ~~State~~state laws or rules pertaining to the storage of such materials.

E. Where temporary ~~SLOPEs~~slopes will exceed a one-to-one ~~(1:1)~~ grade, a ~~FENCE~~fence or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

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F. Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

G. ~~EXCAVATION~~Excavation practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

H. No ~~EXCAVATION~~excavation shall be permitted within ~~one hundred (~~100~~)~~ feet of any great pond, navigable river, or any other standing body of water ~~ten (~~10~~)~~ acres or more in area, or within ~~fifty (~~50~~)~~ feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than ~~ten (~~10~~)~~ acres, prime wetland as designated in accordance with RSA 482-A: 15, I, or any other wetland area as defined by the Department of Environmental Services (DES) and~~, Chapter~~ § 170~~, Zoning, Article VII, 170-27.1.C~~-28C of this chapter.

I. Sand and gravel extraction operations shall not excavate below an elevation four ~~(4)~~ feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two ~~(2)~~ weeks prior to the date of measurement. Refer to ~~section I.~~ § 170-~~28.3~~33, Groundwater ~~Protection~~protection, for monitoring report requirements.

§ 170-~~29.8~~43. Site ~~RECLAMATION Standards~~reclamation standards.

A. For ~~EXCAVATIONS~~excavations not requiring a permit, the following standards apply. For ~~EXCAVATIONS~~excavations requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the ~~PLANNING BOARD~~Planning Board.

B. Within ~~twelve (~~12~~)~~ months following the expiration date of a permit issued under these regulations, or the completion of any ~~EXCAVATION~~excavation with the exception of agricultural activities, whichever occurs first, the excavated area shall be reclaimed in accordance with the following standards:

(1) Except for exposed rock ledge, all disturbed areas shall be spread with topsoil or any other soil capable of maintaining vegetation, and shall be planted with seedlings or grass suitable to prevent erosion. Areas visible from a public way, from which trees have been removed, shall be replanted with tree seedlings, set out in accordance with acceptable horticultural practices.

(2) All ~~EARTH~~earth and vegetative debris resulting from the ~~EXCAVATION~~excavation shall be removed or otherwise lawfully disposed of.

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(3) All ~~SLOPEs~~slopes, except for exposed ledge, shall be graded to natural repose for the type of soil of which they are composed so as to control erosion or at a ratio of horizontal to vertical proposed by the owner and approved by the ~~PLANNING BOARD.~~Planning Board. Changes of ~~SLOPE~~slope shall not be abrupt~~,~~ but shall blend with the surrounding terrain.

(4) Any standing bodies of water created by the ~~EXCAVATION~~excavation that ~~is~~are judged to constitute a hazard to health and safety shall be eliminated.

(5) The topography of the land shall be left so that water draining from the site leaves the property at the original, natural drainage points and in the natural proportions of flow. For ~~EXCAVATION~~excavation projects requiring a permit from the ~~Division~~Department of Environmental Services, Water ~~Supply and Pollution Control~~Division, the provisions of RSA~~-~~

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~~(5)~~ 485-A:17 shall supersede this regulation. Copies of all local, state and federal required permits shall be filed with the Planning and Community Development Department. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

§ 170-~~29.9~~44. Incremental ~~RECLAMATION~~reclamation.

Except for ~~EXCAVATION SITES~~excavation sites operating ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants, any excavated area of five ~~(5)~~ ~~CONTIGUOUS~~contiguous acres or more which is depleted of commercial ~~EARTH~~earth materials, excluding bedrock, or any ~~EXCAVATION~~excavation operation from which ~~EARTH~~earth materials of sufficient weight or volume to be commercially useful have not been removed for a two ~~(2)~~ year period, shall be reclaimed in accordance with ~~Section~~§ 170-~~29.8.~~43 within ~~twelve (~~12~~)~~ months following such depletion or ~~non-use~~nonuse, regardless of whether other ~~EXCAVATION~~excavation is occurring on adjacent land in ~~CONTIGUOUS~~contiguous ownership. A ~~RECLAMATION~~reclamation plan, including a ~~RECLAMATION~~reclamation timetable for the depleted areas within the ~~RECLAMATION~~reclamation site, shall be submitted to the ~~PLANNING BOARD~~Planning Board for review and approval by each operator, other than the operators of ~~STATIONARY MANUFACTURING PLANTS~~stationary manufacturing plants that are exempt from permit requirements.

§ 170-~~30~~45. Performance ~~Guarantee~~guarantee.

A. Prior to the granting of any permit or to the removal of topsoil or other overburden material from a new area within an ~~EXISTING EXCAVATION SITE~~existing excavation site, the ~~APPLICANT~~applicant shall submit to the Planning and Community Development Department a bond with sufficient surety as determined by the City Engineer. In no case shall the incremental bond amount be less than ~~two thousand five hundred dollars ($2500.00)~~/$2,500 per acre. The purposes of the bond are to guarantee ~~RECLAMATION~~reclamation of the area~~,~~ and compliance with the permit, and to defray costs of any inspections. ~~OFF-SITE IMPROVEMENTS~~Off-site improvements for potential damage of City ~~STREETS~~streets or facilities caused by the transportation of ~~EARTH~~earth materials shall be discussed at this stage. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

B. The surety may be in the form of a performance bond, property escrow, irrevocable letter of credit, or any other form approved by the ~~PLANNING BOARD~~Planning Board. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee ~~RECLAMATION~~reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the City Engineer is satisfied that all conditions of the site ~~RECLAMATION~~reclamation plan have been complied with.

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§ 170-~~30.1~~46. Waivers.

Due to the diverse nature of ~~EXCAVATION~~excavation operations that vary in scale and scope, and due to the varying conditions of the land to be excavated, the ~~PLANNING BOARD~~Planning Board may, upon application and following a duly- noticed hearing, grant any waiver in writing to the standards contained in ~~Sections~~§§ 170-~~29.7~~42, 170-~~29.8~~43, 170-~~29.9~~,44 and 170-~~30.~~45 for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

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§ 170-47. Application ~~Procedures~~procedures.

Prior to the ~~PLANNING BOARD~~Planning Board rendering a decision for an ~~EXCAVATION~~excavation permit, a public hearing shall be held, with due notification of all ~~ABUTTERS~~abutters and the public. The procedure for holding these public hearings is as follows:

A. Filing of the ~~Application~~application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(1) Applications for new ~~EXCAVATION~~excavation permits shall be filed with the Planning and Community Development Department by April ~~1st~~1. Applications to renew ~~EXCAVATION~~excavation permits shall be due by April ~~1st~~1 once every two ~~(2)~~ years. Applications to renew shall be due by April ~~1st~~1 of the renewal year. ~~EXCAVATIONS~~Excavations operating within the ~~Primary~~primary and ~~Secondary Groundwater Protection Zones~~secondary groundwater protection zones must still comply with the annual reporting requirements set forth in ~~Section~~§ 170-~~28.3.F.(~~33F(2)(a).

(2) The application will be reviewed with the ~~APPLICANT~~applicant upon submittal to the Planning and Community Development Department~~,~~ and will be accepted only if it is found to meet all submission requirements for a completed application. The application must be accepted as complete no later than April ~~15th~~15 in order to be scheduled for a public hearing. If the application is not completed by the deadline, then another meeting may be scheduled, but may not be later than the expiration date of the permit. All operations shall cease upon permit expiration until a new hearing is scheduled and a completed application is approved.

B. Board ~~Action~~action on ~~Application~~application.

(1) At the ~~PLANNING BOARD's~~Planning Board's first meeting date in May, the ~~PLANNING BOARD~~Planning Board may vote to accept the application~~,~~ and, if accepted, will schedule a public hearing to be held within ~~thirty (~~30~~)~~ days.

(2) Within ~~twenty (~~20~~)~~ days of the close of the hearing on the application, or any continuation thereof, the ~~PLANNING BOARD~~Planning Board shall make a decision. The Board may, for good cause, with proper notice, accept the application, hold the public hearing, and make a decision during the same meeting. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Planning and Community Development Department within ~~seventy-two (~~72~~)~~ hours. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

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(3) The ~~APPLICANT~~applicant shall receive a written copy of the minutes along with the decision. In the event the application is disapproved, the reasons for the disapproval shall be given.

C. Notices ~~Required~~required for ~~Public Hearing~~public hearing.

(1) All ~~ABUTTERS~~abutters will be notified by ~~Verified Mail~~verified mail, not less than ~~fourteen (~~14~~)~~ days prior to the meeting at which the application will be submitted for acceptance. Names and addresses of ~~ABUTTERS~~abutters must be taken from City records not more than five ~~(5)~~ days before filing the application. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(2) Public notice will appear in a newspaper of general circulation and in at least three public places not less than ~~fourteen (~~14~~)~~ days prior to the meeting.

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(3) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.

D. Fees.

(1) A filing fee as contained within the Fee Schedule plus ABUTTERabutter notification postage shall be paid upon submission of an application, to defray the costs of posting notice for the public hearing. Failure to pay such cost shall constitute grounds for the PLANNING BOARDPlanning Board to not accept the application. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

(2) A permit fee as contained within the Fee Schedule shall be paid upon the issuance of a permit, to defray the costs of permit compliance. **[Amended 9-11- 2019 by Ord. No. 2019.08.28-012]**

(3) A fee payable to the Strafford County Register of Deeds (SCRD) shall be paid upon approval, for the filing of any new plan, if so required by the PLANNING BOARDPlanning Board.

(4) Additional reasonable fees shall be charged should the PLANNING BOARDPlanning Board require the advice of an engineer or other expert to review plans or inspect the site to determine permit compliance.

§ 170-30.348. Application Submission Items. [Amended on 12-09-2009 by Ord. No. 2009.09.09- 15.]submission items.

The APPLICANTapplicant shall submit at least fifteen (15) copies of an EXCAVATIONexcavation and a RECLAMATION Planreclamation plan; one (1) additional copy shall be sent to the Conservation Commission. The plans shall be at a scale appropriate for the land area involved. The PLANNING BOARDPlanning Board may, upon good cause shown, waive any of the items in ParagraphsSubsection A or B below.

A. EXCAVATION Plan

A. Excavation plan. The EXCAVATIONexcavation plan shall address specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety of unauthorized persons. The plan shall show or be accompanied by the following items:

(1) Name and address of the owner, the excavator (if different) and all ABUTTERSabutters.

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(2) Name, address, and ~~Signature~~signature with professional stamp of the person preparing the plan; date, bar scale and ~~north~~North arrow.

(3) Zoning district boundaries of the proposed area and within ~~two hundred (~~200~~)~~ feet of the boundary of the project.

(4) Sketch and description of the location and boundaries of the proposed and any ~~EXISTING EXCAVATIONs;~~existing excavations, including the area in square feet and ~~acre~~acres.

(5) The location of existing ~~BUILDINGs, STRUCTURES~~buildings, structures, septic systems and wells within ~~two hundred (~~200~~)~~ feet of the boundary.

(6) Public ~~STREETs~~streets, driveways, intersections, rights-of-way, and all easements within ~~two hundred (~~200~~)~~ feet; road network to be affected; intended transportation routes to be used.

(7) Topography at contour intervals of five ~~(5)~~ feet or less.

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(8) All surface drainage patterns, including wetlands and standing water.

(9) Sketch and description of existing and proposed access roads, including width and surface materials.

(10) The breadth, depth and ~~SLOPE~~slope of the proposed ~~EXCAVATION~~excavation and the estimated duration of the project.

(11) The elevation of the highest annual average ~~ground water~~groundwater table within or next to the proposed ~~EXCAVATION~~excavation. Refer to ~~Zoning Section~~§ 170-~~28.3.~~33, Groundwater ~~Protection~~protection, for requirements of the annual report documenting compliance with the four-~~(4)~~-foot buffer rule.

(12) Test pits that extend to either the seasonal high-water table, ledge, or a minimum of six ~~(6)~~ feet below the maximum proposed ~~EXCAVATION~~excavation depth, including location and soils data; boring logs may be submitted separately.

(13) Proposed fencing, buffers or other visual barriers, including ~~HEIGHT~~height and materials.

(14) All measures to control erosion, sedimentation, water pollution, air pollution, and any hazards to human safety.

(15) Plans for ~~storm water~~stormwater management.

(16) Plans for storage, use, and disposal of petroleum products and other regulated materials.

(17) Methods to prevent materials from the site from being tracked onto public roadways.

(18) Copies of all necessary state and federal permits.

(19) All infrastructure and topographic information shall be submitted in an electronic format, as well as on paper.

~~B. RECLAMATION Plan~~

B. Reclamation plan. The ~~RECLAMATION~~reclamation plan shall address the effects of the proposed ~~EXCAVATION~~excavation on soil, surface water and groundwater, vegetation,

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overburden, topography, and fill material, and should address future land use consistent with the ~~City's~~City's Master Plan. The plan shall show, or be accompanied by, the following items:

(1) Name, address, and signature with professional stamp of the person preparing the plan; date, bar scale and ~~north~~North arrow.

(2) All boundaries of the area proposed for ~~RECLAMATION~~reclamation and the land within ~~two hundred (~~200~~)~~ feet of the boundary of this site.

(3) Final topography of the area proposed for ~~RECLAMATION~~reclamation, at contour intervals of five ~~(5)~~ feet or less.

(4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.

(5) Timetable as to fully depleted sites within the ~~EXCAVATION AREA~~excavation area.

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(6) Schedule of final RECLAMATIONreclamation activities, including seeding mixtures, cover vegetation, fertilizer types, and application rates.

C. Other Information

C. information. The PLANNING BOARDPlanning Board reserves the right, per RSA 155-E:3, VII, to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency. According to the authority vested in the PLANNING BOARDPlanning Board by RSA 676:4, I-(g), any reasonable expenses incurred for such information or reviews shall be charged to the APPLICANTapplicant. Failure to pay such costs constitutes valid grounds for the PLANNING BOARDPlanning Board to deny the application. The following items shall accompany the application:

(1) An annual report documenting compliance with the requirements of Section§ 170- 28.333, Groundwater Protectionprotection. Pursuant to RSA 155-E:11, the requirements of this section may be waived if the APPLICANTapplicant demonstrates that such exception shall be recorded in the Registry of Deeds, and one copy filed with the NHNew Hampshire Department of Environmental Services.

(2) A written statement from the Tax Collector that all current property and EXCAVATIONexcavation taxes levied against all properties in the operation have been paid in full and that there are no unreleased tax liens encumbering said properties.

(3) A copy of the Noticenotice of Intentintent to Excavateexcavate filed with the Assessor'sAssessor's Office.

(4) A copy of the surety bond or other form of performance guaranty as approved by the PLANNING BOARDPlanning Board.

§ 170-30.449. Administration and Enforcementenforcement.

A. Permits.

(1) Permits shall be issued only to the owner or his agent and shall not be transferable without the prior written consent of the PLANNING BOARD.Planning Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.

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(2) A permit shall be valid for two ~~(2)~~ years, and the expiration date shall be May ~~30th~~30.

(3) Failure to file for a permit shall be considered a violation, and operators who fail to file will be issued a cease and desist order by the Zoning Administrator.

(4) The Board may include in the permit any such reasonable conditions as are consistent with the purpose of these regulations.

(5) All permitted sites shall be inspected once every two ~~(2)~~ years. Inspections by the Zoning Administrator or ~~their~~his designee shall be scheduled in April to coincide with permit renewal applications and in October each year by the Zoning Administrator or his designee. The inspection reports shall be timely submitted to the ~~PLANNING BOARD~~Planning Board for ~~their~~its review.

~~B.~~ Amendments and ~~Renewals~~

B. renewals. Permit holders wishing to ~~ALTER~~alter the size or location of the ~~EXCAVATION~~excavation, the rate of removal or the plan for ~~RECLAMATION~~reclamation shall apply for a renewal or-

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amendment; following the same procedures as those required for the original EXCAVATIONexcavation permit.

C. Inspections

C. . The Zoning Administrator or his designee may make periodic inspections of all EXCAVATION SITEsexcavation sites to determine if the operations are in conformance with these regulations and the approved plans.

D. SUSPENSIONSSuspensions and REVOCATIONS

D. revocations. The Board may suspend or revoke a permit if the Zoning Administrator determines that any provision of the permit has been violated, a material misstatement made in the application upon which a permit was granted, or any unsafe or hazardous conditions are determined by a site inspection to exist. Such SUSPENSIONsuspension or REVOCATIONrevocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations to the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment.

E. Appeals

E. . Any person affected by the PLANNING BOARD'SPlanning Board's decision to approve or disapprove an application or any amendment thereto or any SUSPENSIONsuspension or REVOCATIONrevocation of a permit, may appeal to the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable. The Zoning Board shall either grant or deny the request for rehearing within (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30) days. Any person affected by the Zoning Board'sBoard's decision on a motion orfor rehearing may appeal in accordance with RSA 677:4 to 677:15.

F. Penalties

F. . Fines, penalties and remedies for violations of this regulation shall be the same as for violations of RSA 676:15 and 676:17. Whoever violates any provision of this regulation, a permit or a valid order issued hereunder shall be guilty of a misdemeanor.

170-31. Reserved.

ARTICLE X SIGNS AND FENCES

170-32. SIGN Review and Regulations. [Amended on 3-14-84 by Ord. No. 7-84; Amended on 6-10-87 by Ord. No. 13-87; Amended on 10-26-88 by Ord. No. 18-88; Amended on 08-01-90 by Ord. No. 8-90; Amended on

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~~04-21-93 by Ord. NO. 04-93; Amended on 11-22-95 by Ord. No. 19-95; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 03-21-2007 by Ord. No. 01-07; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 02-22-2012 by Ord. No. 2012.01.25; on 08-~~ Signs and Fences

§ 170-50. Sign review and regulations. [Amended 8-19-2015 by Ord. No. 2015.07.22-017; ~~Amended on 12~~10-26-2016 by Ord. No. 2016.10.12-015; ~~Amended on 07-22-2020 by Ord. No. 2020.07.08.007, Amended on 09-14-2022 by Ord. No 2022.08.10-010., Amended on 08-09-2024 by Ord. No. 2023.07.12-008~~]

~~Purpose.~~ The purpose of this ~~Section~~section is to create a legal framework for ~~SIGNAGE~~signage regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate identification, advertising and communication. While this ~~Section~~section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

A. Permitted ~~SIGNS~~signs. No ~~SIGN~~sign shall be permitted within the City of Dover, except in accordance with the provisions of this ~~Section~~section. See ~~tables~~Tables of Use and Dimensional Regulations by District for overview of permitted ~~SIGNS~~signs.

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B. Permit required. No SIGNsign, other than a residential nameplate or a SIGNsign exempted from the permitting requirements of this Sectionsection as described herein, shall be erected or placed in the City of Dover without a SIGNsign permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGNsign meets all the regulations of this Sectionsection, after the submission of an application and a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGNssigns and support STRUCTURESstructures, where the area, location or materials are being ALTERedaltered, shall require a permit, and such replacement shall conform to the regulations of this Sectionsection.

C. General provisions. All SIGNssigns shall conform to the following regulations:

(1) SIGN Location. SIGNSSign location. Signs shall relate only to the premises upon which they are located, excluding TEMPORARY SIGNstemporary signs as regulated in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(2) All SIGNssigns shall be constructed, erected and maintained so as not to present a hazard to persons and property.

(3) All SIGNssigns shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.

(4) All SIGNssigns shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGNsign, signal or like device.

(5) The illumination of any SIGNsign shall be nonflashing; spot- or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision of a motorist.

(a) FLASHING SIGNSFlashing signs are prohibited.

(b) Illuminance of the SIGNsign face shall not exceed the following standards:

(i) EXTERNAL ILLUMINATION: fifty ([1]External illumination: 50) foot-candles footcandles as measured on the SIGNsign face.

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~~INTERNAL ILLUMINATION: five thousand (~~ [2] Internal illumination: 5,000~~)~~ nits (candelas per square meter) during-

~~(ii)~~ daylight hours, and ~~five hundred (~~500~~)~~ nits between dusk and dawn, as measured at the ~~SIGN's~~sign's face.

~~(iii) DIRECT ILLUMINATION: five thousand (~~[3] Direct illumination: 5,000~~)~~ nits during daylight hours, and ~~five hundred (~~500~~)~~ nits between dusk and dawn, as measured at the ~~SIGN's~~sign's face.

(6) The top edge of a ~~WALL SIGN~~wall sign shall be at least one ~~(1)~~ foot below the top of the wall or ~~PARAPET~~parapet wall. The top edge of a roof ~~SIGN~~sign shall be at least one ~~(1)~~ foot below the roof ridge or the highest point of the roof if no ridgepole exists.~~##~~.[11]

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

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11. Editor's Note: See Figure 1 of the Sign Diagrams, Part I, included as an attachment to this chapter.

(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. **[Added 8-9-2023 by Ord. No. 2023.07.12-008]**

(8) Rotating ~~SIGNs~~signs or beacons, waving pennants or whirling devices are prohibited.

(9) ~~TEMPORARY SIGNs~~Temporary signs are prohibited, except as otherwise provided in Subsection O. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

(10) All ~~SIGNs~~signs are prohibited within the public right-of-way, except as otherwise provided in this ~~Section~~section.

(11) The terms of this ~~Section~~section shall not apply to ~~SIGNs~~signs being necessary for the public welfare and, as such, are required by the municipal, ~~State~~state, or ~~Federal~~federal government.

(12) The material and construction of any ~~SIGN~~sign or supporting elements shall be in accordance with the ~~Building~~building and ~~Electrical Codes~~electrical codes (in use by the City at the time of installation) and all other applicable City regulations.

(13) On a ~~CORNER LOT~~corner lot, no ~~FREESTANDING SIGN~~freestanding sign or support element shall be erected to materially impede vision between a ~~HEIGHT~~height of ~~two and a half (2 ½)~~1/2 feet and eight ~~(8)~~ feet above curb grades in the same area bounded by the ~~STREET~~street lines of such ~~CORNER LOT~~corner lot and a straight line joining points along said ~~STREET~~street lines ~~thirty (30)~~ feet from point of their intersection except as otherwise provided in this ~~Section~~section.

(14) Essential directional ~~SIGNs~~signs not exceeding four ~~(4)~~ square feet in area are permitted indicating entrance and exit driveways. Said ~~SIGNs~~signs shall not be subject to the permitting requirements of this ~~Section~~section.

(15) ~~SIGNs~~Signs not exceeding two ~~(2)~~ square feet in area are permitted in parking ~~LOTs~~lots indicating aisles or reserved areas or spaces. Said ~~SIGNs~~signs shall not be subject to the permitting requirements of this ~~Section~~section.

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

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~~(a)~~ One ~~(1) SIGN~~sign not exceeding ~~thirty-two (~~32~~)~~ square feet is permitted on a ~~BUILDING~~building or project under construction. Such ~~SIGN~~sign shall be removed upon the receipt of a ~~CERTIFICATE OF OCCUPANCY~~certificate of occupancy or upon the expiration of the ~~BUILDING~~building permit. An additional one ~~(1) SIGN~~sign not exceeding ~~thirty-two~~

(a) ~~(~~32~~)~~ square feet is also permitted as a temporary ~~DEVELOPMENT IDENTIFICATION SIGN~~development identification sign at the principal vehicular entry point. Said ~~SIGN~~sign shall not be subject to the permitting requirements of this ~~Section.~~section. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(b) One ~~(1) SIGN~~sign not to exceed four ~~(4)~~ square feet may be erected on a property currently for sale or rent. Said ~~SIGN~~sign shall not be subject to the permit requirements of this ~~Section~~section.

(17) ~~WALL SIGNS~~Wall signs shall conform to the following additional regulations:

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(a) No ~~WALL SIGN~~wall sign shall be located in such a manner so as to extend above the next floor's ~~window sill~~windowsill or descend below the top of the lower floor's lintel.~~§§~~ [12]

(b) In all nonresidential zoning districts where a business/premises fronts on more than one ~~(1)~~ public ~~STREET~~street or municipal parking ~~LOT~~lot, one ~~(1) WALL SIGN~~wall sign shall be permitted upon each ~~FRONTAGE~~frontage. The ~~SIGN AREA~~sign area displayed shall not exceed that area permitted by the ~~FRONTAGE~~frontage on that public ~~STREET~~street or parking ~~LOT.~~*** lot.[13]

(c) In all nonresidential zoning districts, one ~~(1)~~ informational/directional ~~WALL SIGN~~wall sign shall be permitted for each ~~BUILDING~~building entryway. Said ~~SIGN~~sign shall not exceed four ~~(4)~~ square feet in area and shall not be illuminated. Said ~~SIGN~~sign shall not be subject to the permitting requirements of this ~~Section~~section.

(18) All ~~FREESTANDING SIGNS~~freestanding signs shall conform to the following regulations:

(a) No ~~FREESTANDING SIGNS~~freestanding signs shall be located in an area designated for parking unless said ~~SIGN~~sign is protected along all sides by curbing. A four ~~(4)~~ foot clear space is required along all approaches.~~‡‡‡~~ [14]

(b) No ~~FREESTANDING SIGN~~freestanding sign shall be placed within ~~fifty (50)~~ feet of a low-density residential district (R-40, R-20) boundary.

(19) All ~~PROJECTING SIGNS~~projecting signs shall conform to the following additional regulations:

(a) ~~PROJECTING SIGNS~~Projecting signs shall be attached to the main wall of the ~~BUILDING~~building.

(b) ~~PROJECTING SIGNS~~Projecting signs shall be prohibited from projecting over a ~~STREET~~street, alley or other ~~PUBLIC SPACE~~public space beyond four ~~(4)~~ feet, eight ~~(8)~~ inches from a ~~BUILDING~~building facade or ~~two-thirds (~~2/3~~)~~ of the width of the ~~SIDEWALK~~sidewalk, whichever is less.~~‡‡‡~~ [15]

(c) A clear space of not less than ~~ten (~~10~~)~~ feet shall be provided below all parts of a ~~PROJECTING SIGN~~projecting sign, except for residential nameplates.

(d) In all nonresidential zoning districts where a business/~~premise~~premises fronts on more than one ~~(1)~~ public ~~STREET~~street or municipal parking

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lot, one ~~(1) PROJECTING SIGN~~projecting sign shall be permitted upon each ~~FRONTAGE~~frontage. The ~~SIGN AREA~~sign area displayed shall not exceed that area permitted by the ~~FRONTAGE~~frontage on that public ~~STREET~~street or parking lot.

(20) Awnings may be used in lieu of permitted ~~WALL SIGNS~~wall signs, provided said letters, insignia or emblems do not exceed the square footage allowed for a ~~WALL SIGN~~wall sign in the applicable zoning district.

D. ~~SIGNS~~Signs permitted in residential districts. Any ~~SIGN~~sign permitted in a ~~Residential District~~residential district shall conform to the following regulations (~~See~~see tables for overview of permitted ~~SIGNS~~signs):

~~CUSTOMARY HOME OCCUPATION SIGNS~~

12. Editor's Note: See Figure 2 of the Sign Diagrams, Part I, included as an attachment to this chapter.

13. Editor's Note: See Figure 3 of the Sign Diagrams, Part I, included as an attachment to this chapter.

14. Editor's Note: See Figure 4 of the Sign Diagrams, Part 1, included as an attachment to this chapter.

15. Editor's Note: See Figure 5 of the Sign Diagrams, Part I, included as an attachment to this chapter.

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(1) Customary home occupation signs shall identify only the name of each occupant and the ~~STREET~~street address. Said ~~SIGN~~sign shall not exceed two ~~(2)~~ square feet and shall not be subject to the permit requirements of this ~~Section~~section.

(2) One ~~(1) SIGN~~sign not to exceed ~~sixteen (~~16~~)~~ square feet may be erected in connection with any legally permitted ~~non-residential~~ nonresidential use, excepting home occupations and ~~BED AND BREAKFASTS~~bed-and-breakfasts.

(3) One ~~(1) SIGN~~sign may be erected in connection with a lawfully maintained ~~NONCONFORMING USE~~nonconforming use.

(4) All nonresidential ~~SIGNs~~signs may only be illuminated by constant ~~EXTERNAL ILLUMINATION.~~external illumination. The lighting element shall be shielded and shall illuminate only the ~~SIGN~~sign. No ~~SIGN~~sign shall be illuminated after 9:00 p.m. or before 6:00 a.m.

(5) One ~~(1) SIGN~~sign not to exceed four ~~(4)~~ square feet may be erected in connection with a ~~BED AND BREAKFAST~~bed- and-breakfast.

(6) No ~~SIGN~~sign shall be located greater than eight ~~(8)~~ feet above the ground, whether freestanding or attached to a ~~BUILDING~~building.

E. ~~SIGNs~~Signs permitted in CBD and CWD Districts. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~(1) WALL SIGNs[§§§]~~

~~(a)~~(1)Wall signs.[16] An additional one ~~(1)~~ square foot of ~~SIGN AREA~~sign area per one ~~(1)~~ foot of ~~BUSINESS FRONTAGE~~business frontage shall be permitted, provided that the character of the ~~SIGN~~sign conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

F. ~~SIGNs~~Signs permitted in C ~~district~~District. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7- 22-2020 by Ord. No. 2020.07.08-007]**

~~(1) FREESTANDING SIGNs~~

(1) Freestanding signs.

(a) Where a ~~PRINCIPAL BUILDING~~principal building fronts on more than

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one ~~(1) STREET~~street, one ~~(1) FREESTANDING SIGN~~freestanding sign may be erected upon each ~~FRONTAGE~~frontage, provided that the ~~BUILDING~~building complies with applicable ~~SETBACKs~~setbacks.

(b) One ~~(1) FREESTANDING SIGN~~freestanding sign shall be permitted for every principal entryway to a ~~SHOPPING CENTER.~~shopping center. Such ~~SIGNAGE~~signage shall be a distance of ~~five hundred (~~500~~)~~ feet apart.

(c) Each ~~FREESTANDING SIGN~~freestanding sign shall not exceed ~~sixteen (~~16~~)~~ feet in ~~HEIGHT~~height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, ~~FREESTANDING SIGNs~~freestanding signs fronting on the Spaulding Turnpike shall not exceed ~~thirty (~~30~~)~~ feet in ~~HEIGHT~~height.

(d) Notwithstanding, no ~~FREESTANDING SIGN~~freestanding sign shall be allowed on Old Rochester Road.[17]

G. ~~SIGNs~~Signs permitted in O and Gateway ~~district~~Districts. No ~~SIGN~~sign shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted ~~SIGNs.)~~

~~(1) SIGNs~~signs.) Signs shall only-

16. Editor's Note: See Figure 6 of the Sign Diagrams, Part II, included as an attachment to this chapter.

17. Editor's Note: Original § 170-32G, Signs permitted in B-1 Districts, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

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be illuminated by constant ~~EXTERNAL ILLUMINATION.~~external illumination. The lighting element shall be shielded and shall illuminate only the ~~SIGN.~~sign. **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

H. ~~SIGNs~~Signs permitted in CM ~~district~~District. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~(1) FREESTANDING SIGNs~~

(1) Freestanding signs.

~~(a)~~ Where a ~~PRINCIPAL BUILDING~~principal building fronts on more than one ~~(1) STREET~~street, one

(a) ~~(1) FREESTANDING SIGN~~ freestanding sign may be erected upon each ~~FRONTAGE~~frontage, provided that the ~~BUILDING~~building complies with applicable ~~SIGNAGE SETBACKs~~signage setbacks.

~~(b)~~ Two ~~(2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNs~~

(b) freestanding development identification signs shall be permitted per approved industrial park, provided that the combined square footage of such ~~SIGNs~~signs does not exceed ~~five hundred (~~500~~)~~ square feet in area, and that, if on a ~~CORNER LOT~~corner lot, such ~~SIGNs~~signs shall be set so as to not materially impede vision.

I. ~~SIGNs~~Signs permitted in IT ~~district~~District. (See table for overview of permitted ~~SIGNs.)~~signs.) **[Amended 7-22-2020 by Ord. No. 2020.07.08-007]**

~~(1) FREESTANDING SIGNs~~

(1) Freestanding signs.

(a) Where a development fronts on more than one ~~(1)~~ public ~~STREET~~street or roadway, one ~~(1) FREESTANDING SIGN~~freestanding sign shall be permitted upon each ~~FRONTAGE~~frontage.

(b) Each ~~FREESTANDING SIGN~~freestanding sign shall not exceed ~~sixteen (~~16~~)~~ feet in ~~HEIGHT~~height, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, ~~FREESTANDING SIGNs~~freestanding signs fronting on the Spaulding Turnpike shall not exceed ~~thirty (~~30~~)~~ feet in ~~HEIGHT~~height.

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(c) ~~SIGN AREA~~Sign area shall not exceed ~~sixty (~~60~~)~~ square feet in area. Notwithstanding, a ~~FREESTANDING SIGN~~freestanding sign fronting the Spaulding Turnpike shall not exceed ~~one hundred (~~100~~)~~ square feet in area.[18]

J. Political advertising ~~SIGNs~~signs. Political advertising ~~SIGNs~~signs are permitted per the political advertising ~~SIGN~~sign provisions of ~~State~~state law.

K. Obsolete ~~SIGNs~~signs. Any ~~SIGN~~sign which is located on property which becomes vacant and unoccupied for a period of more than six ~~(6)~~ months shall be deemed to have been abandoned, and the ~~SIGN~~sign shall be considered obsolete. Such obsolete ~~SIGNs~~signs are prohibited and shall be removed by the owner of the ~~SIGN~~sign or owner of the premises. In the event that the said ~~SIGN~~sign(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said ~~STRUCTURE~~structure(s) and assess all costs and expenses incurred in said removal against the ~~STRUCTURE's~~structure's owners and/or the owner of the land upon which said ~~STRUCTURE~~structure(s) is located.

L. Nonconforming ~~SIGNs~~signs. A ~~SIGN~~sign installed prior to the effective date of this ~~Section~~section which meets the applicable requirements of ~~the zoning code~~this chapter then in effect but which is not in conformance with the provisions of this ~~code,~~ Code shall be deemed a permitted ~~nonconforming SIGN. Such~~

18. Editor's Note: Original § 170-32K, Signs permitted in the B-5 District, of the 2013 Code, which immediately followed this subsection, was repealed 7-22-2020 by Ord. No. 2020.07.08-007.

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L. nonconforming SIGN sign. Such nonconforming sign shall, however, be subject to the following regulations:

(1) No nonconforming SIGNsign shall be ALTEREDaltered in any way, in STRUCTURE structure or material which makes the SIGNsign less in compliance with the requirements of this Sectionsection than it was before the ALTERATIONSalterations.

(2) No nonconforming SIGNsign shall be relocated to a position making it less compliant with the requirements of this Sectionsection.

(3) Non-conforming FREESTANDING SIGNs and PROJECTING SIGNSNonconforming freestanding signs and projecting signs may be replaced upon approval of a SIGNsign permit application, provided that the support STRUCTUREstructure of the SIGNsign remains in place and the dimensions of the SIGNsign are the same or smaller. If any other nonconforming SIGNsign is replaced, it shall be replaced in total with a SIGNsign that is in conformance with the provisions of this Sectionsection.

(4) Should a nonconforming SIGNsign be destroyed by any means to an extent of more than seventy-five percent (75%)% of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this Sectionsection.

M. Mill motif design criteria.

(1) Intent.

a.(a) A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial BUILDINGbuilding stock. Influenced by the early 19th century mill development, SIGNAGEsignage was closely integrated with the style and composition of the BUILDINGbuilding, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering, was dominant. PROJECTING SIGNSProjecting signs were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.

b.(b) The use of a mill motif SIGNAGEsignage theme is an attempt to promote a style orof architectural continuity within Dover's urban center. Within the

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defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all ~~SIGNAGE~~signage should be guided by general design criteria.

~~(2) SIGN~~Sign location.

~~(a)~~ Every ~~SIGN~~sign shall be required to be an integral part of its ~~BUILDING.~~

(2) ~~SIGNS~~building. Signs shall be located with respect to the basic architectural framework of the ~~BUILDING~~building, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a ~~BUILDING's~~building's framework.

(3) ~~SIGN~~Sign composition.

(a) Lettering.

~~(i)~~ [1] No more than one ~~(1)~~ font shall be permitted per ~~SIGN~~sign. More than one ~~(1)~~ size is permitted.

~~(ii)~~ [2] Letters may be attached to the ~~BUILDING façade~~building facade.

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~~(iii)~~ [3] Light-colored letters on a dark background are required.

~~(iv)~~ [4] Lettering shall be located so as not to obstruct architectural detailing on the ~~BUILDING~~building face.

~~(v)~~ [5] Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.

~~(vi)~~ [6] Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.

~~(vii)~~ [7] The size of the lettering shall be in proportion to both the ~~SIGN~~sign configuration and the ~~BUILDING~~building.

(b) Color.

~~(i)~~ [1] No more than three ~~(3)~~ colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one ~~(1)~~ color.

~~(ii)~~ [2] Colors used in ~~SIGNAGE~~signage should relate to the color composition of the ~~BUILDING~~building material and be compatible with them.

~~(iii)~~ [3] The determination of ~~SIGN~~sign color must relate to the degree of contrast between the ~~SIGN~~sign lettering and ~~SIGN~~sign background.

(c) Lighting.

~~(i)~~ ~~INTERNAL ILLUMINATION~~[1] Internal illumination and ~~DIRECT ILLUMINATION~~direct illumination are prohibited.

~~(ii)~~ [2] Only shielded ~~EXTERNAL ILLUMINATION~~external illumination shall be permitted if lighting is used.

(d) Materials.

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~~(i)~~ [1] The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.

~~(ii)~~ [2] Wooden ~~SIGNs~~signs shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.

~~(iii)~~ ~~PROJECTING SIGNs~~[3] Projecting signs shall be supported by black, iron attachments to the ~~BUILDING~~building. Guy wires shall not be permitted as a ~~principle SIGN~~principal sign support member.

~~(iv)~~ [4] No support for a ~~PROJECTING SIGN~~projecting sign shall extend above the cornice line of the ~~BUILDING~~building to which it is attached.

(4) Permit process.

(a) The Zoning Administrator shall be responsible for the issuance of ~~SIGN~~sign permits relative to mill motif accessory ~~SIGNs~~signs. Application for said ~~SIGNs~~signs shall include the following items:

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(i) [1] A scaled elevation drawing of the entire BUILDING façade building facade(s).

(ii) [2] Proposed SIGN sign clearly delineated on the elevation drawing.

(iii) [3] Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.

(iv) [4] A photograph of the BUILDING building.

(v) [5] A sample color rendering of the intended SIGN sign.

(b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT applicant of the decision, in writing.

N. Fees for the review of SIGNAGE signage are set annually and may be found in the City's City's Fee Schedule.

O. TEMPORARY SIGNs. Temporary signs. No TEMPORARY SIGN temporary sign shall be erected or placed in the City of Dover without a TEMPORARY SIGN temporary sign permit issued by the Planning and Community Development Department, except as noted in Subsections Subsection O(1)(b). The following regulations shall apply: **[Amended 7-22-2020 by Ord. No. 2020.07.08-006; 7-22-2020 by Ord. No. 2020.07.08-007]**

(1) TEMPORARY SIGNS Temporary signs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R). Where permitted TEMPORARY

(1) SIGNS temporary signs are subject to the following regulations:

(a) TEMPORARY SIGNs Allowed With One-Week Permit. Temporary signs allowed with one-week permit. A LOT lot or tenant may obtain a TEMPORARY SIGN temporary sign permit for one week, provided that all of the following conditions are met:

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~~(i)~~ [1] One-week ~~TEMPORARY SIGN~~temporary sign permits are valid for a consecutive seven

~~(7)~~ day period and may be obtained once every three ~~(3)~~ months, for a maximum of four ~~(4)~~ one-week ~~TEMPORARY SIGNs~~temporary signs per year. If the permit is not used in one ~~(1)~~ quarter, it shall not be carried over to the next quarter.

~~(ii)~~ [2] The ~~TEMPORARY SIGN~~temporary sign shall be limited to ~~twenty-four (~~24~~)~~ square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner-type ~~TEMPORARY SIGNs~~temporary signs are permitted only in the C Zoning ~~Districts~~District.

~~(iii)~~ [3] The ~~TEMPORARY SIGN~~temporary sign shall be removed within ~~twenty-four (~~24~~)~~ hours after the end of the approved display period. If the ~~TEMPORARY SIGN~~temporary sign or banner is not removed within ~~twenty-four (~~24~~)~~ hours, the ~~TEMPORARY SIGN~~temporary sign or banner may be removed by the City of Dover.

~~(iv)~~ [4] If the ~~TEMPORARY SIGN~~temporary sign is located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way directly in front of the ~~BUILDING~~building, the requirements in Subsection O.~~(~~(1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

~~TEMPORARY SIGNS Allowed Without a Permit.~~

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(b) Temporary signs allowed without a permit. One ~~(1)~~ A-frame sandwich board ~~TEMPORARY SIGN~~temporary sign is permitted per ~~LOT~~lot or tenant and does not require a permit, provided all of the following conditions are met:

~~(i)~~ [1] The ~~TEMPORARY SIGN~~temporary sign is not located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way.

~~(ii)~~ [2]The maximum size of the ~~TEMPORARY SIGN~~temporary sign is eight ~~(8)~~ square feet.

~~(iii)~~ [3] The ~~TEMPORARY SIGN~~temporary sign must be placed directly in front of the ~~BUILDING~~building at a distance no greater than two ~~(2)~~ feet from the ~~BUILDING~~building and must not impede pedestrian or handicapped access to the business or adjacent businesses.

(c) ~~TEMPORARY SIGNs Allowed With Annual Permit.~~Temporary signs allowed with annual permit. One ~~(1) TEMPORARY SIGN~~temporary sign shall be permitted per each ~~PRINCIPAL BUILDING. BUILDINGs~~principal building. Buildings with an excess of ~~one hundred (~~100~~)~~ feet of ~~STREET FRONTAGE~~street frontage shall be permitted one ~~(1)~~ additional ~~TEMPORARY SIGN~~temporary sign per every additional ~~one hundred (~~100~~)~~ feet of ~~STREET FRONTAGE.~~street frontage. See District Tables of Use for additional requirements.[19]

~~(i)~~ [1] If the ~~TEMPORARY SIGN~~temporary sign is located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way directly in front of the ~~BUILDING~~building, the requirements in Subsection O.~~(~~1)(d) must be met. **[Amended 9-14-2022 by Ord. No. 2022.08.10-010]**

~~(ii)~~ [2] The following additional regulations shall apply to ~~TEMPORARY SIGNs~~temporary signs located in the CBD-General District:

~~1.~~ [a] The structure of the ~~TEMPORARY SIGN~~temporary sign must consist of medium density overlay plywood, or a similar durable wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages~~.~~; see below). The use of other materials is permitted if styled and composed to imitate wood or metal.

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2. [b] Any graphics, letteri ng, words, ~~ZONING numbers,~~ messages and/or symbols on the ~~TEMPORARY SIGN~~temporary sign shall be applied directly onto the surface of the ~~SIGN~~sign and/or shall be made with ~~SIGN~~sign plastic film.

3. [c] The material for changeable messages shall be either ~~chalk board~~chalkboard or dry—erase board. ~~TEMPORARY SIGNs~~Temporary signs with moveable slide-in plastic letters are not permitted.

4. ~~TEMPORARY SIGNs~~[d] Temporary signs using stencils or spray paint are not permitted.

~~TEMPORARY SIGNs~~ [e] Temporary signs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent-

5. materials.

~~TEMPORARY SIGNs Located on a City SIDEWALK or Within a Public Right-Way. TEMPORARY SIGNs~~ Use are included as attachments to this chapter.[19]

[19] Editor's Note: The District Tables of

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(d) Temporary signs located on a City sidewalk or within a public right-of-way. Temporary signs located on a City ~~SIDEWALK~~sidewalk or within a public right-of-way shall meet the following requirements:

~~(i)~~ [1] A certificate of insurance in the amount of ~~one hundred thousand ($~~$100,000~~.00) dollars~~ (bodily injury/ property damage) shall be filed as part of the ~~TEMPORARY SIGN~~temporary sign permit application to ensure sufficient liability coverage of the ~~APPLICANT~~applicant.

~~(ii)~~ [2] A hold~~-~~ harmless certification letter shall be filed as part of the temporary ~~SIGN~~sign permit application to relieve the City of Dover from bodily injury and property damage liability.

~~(iii) TEMPORARY SIGNS~~[3] Temporary signs shall only be displayed during business hours.

~~(iv)~~ [4] A five ~~(5)~~ ~~-~~foot~~-~~ clear passageway must be maintained at all times.

~~(v)~~ ~~TEMPORARY SIGNS~~[5] Temporary signs shall be located directly in front of the ~~BUILDING~~building or in front of the space within the ~~BUILDING~~building occupied by the ~~TEMPORARY SIGN~~temporary sign owner.

(2) Community ~~SIGNS~~signs. With a permit, ~~TEMPORARY SIGNS~~temporary signs may be located in the public right~~-~~of~~-~~way at Central Square, Weeks Crossing, and the intersections of Durham Road and Back River Road, Sixth Street and Indian Brook Drive, and Knox Marsh Road and Littleworth Road, provided that the following requirements are met:

(a) Community ~~SIGNS~~signs shall be ~~a~~A-frame/sandwich board type and no larger than six ~~(6)~~ square feet in area and no greater than three ~~(3)~~ feet in height.

(b) No more than three ~~(3)~~ permits shall be issued per location, per display period.

(c) Each week of the year shall constitute one display period. No

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~~APPLICANT~~applicant will be issued a community ~~SIGN~~sign permit for more than ~~twelve (~~12~~)~~ display periods per calendar year.

(d) Applications for community ~~SIGN~~sign permits will be accepted by the Planning and Community Development Department only during the week prior to the display period. Applications will not be accepted in advance unless an entire calendar ~~year's~~year's display schedule and payment of fees are submitted by the ~~APPLICANT~~applicant. Permits will be granted on a first-come, first-served basis.

(e) Applications must be signed by the property owner (~~APPLICANT~~applicant or ~~APPLICANT's~~applicant's landlord) and shall include:

~~(i)~~ [1] A certificate of insurance in the amount of ~~one hundred thousand dollars ($~~$100,000~~.00)~~ (bodily injury/ property damage) to ensure sufficient liability coverage of the ~~APPLICANT~~applicant.

~~(ii)~~ [2] A hold~~-~~ harmless certification letter to relieve the City of Dover from bodily injury and property liability.

(f) A display period sticker will be issued with the community ~~SIGN~~sign permit and shall be affixed to the lower right corner of the ~~SIGN~~sign face.

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~~33. FENCE Review~~ 51

§ 170-51. Fence review and ~~Regulations~~regulations. [Amended ~~on 02-17-99 by Ord. No. 25-98; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 12-08-2010 by Ord. No. 2010.10.27-13; Amended on 11-28-2012 by Ord. No. 2012.11.14-24; Amended on 06~~6-22-2016 by Ord. No. 2016.06.08-010~~, Amended on 07-22-2020 by Ord. No. 2020.07.08.007.~~]

A. ~~FENCE HEIGHTS.~~Fence heights. No person~~,~~ or other entity shall erect or cause to be erected a ~~FENCE~~fence exceeding four ~~(4)~~ feet in ~~HEIGHT~~height between the ~~RIGHT-OF-WAY~~right-of-way and either ~~ten (~~10~~)~~ feet from the ~~RIGHT-OF-WAY~~right-of-way or a line parallel with the front of the house closest to the ~~RIGHT-OF-WAY~~right-of-way, whichever is less. ~~FENCES~~Fences may be up to eight ~~(8)~~ feet in ~~HEIGHT~~height for the remainder of the lot. ~~HEIGHT~~Height is measured from ground level.

B. ~~FENCE~~Fence design.

(1) The finished side of a ~~FENCE~~fence shall face outward from the property on which the ~~FENCE~~fence is located. The side of a ~~FENCE~~fence containing the posts or poles and other bracing appurtenances shall face inward to the property being ~~FENCED~~fenced in or on which the ~~FENCE~~fence is located. When erected on a property or ~~LOT~~lot boundary line, all of the ~~FENCE~~fence and any of its supporting ~~STRUCTURES~~structures or appurtenances shall be contained within the ~~LOT~~lot or property of the person erecting said ~~FENCE~~fence.

(2) On a ~~CORNER LOT~~corner lot, no ~~FENCE~~fence or vegetal elements shall be erected or placed in such a manner(s) as to materially impede vision between that area bounded by the ~~STREET~~street lines of such ~~CORNER LOT~~corner lot and a straight line joining points along said ~~STREET~~street lines ~~thirty (~~30~~)~~ feet from the point to the intersection. For ~~CORNER LOTS~~corner lots that are located on the inside curve of ~~STREETS~~streets and at intersections that are not perpendicular, adequate and safe sight distances in both directions, as determined by the Zoning Administrator, shall be provided. Property owners shall maintain vegetation such that it does not grow to limit ~~site~~sight distance.

~~C.~~ Exceptions. The provisions described in Subsection A shall not apply in the Commercial Manufacturing (CM), Commercial (C), Central Business (CBD), Gateway (G~~)~~

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~~OFFICE~~), Office (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment, as a condition attached to the granting of a variance or special exception to this ~~Chapter~~chapter, requires for screening purposes a ~~FENCE~~fence exceeding eight ~~(8)~~ feet.

~~170-34 through 170-38 (Reserved).~~

~~ARTICLE XI~~

~~NONCONFORMING LOTS, USES AND STRUCTURES~~

~~170-39. Reserved~~

C. ~~170-40. NONCONFORMING USEs of Land.~~ [Amended ~~on 08-01-90~~9-11-2019 by Ord. No. ~~8-90; Amended on 12-09-2009~~2019.08.28-012; 7-22-2020 by Ord. No. ~~2009.09.09-15.~~]2020.07.08-007]

ARTICLE XI

Nonconforming Uses and Structures

§ 170-52. Nonconforming uses of land.[20]

Where, at the time of passage of this ~~Chapter~~chapter, lawful use of land exists which would not be permitted by the regulations imposed by this ~~Chapter~~chapter, the use may be continued so long as it remains otherwise lawful, provided that:

A. No such ~~NONCONFORMING USE~~nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ~~Chapter~~ chapter, with the exception of a single-family ~~STRUCTURE.~~ structure. Said single-family ~~STRUCTURE~~

20. Editor's Note: Original § 170-39, Nonconforming lots, of the 2013 Code, which immediately preceded this section, was repealed 10-13-2021 by Ord. No. 2021.09.08-006. See now § 170-14, Nonconforming lots.

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~~A.~~ structure may be expanded up to ~~twenty percent (~~20~~%)~~% of its gross habitable floor space, provided the addition conforms with all other applicable regulations and ordinances and no additional units are created.

B. No such ~~NONCONFORMING USE~~nonconforming use shall be moved, in whole or in part, to any portion of the ~~LOT~~lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ~~Chapter~~chapter.

C. If any such ~~NONCONFORMING USE~~nonconforming use of land ceases for any reason for a period of more than ~~twelve (~~12~~)~~ consecutive months or for ~~twenty-four (~~24~~)~~ months during any three ~~(3)~~ year period, any subsequent use of such land shall conform to the regulations specified by this ~~Chapter~~chapter for the district in which such land is located.

D. No additional ~~STRUCTURE~~structure not conforming to the requirements of this ~~Chapter~~chapter shall be erected in connection with such ~~NONCONFORMING USE~~nonconforming use of land with the exception of ~~ACCESSORY STRUCTURES~~accessory structures associated with a single-family house, provided they comply with all other applicable City ordinances and regulations.

E. The above notwithstanding, if a ~~LOT~~lot meets the requirements of § 170-14, any additions or ~~ACCESSORY STRUCTURES~~accessory structures may be allowed to meet the ~~SIDE YARD SETBACKS~~side yard setbacks outlined therein.

~~170-41. Nonconforming STRUCTURES.~~ **~~[Amended on 08-01-90 by Ord. No. 8-90; Amended on 02-17-99 by Ord. No. 25-98; Amended on 08-22-2018 by Ord. No. 2018.08.08-009.]~~**

§ 170-53. Nonconforming structures.

Where a lawful ~~STRUCTURE~~structure exists at the effective date of adoption or amendment of this ~~Chapter~~chapter that could not be built under the terms of this ~~Chapter~~chapter by reason of restrictions on area, ~~LOT COVERAGE, HEIGHT~~lot coverage, height or yards, its location on the ~~LOT~~lot or other requirements concerning the ~~STRUCTURE~~structure may be continued so long as it remains otherwise lawful, subject to the following:

~~A.~~ Except as provided for in §§ 170-~~40.A~~52A and 170-~~41.D~~53D, no such nonconforming ~~STRUCTURE~~structure may be enlarged or ~~ALTERed~~altered in a way which increases its

A. nonconformity, but any ~~STRUCTURE~~structure or portion thereof may be ~~ALTERed~~altered to decrease its nonconformity.

B. A ~~BUILDING~~building or ~~STRUCTURE~~structure nonconforming either in terms of use or ~~BULK~~bulk may be restored to its former ~~BULK~~bulk if destroyed by fire, other hazard or if it is determined by the ~~BUILDING OFFICIAL~~building official to be a hazard to persons or ~~BUILDINGS~~buildings abutting it, provided that restoration of the ~~STRUCTURE~~structure is begun within ~~twelve (~~12~~)~~ months after the act of destruction. All such ~~STRUCTURES~~structures in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ~~ALTERATIONS~~alterations or repairs are in compliance with

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the provisions of ~~subsection~~Subsection A. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C. Should such ~~STRUCTURE~~structure be intentionally moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

D. Additions to nonconforming single-family ~~STRUCTURE~~s,structures that were made nonconforming by a zoning amendment that changed the front, side or ~~REAR SETBACK~~rear setback requirements, shall be permitted within the front, side or ~~REAR SETBACK~~rear setback areas, provided that the addition is no closer to the ~~LOT LINE~~lot line than the existing nonconforming ~~STRUCTURE~~structure, and no closer than ~~ten (~~10~~)~~ feet ~~from~~to the ~~LOT LINE~~lot line.

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E. For nonconforming single-family ~~STRUCTURES~~structures that were made nonconforming by a zoning amendment that changed the front, side or ~~REAR SETBACK~~rear setback requirements, ~~Accessory Structures~~accessory structures that are less than one story in height, shall be permitted within the front, side or ~~REAR SETBACK~~rear setback areas provided that the accessory structure is no closer to the ~~LOT LINE~~lot line than the existing nonconforming ~~Principal STRUCTURE~~principal structure, and no closer than five ~~(5)~~ feet ~~from~~to the ~~LOT LINE~~lot line, and has no windows on the side of the building facing that encroached area. **[Added 10-13-2021 by Ord. No. 2021.09.08-006]**

§ 170-~~42~~54. Repairs and ~~Maintenance~~maintenance. [Amended ~~on 08~~8-22-2018 by Ord. No. 2018.08.08-009]

On any nonconforming ~~STRUCTURE~~structure or portion of a ~~STRUCTURE~~structure containing a ~~NONCONFORMING USE~~nonconforming use, ordinary repairs may be made, subject to the following provisions; if a nonconforming ~~STRUCTURE~~structure or portion of a ~~STRUCTURE~~structure containing a ~~NONCONFORMING USE~~nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by the Housing Standards Board to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six ~~(6)~~ months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a ~~STRUCTURE~~structure to be secured to a safe condition.

§ 170-~~43~~55. Uses ~~Permitted~~permitted by ~~Special Exception.~~special exception. [Amended 7-22-2020 by Ord. No. 2020.07.08-006]

Any use which is permitted as a special exception in a district under the terms of this ~~Chapter~~chapter (other than a change through the Zoning Board of Adjustment action from a ~~NONCONFORMING USE~~nonconforming use to another use not generally permitted in the district) shall not be deemed a ~~NONCONFORMING USE~~nonconforming use in such district, but shall without further action be considered a conforming use.

ARTICLE XII

~~OFF-STREET PARKING AND LOADING~~

Off-Street Parking and Loading

§ 170-~~44~~56. Applicability.~~[Amended on 9-24-80 by Ord. No. 15-80; Amended on 3-30-83 by Ord. No. 5~~

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~~83; Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No. 8-90; Amended on 11-13-96 by Ord. No. 19-96; Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]~~

The following conditions shall apply to all parking and loading spaces provided in conformance with this ~~Chapter~~chapter:

A. Conformity with the Site Review Regulations, Chapter ~~149, Subsections 149~~153, §§ 153-14 and ~~149-15~~153-17, site development criteria.

B. Where ~~PARKING SPACEs~~parking spaces are provided for nonresidential ~~STRUCTUREs~~structures and this parking area adjoins a residential use, suitable screening at least seven ~~(7)~~ feet in ~~HEIGHT~~height shall be provided and maintained.

C. In the Central Business District (CBD~~/~~) and Cochecho Waterfront District (CWD), municipal parking facilities may be substituted for the requirements of this ~~Section~~section.

~~PARKING SPACEs~~

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D. Parking spaces for ~~non-residential~~nonresidential uses and ~~MULTI-FAMILY DWELLINGS~~multifamily dwellings shall have independent access to an aisle or driveway and be accessible year-~~-~~round.[21]

~~170-45. Reserved.~~ **~~[Removed on 12-2009-2009 by Ord. No. 2009.09.09-15.]~~**

~~170-46. Reserved.~~ **~~[Removed on 06-22-2016 by Ord. No. 2016.06.08-010]~~**

ARTICLE XIII ~~ADMINISTRATION~~
Administration

§ 170-~~47~~57. Administrative ~~Officer.~~ ~~[Amended 12-09-2009 by Ord. No. 2009.09.09-15]~~officer.

A. This ~~Chapter~~chapter shall be enforced by the Zoning Administrator, who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this ~~Chapter~~chapter.

B. The Building Inspector shall not approve an application or issue a ~~BUILDING~~building permit or ~~CERTIFICATE OF OCCUPANCY~~certificate of occupancy for any purpose, except in compliance with the provisions of this ~~Chapter~~chapter.

§ 170-~~48 – 170-150. Reserved.~~ ~~[Removed on 12-09-2009 by Ord. No. 2009.09.09-15]~~

~~170-51~~58. Violations and ~~Penalties.~~ ~~[Amended on 9-24-80 by Ord. No. 15-80.]~~penalties.

The administration and enforcement of this ~~ordinance~~chapter shall be in any manner authorized by ~~State~~state statute, including but not limited to~~,~~ RSA 31:39-d, 676:14, 676:15, 676:17, 676:17-a, and 676:17-b.

~~170-52. ZONING BOARD OF ADJUSTMENT.~~ **~~[Amended on 9-24-80 by Ord. No. 15-80;~~**
~~Amended on 6-10-87 by Ord. No. 13-87; Amended on 08-01-90 by Ord. No.8-90; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]~~

§ 170-59. Zoning Board of Adjustment.

A. Purpose. The purpose of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment is to hear and decide appeals of any person(s) who ~~are~~is aggrieved by the administration, enforcement and application of this ~~Chapter~~chapter.

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B. Authority. The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall be duly constituted and shall have such duties and powers as specified under RSA 673:3 and 674:33 and this ~~Chapter~~chapter as set forth herein.

C. Powers and duties.

(1) Powers. The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made in the enforcement of this ~~Chapter~~chapter (interpretation of ordinance). **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

(b) To hear and decide special exceptions to the terms of this ~~Chapter~~chapter upon which the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment is required to pass under this ~~Chapter~~chapter (special exception).

(c) To authorize, upon appeal in specific cases, such variance from the terms of this ~~Chapter~~chapter as will not be contrary to the public interest, where, owing to-

21. Editor's Note: Original § 170-46, Loading spaces, of the 2013 Code which appeared in this article was repealed 6-22-2016 by Ord. No. 2016.06.08-010.

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~~(c)~~ special conditions, a literal enforcement of the provisions of this ~~Chapter~~chapter will

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t in unnecessary hardship and so that the spirit of this Chapterchapter shall be observed and substantial justice done (variance).

(d) To hear and decide requests for equitable waivers from the dimensional terms of this Chapter uponchapter where a STRUCTUREstructure has been found to be in violation of said dimensional requirement.

(2) Interpretation of Chapterchapter.

(a) On appeal from an order or decision made by any officer or board of the City, the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment shall have the power to decide any of the following questions:

(i) [1] Determination of the meaning of any provision of the text of this Chapterchapter.

(ii) [2] Determination of the exact location of any district boundary shown on the Zoning Map.**** [22]

(iii) ZONING BOARD OF ADJUSTMENT[3] The Zoning Board of Adjustment shall hear and decide appeals de novo and review on appeal any order, requirement, decision or determination made in the enforcement or application of this Chapterchapter. Upon such appeal, the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment may, in accordance with the provisions of this Chapterchapter, reverse or affirm, wholly or partly, or may modify any such order, requirement or decision, as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

(3) Special exceptions. ZONING BOARD OF ADJUSTMENTThe Zoning Board of Adjustment shall have the power to hear and decide on application for special exceptions. In applying a special exception, the APPLICANTapplicant need not demonstrate hardship, since the basis for the action is of general benefit to the cityCity as a whole.

(3)(a)In granting a special exception, the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment, with due regard to the nature and condition of all adjacent STRUCTURESstructures and uses and the district within which the same is located, shall find all of the following general conditions to be fulfilled:

(a) [1] The requested use is essential or desirable to the public convenience or welfare.

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~~(b)~~ [2] The requested use will not create undue traffic congestion, or unduly impair pedestrian safety.

~~(c)~~ [3] The requested use will not overload any public water, drainage or sewerage system or any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the City will be unduly subjected to hazards affecting health, safety or the general welfare.

22. Editor's Note: The Zoning Map in on file in the office of the City Clerk, where it may be examined during regular business hours.

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~~(d)~~(b) Any special exception which has not been acted upon in accordance with the approval of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment within four ~~(4)~~ years of the date of said approval shall be considered null and void.

(4) Variances.

(a) The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment may authorize a variance from the terms of this ~~Chapter~~chapter for:

~~(i)~~ [1] A particular use.

~~(ii)~~ [2] A parcel of land.

~~(iii)~~ [3] An existing/proposed ~~BUILDING~~building.

(b) Said variance shall only be granted where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this ~~Chapter~~chapter.

(c) In granting variances, the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment, if it deems it proper to the carrying out of the intent and purpose of this ~~Chapter~~chapter, may impose such reasonable and additional stipulations and conditions as will, in its judgment, better fulfill the purpose of ~~the Chapter~~this chapter.

(d) Any variance which has not been acted upon in accordance with the approval of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment within four ~~(4)~~ years of the date of said approval shall be considered null and void.

(5) Other requirements. The granting of any appeal by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall not exempt the ~~APPLICANT~~applicant from any provision of this ~~Chapter~~chapter not specifically ruled upon by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment or specifically set forth as excepted in this particular case from a provision of this ~~Chapter~~chapter. It shall be unlawful for any owner or person to reconstruct, convert or ~~ALTER~~alter a ~~STRUCTURE~~structure or change the use, increase the intensity of use or extend or displace the use of any ~~BUILDING~~building, other ~~STRUCTURE~~structure or ~~LOT~~lot or change any

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required limitations or special conditions imposed by the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment in authorizing a special exception or variance without appealing to the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment as a new case, over which the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall have complete administrative power to deny, approve or modify.

(6) Public ~~Hearing~~hearing. The ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment shall fix a reasonable time for the hearing of an appeal in accordance ~~to~~with its ~~By-Laws;~~bylaws, and before any hearing is given either on an appeal or an application for variance or special exception of this ~~Chapter~~chapter, notice shall be given to all ~~ABUTTERS~~abutters of any portion of the ~~LOT~~lot in question. Notice shall be given to ~~ABUTTERS~~abutters by ~~Verified Mail~~verified mail, and also placed in a newspaper of general circulation, not less than five ~~(5)~~ days before the date fixed for the hearing of the appeal. The costs of any notice shall be paid by the appellant or ~~APPLICANT~~ applicant to the Department of Planning and Community Development. **[Amended 7-22-2020 by Ord. No. 2020.07.08-006]**

D. Appeal from the decision of the ~~ZONING BOARD OF ADJUSTMENT~~Zoning Board of Adjustment.

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(1) Rehearing. Within thirty (30) days after any order or decision of the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment, any party to the action or proceedings or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding or covered or included in the order, specifying in the motion for rehearing the grounds therefor; and the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment may grant such rehearing if, in its opinion, good reason therefor is saidstated in such motion.

(2) Appeal to Superior Court. No appeal from any order or decision of the ZONING BOARD OF ADJUSTMENTZoning Board of Adjustment shall be taken unless the appellant shall have made application for rehearing as provided above, and when such application shall have been made, no ground set forth herein shall be urged, relied on or given any consideration by the Court, unless the Court for good cause shown shall allow the appellant to specify additional grounds. Within thirty (30) days after the application for a rehearing is denied or, if the application is granted, then within thirty (30) days of the decision on such rehearing, the APPLICANTapplicant may appeal by petition to the Superior Court.

170-53. Amendment Procedure. [Amended on 12-09-2009 by Ord. No. 2009.09.09-15, Amended on 08-09-2024 by Ord.

§ 170-60. Amendment procedure.

No. 2023.07.12-008]

A. Power to Amendamend. In accordance with RSA 674:16, the City Council may, from time to time, amend the provisions of this Chapterchapter.

B. Initiation of Amendmentsamendments. Amendments may be initiated by the City Council, the PLANNING BOARDPlanning Board, or by petition from one or more property owners in Dover or citizens of Dover.

C. Procedure for Considerationconsideration of a Proposed Amendmentproposed amendment.

(1) Amendments Initiatedinitiated by the PLANNING BOARD.Planning Board. The PLANNING BOARDPlanning Board may, upon its own initiative, from time to time, consider amendments to this Chapterchapter or Zoning Map, and submit recommendations for amendments to the City Council. Such amendments shall be developed pursuant to the public notice and hearing requirements contained in SectionSubsection D below.

(2) Amendments Initiatedinitiated by the City Council. The City Council may, upon

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its own initiative, from time to time, consider amendments to this ~~Chapter~~chapter or Zoning Map. All such City Council-initiated amendments shall be referred to the ~~PLANNING BOARD~~ Planning Board for its review and study. The referral shall be made in writing by the Mayor. The ~~PLANNING BOARD~~Planning Board shall, after following the public notice and hearing requirements contained in ~~Section~~Subsection D below, submit written recommendations regarding the amendments to the City Council within ~~sixty (~~60~~)~~ days of their referral.

(3) Amendments ~~Initiated~~initiated by Dover ~~Citizens~~citizens or ~~Property Owners~~property owners. Dover citizens or owners of property in Dover submitting amendments to this ~~Chapter~~chapter or Zoning Map~~,~~ shall forward their proposed amendments to the ~~PLANNING BOARD~~Planning Board for its consideration and recommendation. Such submission shall contain the information required by ~~Section~~Subsection E below. The ~~PLANNING BOARD~~Planning Board shall have the petition placed on the agenda for its next regularly scheduled meeting that proper notice, as required in ~~Section~~Subsection D below, can be met. After the public hearing, ~~the PLANNING BOARD shall make its recommendations concerning the petitioned amendments to the City Council within sixty (60) days of the date of the initial public hearing.~~

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the Planning Board shall make its recommendations concerning the petitioned amendments to the City Council within 60 days of the date of the initial public hearing.

D. Public ~~Notice~~notice and ~~Hearing Requirements~~hearing requirements.

(1) Public ~~Notice~~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 675:1~~(b)(3), notice of the public hearing shall be posted in at least three ~~(3)~~ public places, including the City ~~web site~~website. In accordance with RSA 675:7, I(b), the posting on the City website shall appear prominently on the ~~City's homepage~~City's home page (or a link directly to the notice appearing prominently on the ~~City's homepage~~City's home page), shall be posted at least ~~ten (~~10~~)~~ days before the hearing, and shall remain posted on the website until the conclusion of the hearing. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

(2) Notice to ~~Landowners~~landowners and ~~ABUTTERS~~abutters. Except as hereinafter provided, a letter of notification shall be sent to landowners whose property lies within that area affected by a 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. 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~~subsection. 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~~subsection. 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.~~subsection. **[Amended 8-9-2023 by Ord. No. 2023.07.12-008]**

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

~~E. Submission Requirements~~requirements for ~~Petitioned Amendments.~~

E. petitioned amendments. A petitioned amendment proposal shall be accompanied by maps, data and narrative information describing the location, nature and purpose of the proposed amendment, as follows:

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(1) A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk;

(2) A statement of the purposes and intent of the proposed amendment;

(3) A statement of the impact of the proposed amendment on the ~~City's~~City's economy, environment, municipal services, municipal facilities and ~~NEIGHBORHOODS~~neighborhoods;

(4) A map showing the existing zoning districts and the amendments to these districts as proposed in the amendment, if applicable;

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(5) The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;

(6) A list and address labels including the name, address, and ~~tax map~~Tax Map number of each property owner of the area proposed for rezoning and each property owner within ~~one hundred (~~100~~)~~ feet of the subject area. The list shall be current within ~~ten (~~10~~)~~ days of submittal; and

(7) A ~~non-refundable~~nonrefundable fee as contained within the Fee Schedule to cover the cost of the newspaper notice, and a ~~non-refundable~~nonrefundable fee as contained within the Fee Schedule per landowner and ~~ABUTTER~~abutter required to be notified per ~~Section~~Subsection D~~(~~2~~)~~. **[Amended 9-11-2019 by Ord. No. 2019.08.28-012]**

~~F. Criteria for PLANNING BOARD Review~~Planning Board review of ~~Proposed Amendments.~~

F. proposed amendments. The ~~PLANNING BOARD~~Planning Board shall provide to the City Council a report on each proposed amendment. The report of the ~~PLANNING BOARD~~Planning Board shall include the ~~PLANNING BOARD's~~Planning Board's findings and recommendations on the following:

(1) The consistency of the proposed amendment with the Master Plan;

(2) The consistency of the proposed amendment with other plans, studies, or technical reports prepared by or for the ~~PLANNING BOARD~~Planning Board and the City;

(3) The effect of the proposed amendment on the ~~City's~~City's municipal services and capital facilities as described in the ~~Capital Improvements Program~~capital improvements program;

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

(5) The effect of the proposed amendment on ~~NEIGHBORHOOD~~neighborhood, including the extent to which nonconformities will be created or eliminated;

(6) The effect of the proposed amendment on the ~~City's~~City's economy and fiscal resources; and

(7) The recommendation of the ~~PLANNING BOARD~~Planning Board relative to whether the proposed amendment should be adopted or rejected, and any recommendations for modifications to the proposed amendment.

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G. City Council ~~Action~~action on ~~Proposed Amendments~~proposed amendments.

~~(1)~~ Setting a ~~Hearing Date~~hearing date. Upon receipt of the ~~PLANNING BOARD's~~Planning Board's report and recommendations on the proposed amendment, or upon the expiration of the sixty

(1) ~~(60)~~ day study period, the City Council shall establish a date for a public hearing and shall further publish and post a notice of such hearing as specified in ~~Section~~Subsection D.

(2) Wavier of ~~Notice~~notice. In the event that the proposed amendment is comprehensive in nature, the aforementioned provisions requiring notice by first class mail to individual landowners and ~~ABUTTERS~~abutters may be waived by a majority vote of the full City Council, with respect to the public hearing to be held before it. An amendment shall be deemed to be comprehensive in nature if it affects more than one ~~(1)~~ of the zoning districts established by § 170-7 of this ~~Chapter.~~ chapter. Under no~

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~~(2)~~ circumstances may the provisions for publication of notice in a newspaper or posting of public notice contained in ~~Section~~Subsection D.~~(~~(1) of this section be waived.

(3) Action on the ~~Proposed Amendment~~proposed amendment. After holding the duly noticed public hearing on a proposed amendment, the City Council shall approve or disapprove the amendment. The City Council shall not have the right to overrule the ~~PLANNING BOARD~~Planning Board recommendations unless by a vote of not less than ~~two/thirds (~~2/3~~)~~ of its membership present and voting.

(4) Protest ~~Petition~~petition. If a valid protest petition, in accordance with RSA 675:5, has been filed against a proposed amendment, a favorable vote of ~~two-thirds (~~2/3~~)~~ of the City Council members present shall be required.

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~~DOVER CODE~~

City of Dover
Rural Residential (R-40) District
[Amended 10-13-2021 by Ord. No. 2021.09.08-006]

~~Rural Residential (R-40) District~~

~~Amended: 11-28-12 by Ord. No. 2012-11.14-24, Amended:10-13-21 by O – 2021.09.08 - 006~~

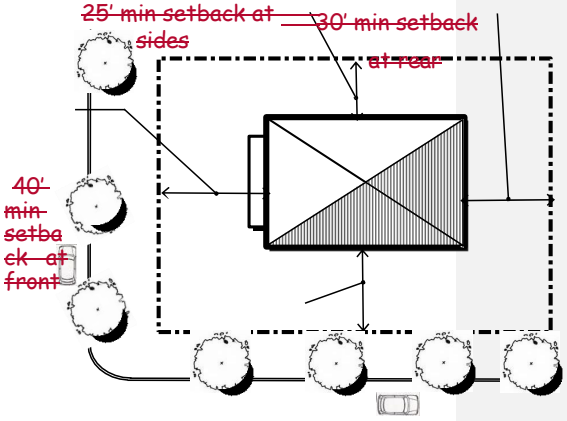
~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE [5]~~
- ~~ASSEMBLY HALL~~
- ~~Bank [5]~~
- ~~Beauty and Barber Shop [5]~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~Clinic~~
- ~~CONSERVATION LOT~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [6]~~
- ~~COUNTRY CLUB [7]~~
- ~~Dwelling, 2 Family [8]~~
- ~~Dwelling, 3 To 4 family [8]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~EXCAVATION [7]~~
- ~~FARM [9]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [10]~~
- ~~Hospital~~
- ~~MANUFACTURED HOUSING~~
- ~~OFFICE [5] [11]~~
- ~~PERSONAL SERVICE ESTABLISHMENT [5]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility~~
- ~~Recreational Camp~~
- ~~Retail Sale of Agricultural or Farm Products Raised on Site~~
- ~~Theater [5]~~
- ~~Veterinary Office, Animal Hospital or KENNEL [12]~~
- ~~WHOLESALING of Farm Products [7]~~

~~Dimensional Regulations~~ ~~[1] [2]~~

~~LOT~~	
~~Minimum LOT Size [3] [4]~~	~~40,000 sf~~
~~Maximum LOT COVERAGE~~	~~10%~~
~~Minimum FRONTAGE~~	~~150 ft~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK~~	~~40 ft~~
~~Abut a Street SETBACK~~	~~40 ft~~
~~Side SETBACK~~	~~25 ft~~
~~Rear SETBACK~~	~~30 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~40 ft~~
~~Abut a Street SETBACK~~	~~40 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~35 ft max~~
~~OUTBUILDING~~	~~35 ft max~~

~~Principal Building Placement~~



~~40' min setback at abut a street~~
~~NOT TO SCALE~~

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Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Clinic
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Country club [7]
- Dwelling, two-family [8]
- Dwelling, three- to four-family [8]
- Dwelling, single-family
- Educational institution, K-12
- Excavation [7]
- Farm [9]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [10]
- Hospital
- Manufactured housing
- Office [5] [11]
- Personal service establishment [5]
- Public recreation
- Public utility
- Recreational camp
- Retail sale of agricultural or farm products raised on site
- Theater [5]
- Veterinary office, animal hospital or kennel [12]
- Wholesaling of farm products [7]
- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Junkyard
- Manufactured housing park
- Nursing home

Uses Permitted by Special Exception

- ~~ASSISTED LIVING FACILITY~~
- ~~CONGREGATE CARE FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~Helicopter Take Offs & Landings~~
- ~~JUNKYARD~~
- ~~MANUFACTURED HOUSING Park~~
- ~~NURSING HOME~~

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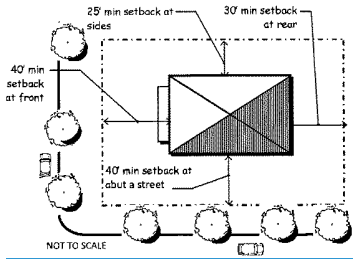
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Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	40,000 sf
Maximum lot coverage	10%
Minimum frontage	150 ft
Principal Building	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	25 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	40 ft
Abut a street setback	40 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



Size	**R-40 District**
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

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Footnotes

~~[1]~~ [1] In the case of an ~~Open Space Subdivision~~open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover~~, 1983~~.

~~[2]~~ [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[3]~~ [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[4]~~ [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major ~~Subdivision~~subdivision. In an R-40 ~~district~~District, any major subdivision must ~~fol- low~~follow the procedures for an ~~Open Space Subdivision~~open space subdivision (OSS).

~~[5]~~ [5] Use is allowed as a commercial component to an ~~Open Space Subdivision.~~open space subdivision. (See § 157~~-~~21 ~~section 7).~~.)

~~[6]~~ [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least ~~four thousand~~ (4,000) square feet per dwelling unit and a minimum floor area of ~~five hundred~~ (500) square feet per dwelling unit.

~~2~~ Two-family dwellings shall be designed to look like single~~–~~family dwellings (i.e.~~,~~ the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~ONE~~1 family). At a minimum, this shall mean that only ~~ONE~~1 entrance shall be visible from a public street, and only ~~ONE~~1 driveway shall exist with no on~~–~~street parking required for residents.

~~[7]~~ [7] Use is not allowed as a commercial component to an ~~Open Space Subdivi sion.~~open space subdivision. (See § 157~~-~~21 ~~section 7).~~.)

[8] Use is allowed when included within an ~~Open Space Subdivision~~open space subdivision with ~~com- mercial~~ commercial components. (See ~~[8]~~ § 157~~-~~21 ~~section 7).~~.)

~~[9]~~ ~~FARM ANIMALS~~[9] Farm animals are permitted, provided that the tract upon which such animals are kept shall support a minimum land area of ~~one hundred thousand~~ (100,000) square feet. In no instance shall the shelters used to contain said animals be closer than ~~one hundred~~ (100) feet ~~from~~to any property boundary.

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{10} [10] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: Nono more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one1 animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.

{11} [11] Permitted only if operated as a customary home occupation (Referrefer to definitiondefinition in § 170-6B).

{12} [12] Veterinary, Office, Animal office and animal hospitalHospital, uses are allowed as a commercial compo- nentcomponent to an Open Space Subdivision.open space subdivision. (See 155.22 section 7).§ 157-21.) Shelters and runs used to house and/or contain animals shall be no closer than one hundred

(100) feet fromto any property line and must support a minimum tract size of one hundred thousand (100,000) square feet.

Special Exception Criteria

ASSISTED LIVING FACILITY:

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 sf of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

CONGREGATE CARE FACILITY: CONGREGATE CARE FACILITY**Congregate Care Facility:** Congregate care facility is allowed as a Special

Exceptionspecial exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of one1 unit per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of one1 unit per 7,500 sq. ft. of land;
B. Provided that parking and service areas are screened from abutting residen- tialresidential uses.

CONTINUING CARE COMMUNITY FACILITY:

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 7,500 square feet of lot area in the R-40 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

ELDERLY ASSISTED CARE HOME: ELDERLY ASSISTED CARE HOME**Elderly Assisted Care Home:** Elderly assisted care home is allowed by

Special Exception special exception in accordance with the densities and provisions stated below:

A. ELDERLY ASSISTED CARE HOMESElderly assisted care homes larger than 6 bedrooms shall meet the fol- lowingfollowing density requirements: In the R-40 District in areas not serviced by City water and sewer utilities at a density of one1 bedroom

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~~A.~~ per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of ~~one~~1 bedroom per 7,500 sq. ft.

B. Provided that parking and service areas are screened from abutting ~~residen- tial~~residential uses.

C. Notwithstanding the above requirements, the maximum number of ~~bed- rooms~~bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off-Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure. ~~[Added 01-22-03 by Ord. No. 35-02]~~

~~NURSING HOME:~~ NURSING HOME

Helicopter ~~Take-offs~~Takeoffs and Landings: Helicopter ~~take-offs~~takeoffs and landings are allowed as a special exception, subject to the following conditions:

A. There shall be a distance of ~~one thousand~~ (1,000) feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter ~~take-offs~~takeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a ~~Special Exception~~special exception contained in ~~Chapter~~§ 170-~~52-C~~59C(3~~,~~) must also be satisfied.

~~JUNKYARD~~Junkyard: A ~~JUNKYARD~~junkyard may only be permitted upon the determination that the property values of land adjacent to such use will not be compromised. Conditions may include but not be limited to the provision of adequate and properly ~~main-tained~~maintained screening around land so used.

~~MANUFACTURED HOUSING~~Manufactured Housing Parks: ~~MANUFACTURED HOUSING~~Manufactured housing parks shall be subject to the following regulations:

A. The proposed park must conform to ~~the Manufactured Home~~ Chapter ~~of the Code (Ch. 126~~101, Manufactured Home Parks~~)~~ of the Code.

B. All plans for the proposed park must have been granted preliminary approval from the Dover Planning Board.

C. A determination by the Zoning Board of Adjustment that the proposed ~~MAN- UFACTURED HOUSING~~ manufactured housing will not adversely affect overall land values in the neighborhood.

D. A determination by the Zoning Board of Adjustment that the proposed ~~MAN- UFACTURED HOUSING~~ manufactured housing will not result in the creation of hazardous traffic conditions.

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Nursing Home: Nursing home is allowed as a ~~Special Exception~~special exception in accordance with the density and provisions stated below:

A. In the R-40 District in areas not serviced by City water and sewer utilities at a density of ~~one~~1 bedroom per 10,000 sq. ft. of land; in the R-40 District in areas serviced by City water and sewer utilities at a density of ~~one~~1 bedroom per 7,500 sq. ft. of land;

B. Provided that parking and service areas are screened from abutting ~~residen- tial~~residential uses.

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ZONING

170 Attachment 2

City of Dover

Low Density Residential (R-~~40~~20) District [Amended 8-19-2015 by Ord. No. 2015.07.22-017;

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- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE [5]~~
- ~~ASSEMBLY HALL~~
- ~~Bank [5]~~
- ~~Beauty and Barber Shop [5]~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~CONSERVATION LOT~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [6]~~
- ~~Dwelling, 2 Family [7]~~
- ~~Dwelling, 3 To 4 family [7]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~FARM [8]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [9]~~
- ~~OFFICE [10] [5]~~
- ~~PERSONAL SERVICE ESTABLISHMENT [5]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [11]~~
- ~~Retail Sale of Agricultural or Farm Products Raised on Site~~

Permitted Uses

- Accessory dwelling unit
- Adult day care [5]
- Assembly hall
- Bank [5]
- Beauty shop and barbershop [5]
- Bed-and-breakfast
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [5]
- Dwelling, two-family [6]
- Dwelling, three- to four-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10] [5]
- Personal service establishment [5]
- Public recreation
- Public utility [11]
- Retail sale of agricultural or farm products raised on site
- Roadside farm stand [12]
- Theater [5]
- Veterinary office, animal hospital or kennel [13]

~~**Uses Permitted by Special Exception**~~

- ~~ASSISTED LIVING FACILITY~~
- ~~CONGREGATE CARE FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~Helicopter Take Offs & Landings~~
- ~~NURSING HOME~~

Uses Permitted by Special Exception

- Assisted living facility
- Congregate care facility
- Continuing care community facility
- Educational institution, postsecondary
- Elderly assisted care home
- Helicopter takeoffs and landings
- Nursing home

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Sign Regulations

Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

~~LOT~~	
~~Minimum LOT Size [3]~~	~~20,000 sf~~
~~Maximum LOT COVERAGE~~	~~30%~~
~~Minimum FRONTAGE~~	~~125 ft~~

~~PRINCIPAL BUILDING~~	
~~Front BUILD-TO LINE~~	~~20 ft min, 35 ft max*~~
~~Abut a Street BUILD-TO LINE~~	~~20 ft min, 35 ft max*~~
~~Side SETBACK~~	~~20 ft~~
~~Rear SETBACK~~	~~30 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~No closer than the principal BUILDING or 35 feet whichever is less~~
~~Abut a Street SETBACK~~	~~No closer than the principal BUILDING or 35 feet whichever is less~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~35 ft max~~
~~OUTBUILDING~~	~~35 ft max~~

Lot	
Minimum lot size [3]	20,000 sf
Maximum lot coverage	30%
Minimum frontage	125 ft
Principal Building	
Front build-to line	20 ft min, 35 ft max*
Abut a street build-to line	20 ft min, 35 ft max*
Side setback	20 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the prin building or 35 feet, whichever is less
Abut a street setback	No closer than the prin building or 35 feet, whichever is less
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

* Expansions to, or renovations of, existing structures, have a twenty ~~(20)~~ foot setback.

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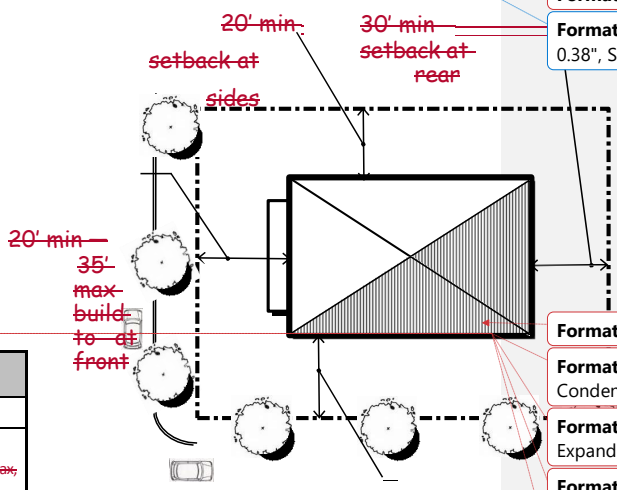
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Principal Building Placement



Sign Regulations

Size	R-20 District
Total signs permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification SIGN 20 sf max)
Type	
FREESTANDING	permitted (10 ft SETBACK required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted

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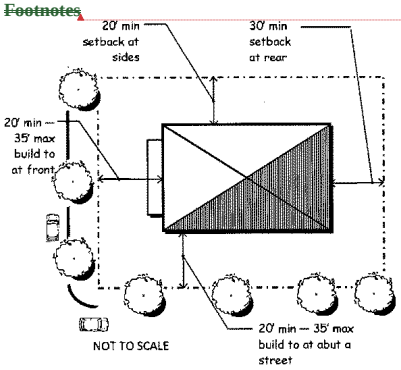
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~~Low Density Residential (R-20) District~~

~~*Amended:10-13-21 by O – 2021.09.08 - 006*~~

~~Footnotes~~



~~2~~ Two- family dwellings shall be designed to look like single~~-~~family dwellings (i.e.~~,~~ the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~ 1 driveway shall-

Footnotes

~~[1]~~ [1] In the case of an ~~Open Space Subdivision~~open space subdivision, in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover~~, 1983~~.

~~[2]~~ [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[3]~~ [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this ~~calcula-tion~~calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be ~~al-lowed~~allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[4]~~ [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major ~~Subdivision~~subdivision. Any major subdivision in an R-20 ~~district~~District must follow the procedures for an ~~OSS~~open space subdivision if the original lot meets the minimum lot size required.

~~[5]~~ [5] Use is allowed as a commercial component to an ~~Open Space Subdivision.~~open space subdivision. (See ~~155.22 section 7).~~§ 157-21.)

~~[6]~~ [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least ~~four thousand (~~4,000) square feet per dwelling unit and a minimum floor area of ~~five hundred (~~500) square feet per dwelling unit.

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exist with no on-street parking required for ~~residents.~~

~~[7]~~ ~~2~~[7] Two-family dwellings are permitted on lots with a density of ~~fifteen thousand (~~15,000) square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the ~~2~~two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~1 driveway shall exist with no on-street parking required for ~~residents~~residents. Single-family density shall be used for TDR. If ~~2~~two-family density is used, a two-family unit shall be built.

~~[8]~~ ~~FARM ANIMALS~~[8] Farm animals permitted, provided that the tract upon which such ~~animals~~animals are kept shall support a minimum land area of ~~one hundred thousand (~~100,000) square feet. In no instance shall the shelters and pens or runs used to contain said animals be closer than ~~one hundred (~~100) feet ~~from~~to any property boundary.

~~[9]~~ [9] Use is allowed on the portion of the lot that is behind the principal ~~structure~~structure, provided the following standards are met: Chickens: No more than ~~six~~

~~(~~6) chickens and no roosters, with ~~three (~~3) square feet of chicken coop and ~~twenty (~~20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20) feet from any property line.

Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six~~

~~(~~6) animals; ~~ten (~~10) square feet of shelter and ~~thirty (~~30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be ~~thirty~~

~~(~~30) feet from any property line.

~~[10]~~ [10] Permitted only if operated as a customary home occupation~~.~~ (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[11] Land-scaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~[12] ROADSIDE FARM STANDS~~[12] Roadside farm stands shall be set back a minimum of ~~twenty (~~20) feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING associated~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~two hundred (~~200) square feet in area, and shall be considered an accessory ~~structure~~structure if a residence is also located on the property. The total of the display area and ~~BUILDING~~building area shall not exceed ~~six hundred (~~600) square feet. Off-street parking shall be provided in the amount of ~~one (~~1) off-street parking

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space per 250 sq. ft. of display and ~~BUILDING~~building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

[13] Veterinary ~~Office, Animal Hospital~~office and animal hospital uses are allowed as a commercial ~~component~~component to an ~~Open Space Subdivision~~open space subdivision. (See ~~155.22 section 7) [Added 1-22-2003 by Ord. No. 35]~~ § 157-21.) Shelters and runs used to house and/or contain ~~ani- mals~~animals shall be

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[13] no closer than one hundred (100) feet from to any property line and must support a minimum tract size of one hundred thousand (100,000) square feet.

Special Exception Criteria ([see § 170-52(C)(59C(3) for additional regulations)]

ASSISTED LIVING FACILITY:

A. The facility shall be serviced by municipal sewer.
B.A. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C.A. Parking lots and service areas are screened from abutting residential uses.
D.A. The facility shall obtain a license from the State of New Hampshire.

CONGREGATE CARE FACILITY:

CONGREGATE CARE FACILITY is allowed as a Special Exception in accordance with the density and provisions stated below:

A. In the R-20 District at one unit per 5,000 sq. ft. of land;
B. Provided that parking and service areas are screened from abutting resi- dential uses.

CONTINUING CARE COMMUNITY FACILITY:

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

Congregate Care Facility: Congregate care facility is allowed as a special exception in accordance with the density and provisions stated below:

A. In the R-20 District at 1 unit per 5,000 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting residential uses.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 5,000 square feet of lot area in the R-20 District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

ELDERLY ASSISTED CARE HOME : ELDERLY ASSISTED CARE HOME**Elderly Assisted Care Home:** Elderly assisted care home is allowed by

Special Exception special exception in accordance with the densities and provisions stated below:

A. ELDERLY ASSISTED CARE HOME isElderly assisted care home larger than 6 bedrooms shall meet the following density requirements: ⁺in the R-20 District at a density of one1 bedroom per 5,000 sq. ft.
B. Provided that parking and service areas are screened from abutting resi- dentialresidential uses.
C. Notwithstanding the above requirements, the maximum number of bed- roomsbedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in Chapter§ 170-44 (OFF-STREET PARKING).56 (Off-street parking). Furthermore, any increase to an existing structure must be contained with- inwithin or contiguous to the original structure.

Helicopter Take-offsTakeoffs and Landings: Helicopter Take-offstakeoffs and Landingslandings are al- lowedallowed as a special exception, subject to the following conditions:

A. There shall be a distance of one thousand (1,000) feet between any existing
A. residential structure and any proposed helicopter landing pad.
B. Except in the case of an emergency, no helicopter take offstakeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

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C. The facility shall be accessory to the principal use ~~located on the lot.~~

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a ~~Special Exception~~special exception contained in ~~Chapter~~§ 170-~~ 52 C~~59C(3)~~.~~) must also be satisfied.

~~NURSING HOME:~~ ~~NURSING HOME~~**Nursing Home:** Nursing home is allowed as a ~~Special Exception~~special exception in ~~accord ance~~accordance with the density and provisions stated below:

A. In the R-20 District at ~~one~~1 unit per 5,000 sq. ft. of land.

B. Provided that parking and service areas are screened from abutting ~~resi dential~~residential uses.

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Medium Density Residential (R-12) District [Amended 8-19-2015 by Ord. No. 2015.07.22-017;

10-13-2021 by Ord. No.

~~**Medium Density Residential (R-12) District**~~

~~*Amended: 11-28-2012 by Ord. No. 2012-11.14-24, 08-19-2015 by Ord. No. O-2015.07.22-017, Amended:10-13-21 by O – 2021.09.08 – 006*~~

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ASSEMBLY HALL~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~CONSERVATION LOT~~
- ~~CHILD CARE HOME~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [6]~~
- ~~Dwelling, 2 Family [7]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~FARM [8]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [9]~~
- ~~OFFICE [10]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [11]~~
- ~~ROADSIDE FARM STAND [12]~~

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2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bed-and-breakfast
- Child-care facility
- Conservation lot
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [6]
- Dwelling, two-family [7]
- Dwelling, single-family
- Educational institution, K-12
- Educational institution, postsecondary
- Farm [8]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [9]
- Office [10]
- Public recreation
- Public utility [11]
- Roadside farm stand [12]

Uses Permitted by Special Exception

- ~~ELDERLY ASSISTED CARE HOME~~
- Elderly assisted care home

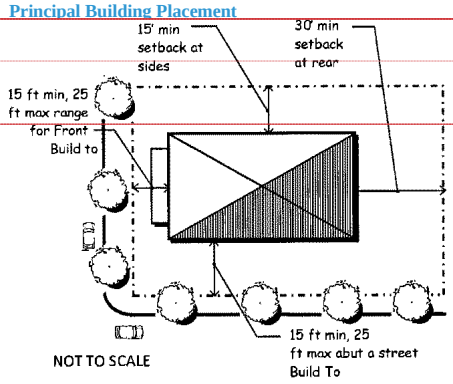
Sign Regulations

Size	R-12 District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign max 2 sf, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3] [4]	12,000 sf
Maximum lot coverage	30%
Minimum frontage	100 ft
Principal Building	
Front build-to line	15 ft min, 25 ft max [5]
Abut a street build-to line	15 ft min, 25 ft max [5]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use	
Front setback	No closer than the principal building
Abut a street setback	No closer than the principal building
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	35 ft max
Outbuilding	35 ft max

Principal Building Placement



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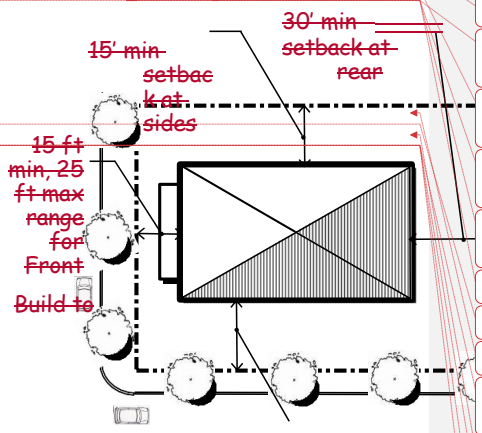
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Footnotes

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3] [4]	12,000 sf
Maximum LOT COVERAGE	30%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front BUILD TO LINE	15 ft min, 25 ft max [5]
Abut a Street BUILD TO LINE	15 ft min, 25 ft max [5]
Side SETBACK	15 ft
Rear SETBACK	30 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	No closer than the principal BUILDING
Abut a Street SETBACK	No closer than the principal BUILDING
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	35 ft max
OUTBUILDING	35 ft max

Principal Building Placement



Sign Regulations

Size	R-12 District
Total SIGNS permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN max 2 sf, development identification sign 20 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted

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~~15 ft min, 25 ft max abut a street Build To~~

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~~Footnotes~~

~~[1]~~ [1] In the case of an ~~Open Space Subdivision~~open space subdivision in accordance with Article IV of Chapter 157 of the Code of Dover, the dimensional requirements shall be as specified in § 157-21 of the Code of the City of Dover~~, 1983~~.

~~[2]~~ [2] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[3]~~ [3] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[4]~~ [4] Refer to Chapter 157, Subdivision of Land, Article IV, for the minimum lot size for a major ~~Subdivision~~subdivision. Any major subdivision in an R-12 district must follow the procedures for an ~~OSS~~open space subdivision if the original lot meets the minimum lot size required.

~~[5]~~ [5] Expansions to or renovations of ~~STRUCTURES~~structures on existing lots have a five ~~(5)~~ foot ~~SETBACK~~setback.

~~[6]~~ [6] Any dwelling unit may be converted, not replaced, provided that the lot shall contain at least ~~four thousand (~~4,000~~)~~ square feet per dwelling unit and a minimum floor area of ~~five hundred (~~500~~)~~ square feet per dwelling unit.

~~2~~ Two-family dwellings shall be designed to look like single-family dwellings (i.e., the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~1 driveway shall exist with no on-street parking required for residents.

~~[7]~~ [7] Two-family dwellings are permitted on lots with a density of ~~nine thousand (~~9,000~~)~~ square feet per dwelling unit. The structures shall be designed to look like single-family dwellings (i.e., the ~~2~~ two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street, and only ~~one~~1 driveway shall exist with no on-street parking required for residents. Single-family density shall be used for TDR. If two-family density is used, a two-family unit shall be built.

~~[8]~~ Shall not include the raising and sale of ~~FARM~~ ~~ANIMALS~~farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of ~~fresh water~~

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~~[8]~~ freshwater fish or other aquaculture products; ~~and/or~~ the breeding of poultry or game birds.

~~[9]~~ [9] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met~~:~~. Chickens: No more than ~~six (~~6) chickens and no roosters, with ~~three (~~3) square feet of chicken coop and ~~twenty (~~20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be 20 feet from any property line. Sheep or goats: 1 animal per 10,000 square feet of lot area, with a maximum of 6 animals; 10 square feet of shelter and 30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

~~twenty (20) feet from any property line. Sheep or goats: one animal per [10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.~~

~~[10]~~] Permitted only if operated as a ~~CUSTOMARY HOME OCCUPATION (Refer~~customary home occupation (refer to definition in § 170-6B).

[11] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[11] The Utility Facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~[12] ROADSIDE FARM STANDS~~[12] Roadside farm stands shall be set back a minimum of ~~twenty~~ (20) feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~two hundred (~~200) square feet in area~~,~~ and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed ~~four hundred (~~400) sq. ft. Off-street parking shall be provided in the amount of ~~one (~~1) off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.~~"~~

Special Exception Criteria ~~[~~see § 170-~~52(C)~~59C(3) for additional regulations~~]~~

~~**ELDERLY ASSISTED CARE HOME:**~~

~~ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:**

Elderly assisted care home is allowed by ~~Special Exception~~special exception in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOME is~~Elderly assisted care home larger than 6 bedrooms shall meet the following density requirements: ~~It~~in the R-12 District at a density of ~~one~~1 bedroom per 3,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the

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maximum number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~ § 170-~~44 (Off-Street Parking).~~56 (off-street parking). Furthermore, any increase to an existing structure ~~must be contained within or contiguous to the original structure.~~

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must be contained within or contiguous to the original structure.

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Suburban Density Multi-Residential (RM-SU) District [Amended 6-22-2016 by Ord. No.

~~**Suburban Density Multi Residential (RM-SU) District**~~

~~*Amended: 11-28-12 by Ord. No. 2012-11.14-24, 06-22-2016 by Ord. No. O-2016.06.08 – 010, 10-13-21 by O – 2021.09.08 - 006*~~

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~ASSEMBLY HALL~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~Conversion of Existing Dwelling to Accommodate 5 or more units [3]~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 4 units [3]~~
- ~~Dwelling, 2 Family~~
- ~~Dwelling, 3-4 Family [3]~~
- ~~DWELLING, MULTI-FAMILY [3]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~FARM [5]~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [6]~~
- ~~OFFICE [7]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [8]~~
- ~~ROADSIDE FARMSTAND [9]~~

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10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conversion of existing dwelling to accommodate 5 or more units [3]
- Conversion of existing dwelling to accommodate not more than 4 units [3]
- Dwelling, two-family
- Dwelling, three- to four-family [3]
- Dwelling, multifamily [3]
- Dwelling, single-family
- Educational institution, K-12
- Farm [5]
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Office [7]
- Public recreation
- Public utility [8]
- Roadside farm stand [9]

Dimensional Regulations [1] [2]

Uses Permitted by Special Exception

- Elderly assisted care home

Sign Regulations

Size	RM-SU District
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

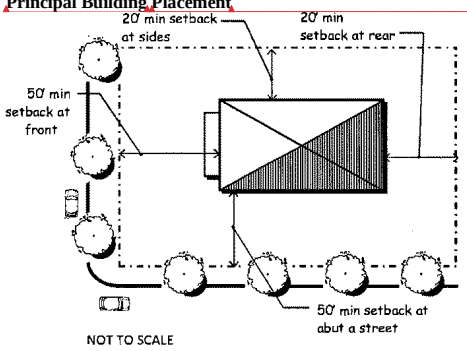
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~~Dimensional Regulations~~ ~~[1] [2]~~

~~LOT~~	
~~Minimum LOT Size [3] [4]~~	~~20,000 sf~~
~~Maximum LOT COVERAGE~~	~~40%~~
~~Minimum FRONTAGE~~	~~100 ft~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK~~	~~50 ft~~
~~Abut a Street SETBACK~~	~~50 ft~~
~~Side SETBACK~~	~~20 ft~~
~~Rear SETBACK~~	~~20 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~50 ft~~
~~Abut a Street SETBACK~~	~~50 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~40 ft max~~
~~OUTBUILDING~~	~~40 ft max~~

Lot	
Minimum lot size [3] [4]	20,000 sf
Maximum lot coverage	40%
Minimum frontage	100 ft
Principal Building	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	20 ft
Rear setback	20 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Principal Building Placement



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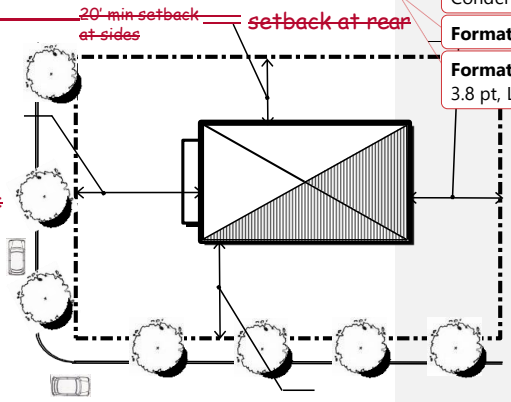
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Uses Permitted by Special Exception

- ELDERLY ASSISTED CARE HOME

Sign Regulations

Size	RM-SU District
Total signs permitted	1
Total area permitted	16 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification SIGN 20 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted



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~~Suburban Density Multi Residential (RM-SU) District~~

[1]

~~Footnotes~~

~~[1]~~ Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The ~~minimum non-wetland~~minimum nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] Provided that the lot upon which such multifamily residence is to be constructed shall contain at least ~~ten thousand (~~10,000~~)~~ square feet for each dwelling unit.

~~[4]~~ [4] Reserved.

~~[5]~~ [5] Shall not include the raising and sale of ~~FARM ANIMALS~~farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of ~~fresh water~~freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

~~[6]~~ [6] Use is allowed on the portion of the lot that is behind the ~~princi-pal~~principal structure, provided the following standards are met: ~~Chick-ens~~ Chickens: No more than ~~six (~~6~~)~~ chickens and no roosters, with ~~three~~ ~~(~~3~~)~~ square feet of chicken coop and ~~twenty (~~20~~)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20~~)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (~~6~~)~~ animals; ~~ten (~~10~~)~~ square feet of shelter and ~~thirty (~~30~~)~~ square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be ~~thirty (~~30~~)~~ feet from any property line.

~~[7]~~ [7] Permitted only if operated as a customary home occupation. (Refer to definition in § 170-6B.)

~~[8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~ROADSIDE FARM STANDS~~[8] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[9]~~ [9] Roadside farm stands shall be set back a minimum of ~~twenty (~~20~~)~~ feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~four hundred (~~400~~)~~ square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area and ~~build-ing~~building area shall not exceed 1,000 sq. ft. Off-street parking shall be provided in the amount of ~~one (~~1~~)~~ off-street parking space per 250 sq. ft. of display and building area, and all required parking spaces shall have safe access to and from a public street. ~~A cer-tificate of use issued by the Zoning Administrator and a drive-way permit shall be required in all cases.~~A

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certificate of use issued by the Zoning Administrator and a driveway permit shall be required in all cases.

Special Exception Criteria ~~(~~[see § 170-59C(3) for additional regulations~~)~~]

~~ELDERLY ASSISTED CARE HOME:~~

~~ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:**

Elderly assisted care home is allowed by ~~Special Exception~~special exception in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: ~~In~~in the RM-SU District at a density of ~~one~~1 bedroom per 5,000 sq. ft.

B. Provided that parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum ~~num- ber~~number of bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off Street Parking~~56 (off-street parking). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

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Urban Density Multi-Residential (RM-U) District

~~**Urban Density Multi-Residential (RM-U) District**~~

~~*Amended: 11-28-12 by Ord. No. 2012-11.14-24, 08-19-2015 by Ord. No. O-2015.07.22-017, Amended:10-13-21 by O – 2021.09.08 - 006*~~

[Amended 8-19-2015 by Ord. No. 2015.07.22-017; 10-13-2021 by Ord. No. 2021.09.08-006]

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~ASSEMBLY HALL~~
- ~~CHILD CARE FACILITY~~
- ~~CHILD CARE HOME~~
- ~~CONSERVATION LOT~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [4]~~
- ~~Dwelling, 2 Family~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSTITUTION, K-12~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]~~
- ~~Funeral Parlor~~
- ~~OFFICE [6]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [7]~~
- ~~ROOMING HOUSE~~

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Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Child-care facility
- Child-care home
- Conservation lot
- Conversion of existing dwelling to accommodate not more than 2 units [4]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Office [6]
- Public recreation
- Public utility [7]
- Rooming house

Uses Permitted by Special Exception

- Assisted living facility
- Beauty shop and barbershop
- Congregate care facility
- Continuing care community facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Nursing home
- Retail store

Sign Regulations

Size	**RM-U District**
Total signs permitted	1
Total area permitted	16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall/awning	Not permitted
Temporary	Not permitted

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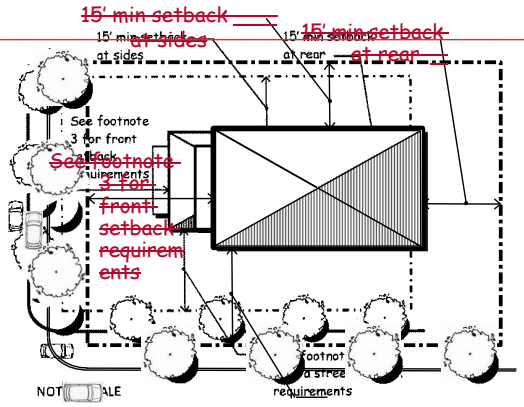
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Dimensional Regulations [1] [2]

~~LOT~~Lot	
Minimum ~~LOT Size~~lot	10,000 sf
Maximum ~~LOT~~	40%
Minimum	80 ft
~~PRINCIPAL BUILDING~~Principal Building	
Front ~~SETBACK~~setback	[3]
Abut a ~~Street~~	[3]
Side ~~SETBACK~~setback	15 ft
Rear ~~SETBACK~~setback	15 ft
~~OUTBUILDING/ACCESSORY~~	
	No closer than the principal-
	No closer than the principal-
Side ~~SETBACK~~setback	10 ft
Rear ~~SETBACK~~setback	10 ft
~~HEIGHT OF BUILDING~~Height of Building	
~~PRINCIPAL~~	40 ft max
~~OUTBUILDING~~Outbuildin	40 ft max

Principal Building Placement



~~Uses Permitted by Special Exception~~

- ~~ASSISTED LIVING FACILITY~~
- ~~Beauty and barbershop~~
- ~~CONGREGATE CARE FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~Conversion of Existing Dwelling to accommodate not more than 4 units~~
- ~~Dwelling, 3 to 4 Family~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~GROUP HOME FOR MINORS~~
- ~~NURSING HOME~~
- ~~Retail Store~~

~~Sign Regulations~~

~~Size~~	~~RM-U District~~
~~Total signs permitted~~	~~1~~
~~Total area permitted~~	~~16 sf~~ ~~(CUSTOMARY HOME OCCUPATION SIGN 2 sf max, development identification sign 20 sf max)~~
~~Type~~	
~~FREESTANDING~~	~~permitted~~ ~~(10 ft setback required)~~
~~PROJECTING~~	~~permitted~~
~~WALL/ Awning~~	~~not permitted~~
~~Temporary~~	~~not permitted~~

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Footnotes

[1] [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum densi- tydensity requirements for residential uses. The minimum non-wetlandnonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wet- landwetland in the NHNew Hampshire Code of Administrative Rules – Env-Wt- 101.87113 and the 1987 Federal Manual forfor Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent% of the minimum lot size required.

[3] [3] The property owner shall calculate the average front SETBACKssetbacks of all LOTslots within the same zone located on the same side of the STREET, two hun- dred fifty (street, 250) feet in each direction from the center of the front LOT LINElot line. This front SETBACKsetback dimension shall be considered to be a BUILD TO LINE. STRUCTURESbuild-to line. Structures may be constructed within five (5) feet plus or minus of the average. Porches or steps may be located an additional five (5) feet beyond the front façadefacade of the STRUCTUREstructure. Expansions to existing STRUC- TURESstructures shall be subject to a minimum SETBACKsetback equal to the calculated average SETBACKsetback minus five (5) feet.

[4] [4] Provided that the lot contains at least two thousand (2,000) square feet for each dwelling unit, plus an additional five hundred (500) square feet for every bedroom contained in such multiunit residence. A maximum of four (4) units per lot is allowed.

[5] [5] Use is allowed on the portion of the lot that is behind the principal struc- turestructure, provided the following standards are met: Chickens: No more than six (6) chickens and no roosters, with three (3) square feet of chicken coop and twenty (20) square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be twenty (20) feet from any property line. Sheep or goats: one (1) animal per 10,000 square feet of lot area, with a maximum of six (6) animals; ten (10) square feet of shelter and thirty (30) square feet of a fenced enclosure yard per animal; all shelters and enclo- suresenclosures shall be thirty (30) feet from any property line.

[6] [6] Permitted only if operated as a customary home occupation (Referrefer to definition in § 170-6B).

[7] [7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Special Exception Criteria ([see § 170-52(C)(59C)(3), for additional regulations)]

ASSISTED LIVING FACILITY:

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density, per unit requirement is 2,500 square feet of lot area in the RM-U District.
U District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire. Barber.

D. **Barbershops and Beauty Shops:** Barber and beauty shops shall be subject to the following regulations:
A. No more than one (1) operator's chair is permitted.
B. No assistants are to be employed.
C. All operators are to be members of the immediate family who reside in the home.
D. All such uses shall conform to the regulations governing customary home occupations in § 170-18.

CONGREGATE CARE FACILITY:

CONGREGATE CARE FACILITY**Congregate Care Facility:** Congregate care facility is allowed as a Special Exceptionspecial exception in accordance with the density and provisions stated below:
A. In the RM-U District at one 1 unit per 2,500 sq. ft. of land.
B. Provided that parking and service areas are screened from abutting resi- dentialresidential uses.

CONTINUING CARE COMMUNITY FACILITY:

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.

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B. The ~~facility shall obtain a license from~~density per unit requirement is 5,000 square feet of lot area in the R-20 District.

C. Parking lots and service areas are screened from abutting residential uses.

D. The facility shall obtain a license from the State of New Hampshire.

~~B. State of New Hampshire.~~ **Conversion to or ~~creation~~Creation of Dwelling, ~~3-4~~ Three- to Four-Family:** Three- or four-family ~~dwell ings~~dwellings and conversions of existing dwellings to ~~three (~~3) or ~~four (~~4) units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the RM-U District that are wholly or partly within ~~two hundred (~~200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two ~~(~~2) parking spaces per unit shall be required.

~~C.~~ Parking lots shall be at least ~~five (~~5) feet from a side property line and ~~ten~~

C. ~~(~~10) feet from a front property line.

D. Parking areas shall be screened from the street and from abutting lots.

E. Structures shall be at least ~~twenty (~~20) feet from a front property line, ~~fifteen (~~15) feet from a rear property line and ~~fifteen (~~15) from a side property line unless abutting a

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~~E.~~ street, in which case, the distance from the side property line shall be ~~twenty (20)~~ feet.

F. If the units generated are restricted to the HUD Fair Market Rent rates for Dover, criteria A and E do not apply.

~~ELDERLY ASSISTED CARE FACILITY:~~

~~ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:** Elderly assisted care home is allowed by ~~Special Exception~~special exception in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: In the RM-U District at a density of ~~one~~1 bedroom per 2,500 sq. ft.

B. Provided that parking and service areas are screened from abutting ~~resi- dential~~residential uses.

C. Notwithstanding the above requirements, the maximum number of ~~bed- rooms~~bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off-Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

~~GROUP HOME FOR MINORS:~~

~~GROUP HOME FOR MIORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.

B. The group home shall be located in areas of transitional land use or mixed land uses.

C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.

D. Open space shall be maintained on the property in an amount ~~compara- ble~~comparable to the neighborhood.

E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

~~NURSING HOME:~~

~~NURSING HOME~~**Nursing Home:** Nursing home is allowed as a ~~Special Exception~~special exception in accordance with the ~~densi- ty~~density and provisions stated below:

A. In the RM-U District at ~~one~~1 unit per 2,000 sq. ft. of land;

B. Provided that parking and service areas are screened from abutting ~~resi- dential~~residential uses.

Retail Store:

A ~~Retail Store~~retail store shall be subject to the following regulations:

A. The store shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be pedestrian friendly.

B. The store shall be no larger than 2,000 square feet.

C. No more than half of the required parking necessary shall be on-site ~~park- ing~~parking, which shall be screened from abutting residential ~~LOTS~~lots.

D. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

E. The proposed use shall be compatible with the surrounding ~~NEIGHBOR- HOOD~~neighborhood.

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F. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m. Sunday ~~to~~ Thursday, ~~and~~.

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[Added 8-19-2015 by Ord. No. 2015.07.22-017; amended 8-22-2018 by Ord. No. 2018.08.08-009; 10-13-2021 by Ord. No.

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~~Heritage Residential (HR) District~~

~~Adopted: 08-19-2015 by Ord. No. O-2015.07.22-017, 08-22-2018 by Ord. No. 2018.08.22-009, 10-13-21 by O--2021.09.08--006~~

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2021.09.08-006]

Permitted Uses***

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~CHILD CARE HOME~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 2 units [5]~~
- ~~CUSTOMARY HOME OCCUPATION~~
- ~~Dwelling, 2 Family [5]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [6]~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [7]~~
- ~~ROADSIDE FARM STAND [8]~~

- Accessory dwelling unit
- Adult day care
- Child-care home
- Conversion of existing dwelling to accommodate not more than 2 units [5] *
- Customary home occupation
- Dwelling, two-family [5]
- Dwelling, single-family
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [6]
- Public recreation
- Public utility [7]
- Roadside farm stand [8]

Uses Permitted by Conditional Use Permit***

- Bed-and-breakfast (permitted on Silver Street only)
- Child-care facility
- Conversion of existing dwelling to accommodate not more than 4 units
- Dwelling, three- to four-family
- Elderly assisted care home
- Group home for minors
- Office

- ~~BED AND BREAKFAST (permitted on Silver Street only)~~
- ~~CHILD CARE FACILITY~~
- ~~Conversion of Existing Dwelling to Accommodate not more than 4 units~~
- ~~Dwelling, 3 to 4 Family~~
- ~~ELDERLY ASSISTED CARE HOME~~
- ~~GROUP HOME FOR MINORS~~
- ~~OFFICE~~

Sign Regulations

Size	HR District
Total signs permitted	1
Total area permitted	8 sf (customary home occupation sign 2 sf max)
Type	
Freestanding	Permitted (10 ft setback required)
Projecting	Permitted
Wall mount	Not permitted
Temporary	Not permitted

Dimensional Regulations* [1] [2]

~~LOT~~	
~~Minimum LOT Size~~	~~10,000 sf~~
~~Maximum LOT Coverage~~	~~40%~~
~~Minimum FRONTAGE~~	~~80 ft~~
~~PRINCIPAL BUILDING*~~**	
~~Front BUILD TO LINE~~	~~[3]~~
~~Abut a Street BUILD TO LINE~~	~~[3]~~
~~Side SETBACK~~	~~15 ft~~
~~Rear SETBACK~~	~~30 ft~~
~~OUTBUILDING/ACCESSORY USE*~~**	
~~Front SETBACK~~	~~[4]~~
~~Abut a Street SETBACK~~	~~[4]~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~24 ft min**, 40 ft max~~
~~OUTBUILDING~~	~~40 ft max~~

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	40%
Minimum frontage	80 ft
Principal Building* **	
Front build-to line	[3]
Abut a street build-to line	[3]
Side setback	15 ft
Rear setback	30 ft
Outbuilding/Accessory Use* **	
Front setback	[4]
Abut a street setback	[4]
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	24 ft min**, 40 ft max
Outbuilding	40 ft max

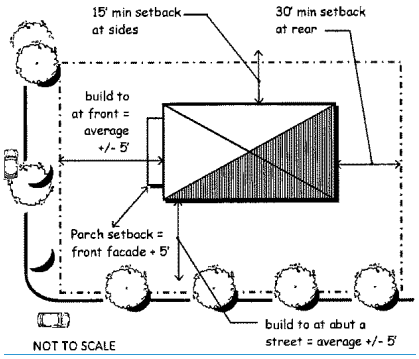
* Deviations from these requirements are permitted by ~~Conditional Use Permit~~conditional use permit, subject to the requirements of ~~Section~~§ 170-~~20.B~~20B(1), where applicable.

** The minimum principal building height shall not apply to additions constructed onto the rear of the ~~PRINCIPAL BUILDING~~principal building, provided that where the addition will be closer to either side lot line than the existing ~~PRINCIPAL BUILDING~~principal building, the addition shall be located no closer than 45 ~~ft from~~feet to the front lot line.

*** See ~~reverse side~~next page for architectural considerations.

Principal Building Placement

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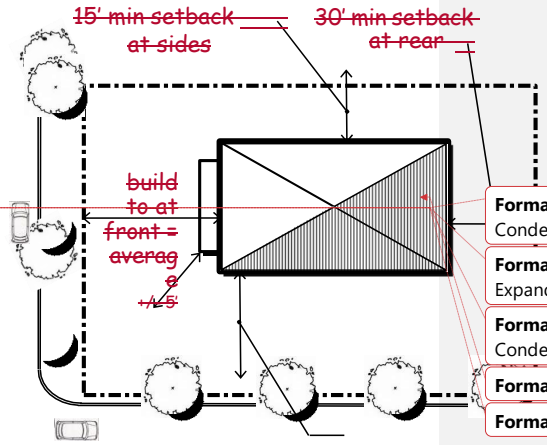


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Sign Regulations

Size	HR District
Total signs permitted	1
Total area permitted	8 sf (CUSTOMARY HOME OCCUPATION SIGN 2 sf max)
Type	
FREESTANDING	permitted (10 ft setback required)
PROJECTING	permitted
WALL/ Awning	not permitted
Temporary	not permitted



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Footnotes

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the ~~min~~minimum lot size required.

~~[3]~~ [3] The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 ~~ft~~feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build–to line. Structures may be constructed within ~~five (5) ft~~ feet, plus or minus of the average. Porches or steps may be located an additional ~~five (5) ft~~ feet beyond the front ~~façade~~facade of the structure. Expansions to existing structures shall be subject to a ~~mini- mum~~minimum setback equal to the calculated average setback, minus ~~five (5)~~ feet.

~~[4]~~ [4] Accessory structures must be ~~setback~~set back at least 20 feet from the average front setback of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line.

~~[5]~~ ~~2.~~[5] Two-family dwellings shall be designed to look like ~~SINGLE FAMILY DWELL- INGS~~single-family dwellings (i.e., the ~~2~~two-family dwelling should not look like it was designed to occupy more than ~~one~~1 family). At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street. Notwithstanding any other provision of Chapter 170, a legal or legal ~~non-conforming~~nonconforming accessory structure existing as of the effective date of these regulations may be converted into a second unit, provided that it shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

[6] Use is allowed on the portion of the lot that is behind the principal ~~struc- ture~~structure, provided the following standards are met: Chickens: No more than ~~six (6)~~ chickens and no roosters, with ~~three (3)~~ square feet of chicken coop and ~~twenty (20)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (20)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (6)~~ animals; ~~ten (10)~~ square feet of shelter and ~~thirty (30)~~ square feet of a fenced ~~[6]~~enclosure yard per animal; all shelters and ~~enclo- sures~~enclosures shall be ~~thirty (30)~~ feet from any property line.

~~[7]~~ [7] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[7]~~ ~~[9] Roadside farm stands~~The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[8]~~ ~~ROADSIDE FARM STANDS~~ shall be set back a minimum of ~~twenty (20)~~ feet from all abutting vehicular rights-of-way. The area of any ~~BUILDING asso- ciated~~building associated with the ~~ROADSIDE FARM STAND~~roadside farm stand shall not be greater than ~~two hundred (200)~~ square feet in area, and shall be considered an accessory structure if a residence is also located on the property. The total of the display area, including the building, shall not exceed ~~four hundred (400)~~ square feet. Off-street parking shall be provided in the amount of ~~one (1)~~ off-street parking space per 250 square feet of display, and building area, and all required parking spaces shall have safe access to and from a public street. A certificate of use issued by the Zoning Administrator and a ~~drive way~~driveway permit shall be required in all cases.

Architectural Considerations

The goal of the Heritage Residential District is to recognize, celebrate, and enhance the unique character of this area, in part by promoting architecture with a strong sense of place, fine detailing, quality materials, and designed with the site context and adjacent development in mind. To that end, applicants for new construction are encouraged to refer to the Dover Historic Preservation Guide (June, 1991) for examples of architecture and design that is fitting for the Heritage Residential District. This document is available for viewing on the Planning and Community Development Department webpage and at the offices of the Planning and Community Development Department and Inspection Services Division, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.

Conditional Use Permit Criteria

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~~Conditional Use Permit Criteria~~

The requirements of § 170-~~20.8~~20B(2) and (3) shall apply to all uses permitted by ~~Conditional Use Permit~~conditional use permit in addition to the requirements set forth below.

~~CHILD CARE FACILITY: CHILD CARE FACILITIES~~**Child-Care Facility:** Child-care facilities shall be subject to the ~~require~~

~~ments~~requirements set forth in the ~~"CHILD CARE FACILITY"~~"child-care facility" definition, ~~Chapter~~§ 170-6.

Conversion to, or ~~creation~~Creation of Dwelling, ~~3-4~~ Three- or Four-Family: Three- or four-family ~~dwell-ings~~dwellings and conversions of existing dwellings to ~~three (3)~~ or ~~four (4)~~ units shall be subject to the following regulations:

A. The specific site must have an amount of open space, either landscaped or left natural, at least equal to the average amount of open space on all developed lots in the HR District that are wholly or partly within ~~two hundred (~~200) feet of the subject parcel. Existing parking areas, either gravel, paved or unpaved, shall not be considered to be open space.

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B. Off-street parking, in accordance with Chapter 153, Site Review Regulations, shall be provided as to avoid vehicles backing into the street. Two ~~(2)~~ parking spaces per unit shall be required.

~~C.~~ Parking lots shall be at least ~~five (~~5~~)~~ feet from a side property line and ~~ten~~

C. ~~(~~10~~)~~ feet from a front property line.

D. Parking areas shall be screened from the street and from abutting lots.

E. Structures shall be at least ~~twenty (~~20~~)~~ feet from a front property line, ~~thirty (~~30~~)~~ feet from a rear property line and ~~fifteen (~~

~~E.~~ 15~~)~~ from a side ~~prop-erty~~property line unless abutting a street, in which case the distance from the side property line shall be ~~twenty (~~20~~)~~ feet.

F. For new construction, the building must be designed to look like a ~~SINGLE FAMILY DWELLING.~~single-family dwelling. At a minimum, this shall mean that only ~~one~~1 entrance shall be visible from a public street. For conversions, the building must retain its appearance as a ~~SINGLE FAMILY DWELLING or a 2~~single-family ~~dwell-ing~~dwelling or a two-family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal ~~non-conforming~~nonconforming accessory structure existing as of the effective date of these regulations may be converted into ~~one~~1 or more residential units, provided that the building shall not be enlarged, nor shall any exterior improvements be made to alter its appearance as an accessory structure.

~~ELDERLY ASSISTED CARE HOME: ELDERLY ASSISTED CARE HOME~~**Elderly Assisted Care Home:** Elderly assisted care home is allowed in accordance with the densities and provisions stated below:

A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms are permitted at a density of ~~one~~1 bedroom per 2,500 square feet.

B. Parking and service areas are screened from abutting residential uses.

C. Notwithstanding the above requirements, the maximum number of ~~bed-rooms~~bedrooms and residents allowed in a facility may be increased provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off-Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

~~GROUP HOME FOR MINORS: GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.

B. The group home shall be located in areas of transitional land use or mixed land uses.

C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.

D. Open space shall be maintained on the property in an amount ~~compara-ble~~comparable to the neighborhood.

E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

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F. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m. Sunday to Thursday, and 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m. Friday and Saturday.

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City of Dover Commercial (C) District
[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No.

~~**Commercial (C) District**~~

~~*Created: 07-22-2020 by Ord. No. 2020.07.08-007; Amended:10-13-21 by O—2021.09.08—006 and 09-14-2022 by O—2022.08.10-010*~~

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2022.08.10-010]

Permitted Uses [8]

~~• ADULT DAY CARE~~
~~• AUTO SERVICE STATION~~
~~• Bank~~
~~• Barber and Beauty Shop~~
~~• CHILD CARE FACILITY~~
~~• Clinic~~
~~• COMMERCIAL PARKING FACILITY~~
~~• COMMERCIAL RECREATION~~
~~• Computer and data processing~~
~~• DWELLING, MULTI-FAMILY [3]~~
~~• Eating and Drinking Establishment [4]~~
~~• Farm~~
~~• HOTEL / MOTEL~~
~~• New Car Sales~~
~~• OFFICE~~
~~• PERSONAL SERVICE ESTABLISHMENT~~
~~• Public Utility [5]~~
~~• PUBLISHING FACILITY~~
~~• Retail Store~~
~~• Theater~~
~~• USED CAR LOT [6]~~
~~• Veterinary Office, Animal Hospital or KENNEL~~

~~Sign Regulations~~

~~Sign Regulations~~

- Adult day care
- Auto service station
- Bank
- Barber and beauty shop
- Child-care facility
- Clinic
- Commercial parking facility
- Commercial recreation
- Computer and data processing
- Dwelling, multifamily [3]
- Eating and drinking establishment [4]
- Farm
- Hotel/motel
- New car sales
- Office
- Personal service establishment
- Public utility [5]
- Publishing facility
- Retail store
- Theater
- Used car lot [6]
- Veterinary office, animal hospital or kennel

Uses Permitted by Special Exception

- Adult bookstore and/or video store
- Adult cabaret
- Vehicle refueling and recharging station

~~• ADULT BOOKSTORE AND/ OR VIDEO STORE~~
~~• ADULT CABARET~~
~~• VEHICLE REFUELING AND RECHARGING STATION~~

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Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike)
Type	
Freestanding	(Max size 60 sf, max height 16 ft. 1 sign per side of frontage. Freestanding signs shall be located on low planter walls or be monument signs.)
Projecting	Permitted (max size 8 sf)
Wall/awning	(Provide building signage that is proportional to the scale of the tenant facade, max 1 sf for each linear foot of business frontage)
Temporary	Permitted (max ht 4 ft, max size 32 sf)

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	20,000 sf
Maximum COVERAGE	50%
Minimum FRONTAGE	125 ft
PRINCIPAL	
Front SETBACK	30 ft
Abut a Street SETBACK	30 ft
Side SETBACK [7]	12 ft
Rear SETBACK [7]	15 ft
OUTBUILDING/ ACCESSORY USE	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

*

Lot	
Minimum lot size	20,000 sf
Maximum coverage	50%
Minimum frontage	125 ft
Principal	
Front setback	30 ft
Abut a street setback	30 ft
Side setback [7]	12 ft
Rear setback [7]	15 ft
Outbuilding/Accessory Use	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

* Parking areas shall be set back at least ~~twenty-five~~ (25) feet from property lines.

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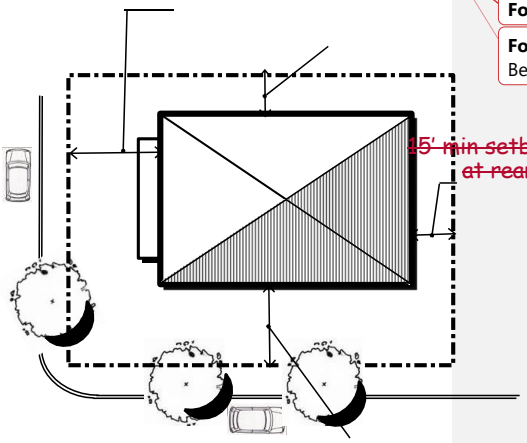
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Principal Building Placement

~~30' min setback at front~~

~~min setback at sides~~

~~15' min setback at rear~~

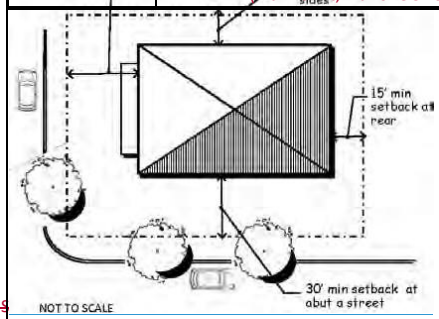


~~30' min setback at abut a street~~

~~NOT TO SCALE~~

~~1~~
~~2~~

~~Size~~	~~C District~~
~~Total signs permitted~~	~~2 (per tenancy, and is for lot (excluding development identification signs))~~
~~Total area permitted~~	~~2 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)~~
~~Type~~	
~~FREESTANDING~~	~~(Max size 60 sf, max height 16 ft. One SIGN per side of frontage. FREESTANDING signs shall be located on low planter walls or be monument SIGNS.)~~
~~PROJECTING~~	~~permitted (max size 8 sf)~~
~~WALL/ Awning~~	~~(Provide building signage that is proportional to the SCALE of the tenant façade, Max 1 sf for each lineal foot of business FRONTAGE)~~
~~Temporary~~	~~permitted (max height 4 ft, max size 32 sf)~~



~~SIGNS~~

Signs shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be ~~de-signed~~designed to further the d
of the building and be consistent with any ~~SIGN~~sign package. Paint ~~SIGN back-grounds~~sign backgrounds and ~~SIGN~~sign cabinets to compleme
colors~~.~~

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Footnotes

[1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] —[2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NHNew Hampshire Code of Administrative Rules —Env-Wt 101.87113 and the 1987 Federal Manual Forfor Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent% of the minimum lot size required.

[3] [3] Provided the lot contain five thousand (5,000) square feet per dwelling unit. Units are allowed only in mixed-use buildings where no more than 2/3rd3 of the overall square footage of the building is residential.

[4] [4] If the eating and drinking establishment has drive- in services, said service shall be setbackset back either 50'50 feet from a residential abutting lot line- or 100'100 feet from the abutting residential structure whichever is greater.

[5] [5] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

[6] [6] Permitted if an accessory use to a new car dealership.

[7] —[7] A vegetated buffer of no less than fifty50 feet (50') must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation where available and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year- round basis for the benefit of the residential uses abutting the B-3C Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques with a preference toward preserving existing healthy trees where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.

[8] [8] Solar/Green Roof Standardgreen roof standard:

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

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~~A.~~

Special Exception Criteria ~~[~~see § 170-~~52(C)~~59C(3) for additional regulations~~]~~.

~~ADULT BOOKSTORE AND/OR VIDEO STORE, ADULT CABARET: ADULT BOOKSTORE AND/OR VIDEO STORE AND ADULT CABARET~~**Adult bookstore and/or video store, adult cabaret:** Adult bookstore and/or video store and adult cabaret shall be

subject to the following conditions:

~~A. An ADULT BOOKSTORE, VIDEO STORE OR CABARET~~adult bookstore, video store or cabaret shall be at least

A. 500 feet from a parcel of land containing an existing residential use.

~~B. An ADULT BOOKSTORE, VIDEO STORE OR CABARET~~adult bookstore, video store or cabaret shall be at least

B. ~~1000~~ 1,000 feet from a parcel of land containing a school, church, community park or public recreational area.

~~C. No ADULT BOOKSTORE, VIDEO STORE OR CABARET~~adult bookstore, video store or cabaret shall be

C. permitted within ~~1000 ft.~~1,000 feet of an existing similar use.

D. ~~—~~The proposed use shall comply with all other state statutes and ~~city~~City ordinances and codes.

~~VEHICLE REFUELING/RECHARGING STATIONS:~~

Vehicle refueling/recharging 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.

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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. Hours of operations shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m.

~~E.~~ If a drive-in thru service is proposed, said facility shall be ~~setback~~set back either ~~fifty (~~50~~)~~ feet from a residential abutting lot or ~~one hundred~~ (100) feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with ~~Section~~Subsection G below.

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.

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.

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Commercial Manufacturing (CM) District

~~Created: 07~~[Added 7-22-2020 by Ord. No. 2020-07.08-007~~. Amended.~~; amended 10-13-~~21~~2021 by ~~O~~ Ord. No. 2021.09.08-~~006 and 09~~; 9-14-2022 by ~~O~~ Ord. No. 2022.08.10-010~~ Amended on 08-09~~; 8-9-2023 by Ord. No. 2023.07.12-008]

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Permitted Uses [9]

- Adult day care
- Child-care facility
- Commercial recreation
- Eating and drinking establishment [5]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - Drugs
  - Office, computing and accounting machines
  - Radio and television receiving equipment; communication equipment
  - Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - Measuring and controlling instruments
  - Optical instruments and lenses
  - Surgical, medical and dental instruments and supplies
  - Photographic equipment and supplies
  - Electrotherapeutic, electro-medical and X-ray apparatus
- Farm [6]
- Fuel, oil, or gas storage
- Helicopter take offs and landings [7]
- Hotel/motel
- Industry
- Light industry
- Office
- Open storage [8]
- Personal service establishment
- Public utility
- Publishing facility
- Research institutions
- Retail sale of agricultural or farm products raised on site
- Trucking terminal
- Warehousing
- Wholesaling

- ~~ADULT DAY CARE~~
- ~~CHILD CARE FACILITY~~
- ~~COMMERCIAL RECREATION~~
- ~~Eating and Drinking Establishment [5]~~
- ~~Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:~~
  - ~~Drugs~~
  - ~~Office, computing and accounting machines~~
  - ~~Radio and television receiving equipment~~
    ~~Communication equipment~~
  - ~~Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment~~
  - ~~Measuring and controlling instruments~~
  - ~~Optical instruments and lenses~~
  - ~~Surgical, medical and dental instruments and supplies~~
  - ~~Photographic equipment and supplies~~
  - ~~Electrotherapeutic, electro-medical and X-ray apparatus~~
- ~~FARM [6]~~
- ~~Fuel, Oil, or Gas Storage~~
- ~~Helicopter Take Offs & Landings [7]~~
- ~~HOTEL/MOTEL~~
- ~~Industry~~
- ~~LIGHT INDUSTRY~~
- ~~OFFICE~~
- ~~Open Storage [8]~~
- ~~PERSONAL SERVICE ESTABLISHMENT~~
- ~~Public Utility~~
- ~~PUBLISHING FACILITY~~
- ~~Research Institutions~~
- ~~Retail Sale of Agricultural or Farm Products Raised on Site~~
- ~~Trucking Terminal~~
- ~~WAREHOUSING~~
- ~~WHOLESALING~~

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Uses Permitted by Special Exception

- Auto service
- Vehicle refueling and recharging station

- ~~AUTO SERVICE~~
- ~~VEHICLE REFUELING AND RECHARGING STATION~~

Uses Permitted by Conditional Use

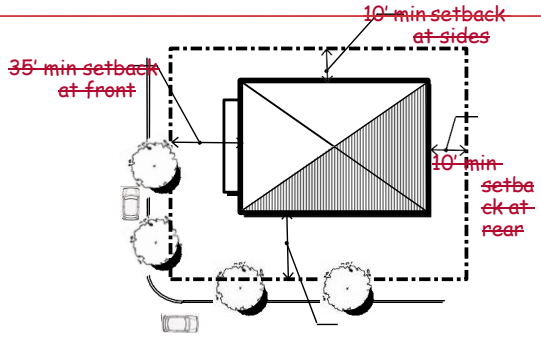
- Alternative treatment center
- Self-service storage facility

- ~~Alternative Treatment Center~~
- ~~SELF-SERVICE STORAGE FACILITY~~

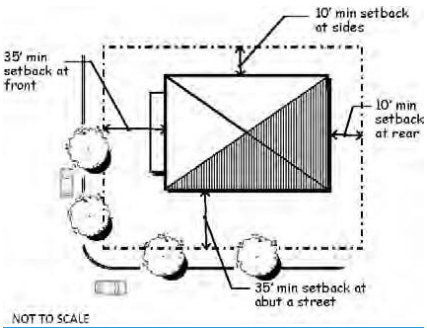
Dimensional Regulations [1] [2]

~~LOT~~Lot	
Minimum ~~LOT Size~~lot size	20,000 sf
Maximum ~~LOT COVERAGE~~lot coverage	50%
Minimum ~~FRONTAGE~~frontage	100 ft
~~PRINCIPAL BUILDING~~Principal Building	
Front ~~SETBACK~~setback [3]	35 ft
Abut a ~~Street SETBACK~~street setback	35 ft
Side ~~SETBACK~~setback	10 ft
Rear ~~SETBACK~~setback	10 ft
~~OUTBUILDING/ACCESSORY~~	
Front ~~SETBACK~~setback	35 ft
Abut a ~~Street SETBACK~~street setback	35 ft
Side ~~SETBACK~~setback	10 ft
Rear ~~SETBACK~~setback	10 ft
~~BUILDING HEIGHT~~Building Height	
~~PRINCIPAL BUILDING~~Principal building	50 ft max
~~OUTBUILDING/ACCESSORY~~	40 ft max

Principal Building Placement



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Sign Regulations

Size	CM District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
Freestanding	Permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)
Projecting	Permitted
Wall/awning	Permitted
Temporary	Permitted

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~~35' min setback at abut a street~~

Footnotes

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~~**Uses Permitted by Conditional Use**~~

~~**Size**~~	~~**CM District**~~
~~Total SIGNS permitted~~	~~2 (per tenancy, and is for lot (excluding development identification signs))~~
~~Total area permitted~~	~~1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)~~
~~**Type**~~	
~~FREESTANDING~~	~~permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)~~
~~PROJECTING~~	~~permitted~~
~~WALL/ Awning~~	~~permitted~~
~~Temporary~~	~~permitted~~

~~Commercial Manufacturing (CM) District~~

~~Footnotes~~

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3] Reserved~~

~~[4]~~ [3] The maximum building heights may be increased to ~~seventy-five (75')~~75 feet provided the following conditions are met:

A. The additional building height above ~~fifty (50')~~50 feet is necessary to meet an industrial function.

B. The building is located a minimum of 150 feet from a ~~Residential District~~residential district.

C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.

D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.

~~[5]~~ [5] If the eating and drinking establishment has drive- in services, said service shall be ~~setback~~set back either ~~150'~~150 feet from a residential abutting lot line or ~~200'~~200 feet from the abutting residential structure whichever is greater.

~~[6]~~ [6] Shall not include the raising and sale of ~~FARM ANIMALS~~farm animals; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of ~~fresh water~~freshwater fish or other aquaculture products; and/or the breeding of poultry or game birds.

~~[7]~~ [7] Helicopter take offs and landings are allowed subject to the following conditions:

A. There shall be a distance of ~~one thousand~~ (1,000) feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

~~[8]~~ [8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening of at least ~~six~~ (6) feet in height of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.

~~[9]~~ [9] Solar/~~Green Roof Standard:~~ • green roof standard:

~~•~~ All buildings must be solar ready ~~–~~.

~~[9]~~ • Commercial and mixed-use buildings that are 25,000 ~~sq ft~~square feet or more must also incorporate solar panels and/or a green roof on at least 30 ~~percent~~% of the roof area.

~~Special Exception Criteria~~ ([see § 170-~~52(C)~~59C(3) for additional regulations)]

~~VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:~~

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.

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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 200 feet to a secondary groundwater protection zone.

~~(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 ~~operation~~operations shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m.

~~G.~~ If a drive-in thru service is proposed, ~~said~~the facility shall be ~~setback~~set back either ~~fifty~~

G. ~~(~~50~~)~~ feet from a residential abutting lot or ~~one-hundred (~~100~~)~~ feet from the abutting residential structure, whichever is greater, and shall also be screened consistent with ~~Section~~Subsection E above.

~~**Conditional Use Permit Criteria**~~

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Conditional Use Permit Criteria

An ~~*Alternative Treatment Center*~~alternative treatment center, as defined in RSA 126~~:~~-X:1, I, shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the ~~PLANNING BOARD~~Planning Board upon a finding that the following criteria are met:

A. An ~~Alternative Treatment Center~~alternative treatment center shall not be located within ~~one thousand~~ (1,000) feet of the property line of a public or private elementary or secondary school or designated drug-free school zone.

B. The ~~Alternative Treatment Center~~alternative treatment center shall be located in a permanent ~~BUILDING~~building and may not be located in a trailer, ~~MANUFACTURED HOME~~manufactured home, cargo container or any ~~STRUCTURE~~structure that has axles with wheels. ~~DRIVE-IN SERVICES~~Drive-in services are prohibited.

C. Hours of operation shall be limited to 9 ~~am~~:00 a.m. to 9 ~~pm~~,:00 p.m., Monday through Friday, and 10 ~~am~~:00 a.m. to 6 ~~pm~~:00 p.m. on Saturday and Sunday.

D. The ~~Alternative Treatment Center~~alternative treatment center shall provide for the proper disposal of cannabis remnants or ~~byproducts~~by-products which remnants or ~~byproducts~~by-products shall not be placed in the ~~facility's~~facility's exterior refuse containers.

E. The ~~APPLICANT~~applicant shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the ~~Alternative Treatment Center~~alternative treatment center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.

F. The use of cannabis on the premises is prohibited.

G. The ~~Alternative Treatment Center~~alternative treatment center shall emit no cannabis-related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the ~~LOT LINES~~lot lines of the property where the facility is located.

~~SELF-SERVICE STORAGE FACILITY~~

Self-service storage facility shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the ~~PLANNING BOARD~~Planning Board upon a finding that the following criteria are met:

A. The minimum front ~~SETBACK~~setback shall be double the ~~SETBACKs~~setbacks required in the district.

B. No storage unit ~~BUILDING~~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~~street.

C. Hours of operation shall be limited to 9 ~~am~~:00 a.m. to ~~9pm~~,9:00 p.m., Monday through Friday, and 10 ~~am~~:00 a.m. to 6 ~~pm~~:00 p.m. on Saturday and Sunday.

D. If adjacent to a residential district or a ~~LOT~~ lot containing a residential use, the facility shall:

i. Be limited to a one-story ~~STRUCTURE~~ structure with a height no more than ~~twenty~~ (20) feet.

~~iii~~.ii. Not hold auctions or sales of contents of storage containers.

iii. Have screening sufficient to block the view of the ~~BUILDINGS~~buildings from abutting parcels and shall.

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iv. prohibit lighting from shedding onto abutting parcels.

E. All setbacks shall be double the setbacks required in the district, not just the front setback.

F. The architectural design standards of Chapter § 153- 14L(8)(b) shall be adhered to.

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~~Innovative Technology (IT) District~~

~~*Created: 07-22-2020 by Ord. No. 2020-07.08-007 , Amended:10-13-21 by O—2021.09.08 - 006 and 09-14-2022 by O—2022.08.10-010*~~

Innovative Technology (IT) District

[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 10-13-2021 by Ord. No. 2021.09.08-006; 9-14-2022 by Ord. No. 2022.08.10-010]

Permitted Uses [10] [11] [12] [13] [14] [15]

- Adult day care
- Child-care facility
- Computer and data processing
- Eating and drinking establishments [7]
- Establishments for the manufacture, assembly, services and repair of the products listed below and other uses of a similar nature:
  - Drugs
  - Office, computing and accounting machines
  - Radio and television receiving equipment; communication equipment
  - Electronic components and engineering, laboratory, scientific and research instruments and associated equipment
  - Measuring and controlling instruments
  - Optical instruments and lenses
  - Surgical, medical and dental instruments and supplies
  - Photographic equipment and supplies
  - Electrotherapeutic, electro-medical and X-ray apparatus
- Excavation
- Farm [8]
- Laboratories (scientific, medical, chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- Office
- Public utility [9]
- Publishing facility
- Veterinary office, animal hospital or kennel [10]
- Warehousing
- Wholesaling

~~Adult Day Care~~
~~CHILD CARE FACILITY~~
~~Computer and data processing~~
~~Eating and Drinking Establishments [7]~~
~~Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:~~
- ~~Drugs~~
- ~~Office, computing and accounting machines~~
- ~~Radio and television receiving equipment Communication equipment~~
- ~~Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment~~
- ~~Measuring and controlling instruments~~
- ~~Optical instruments and lenses~~
- ~~Surgical, medical and dental instruments and supplies~~
- ~~Photographic equipment and supplies~~
- ~~Electrotherapeutic, electro-medical and X-ray apparatus~~

~~EXCAVATION~~
~~FARM [8]~~
~~Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity~~
~~OFFICE~~
~~Public Utility [9]~~
~~PUBLISHING FACILITY~~
~~Veterinary Office, Animal Hospital or KENNEL [10]~~
~~WAREHOUSING~~
~~WHOLESALING~~

Sign Regulations ~~[1] [2]~~

~~LOT~~	
~~Minimum LOT~~ **Size** ~~[3]~~	~~2 acres~~ IT D
~~Maximum LOT COVERAGE [4]~~Total signs permitted	~~33%~~2 [per tenancy for lot (exclud development/ identi
~~Minimum FRONTAGE~~	~~200 ft [3]~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK [5]~~Total area permitted	~~50 ft~~1 sf for each foot of business fr (see § 170-50 for re for businesses borde Spaulding Turnp
~~Abut a Street SETBACK~~Type	~~50 ft~~

~~Side SETBACK~~	~~50 ft~~	~~PRINCIPAL BUILDING [6]~~Freestanding	~~55 ft max~~Permitted,	
~~Rear SETBACK~~	~~50 ft~~			
~~OUTBUILDING/ACCESSORY USE*~~				
~~Front SETBACK~~	~~50 ft~~			
~~Abut a Street SETBACK~~	~~50 ft~~	~~OUTBUILDING~~Projecting	~~55 ft max~~Not	
~~Side SETBACK~~	~~10 ft~~	Wall/awning	Permitted	
~~Rear SETBACK~~	~~10 ft~~	Temporary	Permitted	
~~HEIGHT OF BUILDING~~				

Dimensional Regulations [1] [2]

Lot	
Minimum lot size [3]	2 acres
Maximum lot coverage [4]	33%
Minimum frontage	200 ft [3]
Principal Building	
Front setback [5]	50 ft
Abut a street setback	50 ft
Side setback	50 ft
Rear setback	50 ft
Outbuilding/Accessory Use*	
Front setback	50 ft
Abut a street setback	50 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building [6]	55 ft max
Outbuilding	55 ft max

* Parking areas shall be set back at least ~~twenty-five~~ 25 feet from property lines. ~~[Added 7-8-87 by Ord.]~~

Uses Permitted by Conditional Use

- ~~Educational Institution, Post Secondary~~
- ~~Helicopter Take Offs & Landings~~
- ~~Personal Service Establishment~~
- ~~SELF-SERVICE STORAGE FACILITY~~

- Educational institution, post-secondary
- Helicopter take offs and landings
- Personal service establishment
- Self-service storage facility

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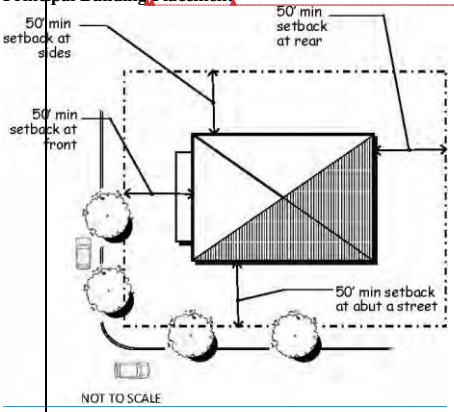
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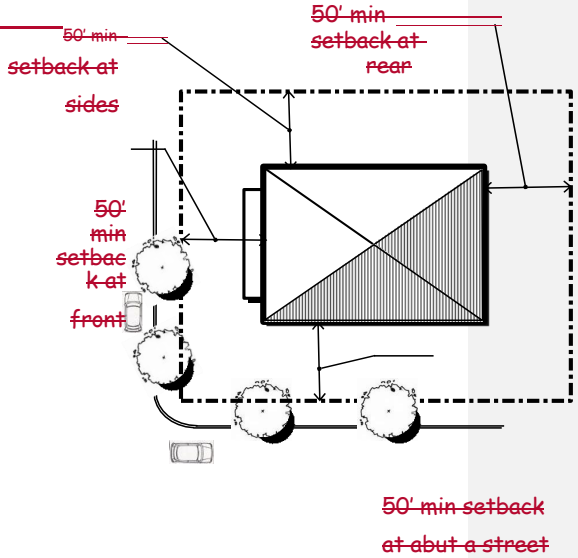
Principal Building Placement



Footnotes

Sign Regulations

Size	IT District
Total signs permitted	2 (per tenancy, and is for lot (excluding development identification signs))
Total area permitted	1 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted, provided that the principal building is setback at least 75 ft (max ht 16 ft, max size 100 sf.)
PROJECTING	Not permitted
WALL/ Awning	permitted
Temporary	permitted



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~~Footnotes~~

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] Not applicable to lots ~~off~~of internal or private roadways.

~~[4]~~ [4] At least ~~thirty three percent (33%)~~% of the site shall be maintained as open space, either landscaped or left natural. A maximum of ~~thirty-three percent (33%)~~% of the site can be covered by buildings.

~~[5]~~ [5] See ~~Section~~§ 170-15.

~~[6]~~ [6] The maximum building heights may be increased to ~~seventy-five (75')~~75 feet provided the following conditions are met:

A. The additional building height above ~~fifty (50')~~50 feet is necessary to meet an industrial function.

B. The building is located a minimum of 200 feet from a ~~Residential District~~residential district.

C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.

D. The building is for a permitted use and not one granted by special exception, conditional use permit or variance.

~~[7] No Drive Thru Allowed~~

[7] No drive thru allowed.

~~[8]~~ [8] Where ~~FARM ANIMALS~~farm animals are raised and boarded, shelters to house said animals shall not be less than ~~one hundred (100)~~ feet from any property boundary.

~~[9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

[9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

~~[10]~~ [10] Shelters and runs used to house and/or contain animals shall be no closer than ~~one hundred (100)~~ feet ~~from~~to any property line and must support a minimum tract size of ~~one hundred thousand~~ (100,000) square feet.

~~[11]~~ [11] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.

~~[12]~~ [12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.

~~[13]~~ [13] A residential structure located within the Innovative Technology District and existing prior to 7-8-1987 may be increased up to ~~twenty percent (20%)~~20% of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Innovative Technology District, but must remain within 75 feet of the nonconforming residential structure.

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~~allowed~~[14] Development within the ~~Innovative Technology~~IT District~~, but must remain within seventy-five (75) feet of the nonconforming residential structure~~ shall conform to design standards contained in Chapter 153, Site Review Regulations, § 153-15.

[15] Solar/~~Green Roof Standard: •~~ green roof standard:

- All buildings must be solar ready~~.~~
- ~~[14]~~ Commercial and mixed~~-~~use buildings that are 25,000 ~~sq. ft~~square feet or more must also incorporate solar panels and/or a green roof on at least 30 ~~percent~~% of the roof area.

~~[15] Development within the IT District shall conform to design standards contained in Chapter 153, entitled Site Review, Chapter 153-15.~~

Conditional Use Permit Criteria

The following uses shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the ~~PLANNING BOARD~~Planning Board upon a finding that the following criteria are met:

~~*SELF-SERVICE STORAGE FACILITY*~~

Self-storage facility:

A. The minimum front ~~SETBACK~~setback shall be double the ~~SETBACKs~~setbacks required in the district.

B. No storage unit ~~BUILDING~~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~~street.

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C. Hours of operation shall be limited to 9 ~~am~~:00 a.m. to ~~9pm.~~9:00 p.m., Monday through Friday, and 10 ~~am~~:00 a.m. to 6 ~~pm~~:00 p.m. on Saturday and Sunday.

D. If adjacent to a residential district or a ~~LOT~~ lot containing a residential use, the facility shall:

i. Be limited to a one-story ~~STRUCTURE~~structure with a height no more than ~~twenty (~~20~~)~~ feet.

~~iii.~~ii. Not hold auctions or sales of contents of storage containers.

~~iv.~~iii. Have screening sufficient to block the view of the ~~BUILDINGS~~buildings from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.

E. All setbacks shall be double the setbacks required in the district, not just the front setback.

F. The architectural design standards of ~~Chapter~~ § 153-14L(8)(b) shall be adhered to.

Helicopter take offs and landings:

A. There shall be a distance of ~~one thousand (~~1,000~~)~~ feet between any existing residential structure and any proposed helicopter landing pad.

B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

Educational ~~Institution, Post Secondary~~institution, post-secondary:

A. The school is a trade/vocational/career technical school.

B. The school is accredited by the State of New Hampshire.

~~B.~~ **Personal ~~Service Establishments~~service establishments:**

A. The use is part of a larger retail/office or service center.

B. The use is complimentary to the adjacent advanced manufacturing or assembly uses.

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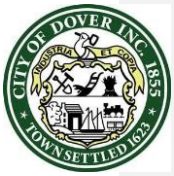
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City of Dover Gateway District

[Added 7-22-2020 by Ord. No. 2020.07.08-007; amended 9-14-2022 by Ord. No. 2022.08.10-010; 8-9-2023 by Ord. No. 2023.07.012-008]

The information included in this table represents the requirements for development in this district; see ~~Section~~ § 170-20 for additional requirements. ~~(Adopted 12/9/2009 per O-2009.09.09-15 and Amended on 08-09-2023 by Ord. No. 2023.07.12-008).~~

~~STATEMENT OF PURPOSE~~

Statement of Purpose

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (~~multi-story~~multistory buildings, civic buildings, etc.). In Dover, the primary Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently, residential activity is located above ground-floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	50% max
Frontage build-out	60% min.
Front primary build to line	5 ft. min - 20 ft. max
Front secondary build to line	5 ft. min - 20 ft. max
Side setback	10 ft. min
Rear setback	15 ft. min
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	10 ft. min
Rear setback	15 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/light well	Permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Not permitted
Height of Building	
Principal building	4 story max, 2 story min#
Outbuilding/accessory	2 story max

Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses

Use	
Residential	Permitted; density: 4,000 sf per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150 ft. from residential. 13 or more rooms are permitted with CUP.
Day care	Adult and child permitted, institutional not permitted.
Professional services and offices	Permitted#
Eating and drinking establishments	Permitted#
Retail/personal services	Permitted#
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

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

C. **Footnotes**

~~(1)~~[1] If ~~as 4~~a four-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.

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DIMENSIONAL REGULATIONS*

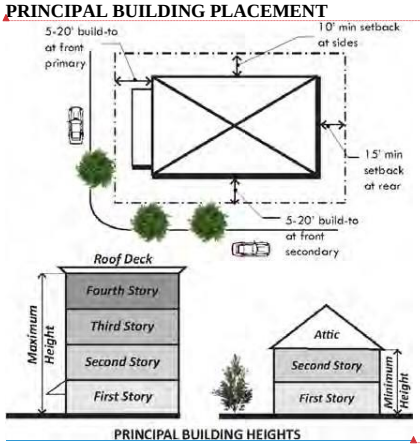
Principal Building	
Lot Size	N/A
Lot Coverage	50% max
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	10 ft. min
Rear Setback	15 ft. min
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	10 ft. min
Rear Setback	15 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Not permitted
Height of Building	
Principal Building	4 story max, 2 story min #
Outbuilding/Accessory	2 story max

PERMITTED USES * [1]

Use	
Residential	Permitted, density: 4,000 sf. per unit**#
Lodging	Permitted, up to 12 rooms. Must be 150' from residential. 13 or more rooms are permitted with CUP.
Daycare	Adult and child permitted. Institutional not permitted.
Professional Services & Offices	Permitted #
Eating & Drinking Establishments	Permitted #
Retail/Personal Services	Permitted #
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-Thru Services	Not Permitted
Other	Via Conditional Use Permit

*CUP (

PRINCIPAL BUILDING PLACEMENT



PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size and Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted - 16 ft. max ht.
Projecting	Permitted - 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/awning	Permitted
Temporary	Permitted per § 170-50O(1)

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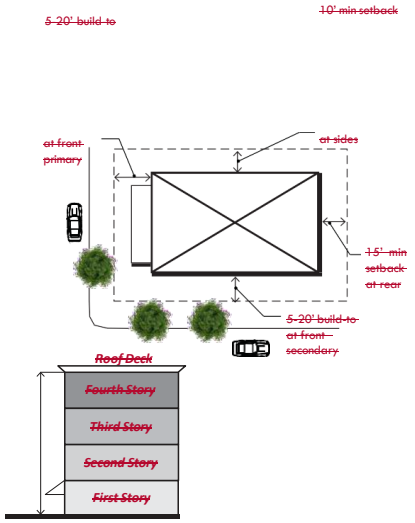
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PRINCIPAL BUILDING HEIGHTS

SIGN REGULATIONS

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

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted- 16 ft. max ht.
Projecting	Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/Awning	Permitted
Temporary	Permitted per 170-32.Q (1)

PARKING LOCATION STANDARDS (SEE 153-14)

Downtown Architectural Standards*

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

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~~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~~Building 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~~standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. For more information, please see Section 2 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

The following ~~Architectural Standards~~architectural standards must apply for a residential building with 5 units or more and all mixed-use/~~non-residential~~nonresidential uses along Central Ave. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

~~STREETSCAPE STANDARDS~~

Required Ground Floor Standards:

- No less than 30% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- 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~~green roof standard:
  - All buildings must be solar ready.
  - Commercial and mixed-use buildings that are 25,000 ~~sq ft~~square feet or more must also incorporate solar panels and/or 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 equivalent standard ~~are~~is encouraged.
- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

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

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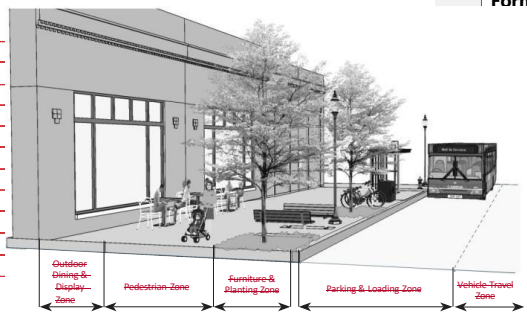
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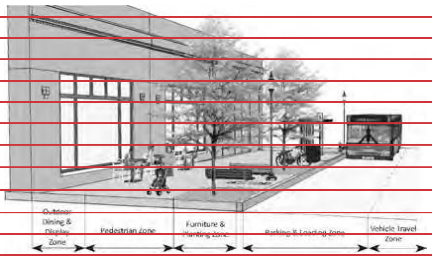
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Streetscape Standards

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~~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~~Dover's CBD Architectural Design Guidelines.



- Sidewalks ~~shall~~are encouraged to be brick and shall be a 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~~ground cover or shrubs, no bare ground permitted. Low ~~Impact Development~~ 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'~~ five-foot-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~~is 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~~nonresidential project.
- Lighting and mechanical equipment standards per § 170-~~20(E)~~ 20E(3)(d).



** Density: 3,000 ~~sf~~ square feet per unit if part of a mixed-use building with 35 ~~percent~~% nonresidential uses; 2,000 ~~sf~~ square feet per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.

~~Rooming houses and manufactured homes are considered other uses.~~

Rooming houses and manufactured homes are considered other uses.

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

~~STREETSCAPE ELEMENTS~~

Streetscape Elements

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On Dover Point Road ~~and~~ within 300 feet of the center line of New ~~Roches- ter~~Rochester Road, and for lots on Rutland Street.

- Building ~~Height~~height is limited to 2 ~~Stories~~stories, unless a structure on adjacent property is 3 stories, in which case this may be matched.
- Residential is limited to ~~Single Family~~single-family and ~~Two Family Dwelling~~two-family dwelling units, unless part of a permitted mixed-use building.
- Professional ~~Service & Office, Eating and Drinking Establishments~~service and office, eating and ~~Retail/Personal Services~~drinking establishments and retail/personal services are limited to 2,000 ~~sf~~square feet per unit.

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Hospital (H) District

Added: 11-28-12 by Ord. No. 2012-11.14-24, Amended on 06-22-2016 by Ord. No. O-2016.06.08 – 010 ,on 12-26-2016 by Ord. No. 2016.10.12-015

Permitted Uses

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- ACCESSORY DWELLING UNIT
- ADULT DAY CARE
- ASSEMBLY HALL
- ASSISTED LIVING FACILITY [3]
- Bank
- BED and BREAKFAST
- CHILD CARE FACILITY
- Clinic
- CONGREGATE CARE [4]
- CONTINUING CARE COMMUNITY FACILITY [3]
- Dwelling, 2 Family
- DWELLING, SINGLE FAMILY
- EDUCATIONAL INSITUTION, POST SECONDARY
- EDUCATIONAL INSITUTION, K-12
- ELDERLY ASSISTED CARE [5]
- Funeral Parlor
- Hospital
- NURSING HOME [4]
- OFFICE
- PUBLIC RECREATION
- Public Utility [6]
- ROOMING HOUSE

LOT	
Minimum LOT Size	10,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front SETBACK	12 ft
Abut a Street SETBACK	12 ft
Side SETBACK	10 ft
Rear SETBACK	15 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	12 ft
Front Secondary SETBACK	12 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	65 ft max
OUTBUILDING	40 ft max

Uses Permitted by Conditional Use Permit

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- Eating and Drinking Establishment
- Retail Store
- GROUP HOME FOR MINORS

City of Dover

Hospital (H) District

[Ord. No. 2016.12-015 (adopted October 26, 2015); Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Assisted living facility [3]
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [4]
- Continuing care community facility [3]
- Dwelling, two-family
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Elderly assisted care [5]
- Funeral parlor
- Hospital
- Nursing home [4]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit

- Eating and drinking establishment

Dimensional Regulations [1] [2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Front secondary setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	65 ft max
Outbuilding	40 ft max

Size	**H District**
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size is 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max ht 16 ft above ground elevation, or to bottom of sills of first level of windows above the first floor, whichever is lowest)

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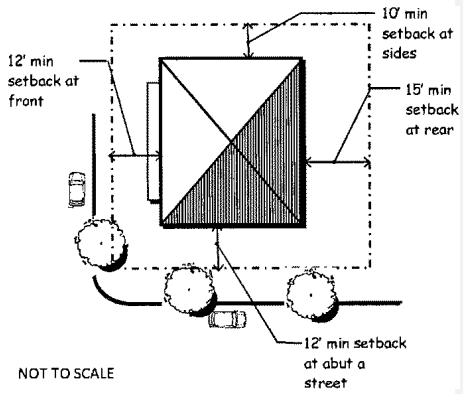
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Temporary	Permitted

- Retail store
- Group home for minors

Sign Regulations

Principal Building Placement



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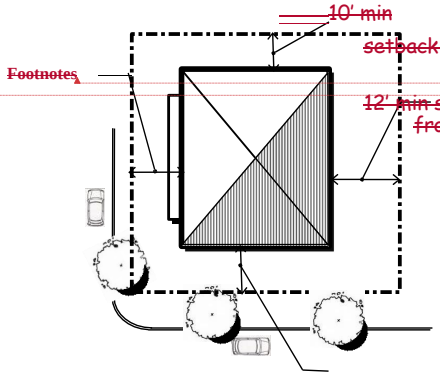
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Dimensional Regulations [1] [2]

Principal Building Placement



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~~sides~~

~~15' min setback at rear~~

~~Sign Regulations~~

~~Size~~	~~H District~~
~~Total signs permitted~~	~~1~~ ~~(per tenancy, and is for lot (excluding development identification signs))~~
~~Total area permitted~~	~~12 sf~~
~~Type~~	
~~FREESTANDING~~	~~permitted, provided that the principal building is set back at least 20 ft~~ ~~(if multiple tenants, max size is 4 sf per tenant; max ht 8 ft)~~
~~PROJECTING~~	~~not permitted~~
~~WALL/ Awning~~	~~permitted~~ ~~(max ht 16 ft above ground elevation, or to bottom of sills of first level of windows above the first floor, whichever is lowest)~~
~~Temporary~~	~~permitted~~

~~NOT TO SCALE~~

~~12' min setback at abut a street~~

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Footnotes

Footnotes

[1] [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

[2] [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland minimum nonwetland portion of any newly created lot shall be contiguous contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH New Hampshire Code of Administrative Rules — Env-Wt 101.87 113 and the 1987 Federal Manual for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 percent % of the minimum lot size required.

[3] [3] An ASSISTED LIVING FACILITY or CONTINUING CARE COMMUNITY assisted living facility or continuing care community facility shall be serviced by municipal sewer and have a density of one 1 unit requirement per 2,000 square feet of lot area. Parking lots and service areas are screened from abutting residential uses and the facility shall obtain a license from the State of New Hampshire.

[4] [4] A CONGREGATE CARE Facility congregate care facility shall require a minimum lot size of 1,000 sq. ft. per unit and a NURSING HOME Facility nursing home facility shall require a minimum lot size of 1,000 sq. ft. per bedroom. [Amended 09-15-93 by Ord. [5] No. 19-93]

[5] An ELDERLY ASSSITED CARE FACILITY elderly assisted care facility larger than 6 bedrooms shall meet the density of one 1 bedroom per 2,500 sq. ft. Provide parking and service areas that are screened from abutting resi-dential residential uses. Also, the maximum number of bedrooms and residents residents allowed in a facility may be increased provided the in-crease increase is found not to be detrimental to the surrounding proper-ties properties and conforms with parking standards in Chapter § 170-44 (Off-Street Parking). 56 (off-street parking). Furthermore, any increase to an existing struc-ture structure must be contained within or contiguous to the original structure.

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visu-al screen from any structures and storage within.

Conditional Use Permit Criteria

Eating and Drinking Establishment: An Eating eating and Drinking Establish-ment drinking establishment shall be allowed if a Conditional Use Permit conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. The Eating eating and Drinking Establishment drinking establishment shall contribute to a NEIGHBORHOOD neighborhood feel and be pedestrian -friendly.

B. The Eating eating and Drinking Establishment drinking establishment shall be no larger than 2,000 square feet.

C. The Eating eating and Drinking Establishment drinking establishment shall not include DRIVE-IN SERVICE drive-in service.

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D. The required parking may be reduced by ~~fifty percent (50%)~~ 50% if on-street parking is available in the neighborhood.

E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.

F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.

~~H.~~ Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m., Sunday ~~–~~

H. through Thursday, and 6 ~~am~~:00 a.m. to 11 ~~pm~~:00 p.m., Friday and Saturday.

I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

J. The applicant shall provide proof that ~~they have~~he/she has conducted a ~~Preliminary Code Review~~preliminary code review for an ~~Eating~~eating and ~~Drinking Establish-ment~~drinking establishment with the Inspection Services ~~Office~~Division.

Retail Store: A ~~Retail Store~~retail store shall be allowed if a ~~Conditional Use Per-mit~~conditional use permit is granted by the Planning Board, upon a finding that the following criteria are met:

A. The store shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be ~~pe-destrian~~ pedestrian-friendly.

B. The store shall be no larger than 2,000 square feet.

~~B.~~A. ~~The store shall be no larger than 2,000 square feet.~~

C. The store shall not include ~~DRIVE-IN SERVICE~~drive-in service.

D. The required parking may be reduced by ~~fifty percent (50%)~~ 50% if on-street parking is available in the neighborhood.

E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.

F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.

~~H.~~ Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m., Sunday ~~–~~

H. through Thursday, and 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m., Friday and Saturday.

I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

~~**GROUP HOME FOR MINORS:** GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.

B. The group home shall be located in areas of transitional land use or mixed land uses.

C. Parking and service areas shall be screened from abutting ~~resi-dential~~residential uses, unless the abutter chooses to not want said ~~screen-ing~~screening.

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D. Open space shall be maintained on the property in an amount comparable to the neighborhood.

E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

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~~**Little Bay Waterfront (LBW) District**~~

~~*Added: 11-28-12 by Ord. No. 2012-11.14-24, Amended 06-22-2016 by Ord. No. O-2016.06.08—010, on 12-26-2016 by Ord. No. 2016.10.12-015*~~

ZONING

170 Attachment 12

City of Dover

Little Bay Waterfront (LBW) District
[Ord. No. 2016.12-015 (adopted October 26, 2015); Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

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Permitted Uses

- Accessory dwelling unit
- Assembly hall
- Bank
- Barbershop and beauty shop
- Bed-and-breakfast
- Child-care facility
- Commercial recreation
- Dwelling, three- to four-family [3]
- Dwelling, two-family
- Dwelling, single-family
- Eating and drinking establishment [4]
- Educational institution, postsecondary
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Marina
- Office
- Personal service establishment
- Public utility [6]
- Retail store
- Water-related education/resource center
- Waterborne passenger transportation facility

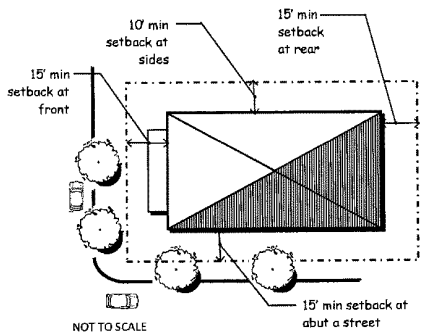
Dimensional Regulations [1][2]

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	75 ft
Principal Building	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	15 ft
Abut a street setback	15 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	40 ft max
Outbuilding	40 ft max

Sign Regulations

Size	**LBW District**
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 ft of sign area for each 3 ft of linear business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (max ht 16 ft or 12 sf in area regardless of the number of individual tenants within the building)
Projecting	Permitted (max size 8 sf)
Wall/awning	Permitted (max size 16 sf; max ht 16 ft or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest)
Temporary	Permitted

Principal Building Placement



~~*Little Bay Waterfront (LBW) District Regulations Summary*~~

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Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	10,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	75 ft
PRINCIPAL BUILDING	
Front SETBACK	15 ft
Abut a Street SETBACK	15 ft
Side SETBACK	10 ft
Rear SETBACK	15 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	15 ft
Abut a Street SETBACK	15 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

Principal Building Placement

DOVER CODE

Footnotes

- ACCESSORY DWELLING UNIT
- ASSEMBLY HALL
- Bank
- Barber and Beauty Shop
- BED AND BREAKFAST
- CHILD CARE FACILITY
- COMMERCIAL RECREATION
- DWELLING, 3-4 Family [3]
- DWELLING, 2 Family
- DWELLING, SINGLE FAMILY
- Eating and Drinking Establishment [4]
- EDUCATIONAL INSTITUTION, POST SECONDARY
- FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]
- MARINA
- OFFICE
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility [6]
- Retail Store
- WATER RELATED EDUCATION/RESOURCE CENTER
- WATERBORNE PASSENGER TRANSPORTATION FACILITY

10' min setback at sides

15' min setback at rear

1 5' min setback at abut a street

NOT TO SCALE

Size	LBW District
Total signs permitted	1 (per tenancy, and is for lot (excluding development identification signs))
Total sign area permitted	1 sf of sign for each 2 ft of linear business FRONTAGE
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 20 ft (max ht 16 ft or 12 sf in area regardless of the number of individual tenants within the building)
PROJECTING	permitted (max size 8 sf)
WALL/ Awning	permitted (max size 16 sf; max ht 16 ft or to the bottom of the sills of the first level of windows above the first floor, whichever is lowest)
Temporary	permitted

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~~Little Bay Waterfront (LBW) District~~

~~Amended: 10-13-21 by O – 2021.09.08 - 006~~

~~[1]~~ [1] Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~—~~Env-Wt~~-~~ 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] Provided that the lot contains at least ~~ten thousand (~~10,000~~)~~ square feet per dwelling unit.

~~[4]~~ [4] If fully enclosed with no drive-in service.

~~[5]~~ [5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met~~:~~. Chickens: ~~No~~no more than ~~six (~~6~~)~~ chickens and no roosters, with ~~three (~~3~~)~~ square feet of chicken coop and ~~twenty (~~20~~)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20~~)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (~~6~~)~~ animals; ~~ten (~~10~~)~~ square feet of shelter and ~~thirty~~30 square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be 30 feet from any property line.

~~(30) square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be thirty (30) feet from any property line.~~

~~[6]~~ [6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

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~~Office (O) District~~

~~Amended: 11-28-12 by Ord. No. 2012-11.14-24, 06-22-2016 by Ord. No. O-2016.06.08--010, on 12-26-2016 by Ord. No. 2016.10.12-015~~

ZONING

170 Attachment 13

City of Dover

Office (O) District

[Ord. No. 2016.12-015 (adopted October 26, 2015); Amended 6-22-2016 by Ord. No. 2016.06.08-010; 10-13-2021 by Ord. No. 2021.09.08-006]

~~Permitted Uses~~

- ~~ACCESSORY DWELLING UNIT~~
- ~~ADULT DAY CARE~~
- ~~ASSEMBLY HALL~~
- ~~Bank~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~Clinic~~
- ~~CONGREGATE CARE [3]~~
- ~~Dwelling, 2 Family~~
- ~~Dwelling, 3-4 Family [4]~~
- ~~DWELLING, SINGLE FAMILY~~
- ~~EDUCATIONAL INSITUTION, POST SECONDARY~~
- ~~EDUCATIONAL INSITUTION, K-12~~
- ~~FARM ANIMALS FOR FAMILY USE, for non-commercial purposes, on lots containing a one or two family dwelling [5]~~
- ~~Funeral Parlor~~
- ~~NURSING HOME [3]~~
- ~~OFFICE~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [6]~~
- ~~ROOMING HOUSE~~

~~Uses Permitted by Conditional Use Permit~~

- ~~ASSISTED LIVING FACILITY~~
- ~~CONTINUING CARE COMMUNITY FACILITY~~
- ~~ELDERLY ASSISTED CARE~~
- ~~GROUP HOME FOR MINORS~~

~~Uses Permitted by Special Exception~~

- ~~Eating and Drinking Establishment~~
- ~~Retail Store~~

~~Dimensional Regulations [1][2]~~

~~LOT~~	
~~Minimum LOT Size~~	~~10,000 sf~~
~~Maximum LOT COVERAGE~~	~~50%~~
~~Minimum FRONTAGE~~	~~100 ft~~
~~PRINCIPAL BUILDING~~	
~~Front SETBACK~~	~~12 ft~~
~~Abut a Street SETBACK~~	~~12 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~15 ft~~
~~OUTBUILDING/ACCESSORY USE~~	
~~Front SETBACK~~	~~12 ft~~
~~Abut a Street SETBACK~~	~~12 ft~~
~~Side SETBACK~~	~~10 ft~~
~~Rear SETBACK~~	~~10 ft~~
~~HEIGHT OF BUILDING~~	
~~PRINCIPAL BUILDING~~	~~45 ft max~~
~~OUTBUILDING~~	~~40 ft max~~

Permitted Uses

- Accessory dwelling unit
- Adult day care
- Assembly hall
- Bank
- Bed-and-breakfast
- Child-care facility
- Clinic
- Congregate care [3]
- Dwelling, two-family
- Dwelling, three- to four-family [4]
- Dwelling, single-family
- Educational institution, postsecondary
- Educational institution, K-12
- Farm animals for family use, for noncommercial purposes, on lots containing a one- or two-family dwelling [5]
- Funeral parlor
- Nursing home [3]
- Office
- Public recreation
- Public utility [6]
- Rooming house

Uses Permitted by Conditional Use Permit

- Eating and drinking establishment
- Retail store

Sign Regulations

Size	O District
Total signs permitted	1 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	12 sf
Type	
Freestanding	Permitted, provided that the principal building is set back at least 20 ft (if multiple tenants, max size 4 sf per tenant; max ht 8 ft)
Projecting	Not permitted
Wall/awning	Permitted (max height 16 ft above ground elevation, or to bottom of sills of first level of windows above first floor, whichever is lowest)
Temporary	Permitted

~~Dimensional Regulations [1] [2]~~

Lot	
Minimum lot size	10,000 sf
Maximum lot coverage	50%
Minimum frontage	100 ft
Principal Building	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	15 ft
Outbuilding/Accessory Use	
Front setback	12 ft
Abut a street setback	12 ft
Side setback	10 ft
Rear setback	10 ft
Height of Building	
Principal building	45 ft max
Outbuilding	40 ft max

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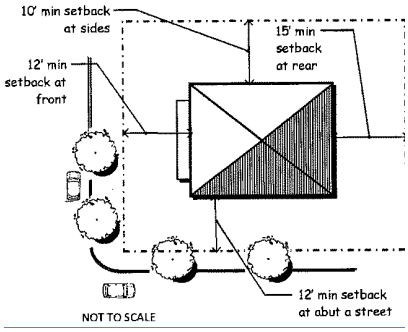
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Principal Building Placement

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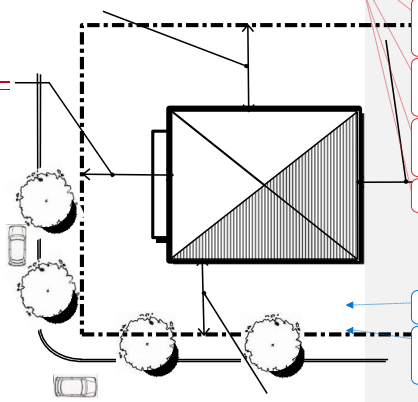


Principal Building Placement

~~10' min setback at sides~~

~~15' min setback at rear~~

~~12' min setback at front~~



~~12' min setback at abut a street~~

~~NOT TO SCALE~~

Footnotes

[1]

~~Size~~	~~O District~~
~~Total signs permitted~~	~~1~~ ~~(per tenancy, and is for lot (excluding development identification SIGNS))~~
~~Total area permitted~~	~~12 sf~~
~~Type~~	
~~FREESTANDING~~	~~permitted, provided that the principal building is set back at least 20 ft~~ ~~(if multiple tenants, max size 4 sf per tenant; max ht 8 ft)~~
~~PROJECTING~~	~~not permitted~~
~~WALL/ Awning~~	~~permitted~~ ~~(max height 16 ft above ground elevation, or to bottom of sills of first level of windows above first floor, whichever is lowest)~~
~~Temporary~~	~~permitted~~

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~~Footnotes~~

~~[1]~~ Refer to §§ 170-13, 170-14 and 170-27D for exceptions to lot size, frontage and setback requirements.

~~[2]~~ [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum ~~non-wetland~~nonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the ~~NH~~New Hampshire Code of Administrative Rules ~~–~~Env-Wt 101.~~87~~113 and the 1987 Federal Manual ~~For~~for Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40 ~~percent~~% of the minimum lot size required.

~~[3]~~ [3] A ~~CONGREGATE CARE FACILITY~~congregate care facility shall require a minimum lot size of 1,000 ~~sq. ft.~~square feet per unit, and a ~~NURSING HOME Facility~~nursing home facility shall require a minimum lot size of 1,000 ~~sq.ft.~~square feet per bedroom.

~~[4]~~ [4] Provided that the lot ~~contain~~contains at least ~~five thousand (~~5,000~~)~~ square feet for each dwelling unit. Dwelling units are allowed only in the second story or higher of a newly constructed structure.

~~[5]~~ [5] Use is allowed on the portion of the lot that is behind the principal structure, provided the following standards are met: Chickens: ~~No~~no more than ~~six (~~6~~)~~ chickens and no roosters, with ~~three (~~3~~)~~ square feet of chicken coop and ~~twenty (~~20~~)~~ square feet of a fenced enclosure yard per chicken; all coops and enclosures shall be ~~twenty (~~20~~)~~ feet from any property line. Sheep or goats: ~~one~~1 animal per 10,000 square feet of lot area, with a maximum of ~~six (~~6~~)~~ animals; ~~ten (~~10~~)~~ square feet of shelter and ~~thirty (~~30~~)~~ square feet of a fenced enclosure yard per animal; all shelters and enclosures shall be ~~thirty (~~30~~)~~ feet from any property line.

~~[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.~~

~~**Conditional Use Permit Criteria**~~

[6] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within.

Conditional Use Permit Criteria

~~Eating and Drinking Establishments:~~ ~~An~~ **Eating and Drinking Establishment**: An eating and drinking establishment shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. The ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be pedestrian-friendly.

B. The ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment shall be no larger than 2,000 square feet.

C. The ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment shall not include ~~DRIVE-IN SERVICE~~drive-in service.

D. The required parking may be reduced by ~~fifty percent (~~50~~%)~~% if on-street parking is available in the neighborhood.

E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.

F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.

G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.

H. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m., Sunday through Thursday, and 6 ~~am~~:00 ~~H.~~ a.m. to 11 ~~pm~~:00 p.m., Friday and Saturday.

I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

J. The applicant shall provide proof that ~~they have~~he/she has conducted a ~~Preliminary Code Review~~preliminary code review for an ~~Eating~~eating and ~~Drinking Establishment~~drinking establishment with the Inspection Services ~~Office~~Division.

Retail Store: A ~~Retail Store~~retail store shall be allowed if a ~~Conditional Use Permit~~conditional use permit is granted by the Planning Board upon a finding that the following criteria are met:

A. The store shall contribute to a ~~NEIGHBORHOOD~~neighborhood feel and be pedestrian-friendly.

B. The store shall be no larger than 2,000 square feet.

C. The store shall not include ~~DRIVE-IN SERVICE~~drive-in service.

~~D.~~ The required parking may be reduced by ~~fifty percent (~~50~~%)~~% if on-street

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D. parking is available in the neighborhood.
E. All ~~onsite~~on-site parking shall be screened from abutting residential ~~LOTS~~lots.
F. Any loading or unloading of products shall not disrupt ~~NEIGHBORHOODS~~neighborhoods or traffic flow.
G. The proposed use shall be compatible with the surrounding ~~NEIGHBORHOOD~~neighborhood.
H. Hours of operation shall be limited to 6 ~~am~~:00 a.m. to 9 ~~pm~~:00 p.m. Sunday ~~–~~through Thursday, and 6 ~~am~~:00 a.m. to 10 ~~pm~~:00 p.m. Friday and Saturday.
I. If a new building is proposed for the use, it shall be a minimum of ~~two~~2 stories.

Special Exception Criteria ~~[~~(see § 170-~~52(C)~~59C(3) for additional regulations)~~]~~

Assisted Living Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.

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C. Parking lots and service areas are screened from abutting residential uses.

~~ASSISTED LIVING FACILITY:~~

D. The facility shall obtain a license from the State of New Hampshire.

Continuing Care Community Facility:

A. The facility shall be serviced by municipal sewer.
B. The density per unit requirement is 2,000 square feet of lot area in the O District.
C. Parking lots and service areas are screened from abutting residential uses.
D. The facility shall obtain a license from the State of New Hampshire.

~~CONTINUING CARE COMMUNITY FACILITY:~~

~~A. The facility shall be serviced by municipal sewer.~~
~~B.~~A. ~~The density per unit requirement is 2,000 square feet of lot area in the O District.~~
~~C.~~A. ~~Parking lots and service areas are screened from abutting residential uses.~~
~~D.~~A. ~~The facility shall obtain a license from the State of New Hampshire.~~

~~ELDERLY ASSISTED CARE HOME:~~ ELDERLY ASSISTED CARE HOME**Elderly Assisted Care Home:** Elderly assisted care home is allowed by ~~Special Exception~~ special exception in accordance with the densities and provisions stated below:

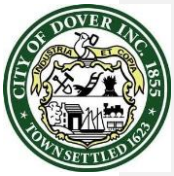
A. ~~ELDERLY ASSISTED CARE HOMES~~Elderly assisted care homes larger than 6 bedrooms shall meet the following density requirements: ~~In~~in the O District at a density of ~~one~~1 bedroom per 2,500 sq. ft.
B. Provided that parking and service areas are screened from abutting residential uses.
C. Notwithstanding the above requirements, the maximum number of bedrooms and residents allowed in a facility may be increased, provided the increase is found not to be detrimental to the surrounding properties and conforms with parking standards in ~~Chapter~~§ 170-~~44 (Off Street Parking~~56 (Conditions for parking and loading spaces). Furthermore, any increase to an existing structure must be contained within or contiguous to the original structure.

~~GROUP HOME FOR MINORS: GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

A. The group home site shall be compatible with abutting uses.
B. The group home shall be located in areas of transitional land use or mixed land uses.
C. Parking and service areas shall be screened from abutting residential uses, unless the abutter chooses to not want said screening.
D. Open space shall be maintained on the property in an amount comparable to the neighborhood.
E. The planned occupancy of the group home shall be compatible with the permitted density of the surrounding neighborhood.

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City of Dover

CBD Transit Oriented Development Sub-District
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The information included in this table represents the requirements for development in this sub-district; see Section § 170-20 for additional requirements (Adopted 12/9/2009 per O-2009.09.09 15, Amended 09/11/2019 per O-2019.08.28-12).

STATEMENT OF PURPOSE

Statement of Purpose

This is an area ripe for redevelopment. This area west of Chestnut Street was once the home of coal yards, warehouses, and other supporting structures for the rail line that passes through it. The rail line will be the key to its future success as well. In combination with the associated transporationtransportation center, transportation is the key to future development here. It is envisioned that this could be an area of very dense development along the banks of the Cochecho River. A wide variety of uses is intended here, with residences dominating upper levels, and retail and commercial activity dominating lower levels.

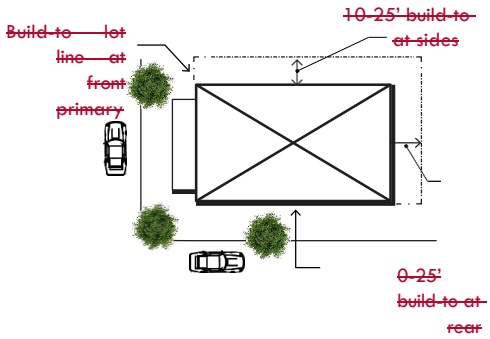
PERMITTED USES*

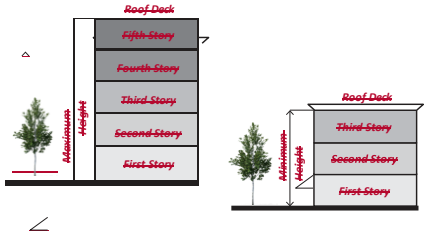
Use	
Residential	Permitted but not on Ground Floor, except as existing use
Lodging	Permitted
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Permitted
Retail/Personal Services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-Thru Services	Not permitted
Other	Via Conditional Use Permit

DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Lot Coverage	75% 100%
Frontage Build-Out	80% min.
Front Primary BUILD-TO-LINE	0 ft. min 0 ft. max
Front Secondary BUILD-TO-LINE	0 ft. min 0 ft. max
Side Setback	10 ft. min, 25 ft max
Rear Setback	0 ft. min, 25 ft. max
Outbuilding	
Front Setback	Not permitted
Side Setback	Not permitted
Rear Setback	Not permitted
Private Frontages	
Common Yard	Not permitted
Porch and Fence	Not permitted
Terrace/Lightwell	Not permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Permitted
Height of Building	
Principal Building	5 story max, 3 story min
Outbuilding/Accessory	Not permitted

PRINCIPAL BUILDING PLACEMENT





Parking Location Standards (See § 153-14)

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

PARKING LOCATION STANDARDS (SEE

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~~149-14)~~

New, construction, resulting in additional square footage, or an increase in residential units, must comply with parking standards for the new portion of the building only.

~~PRINCIPAL BUILDING HEIGHTS~~

~~SIGN REGULATIONS~~

~~Sign Size & Quantity~~	
~~Total signs permitted~~	~~2~~
~~Total area of all signs~~	~~1 sf per lf of frontage- area may be increased if mill motif is adhere to~~
~~Sign Type~~	
~~Freestanding~~	~~Not permitted~~
~~Projecting~~	~~Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.~~
~~Wall/Awning~~	~~Permitted- 40 sq. ft. max.~~
~~Temporary~~	~~Permitted per 170-32.Q (1)~~

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~~ARCHITECTURAL STANDARDS*~~ ~~STREETSCAPE STANDARDS~~

~~Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings~~

Permitted Uses*

Use	
Residential	Permitted but not on ground floor, except as existing use
Lodging	Permitted
Professional services & offices	Permitted
Eating & drinking establishments	Permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru services	Not permitted
Other	Via conditional use permit

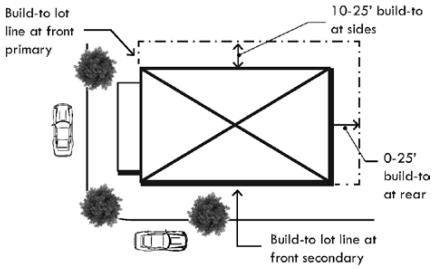
*CUP (§ 170-20B) may be used to adjust standards.

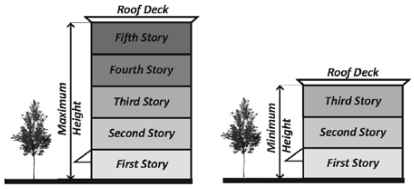
Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

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

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/Awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170-50O(1)

Architectural Standards*

Preserving and enhancing the architectural tradition, history and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate and 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~~standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. For more information, please see Section 2 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

The following ~~Architectural Standards~~architectural standards must apply for a residential building with 5 units or more and all mixed-~~use/non-residential~~nonresidential uses. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required Ground Floor Standards:

~~Required Ground Floor Standards:~~

- No less than 30% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- No more than 80% of any street ~~façade~~facade shall be for parking.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security, and increase safety for 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.
- Solar/~~Green Roof Standard~~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 architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy-efficient design techniques, LEED standards, or an equivalent standard are~~is~~ encouraged.
- Other integrated green infrastructure elements are encouraged.

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

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Streetscape Standards

Streetscape standards were crafted to ensure streets in transportation-oriented, mixed-use areas of the CBD accommodate pedestrians and bicyclists and facilitate alternative transportation travel. All street elements must be consistent with Dover ~~Streetscape~~streetscape and ~~Landscape Standards.~~landscape standards. For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.

~~on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.~~

- Sidewalks shall be brick and a 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~~ground cover or shrubs, no bare ground permitted. Low ~~Impact Development~~ impact development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and be maintained to ensure 5 ~~feet~~ -foot-wide walkways.
- 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, at a minimum, be provided as follows:
  - 1 bench for every 75 feet of frontage.
  - At least 1 waste bin at each block corner.
  - At least 1 bike rack per project plus 10% of the parking spaces provided for bike storage.

~~of the parking spaces provided for bike storage.~~

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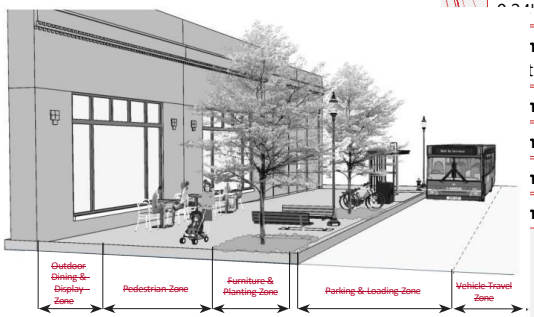
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- Lighting and mechanical equipment standards per § 170-~~20(E)~~(20E(3) ()(d).

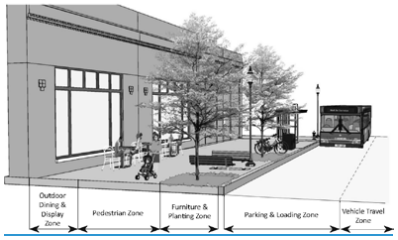
*CUP ((§ 170-20B) may be used to adjust standards.

~~STREETSCAPE ELEMENTS~~



~~ADULT BOOKSTORE, VIDEO STORE, OR CABARET~~

STREETSCAPE ELEMENTS



Adult Bookstore, Video Store, or Cabaret

These uses are subject to the following conditions:

- An ~~Adult Bookstore, Video Store or Cabaret~~ adult bookstore, video store or cabaret shall be at least 500 feet from a parcel of land containing an existing residential use.
- An ~~Adult Bookstore, Video Store or Cabaret~~adult bookstore, video store or cabaret shall be at least ~~1000~~1,000 feet from a parcel of land containing a school, church, community park or public recreational area.
- No adult ~~Bookstore, Video Store~~bookstore, video store or ~~Cabaret~~cabaret shall be permitted within ~~1000 ft.~~1,000 feet of an existing similar use.
- The proposed use shall comply with all other state statutes and ~~city~~City ordinances and

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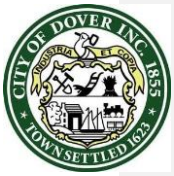
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CBD Mixed Use Sub-District

[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

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The information included in this table represents the requirements for development in this sub-district; see *Section* § 170-20 for additional requirements *(Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).*

STATEMENT OF PURPOSE

Statement of Purpose

This is an area in transition. Once the homes of the mills' mills' managers and the community's community's professionals and successful merchants, shipbuilders, sea captains, and others, these stately Victorian buildings are a tribute to Dover's Dover's financial success during the height of the mill economy. These elegant structures lend grace to the community. While some of the existing buildings remain as single-family residences, others are being converted to apartments and offices. As new structures replace older ones, they should follow the setback and massing of earlier structures. Residences in these newer buildings should be restricted to upper levels. Landscaping is an important element of this district, in both the public and private arenas.

PERMITTED USES*

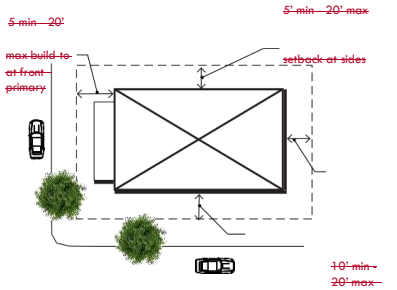
Use	
Residential	Permitted, but not on GROUND FLOOR except in existing STRUCTURES; density allowed at 5,000 sf. per unit, 10 units max
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Not permitted
Retail/Personal Services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-Thru Services	Not permitted
Other	Via Conditional Use Permit

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

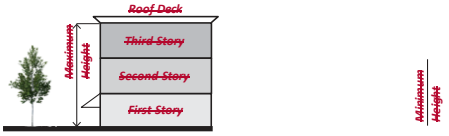
DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Minimum Lot Coverage	50%
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	5 ft. min - 20 ft. max
Rear Setback	10 ft. min - 20 ft. max
Outbuilding	
Front Setback	20 ft. min
Side Setback	5 ft. min
Rear Setback	5 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Not permitted
Height of Building	
Principal Building	3 story max, 2 story min
Outbuilding/Accessory	2 story max

PRINCIPAL BUILDING PLACEMENT







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

~~**PARKING LOCATION STANDARDS (SEE 149-14)**~~

Dimensional Regulations*

Principal Building	
Lot size	N/A
Lot coverage	75% - 100%
Frontage build-out	80% min.
Front primary build-to line	0 ft. min - 0 ft. max
Front secondary build-to line	0 ft. min - 0 ft. max
Side setback	10 ft. min, 25 ft. max
Rear setback	0 ft. min, 25 ft. max
Outbuilding	
Front setback	Not permitted
Side setback	Not permitted
Rear setback	Not permitted
Private Frontages	
Common yard	Not permitted
Porch and fence	Not permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Permitted
Gallery	Permitted
Height of Building	
Principal building	5 story max, 3 story min
Outbuilding/accessory	Not permitted

Parking Location Standards (See § 153-14)

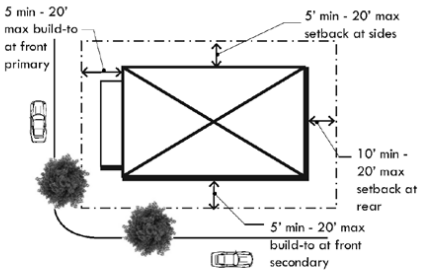
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

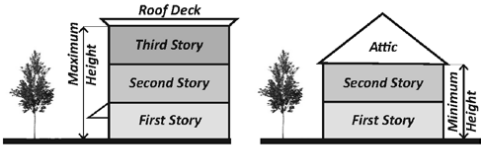
Permitted Uses*

Use	
Residential	Permitted, but not on ground floor except in existing structures; density allowed at 5,000 sf per unit, 10 units max
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Permitted
Eating & drinking establishments	Not permitted
Retail/personal services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-thru Services	Not permitted
Other	Via conditional use permit

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

PRINCIPAL BUILDING PLACEMENT





PRINCIPAL BUILDING HEIGHTS

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~~PRINCIPAL BUILDING HEIGHTS~~

Sign Regulations

~~SIGN REGULATIONS~~

~~Sign Size & Quantity~~	
~~Total signs permitted~~	~~2~~
~~Total area of all signs~~	~~12 sf~~
~~Sign Type~~	
~~Freestanding~~	~~Not permitted~~
~~Projecting~~	~~Not permitted~~
~~Wall/Awning~~	~~Permitted, area may be increased if Mill, Motif is adhered to.~~
~~Temporary~~	~~Permitted per 170-32.Q (1)~~

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~~ARCHITECTURAL STANDARDS*~~

Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage - area may be increased if mill motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sq. ft. max
Wall/awning	Permitted - 40 sq. ft. max
Temporary	Permitted per § 170- 50O(1)

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

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building designs ~~Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings designs~~ and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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~~standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. For more information, please see Section 2 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

The following ~~Architectural Standards~~architectural standards must apply for a residential building with 5 units or more and all mixed-use/~~non-residential~~nonresidential uses. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required Ground Floor Standards:

~~**Required Ground Floor Standards:**~~

- No less than 30% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- 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

~~STREETSCAPE STANDARDS~~

edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.

- Utility elements shall be screened in an aesthetically pleasing manner.
- Garages shall not face the street.
- Solar/~~Green Roof Standard~~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 architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. ~~are~~ is encouraged.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy- efficient design techniques, LEED standards, or an equivalent standard ~~are~~is encouraged.
- Other integrated green infrastructure elements are 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 have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of ~~Dover's~~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.

~~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.~~

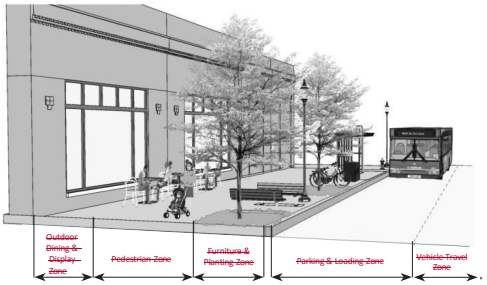
- Sidewalks shall be brick and a minimum of 5 feet wide.
- ~~Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.~~
- ~~Unpaved ground area along the frontage shall be planted with appropriate~~ 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.
- ~~groundcover~~ Unpaved ground area along the frontage shall be planted with appropriate ground cover or shrubs, no bare ground or mulch- only areas permitted. Low- ~~Impact Development~~ impact development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas.

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- 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, at a minimum, 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~~ nonresidential project.
- Lighting and mechanical equipment standards per § 170-~~20(E)(~~20E(~~3)~~)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings and maintain in such a way so that the walkway is cleared.
- Approved public art is encouraged.
- ~~Approved public art is encouraged.~~

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

~~**STREETSCAPE ELEMENTS**~~



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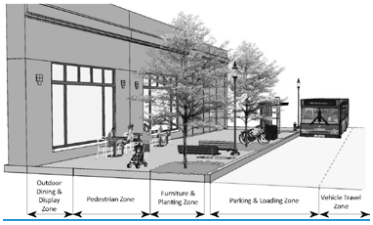
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STREETSCAPE ELEMENTS



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CBD Residential Sub-District

[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

Statement of Purpose

North of the Downtown core are neighborhoods of smaller homes, once the residences of mill employees, shopkeepers, and others for whom the close proximity to the Downtown was an important feature. Smaller in scale than the more ornate homes in the Mixed Use District, many of these buildings still present considerable architectural detailing. Many of them have outbuildings at the rear of the property. The continued use of these areas as residential neighborhoods is important, both to the city's heritage and to achieving the smart growth and low carbon impact goals of the ~~master~~ Master ~~plan~~Plan. Where new structures are added, they should mimic the placement, scale, and building materials of the older homes.

Dimensional Regulations*

Principal Building	
Lot size	N/A
Minimum lot coverage	40%
Minimum frontage	75 ft.
Frontage build-out	40% min
Front primary build-to line	8 ft. min - 15 ft. max
Front secondary build-to line	8 ft. min - 10 ft. max
Side setback	10 ft.
Rear setback	15 ft.
Outbuilding	
Front setback	20 ft. min + bldg. setback
Side setback	5 ft. min
Rear setback	5 ft. min
Private Frontages	
Common yard	Permitted
Porch and fence	Permitted
Terrace/lightwell	Not permitted
Stoop	Permitted
Shopfront/awning	Not permitted
Gallery	Not permitted

Height of Building	
Principal building	3 story max, 2 story min
Outbuilding/accessory	2 story max

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

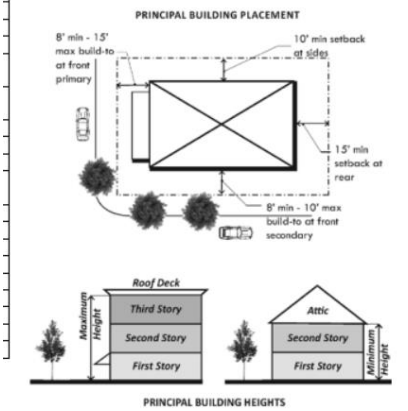
~~PARKING LOCATION STANDARDS (SEE 149-14)~~Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Permitted Uses*

Use	
Residential	Permitted
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional services & offices	Via conditional use permit
Eating & drinking establishments	Not permitted
Retail/personal services	Via conditional use permit
Industrial	Not permitted
Civic	Permitted
Other	Via conditional use permit

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



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The information included in this table represents the requirements for development in this sub-district; see Section § 170-20 for additional requirements (Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).

STATEMENT OF PURPOSE

DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Minimum Lot Coverage	40%
Minimum Frontage	75 ft.
Frontage Build-Out	40% min.
Front Primary BUILD TO LINE	8 ft. min - 15 ft. max
Front Secondary BUILD TO LINE	8 ft. min - 10 ft. max
Side Setback	10 ft.
Rear Setback	15 ft.
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	5 ft. min
Rear Setback	5 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Not permitted
Stoop	Permitted
Shopfront/Awning	Not permitted
Gallery	Not permitted
Height of Building	
Principal Building	3 story max, 2 story min
Outbuilding/Accessory	2 story max

PERMITTED USES*

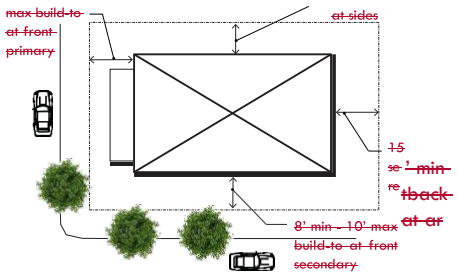
Use	
Residential	Permitted
Lodging	Permitted, up to 12 rooms w/ stays up to 14 days
Professional Services & Offices	Via Conditional Use Permit
Eating & Drinking Establishments	Not permitted
Retail/Personal Services	Via Conditional Use Permit
Industrial	Not permitted
Civic	Permitted
Other	Via Conditional Use Permit

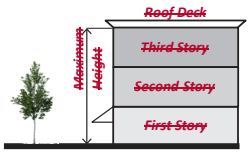
*CUP (170-20B) may be used to adjust standards.

PRINCIPAL BUILDING PLACEMENT

8' min - 15'

setback





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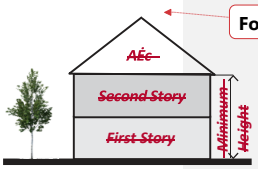
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PRINCIPAL BUILDING HEIGHTS

Sign Regulations

Sign Size & Quantity	
Total signs permitted	1
Total area of all signs	16 sf
Sign Type	
Freestanding	Not permitted
Projecting	Permitted - 10 ft. min above sidewalk, 25 ft. max height, 24 sf max size
Wall/awning	Permitted - 16 ft. max height or to bottom of 2nd floor window sills, whichever is lowest
Temporary	Not permitted

SIGN REGULATIONS

Sign Size & Quantity	
Total signs permitted	1
Total area of all signs	16 sf.
Sign Type	
Freestanding	Not permitted
Projecting	Permitted- 10 ft. min above sidewalk, 25 ft. max ht, 24 sf. max size
Wall/Awning	Permitted- 16 ft. max ht, or to bottom of 2nd floor window sills, whichever is lowest
Temporary	Not permitted

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community.

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~~ARCHITECTURAL STANDARDS*~~

~~Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community.~~ ~~Buildings~~Building designs and materials should enhance the appearance of Dover, reinforce pedestrian character, where appropriate, and 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~~standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. For more information, please see Section ~~2~~3 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

The following ~~Architectural Standards~~architectural standards must apply for a residential building with 5 units or more and all mixed-use/~~non-residential~~nonresidential uses. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

~~Required Ground Floor Standards:~~

Required Ground Floor Standards:

- No less than 30% of the ~~façade~~ facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.

Required Building Standards:

- Building designs shall be harmonious with neighboring structure in terms of mass, width, height, proportion, spacing, and setback.
- Building designs shall consider the quality of the pedestrian environment.
- Garage doors shall be relatively unobtrusive.
- Utility elements shall be screened in an aesthetically pleasing manner.

~~STREETSCAPE STANDARDS~~

Optional Standards:

- Desirable materials include wood (clapboard and shakes), brick, stone, and contemporary materials that are harmonious and compatible with the aesthetic of the sub-district and its neighboring structures.
- Use of architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy- efficient design techniques, LEED standards, or an equivalent standard ~~are~~is encouraged.

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

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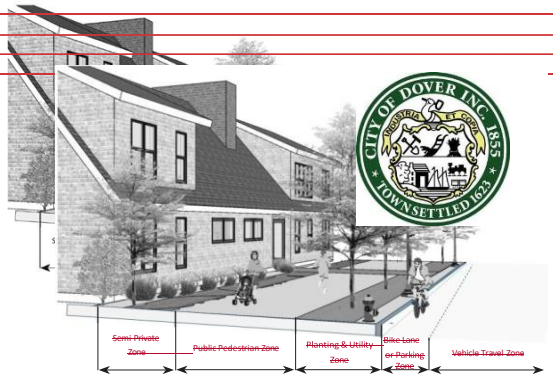
Streetscape Standards

Streetscape standards were crafted to ensure streets in residential areas of the CBD are walkable, accommodate pedestrians and bicyclists, and are compatible with the character of ~~Dover's~~Dover's neighborhoods. All street elements must be consistent with Dover ~~Streetscape~~streetscape and ~~Landscape Standards.~~landscape standards. For more information on streetscape standards, please see Section ~~3~~2 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be a minimum of 5 feet wide.
- Projects shall be designed to maintain and enhance the quality of pedestrian, bicycle and vehicular facilities and circulation and safety on affected public streets.
- Lighting and mechanical equipment standards per ~~§ 170-20(E)(3)(d).~~§ 170-20E(3)(d).
- 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 ground cover~~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 or mulch-only ground areas permitted. ~~Low Impact Development~~ impact development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas.
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings but maintain them in a way to not block the walkways.

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

STREETSCAPE ELEMENTS



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City of Dover

CBD General Sub-District–
[Amended 9-11-2019 by Ord. No. 2019.08.28-12]

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The information included in this table represents the requirements for development in this sub-district; see ~~*Section*~~§ 170-20 for additional requirements ~~*(Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).*~~

equal to the calculated average setback minus five (5) feet.

~~STATEMENT OF PURPOSE~~

Statement of Purpose

From the late ~~1700's~~1700's, when Dover began to shift from a farming community to a manufacturing center, the land and blocks in and around Washington and Main Streets and Central Avenue have been the ~~community's~~community's commercial core. Both redevelopment and new development should reflect that 250-year history. A wide array of retail and commercial activity should be encouraged here. Residential activity should be encouraged on the upper floors of buildings. ~~New construction, where needed, should follow the pattern of existing development in terms of building placement, building height, and the use of durable construction materials.~~

~~Public spaces are~~needed, should follow the pattern of existing development in term

building height, an construction materia important

here, and ~~should be encouraged and s~~ maintained

properly.

~~DIMENSIONAL REGULATIONS*~~

Dimensional Regulations*

Principal Building	
Lot Size	N/A
Lot Coverage	75%
Frontage Build-Out	70% min
Front Primary BUILD TO LINE	(1)
Front Secondary BUILD TO LINE	(1)
Side Setback	0 ft. min - 24 ft. max
Rear Setback	10 ft. min
Outbuilding	
Front Setback	Not permitted
Side Setback	Not permitted
Rear Setback	Not permitted
Private Frontages	
Common Yard	Not permitted
Porch and Fence	Not permitted
Terrace/Lightwell	Not permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Permitted
Height of Building	
Principal Building	5 story max, 2 story min
Outbuilding/Accessory	Not permitted

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

(1) The property owner shall calculate the average front setbacks of all lots within the same zone located on the same side of the street, 250 feet in each direction from the center of the front lot line. This front setback dimension shall be considered to be a build-to-line. Structures may be constructed within 5 feet plus or minus of the average. Porches or steps may be located an additional 5 feet beyond the front façade of the structure. Expansions to existing structures shall be subject to a minimum setback

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~~PERMITTED USES*~~

~~Use~~	
~~Residential~~	~~Permitted, but not on GROUND FLOOR except in an existing use~~
~~Lodging~~	~~Permitted~~
~~Professional Services & Offices~~	~~Permitted~~
~~Eating & Drinking Establishments~~	~~Permitted~~
~~Retail/Personal Services~~	~~Permitted~~
~~Industrial~~	~~Not permitted~~
~~Civic~~	~~Permitted~~
~~Drive-Thru Services~~	~~Not permitted~~
~~Other~~	~~Via Conditional Use Permit~~

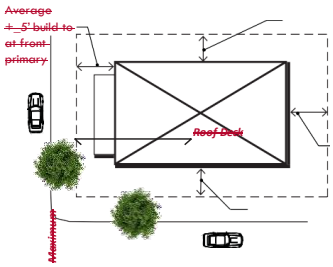
Use	
Residential	Permitted, but not on GROUND FLOOR except in an existing use
Lodging	Permitted
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Permitted
Retail/Personal Services	Permitted
Industrial	Not permitted
Civic	Permitted
Drive-Thru Services	Not permitted
Other	Via Conditional Use Permit

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

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

~~PRINCIPAL BUILDING PLACEMENT~~

~~Principal Building~~	
~~Lot Size~~	~~N/A~~
~~Lot Coverage~~	~~75%~~
~~Frontage Build-Out~~	~~70% min~~
~~Front Primary BUILD-TO LINE~~	~~(1)~~
~~Front Secondary BUILD-TO LINE~~	~~(1)~~
~~Side Setback~~	~~0 ft. min - 24 ft. max~~
~~Rear Setback~~	~~10 ft. min~~
~~Outbuilding~~	
~~Front Setback~~	~~Not permitted~~
~~Side Setback~~	~~Not permitted~~
~~Rear Setback~~	~~Not permitted~~
~~Private Frontages~~	
~~Common Yard~~	~~Not permitted~~
~~Porch and Fence~~	~~Not permitted~~
~~Terrace/Lightwell~~	~~Not permitted~~
~~Stoop~~	~~Permitted~~
~~Shopfront/Awning~~	~~Permitted~~
~~Gallery~~	~~Permitted~~
~~Height of Building~~	
~~Principal Building~~	~~5 story max, 2 story min~~
~~Outbuilding/Accessory~~	~~Not permitted~~



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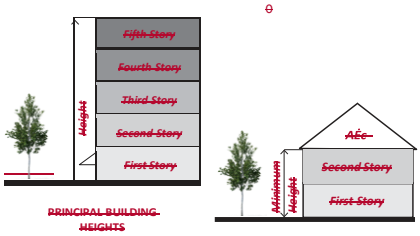
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0' 24' max setback at sides

' min. setback at rear

Average +_5' build-to plt front secondary

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SIGN REGULATIONS

Permitted Uses*

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

"(1) The property owner shall calculate the average front SETBACKSsetbacks of all LOTSlots within the same zone located on the same side of the STREET, two hundred fifty (street, 250) feet in each direction from the center of the front LOT LINElot line. This front SETBACKsetback dimension shall be considered to be a BUILD TO LINE. STRUCTURESbuild-to line. Structures may be constructed within five (5) feet plus or minus of the average. Porches or steps may be located an additional five (5) feet beyond the front façadefacade of the STRUCTUREstructure. Expansions to existing STRUCTURESstructures shall be subject to a minimum SETBACKsetback equal to the calculated average SETBACKsetback minus five (5) feet."

PARKING LOCATION STANDARDS (SEE 149-14)

Parking Location Standards (See § 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

Outbuilding/accessory

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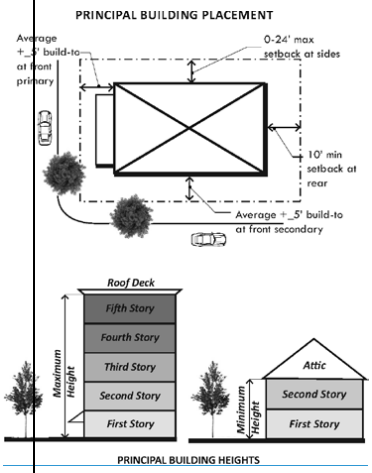
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Sign Regulations

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	1 sf per lf of frontage , area may be increased if Mill Motif is adhered to
Sign Type	
Freestanding	Not permitted
Projecting	Permitted , 10 ft min above sidewalk, 25 ft max ~~ht~~height, 24 sf
Wall/~~Awning~~awning	Permitted, 40 sf max
Temporary	Permitted per § 170-~~32.Q~~ 50O(1)

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~~ARCHITECTURAL STANDARDS*~~

Architectural Standards*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Building~~Preserving, and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings~~ designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, and 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~~standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. For more information, please see Section 2 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

~~STREETSCAPE STANDARDS~~

The following ~~Architectural Standards~~architectural standards must apply for a residential building with 5 units or more and all mixed- use/~~non-residential~~nonresidential uses. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

~~Required Ground Floor Standards.~~

~~Required Ground Floor Standards:~~

- No less than 80% of the ~~façade~~facade shall be windows.
- A pedestrian entrance shall be required at the street side or front ~~façade~~facade.
- For new construction only, ~~non-residential~~nonresidential uses shall be on the ground floor level.
- Ground floor exterior lighting on the building is encouraged and should offer a feeling of warm security and increased 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.
- Garages shall not face the street.
- Solar/~~Green Roof Standard~~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 architectural details and changes in depth are encouraged on building elevations to increase visual interest and scale.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc~~. are~~.. is encouraged.
- LEED standards or an equivalent standard ~~are~~is encouraged.
- Energy- efficient design techniques, LEED standards, or an equivalent standard ~~are~~is encouraged.
- Other integrated green infrastructure elements are encouraged.

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

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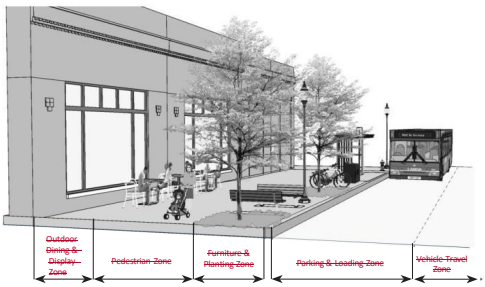
Streetscape Standards

Streetscape standards were crafted to create a vibrant, walkable downtown area that facilitates pedestrian activity. The experience each person will have with the street, the sidewalk, the buildings, and the surrounding environment is what helps define the unique character of a place. All street elements must be consistent with Dover ~~Streetscape~~streetscape and ~~Landscape Standards~~landscape standards. For more information on streetscape standards, please see Section 3 of ~~Dover's~~Dover's CBD Architectural Design Guidelines.

- Sidewalks shall be brick and a 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~~ground cover or shrubs, no bare ground or mulch-only areas permitted. Low ~~Impact Development~~-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'~~5-foot-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 provided as follows:
  - 1 bench for every 75 feet of frontage.
  - At least 1 waste bin at each block corner.
  - 1 bike rack per project.
- Lighting and mechanical equipment standards per § 170-~~20(E)~~20E(3)(d).
- Owners are encouraged to place planters and window boxes with flowering plants and/or climbing vines along the area in front of their buildings.
- Approved public art is encouraged.

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

~~STREETSCAPE ELEMENTS~~



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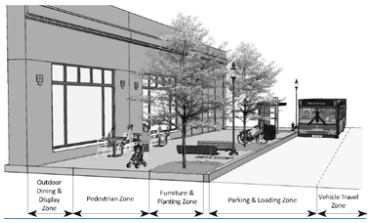
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STREETSCAPE ELEMENTS



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City of Dover

Cochecho Waterfront District (CWD)
[Amended 6-22-2016 by Ord. No. 2016.06.08-010; 9-11-2019 by Ord. No. 2019.08.28-012; 8-12-2020 by Ord. No. 2020.07.22-009; 8-9-2023 by Ord. No. 2023.07.012-008]

Permitted Uses [8]

- ~~Bank~~
- ~~BED and BREAKFAST~~
- ~~CHILD CARE FACILITY~~
- ~~COMMERCIAL PARKING FACILTIY~~
- ~~COMMERCIAL RECREATION~~
- ~~Dwelling, 2 Family [4]~~
- ~~Dwelling, 3 To 4 Family [4]~~
- ~~DWELLING, MULTI FAMILY [4]~~
- ~~DWELLING, SINGLE FAMILY [5]~~
- ~~Eating and Drinking Establishments [6]~~
- ~~EDUCATIONAL INSTITUTION, POST SECONDARY~~
- ~~HOTEL/RETAIL~~
- ~~MARINA~~
- ~~OFFICE~~
- ~~PERSONAL SERVICE ESTABLISHMENT~~
- ~~PUBLIC RECREATION~~
- ~~Public Utility [7]~~
- ~~Retail Store~~
- ~~Theater~~
- ~~WATER RELATED EDUCATION/RESOURCE CENTER~~
- ~~WATERBORNE PASSENGER TRANSPORTATION FACILITY~~

- Bank
- Bed-and-breakfast
- Child-care facility
- Commercial parking facility
- Commercial recreation
- Dwelling, two-family [4]
- Dwelling, three- to four-family [4]
- Dwelling, multifamily [4]
- Dwelling, single-family [5]
- Eating and drinking establishments [6]
- Educational institution, postsecondary
- Hotel/retail
- Marina
- Office
- Personal service establishment
- Public recreation
- Public utility [7]
- Retail store
- Theater
- Water-related education/resource center
- Waterborne passenger transportation facility

Uses Permitted by Special Exception

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

Sign Regulations

Size	CWD District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each linear foot of business frontage
Type	
Freestanding	Permitted, provided that the principal building is set back at least 5 ft (max size is 60 sf, max height is 16 ft)
Projecting	Permitted (max size 24 sf, min ht 10 ft above sidewalk, max ht is 25 ft above sidewalk)
Wall/Awning	Permitted (max size 40 sf)
Temporary	Permitted (max height is 3 ft, max size 6 sf; see § 170-50E for additional regulations)

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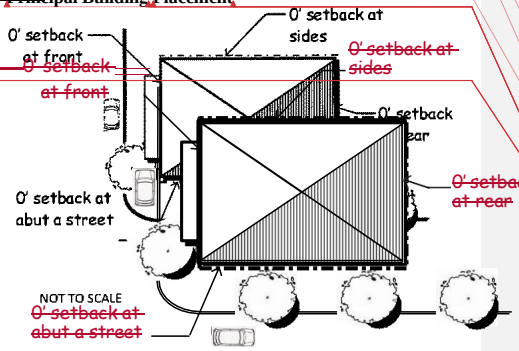
Dimensional Regulations [1]

LOT	
Minimum LOT Size	N/A
Maximum COVERAGE [2]	75%
Minimum FRONTAGE	N/A
PRINCIPAL BUILDING	
Front SETBACK	0 ft
Abut a Street SETBACK	0 ft
Side SETBACK	0 ft
Rear SETBACK	0 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	0 ft
Abut a Street SETBACK	0 ft
Side SETBACK	0 ft
Rear SETBACK	0 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	55 ft max
OUTBUILDING	55 ft max

Lot	
Minimum lot size	N/A
Maximum coverage [2]	75%
Minimum frontage	N/A
Principal Building	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Outbuilding/Accessory Use	
Front setback	0 ft
Abut a street setback	0 ft
Side setback	0 ft
Rear setback	0 ft
Height of Building	
Principal building	55 ft max
Outbuilding	55 ft max

*: Deviations from these requirements are permitted by Condi- tional Use Permitconditional use permit subject to the requirements of Section § 170- 20.B20B(1), where applicable.

Principal Building Placement



Sign Regulations

Size	CWD District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification SIGNS)]
Total area permitted	1 sf for each lineal foot of business FRONTAGE
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 5 ft (max size is 60 sf, max height is 16 ft)
PROJECTING	permitted (max size 24 sf, min ht 10 ft above sidewalk, max ht is 25 ft above sidewalk)
WALL/ Awning	permitted (max size 40 sf)
Temporary	permitted (max height is 3 ft, max size 6 sf; see 170-32(E)(3) for additional regulations)

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Footnotes

[1] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetlandnonwetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NHNew Hampshire Code of Administrative Rules —Env-Wt- 101.87113 and the 1987 Federal Manual Forfor Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent% of the minimum lot size required.

[2] Lots located in the Cochecho Waterfront District (CWD) and located Southsouth of the Cochecho River may have a maximum lot coverage of 100%. [Added 1-22-2003 by Ord. No. 35].

[3] Any new construction along the existing CWD/R-12 zoning boundary (as described herein*) shall conform to the following setbacks:

- Structures and buildings shall be set back a minimum of seventy-five (75) feet from said boundary.
- Pavement and parking shall be set back a minimum of twenty-five (25) feet from said boundary. [Added 1-22-2003 by Ord. No. 35].

*Boundary runs from the northwest corner of Tax Assessor's Map K lot 3; thence turning and running southerly until the southern property line of Tax Assessor'sAssessor's Map K lot 4-B, and turning and running westerly along a line 400'400' parallel to Henry Law Avenue until meeting Assessor'sAssessor's Map 22 lot 41-3, running northerly to intersection with Assessor'sAssessor's Map 22 lot 42, and running westerly along the southern property line of said lot for a distance of approximately 980 feet to the northeast corner of Tax Assessor's Map 22 lot 33; thence running westerly to the northeast corner of Tax Assessor's Map 22 lot 12.

[4] Provided that the lot contains at least one thousand (1,000) square feet of land area for each dwelling unit and that each dwelling unit contains at least six hundred (600) square feet of gross floor area.

[5] Single-family units are only allowed if adjoined to other residential or non-residentialnonresidential uses in the same structure. Single-family detached units are not allowed. [Amended 1-22-2003 by Ord. No. 35].

[6] If fully enclosed with no drive-in service.

[7] Public utility facilities shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]

[8] Shall follow Solar/Green Roof Standardsolar/green roof standard:

- All buildings must be solar ready.
- Commercial and mixed-use buildings that are 25,000 sq ftsquare feet 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 prop rights-of-way.
- Architecture shall complement the Design Guidelines Cochecho Waterfront Development.
- Approved public art is encouraged.

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Special Exception Criteria ([see § 170-52(C)(59C(3) for additional regulations)]

Helicopter Take-offsTakeoffs and Landings: Helicopter take offs and landings are allowed as a special exception subject to the following conditions:

A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.

pad.

B. Except in the case of an emergency, no helicopter take-offstakeoffs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.

C. The facility shall be accessory to the principal use located on the lot.

D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

E. The conditions for granting a Special Exception,special exception contained in Chapter§ 170-52 C59C(3),) must also be satisfied.

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170 Attachment 19

City of Dover

Sign Diagrams
Part I

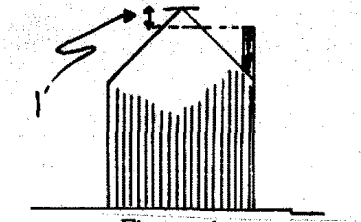


Figure 1

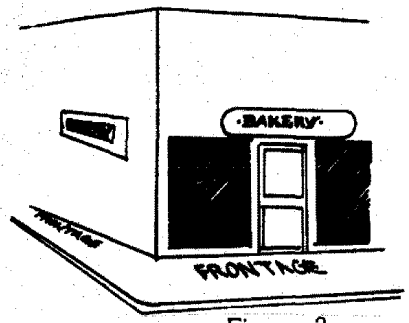


Figure 3

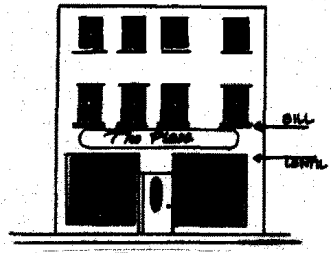


Figure 2

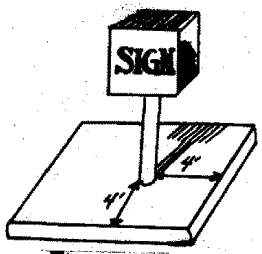


Figure 4

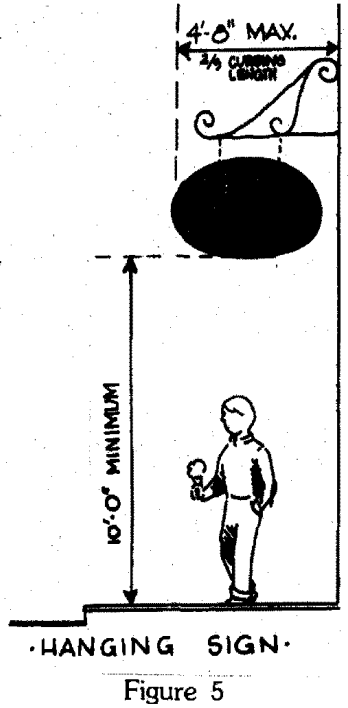


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City of Dover

Sign Diagrams
Part II

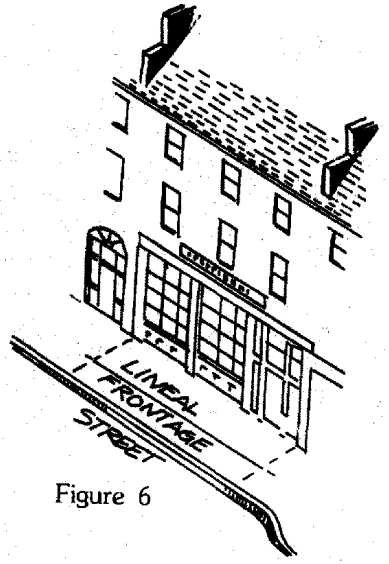


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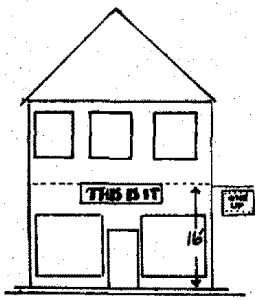
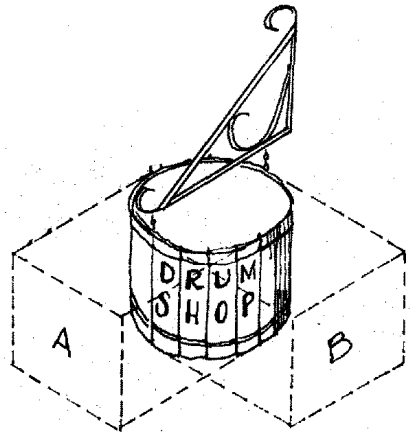


Figure 7



SIGN AREA = $\frac{A+B}{2}$
Figure 8



Figure 9

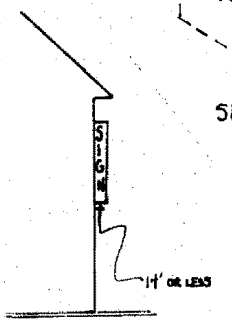


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City of Dover

Sign Diagrams
Part III

In Figure A, the sign above the shop front has been placed as high as it would be allowed in this particular instance: just below the sills of the second story windows. It is also as wide as is allowed: the full width of the building's sign frontage. The result is a jarring relationship between the sign and the building's facade. Nothing on the sign seems to line up with anything that is part of the building itself: the window sills appear to rest on top of the sign, the lintel (the horizontal beam over the shop front) is partly covered. The total effect is one of everything being slightly off balance.

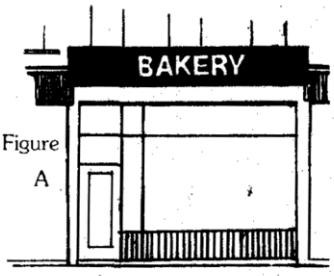


Figure A

Figures B, C and D, on the other hand, show three (3) different ways in which the same sign idea can be made to relate successfully to the rest of the building.

In Figure B, the sign becomes part of the architecture of the building by being lowered and reduced slightly in depth so it appears as a facing to the lintel, which was half covered in Figure A. This is a good solution if there is enough depth to the lintel to permit the use of legible-size letters.

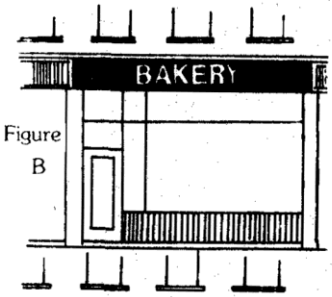


Figure B

Another approach, where the lintel is quite shallow, is shown in Figure C. Here the sign is integrated with the shop front by being enclosed within the frame of the building, which is outlined by the side walls and the lintel itself. This solution is particularly effective where the frame of the shop front is relatively high and may allow the use of a deeper sign than that shown in Figure B. Being placed lower, the sign may also be more legible from the street.

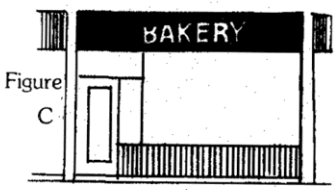


Figure C

In Figure D, the sign is in the form of applied or painted letters, with the building lintel itself as the background. If carefully designed and executed, this treatment not only respects the building but enhances it; unlike signs mounted on boards, the open letters do not totally obscure any part of the building, and they cause the least interruption to the continuity of the building's architecture, which can be seen through and around the letters. The individually attached letters also give a sense of permanence to the business they advertise.

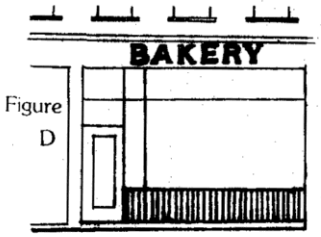


Figure D

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Figure E shows the basic framework or pattern of the buildings that form the street front as they were originally conceived in terms of solid and void, or wall and hole. Despite the fact that the window and door holes of the different buildings do not line up exactly, which provides variety and adds to the interest of the street, there is quite a strong feeling of continuity and unity in the row of structures since they all have the same basic elements.

Figure F, shows how the even rhythm of these basic elements (the shop front holes and the windows in the lower floors of the buildings) can be almost completely obliterated by the jumble of shop signs of widely varying shapes, sizes and heights.

In Figure G, the basic pattern of the street front has been retained by the simple fact that the shop fronts and their signs have stayed within the frames provided by the buildings. (The one exception is the sign on the right, because it is composed of individual letters applied directly to the buildings itself.) Three (3) of the shop fronts, quite different in the character of their signs and entrances, are now seen to form the ground floor of the same building, the sort of thing that helps create a feeling of continuity along the street.

Figure E

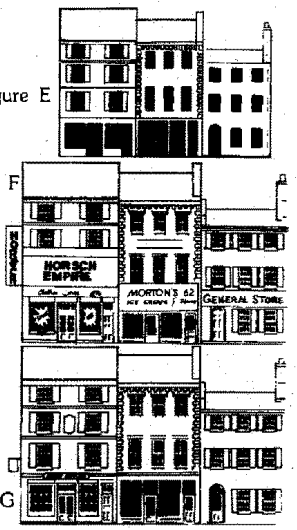


Figure F

Figure G

It should be noted that the marked improvement to the street front shown in Figure G has been achieved without any sacrifice in the effectiveness of individual signs. Although the signs are smaller in size, they are actually easier to read because they are of cleaner and simpler design. This emphasizes another important point: Legibility and effectiveness do not depend on size alone, but also on design.

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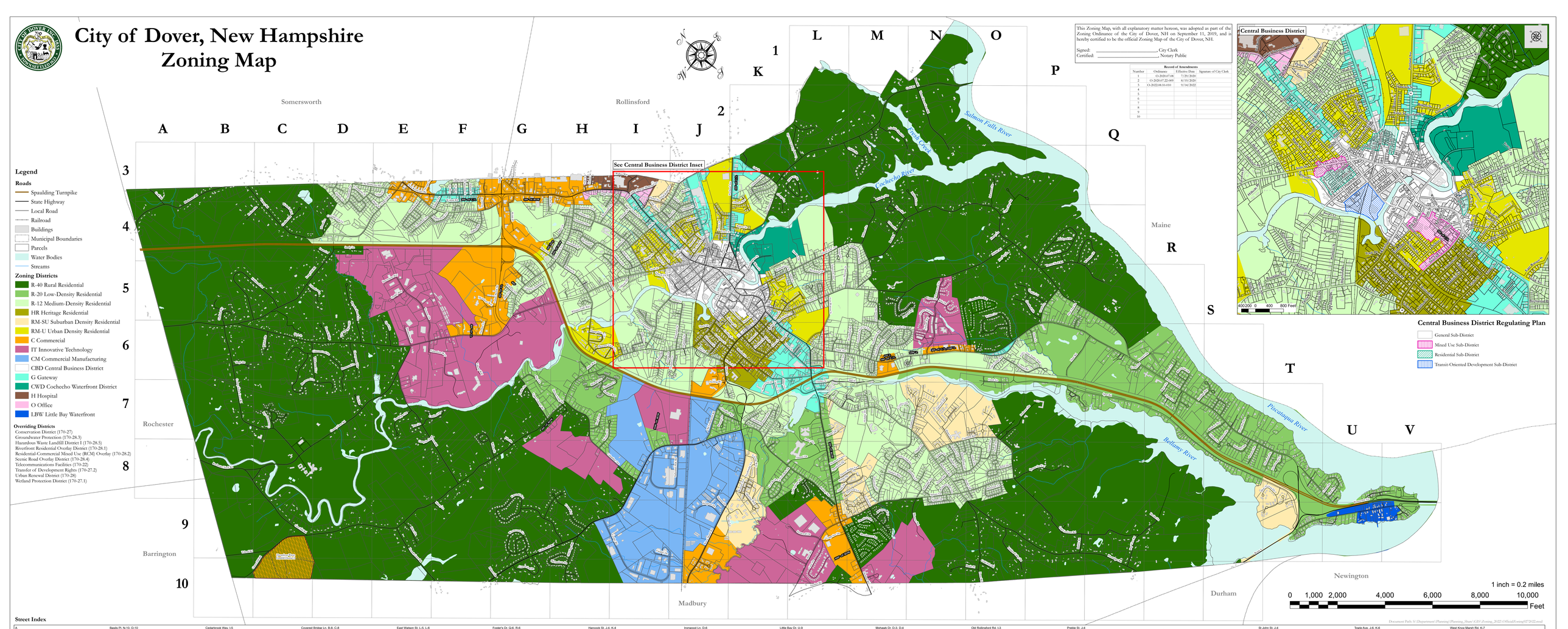
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City of Dover, New Hampshire
Zoning Map



This Zoning Map, with all explanatory matter hereon, was adopted as part of the Zoning Ordinance of the City of Dover, NH on September 11, 2019, and is hereby certified to be the official Zoning Map of the City of Dover, NH.

Signed: _____, City Clerk

Certified: _____, Notary Public

Record of Amendments

Number	Ordinance	Effective Date	Signature of City Clerk
1	O-2020-07-06	7/29/2020	
2	O-2020-07.22-009	8/19/2020	
3	O-2022-08.10-010	9/14/2022	
4			
5			
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8			
9			
10			

Central Business District

Central Business District Regulating Plan

- General Sub-District
- Mixed Use Sub-District
- Residential Sub-District
- Transit-Oriented Development Sub-District

1 inch = 0.2 miles

0 1,000 2,000 4,000 6,000 8,000 10,000 Feet

Legend

Roads
- Spaulding Turnpike
- State Highway
- Local Road
- Railroad

Buildings
Municipal Boundaries
Parcels
Water Bodies
Streams

Zoning Districts
- R-40 Rural Residential
- R-20 Low-Density Residential
- R-12 Medium-Density Residential
- HR Heritage Residential
- RM-SU Suburban Density Residential
- RM-U Urban Density Residential
- C Commercial
- IT Innovative Technology
- CM Commercial Manufacturing
- CBD Central Business District
- G Gateway
- CWD Cocheco Waterfront District
- H Hospital
- O Office
- LBW Little Bay Waterfront

Overriding Districts
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Groundwater Protection (170-28.3)
Hazardous Waste Landfill District 1 (170-28.5)
Riverfront Residential Overlay District (170-28.1)
Residential-Commercial Mixed Use (RCM) Overlay (170-28.2)
Scenic Road Overlay District (170-28.4)
Telecommunications Facilities (170-22)
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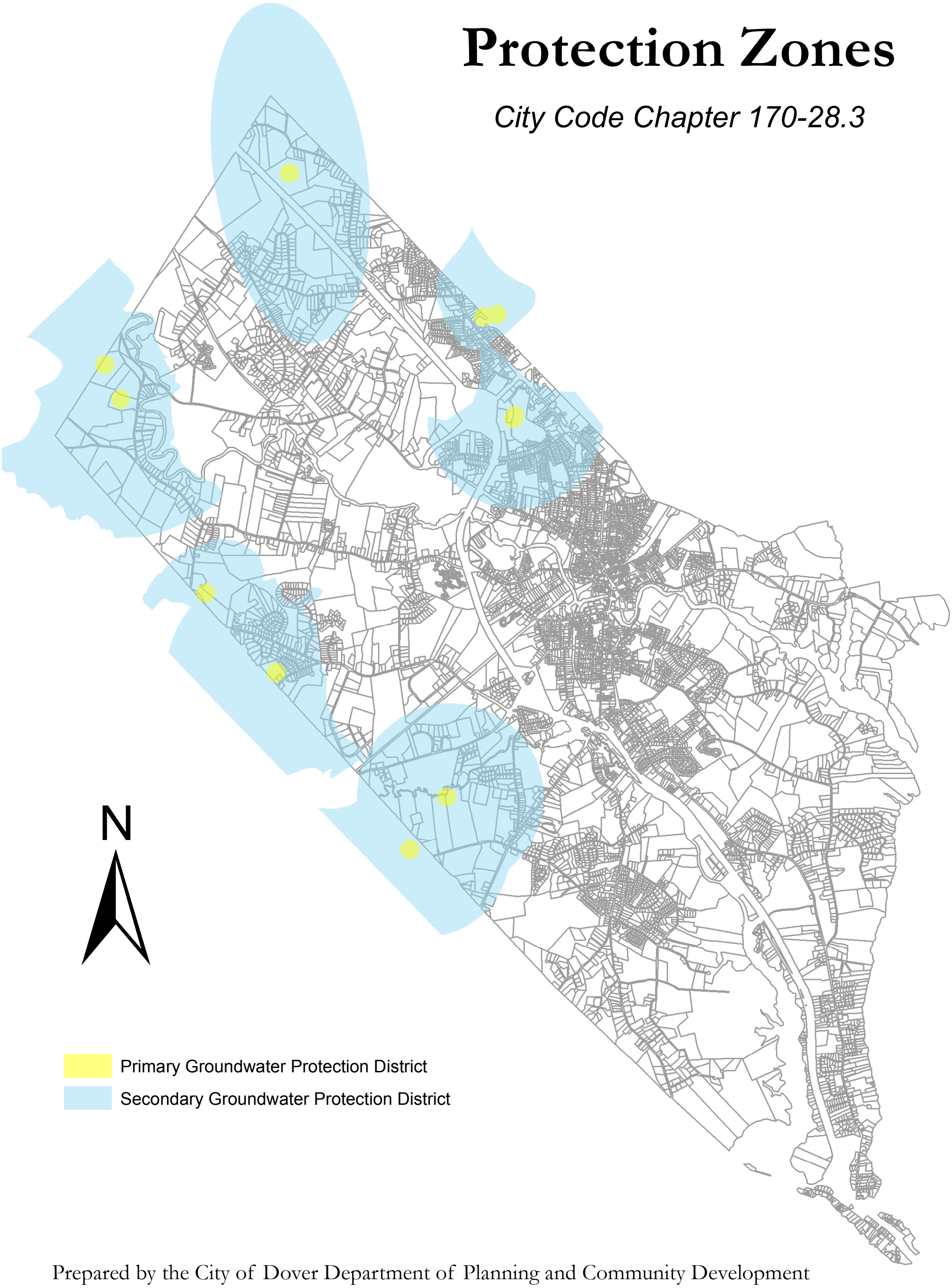
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Groundwater Protection Zones

City Code Chapter 170-28.3



Prepared by the City of Dover Department of Planning and Community Development

April 15, 2015

COMCAST

July 1, 2024

Dover City Council
City of Dover
288 Central Avenue
Dover, NH 03820

Dear Members of the Council:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. Accordingly, please note the following price increases our providers are implementing on August 1, 2024:

- Outside TV Features will increase the cost of its Subscription Video On Demand package from $1.99 per month to $4.99 per month.

- Gaia will increase the cost of its Subscription Video On Demand package from $11.99 per month to $13.99 per month.

- Warner Brothers Discovery will increase the cost of its Max (ad-free tier) and HBO subscriptions from $15.99 per month to $16.99 per month.

Customers are receiving notice of these changes in their bill and will see the new cost reflected in their next bill unless they cancel their subscription.

Please do not hesitate to contact me should you have any questions. For your convenience I can be reached at **Bryan_Christiansen@comcast.com**.

Sincerely,

Bryan Christiansen

Bryan Christiansen, Director
Government & Regulatory Affairs
New England Region