CITY OF DOVER

# DOVER PLANNING BOARD – AGENDA

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| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Avenue, Dover, NH 03820 |
| Meeting Date: | **Tuesday, July 23, 2024** |
| Meeting Time: | **7:00 pm** |

1. **CITIZENS' FORUM**
2. **APPROVAL OF THE PRIOR MINUTES**
   - June 25, 2024 Regular Meeting Minutes
3. **OLD BUSINESS**
4. **NEW BUSINESS**
   A. Discussion and Public Hearing on the draft engineering report, completed by Fuss & O'Neill, on the expansion of the Community Trail from Bellamy Road through city-owned property across the river to Bellamy Park, (avoiding the disc golf course), behind Martha's Way and Lilac Lane to Knox Marsh Road. All persons wishing to speak on the expansion and draft engineering report are urged to attend. *

   B. Consideration and acceptance of an Amendment for Summit Land Development, LLC (Owners: Pointe West, LLC), Assessor's Map K, Lot 19, zoned IT, located off Northfield Drive. (Proposal is for an amendment to a previously approved Site Plan to change one residential building with 60 units into four (4), 2-story buildings totaling 32 units). *(WAIV-2024-0010)

   C. Consideration and acceptance of a Minor Subdivision for Westfield, LLC, Assessor's Map G, Lot 2, zoned CM, located at 64 Littleworth Road. (2 new lots) *(SUBM-2024-0002)

   D. Public hearing and possible posting of amendments to Chapter 170, entitled "Zoning" of the code of the City of Dover. Amendments include updating terms, and titles, as well as revising numbering and formatting. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.*

   E. Discussion of Impact Fees. *
5. **STAFF COMMENT**
6. **MEMBER COMMENTS**
7. **ADJOURNMENT**

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

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| **From:** | Benton, Donna on behalf of Benton, Donna |
| **To:** | Blonigen, Rachel |
| **Subject:** | FW: Fergus Cullen project on Sixth Street |
| **Sent:** | 7/15/2024 9:54:09 AM |

For packets

***Donna Benton, AICP***
*Director of Planning and Community Development*
City of Dover, NH
288 Central Avenue
Dover, NH 03820-4169
e: d.benton@dover.nh.gov
p: 603.516.6008  f: 603.516.6049

*Dover: First in New Hampshire, First with you!*

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**From:** Linda Merullo <linmer03@comcast.net>
**Sent:** Monday, July 15, 2024 9:10 AM
**To:** Planning Board - All <PlanningBoard-All@dover.nh.gov>; Benton, Donna <d.benton@dover.nh.gov>
**Subject:** Fergus Cullen project on Sixth Street

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

To the Planning Board Members,

I also remain perplexed that Fergus Cullen would take an R40 area and try and build 7 units into 1.3 acres. It seems impossible to do. I noticed the land is already cleared and trees taken down in anticipation of your approval vote. He makes it sound like he mowed the area. Go by it, it's already cleared for more housing.

Cullen notes that everything he has done is legal, except for what it does to the area. I mentioned to you before that zoning areas are there for a reason. It doesn't make sense to me to allow various uses into all zones. That defeats the purpose. Next someone will want to put a gas station in an R40 zone - specifically on Sixth Street.

I see what is happening on New Rochester Road near Willand Pond. The amount of houses (one in front of the other) and on the side is ridiculous. They don't fit in with the neighborhood, but that is a different zone and allowable, apparently. I am upset that the PB allowed it.

Having been on the PB, I would have denied Fergus's project due to zoning and the amount of housing on such a small parcel. You are setting an ugly precedent if you approve. I always look back at the projects I did approve with pride. These will last a hundred years or more. Be careful of your legacy on your PB tenure. What you do today will impact the rest of your lives and future generations.

Let's not kid ourselves, you can't build and sell these homes for less than $500K. He wouldn't do it out of the goodness of his heart to take a loss. These homes, once built, will substantially rise in valuation, with taxes that are unaffordable for lower income applicants. Cullen says affordable housing, I say unaffordable. I assume he is talking about a 30 year mortgage for potential homebuyers, which doubles and/or near triples the price for them to pay off.

I am also against this on Sixth Street for it looking out of place and destroying the rural look of the street. I am against multi density in an R40 zone, no matter where it is in our great city.

And to call them nimby's is really low. He used drawbridge but we all know what he meant. He is in a very large home in a development nearby valued very high. I wonder if he would do this next to his own home if allowed, which could happen if this precedent is set and lower his own valuation.

I'm glad the Dover Housing Authority made a statement about this and conflict of interest. I also no longer trust Cullen's wishes to help "the little people." To build the additional 6 units will be almost a million dollars. Of course he is out to make a profit on that million he is putting up by making a million and we don't know what the existing home will sell for. He's mum on the dollar amount for all. Currently, it's assessed at around $370K. Now he's upgraded it and the cost of clearing the land. So in my estimation, he will sell it for near $500K at the minimum. I do not consider this "affordable housing" as he mentions attracting "professionals." We need housing for those on the cusp of homelessness, and this isn't it, while he's trying to fool us into thinking it is.

I urge you to vote no on this. R40 should be kept to the legal requirements of an acre of land and individual abodes. People move to R40's so they have some land and privacy around them. If approved, you are upending every rule so that our city is nothing but an urban city with an overabundance of properties that will decline in value, along with losing our open space and trees.

I have no skin in the game (not a NIMBY), as they say, other than I don't like to see zones destroyed as we have zoning in this city for specific building in each one.

Linda Merullo

Please consider conserving our natural resources before printing this e-mail and/or any attachments.

This electronic message and any attachments may contain information that is confidential and/or legally privileged in accordance with NH RSA 91-A and other applicable laws or regulations. It is intended only for the use of the person and/or entity identified as recipient(s) in the message. If you are not an intended recipient of this message, please notify the sender immediately and delete the material. Do not print, deliver, distribute or copy this message, and do not disclose its contents or take any action in reliance o the information it contains unless authorized to do so. Thank you.

July 14, 2024

Dear Ms Benton,

As residents of the Heritage District we wish to register our objection to the proposed development of two multi-family housing units. The proposed units are located at 135 Locust Street and at 114 Silver Street.

Our concerns include changing what has been touted as “gateways” to the city to logjams in and out of the city, drastic removal of yet more tree cover to provide more paved parking spaces and multi-story buildings out of scale and design in relation to surrounding homes.

There are other impactful housing projects in various stages in this neighborhood, including 20+ units behind Fisher Street and 150+ units at the former McIntosh College location. Current morning commutes during the school year are already nightmarish; none of this proposed development will ease that problem.

Developing every square inch of vacant space in Dover has a cost. While we recognize the need for housing, the density of the proposed units at 135 Locust Street and 114 Silver Street is excessive. We urge the Planning Board to not grant variances to allow these projects to proceed as proposed.

Respectfully,

Laura and Patrick Horan
104 Belknap Street
Dover, NH
03820

cc Planning Board

CITY OF DOVER

# DOVER PLANNING BOARD – MINUTES

| | |
|---|---|
| Meeting Type: | Regular Meeting |
| Meeting Location: | Council Chambers, City Hall, 288 Central Ave, Dover, NH. |
| Meeting Date: | **Tuesday, June 25, 2024** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Mark Speidel (Vice-Chair), Tom Clark, Ken Mavrogeorge, Fergus Cullen (Councilor), Jeff Sanborn (Alternate)
**Members Not Present (excused)**: Erinn Kaspari, George DeBoer, Kyle Pimental, Mallory Strange (Alternate), Melina Gambino (Alternate)
**Members Not Present (un-excused)**: None
**Staff Present:** Donna Benton, Director of Planning and Community Development

Gina Cruikshank (Chair) called the meeting to order at 7 p.m and noted that Jeff Sanborn is sitting in for Erinn Kaspari.

## 1. CITIZENS' FORUM

*Citizens Forum Open*
No one spoke
*Citizens Forum Closed*

## 2. APPROVAL OF THE PRIOR MINUTES

- June 11, 2024 Regular Meeting Minutes

**Motion** T. Clark moved to approve the regular meeting minutes of June 11, 2024 as submitted. Seconded by: F. Cullen. Vote: All in favor with K. Mavrogeorge abstaining

## 3. OLD BUSINESS

A. Consideration and acceptance of a Transfer of Development Rights for Tritech Engineering (Owners: Stonearch Development, LLC), Assessor's Map F, Lot 3, zoned R-40, located at 210 Tolend Road. (Proposal requests to purchase 33 TDR units (10 "unrestricted" & 23 "restricted size units"). A site plan for a current proposal of 53 units would need further review and a future Planning Board vote). *(TRAN-2024-0003)

D. Benton explained the applicant appeared before the Planning Board on May 28th, 2024 requesting the purchase of thirty-three (33) residential units by acquiring Transfer of Development Rights (TDR). Ten (10) of these units would not be restricted in size or rental rates and the other twenty-three (23) units would be restricted in size to no larger than 1,400 square feet (not including the rent-restricted ADUs).

Per Chapter 170-27.2 E.(4)a, staff provided a written report on May 23, 2024 explaining the need for additional information before the Planning Board make a decision on the sketch plan.

On the May 28th, 2024 regular Planning Board meeting, the Planning Board continued the item and recommended the proposal be reviewed by the Conservation Commission.

The Conservation Commission held a conceptual discussion about the project at their June 10th, 2024 regular meeting. The applicant presented the Commission with their original plan and a revised plan based off feedback heard at the Planning Board meeting during the Conservation Commission meeting which led to a discussion and request for more information on items such as the project's potential impact on wildlife corridors and the NH Wildlife Action Plan. The Conservation Commission recommended the item be continued to their regular July 8th, 2024 meeting following a site walk with Commission members and further review of the applicant's revised plan.

A full site plan review would still be required by the Planning Board and Technical Review Committee.

Bob Stowell, Tritech Engineering and Robert Baldwin represented the application and updated the Planning Board and the public on the revised plan that they came up with following the last Planning Board meeting and prior to the Conservation Commission meeting where they also presented it.

Mr. Baldwin highlighted the changes: parcel behind the existing house has now been reserved for open space; reduced the amount of homes by three- now proposing 20 1400 sq ft units at fair market rents with ground level walk-out basements and the 2500 sq ft homes on the loop road. They moved the location of the homes closer to Tolend Rd as requested to open up that corridor and eliminate one of the wetland crossings. They've also moved placement of all homes away from the Paradis property line to keep the area behind the house open space.

He requested to receive comments and then table the item to hold the site walk with Conservation Commission.

He clarified for the board information about:

- TDR units requested
  - Reduced by 9. Seeking 24 units total- 4 are unrestricted units and 20 are size restricted with ADU
- Emerald Ln/ fire road lane/ gate - New proposal has 30 units using Emerald lane for access
  - They addressed the concern of cut-through traffic by eliminating a segment of road
- Descriptions of both portions of the development
  - Loop road = larger, similar homes to Emerald Ln
  - Other section has smaller homes with the ADUs

*Public hearing opened.*
Leslie Herd, 201 Tolend Rd represents a group of neighbors and abutters to the project. At the last meeting there was a suggestion to see an overlay map of the NH prioritized habitat / wildlife corridor designations over the proposed site map. 40% of the project is within this prioritized habitat area. 60% of the land is NH wildlife corridor. She gave additional details of the diversity of habitats on the land there and the reasons and benefits for keeping the land conserved. She requests the Planning Board and Conservation Commission consider the following:

- Prior to approval of any CUP or TDR, complete a wildlife impact study and environmental impact assessment by an independent party
  - After that, applicant can evaluate which subdivision plans are compliant

Kenneth Herd, 201 Tolend Rd read a letter on behalf of Brian Stern, Lika Dr/ Tolend Rd.

Natalie Carr, 220 Tolend Rd is concerned about the wildlife and wetlands impacts due to the density of the proposed loop road. Further testing should be done during the wet season.

Luke Paradis, 180 Tolend Rd addressed the new layout. He would be in favor of just a few larger homes going onto this land. He explained the business and volunteer activities they host on their horse farm and his other farming activities and how this project will affect him. He described the wildlife on that land.

Robert Leopold, 165 Emerald Ln noted the Conservation Commission tabled this item without an endorsement so no discussion about the CUP or TDR should occur tonight, just discussion about a site walk. This type of project belongs in a different part of Dover where there is more density and proper

transportation. He invited the board to view their property when they come for the site visit to see their storm water management system which he believes would be affected by the proposed project.
*Public hearing tabled.*

**STAFF RECOMMENDATION- TDR:**
The Planning Department recommends the Planning Board review the revised sketch plan, along with comments and recommendations from the Conservation Commission, schedule a joint site-walk with the Conservation Commission, and continue the item.

Board discussion occurred about the need for a site walk and when to schedule it.
The site walk was scheduled for Tuesday, July 9th at 5:30pm which will be posted as a special meeting.

**Motion** F. Cullen moved to table the item. Seconded by: M. Speidel. Vote: U/A

**4. NEW BUSINESS**

A. Consideration and acceptance of a Lot Line Adjustment for H.J. Stabile & Son, Inc. and Casey A. Carmel (or aka Carmel Casey), Assessor's Map 15, Lots 40-A-1 and 51, zoned G, located at Locust Street and 36 A Fisher Street. *(LOTA-2024-0007)

D. Benton explained that the applicant is proposing a lot line adjustment to revise the property boundary between their parcel, which is a vacant lot with frontage on Fisher Street, Map 15, Lot 40A-1, and the abutting parcel, 36A Fisher St., Map 15, Lot 51, with the intent of increasing their parcel by approximately 16,059 square feet. For both lots, the frontage and compliance with the underlying R-12 zoning regulations will remain the same.

As a Lot Line Adjustment, this application did not appear before the TRC.

This proposal is related to the Site Plan and two Conditional Use Permits for a 21-unit townhouse condominium complex on the subject parcel that was conditionally approved by the Board at the June 11th regular meeting.

Michael Menary, CivilWorks represented the application noting this is a condition of approval for the previously approved site plan. It is a 21-unit condominium development. He explained the lot line adjustment.

**Motion:** F. Cullen moved to accept the application and declared no regional impact. Seconded by: K. Mavrogeorge. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

**STAFF RECOMMENDATION- Lot Line Adjustment:**
Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings, and vote to approve the application with the following subsequent conditions:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set for recording at Strafford County Registry of Deeds which additionally shall include:
   a. Planning File Number #LOTA-2024-0007
   b. The owner's signatures
   c. The LLS stamp and signature

**Motion:** M. Speidel moved to approve the Lot Line Adjustment with conditions detailed by staff. Seconded by K. Mavrogeorge. Vote: U/A

B. Consideration and acceptance of an Amendment for McIntosh Dover, LLC, Assessor's Map 13, Lot 23, zoned G, located at 23 Cataract Avenue. (Proposal is to amend the architecture and unit type of two (2) of the previously approved buildings). *(WAIV-2024-0009)

D. Benton explained that the Board previously approved a Site Plan and two Conditional Use Permits for the subject parcel on January 11, 2022. The project consisted of four (4) 4-story multi-family apartment buildings for a total of 158 units, a 1-story clubhouse, and an additional 278 parking spaces. 52 of the 158 units were to be restricted to HUD Fair Market value.

The Applicant now seeks a site plan amendment that consists of the removal of all roof decks and balconies from two of the buildings, the addition of a playground on the site, the replacement of the originally-approved brick siding to brick-colored Hardie Panel on two of the buildings, and increasing the number of HUD Fair Market rent-restricted units to 78. Total unit count remains the same as originally approved however, the HUD rent-restricted units are proposed to increase by 26 units.

Todd Baker, McIntosh Dover represented the application, explained the renovations that have taken place so far and what they have been approved for on the property. He explained the costs that have gone up and their new plans for the project. The request tonight is for the change to materials and unit mix. He noted once this gets approved, they hope to break ground in August.

He answered some questions from the board including information about rental rates, how tax credit financing works, next phase on the other parcel will be market rates, utilities and first steps, building schedule will stagger by a few months on building process, Hardie Plank description, clarification they have approval for four buildings and looking for approval to build the first two buildings with revised materials.

Discussion occurred whether there is a future phase and if materials on all buildings should be considered.

**Motion:** M. Speidel moved to accept the application and declared no regional impact. Seconded by: T. Clark**.** Vote: U/A

*Public hearing opened.*
Randy Woodman 59 Rutland noted there are some commitments from the developer for fences and treeline buffer. He's looking to get that in writing and how best to address that.

Email from Jack Mette, 56 Rutland St was read by D. Benton.
*Public hearing closed.*

DRAFT

The applicant addressed public comment:

- Screening is part of the approved plan

**STAFF RECOMMENDATION- Site Plan Amendment:**
Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types, including amendments. This plan is consistent with those regulations.

The Planning Department recommends the Planning Board make findings and vote to approve the Site Plan with the following subsequent conditions as the plans meet the standards outlined:

**Subsequent Conditions to Be Met Prior to Signing of Plans:**

1. Conditional Use Permits P21-46 and P21-47 shall be approved.
2. The Board acknowledges the merger of the two lots.
3. The applicant shall provide
    a. A sample lease for the HUD rental units
    b. An annual maintenance and operations plan for maintaining site distance on Cataract Avenue, including addressing roadside vegetation and snow removal all year and in all weather conditions
4. A Development Agreement shall be signed between the City and the Applicant regarding the HUD rental restricted units and the annual reporting requirements, and payment made for passive and active recreation balance needed.
5. Provide physical and digital copies (including CAD) of complete full plan set including these amendments which additionally shall include:
    a. Signature and stamp of PE, LLS, CWS and LLA
    b. The owners' signatures
    c. All permit numbers
    d. A note regarding the site distance clearing and maintenance plan
    e. Add EV readiness
    f. Add city wetland buffer placards every 30 feet
    g. Remove phasing language from the plan set
    h. Add leader note that clarifies on the plan set that changes are only to the buildings shown
6. The applicant shall work with the City to complete a safety analysis for the intersections of Rutland Street at Silver Street and Rutland at Central Avenue. A memorandum of agreement shall be signed by the City and the applicant regarding implementation of any improvements, to the satisfaction of the Director of Planning and Community Development.

**Subsequent Conditions to be Met Prior to Construction Activities:**

7. Existing 23 Cataract Avenue building will be re-addressed consistent with the new road name
8. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
9. The wetland buffer placards be installed every 30 feet.

**Subsequent Conditions to be Met Prior to Building Permit:**

10. Any outstanding work associated with existing building permits for the existing 23 Cataract Avenue building (to be renumbered) will be completed.
11. The applicant shall provide payment for active and passive recreation.
12. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.

**Subsequent Conditions to Be Met Prior to Occupancy:**

13. Issuance of the Certificate of Occupancy.
14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
15. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision, unless a policy change to impact fees is made.
16. Any safety improvements required at the intersections of Rutland Street at Silver Street and Rutland at Central Avenue are in place.
17. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction.

Discussion about language regarding 'future phasing' which is inconsistent among the multiple plans. Suggestion to remove 'future phase' designation which is confusing. Condition 5g was added following the discussion.

Discussion about the materials potentially not being consistent among the four buildings. Condition 5h was added following the discussion.

**Motion:** M. Speidel moved to approve the Site Plan Amendment with subsequent conditions set by staff. Seconded by T. Clark. Vote: U/A

C. Consideration and acceptance of an Amendment for Arbor Park, LLC and Pointe Place Partners, LLC, Assessor's Map K, Lot 19-11, zoned IT, located at 40 Pointe Place. (Proposal is for an amendment to a previously approved Site Plan to change one residential building with 60 units into four (4), 2-story buildings totaling 32 units). *(WAIV-2024-0010)

The Chair explained that item C was continued to the July 23rd regular Planning Board meeting:

D. Consideration and acceptance of a Conditional Use Permit for Benjamin Stockman, Assessor's Map L, Lot 43-A, zoned R-40, located at 165 Spur Road. (Proposal is to conduct shore erosion repair creating 398 s.f. of overlapping permanent impact to the Conservation District and 50 ft of wetland buffer impact. The dock replacement will also create 1,026 s.f. of permanent impact and 1,688 s.f. of temporary impact to wetlands). *(COND-2024-0008)

D. Benton explained that the applicant is proposing to repair shoreline erosion and replace a dock on the subject parcel. The shoreline erosion repair will create 398 square feet of overlapping permanent impact to the 50-foot wetland buffer and Conservation District. The project will create 1,688 square feet of temporary impact to allow for access during site work.

The applicant has applied for a NHDES Standard Dredge and Fill Wetlands Permit which includes a proposal to replace a tidal docking structure, in addition to the erosion repair, creating 1,026 square feet of permanent impact; this docking structure impact is exempt from City of Dover CUP approval.

The Conservation Commission reviewed and endorsed the application at their June 10, 2024 meeting.

Michael Menary, CivilWorks represented the application and explained the reason for the impacts.

**Motion:** F. Cullen moved to accept the application and declared no regional impact. Seconded by: T. Clark. Vote: U/A

*Public hearing opened.*
No one spoke
*Public hearing closed.*

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

The Conservation District ordinance provides for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration that the use is essential to the productive use of land, a soil erosion and sedimentation control plan is submitted, state and federal approvals have been applied for, and a written review by the Conservation Commission has been sought.

Planning Staff feels that the applicant considered and met all of the criteria as specified in both applicable ordinances per their narrative. The impacts created by the proposed shoreline repair are being applied to protect against further erosion and potential collapse of the bank and the affected area is minimized to the site of previous erosion. The proposed repair does not require state mitigation as the living shoreline proposal will maintain the remaining vegetated bank. The applicant has also submitted a NHDES Standard Dredge and Fill Wetlands Permit for the project which has been reviewed by the Conservation Commission.

The Planning Department recommends the Planning Board make the necessary and supporting findings of fact, and to approve the Conditional Use Permit with the following subsequent conditions, as the plans meet the standards outlined:

**Subsequent Conditions to Be Met Prior to Issuance of a Conditional Use Permit:**
1. Copies of the NHDES Standard Dredge and Fill Wetlands Permit submitted to the Planning Department.

**Motion:** T. Clark moved to approve the Conditional Use Permit as detailed by staff. Seconded by F. Cullen Vote: U/A

E. Discussion and possible posting of Zoning Amendments regarding Impact Fees.*

D. Benton explained the City reviews the impact fee amount every 5 years or so. In the past that's been done by one consultant. This year only one consultant bid and really is the monopoly of impact fee analysis in the state. She explained the draft study, staff has been reviewing other studies and talking with other communities. The Planning Board has discussed impact fees in general earlier this year as did the housing committee. A memo was in the packets about the history of impact fees as well as our one-pager. As promised, she passed out copies of the draft study for the Board to be able to read and review for July. No amendments are being proposed at the moment but staff wanted the Board to have time to digest. The study will be posted to the Planning's webpage as well.

**Motion:** M. Speidel moved to continue the item to the July 23, 2024 meeting. Seconded by: K. Mavrogeorge. Vote: U/A

**5. STAFF COMMENTS**

- Planning staff attended the NHPA Spring Conference in Keene, NH.
- TRCs since last meeting:
  - (June 20th) TDR Site Review for Fergus & Jennifer Cullen, Assessor's Map B, Lot 4-F, zoned R-40, located at 566 Sixth St. Proposal is to construct 2 single family dwellings and 2 duplexes to total 7 units on site, through purchasing TDR unit with associated access, parking and stormwater. (SITE-2024-0005)

**6. MEMBER COMMENTS**

- The Chair signed the following:
  - Site Plan Amendment for 14 Broadway.

**7. ADJOURNMENT**

**Motion:** T. Clark moved to adjourn at 8:24pm. Seconded by K. Mavrogeorge. Vote: U/A

DRAFT

**To:** Planning Board
**From:** Planning Staff

**Date:** July 23, 2024
**Re:** Community Trail Ph. IV Expansion

**ISSUE:**
A draft engineering report has been completed for the proposed Phase IV expansion of the Dover Community Trail and will be presented for comment by consultant partner, Fuss & O'Neill.

**INTENT:**
This memo will serve as part of the staff report.

**GOALS:**
Provide background information and overview of the draft engineering report completed for the Phase IV Community Trail expansion and receive feedback from Planning Board members and members of the public.

**Background**
From 2000 to present day, the Community Trail has been designed and constructed in phases. Three phases have been completed to date that total eight roundtrip miles and serve as a vital link throughout the city and offers recreational opportunities and an alternative to vehicular travel.

In 2016, the City moved forward with efforts to oversee the design and engineering of Phase IV, the next expansion for the Dover Community Trail. This phase would extend from Knox Marsh Road (NH 155) follow Lilac Lane, transition to a gravel trail through forested wetlands, and continue through Bellamy Park to Bellamy Road near Dover Middle School and High School. Planning Staff have been working with consultant partner, Fuss & O'Neill, on the design and engineering stage of Phase IV.

The city has secured the majority of Community Trail funding through the NH Department of Transportation (DOT) Transportation Alternatives Program (TAP) and the U.S. DOT Transportation Enhancements grant. Currently, the design and engineering work being conducted for Phase IV is being funded through TAP and local matching funds.

The Planning Board last heard an update on this project at their regular meeting on June 27, 2023. At the meeting Fuss & O'Neill presented two trail alignment options through Bellamy Park; the first alignment through the disc golf course in Bellamy Park and a second alignment along the southern bank of the Bellamy River with a bridge crossing.

Planning Board members and the public agreed that it would be preferrable to avoid the disc golf course and office for trail alignment.

**Project Overview**

| | |
|---|---|
| Project: | Dover Community Trail Phase IV Expansion |
| Where: | Knox Marsh Road, through Bellamy Park, to Bellamy Road |
| What: | Community Trail expansion for increased pedestrian and bicycle connectivity throughout the City of Dover. |
| Length: | 1.04-1.12 off-road miles (depending on alignment selection) |
| Zone: | R-20, RM-SU |

**Draft Engineering Report Highlights**
Expansion for the Community Trail continues to be a priority in long-term planning for the City, as evidenced in the recent Vision Chapter update of the Master Plan that applied public feedback to reference the trail numerous times including this goal for the future:

*"The Community Trail is extended and connected as part of a comprehensive transportation system."*

The purpose of the proposed Phase IV expansion is to link NH 155 through Bellamy Park to near Dover Middle School and High School. The trail will fulfill the need to provide a safe, delineated, and accessible route for:

- Bicyclists and pedestrians to travel between NH 155 and Bellamy Road, with direct access to recreation at Bellamy Park;
- Students to travel from residential neighborhoods to Dover Middle School and High School;
- Future connectivity to other segments of the Dover Community Trail.

The existing site of the project consists of three area types: developed multi-family residential, forested river corridor, and a public park. Two trail alternatives were considered to satisfy the purpose and need for this project.

Both Alternative 1 and 2 start at the intersection of Knox Marsh Road (NH 155) and Lilac Lane, with pedestrians using a 5-foot-wide sidewalk and cyclists sharing Lilac Lane. The trail then transitions to a 10-foot-wide compacted gravel trail within an Eversource electric transmission easement.

Both alignments stay close to the Lilac Garden Apartments and Huntington Exchange Apartments to minimize wetland impacts. The trail crosses a berm and an unnamed perennial stream with a precast concrete box culvert. The trail also crosses an intermittent stream using another culvert and continues along the Huntington Exchange's parking lots, maintaining a buffer. Tall curbs and landscape screening are proposed to reduce grading impacts and maintain a wooded buffer. The trail turns parallel to the Bellamy River, keeping a 75-foot wooded buffer.

At this point, the two alignments diverge.

Alternative 1 follows the northern bank of the Bellamy River in Bellamy Park, winding around natural features and disc golf platforms. It passes the Breaking Chains Disc Golf Supplies store, follows an existing gravel road, and ends at Bellamy Road and Cataract Avenue. Pedestrians can use the existing sidewalk to reach Dover Middle School and High School, while cyclists share the road. The off-road trail length is about 1.12 miles.

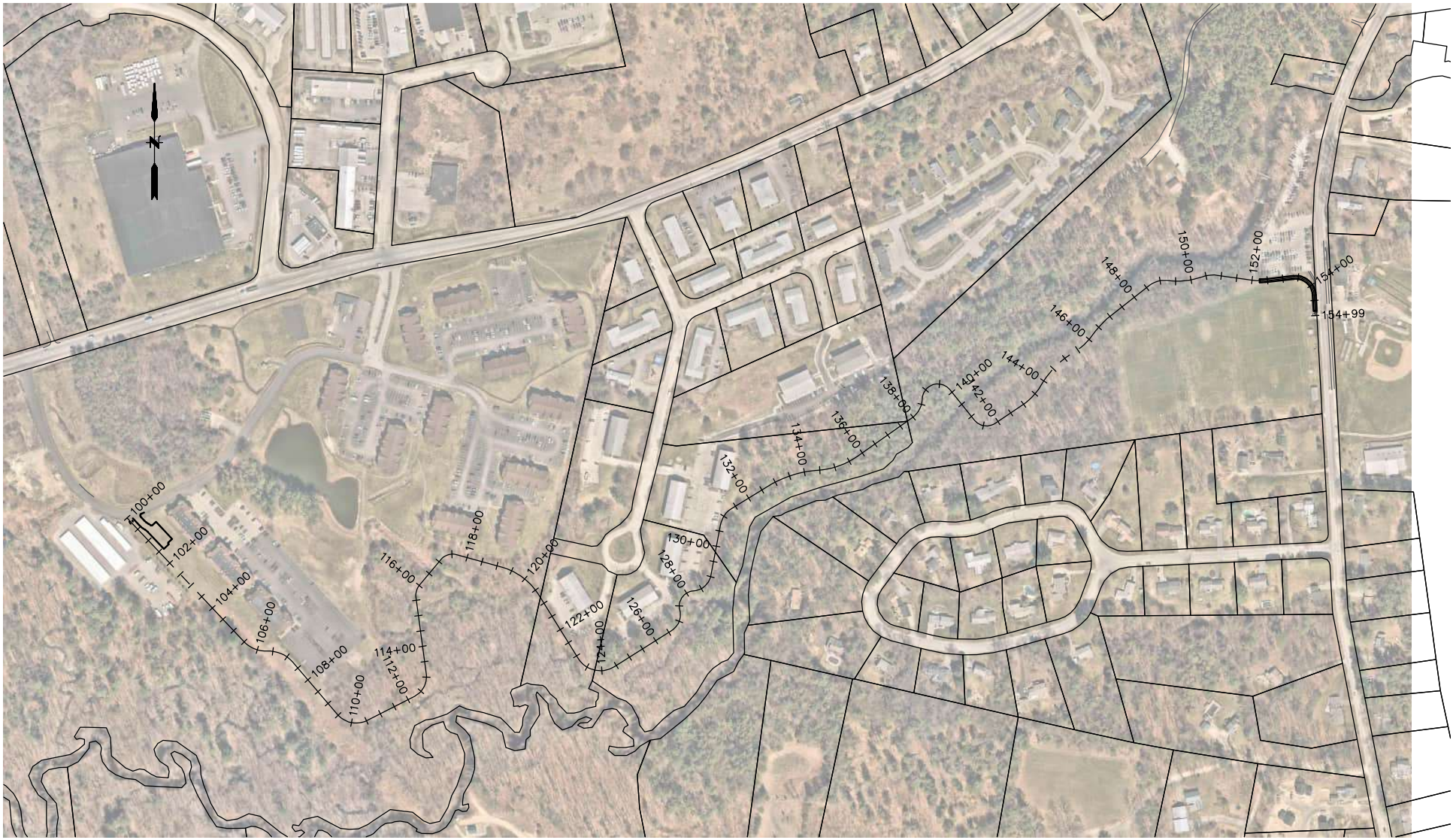
Alternative 2 involves crossing Bellamy Park and heading northeast to a proposed 105-foot pedestrian bridge over the Bellamy River. After crossing to the southern bank, the trail runs parallel to the river, past Bellamy Park's parking lot and athletic fields, maintaining a landscape buffer. It curves northeast to parallel Bellamy Road, ending at a crosswalk to Dover Middle School and High School. The total off-road trail length, including the bridge, is approximately 1.04 miles.

Construction cost estimates:

Alternative 1: $1,991,200.00
Alternative 2: $2,512,125.00

**Next Steps**
Feedback from Planning Board members, City staff, and members of the public, will be the deciding criteria for how to move the project forward, as well as securing additional funding.

If funding is secured, this project will continue into the preliminary design phase through the NH DOT Local Public Agency (LPA) program. A project schedule will then need to be determined for design and permitting, advertisement for bid, and construction based on funding. Fuss & O'Neill has advised that the proposed pedestrian bridge would be a long lead time item that would impact the schedule, if Alternative 2 is selected as the preferred alignment.




| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 — TOWN SETTLED 1623

FUSS & O'NEILL
50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 300'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
300 150 0 300
GRAPHIC SCALE

CITY OF DOVER

# ALIGNMENT ALTERNATIVE 2 OVERVIEW PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-200

File Path: J:\DWG\P\20170299.000\Civil\Plan\20170299 - HPN.dwg Layout: CR-200 Plotted: Mon, April 29, 2024 - 12:56 PM User: jhaney
MS VIEW: LAYER STATE: Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ----

# Dover Community Trail, Phase IV
# Engineering Study

## City of Dover, New Hampshire

**22 Central Avenue,**
**Dover, NH 03820**

April 30, 2024

50 Commercial Street, Suite 2S
Manchester, NH 03101

Project No. 20170299.00

FUSS & O'NEILL

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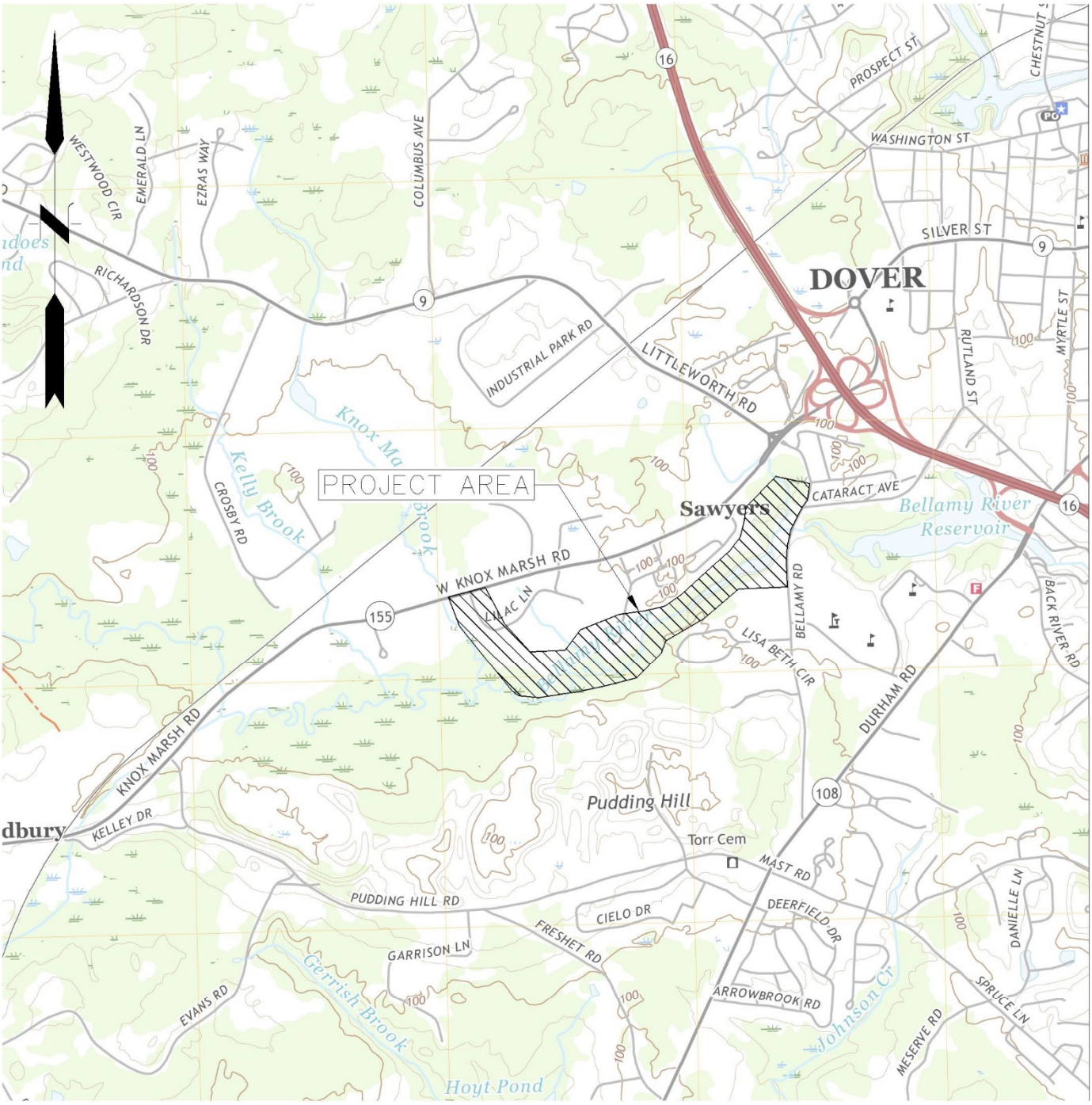
## Engineering Study
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A Conceptual Plans
B Engineer's Opinion of Construction Costs
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2,000 0 1,000 2,000 4,000

( IN FEET )

1 inch = 2,000ft.

FUSS & O'NEILL

# 1 Executive Summary

As The City of Dover continues to grow, effort is being made by community members, local committees, and City staff to make multiple modes of transportation within the City available and easily accessible by the widest cross-section of the population possible. The Community Trail network is both recreational and a means of connecting people within Dover to the places they want to go via an active transportation corridor.

This project comprises Phase IV of the Dover Community Trail. The City's vision for this trail is "a community trail utilized for exercise and enjoyment, which will also promote "green" transportation by providing an attractive option for those traveling in the City of Dover." Phase IV of this trail extends from Knox Marsh Road (NH 155) down Lilac Lane and then transitions to a compacted gravel trail as it winds around forested wetlands on private properties and continues through Bellamy Park until the trail outlets on Bellamy Road across from Dover High School. Currently this section of the Dover Community Trail will not connect to existing sections of the trail but will connect to planned future phases of the trail.

This project is funded through a Transportation Alternatives Program (TAP) grant and managed by City of Dover staff and overseen by the New Hampshire Department of Transportation's (NHDOT) Local Public Agency program.

# 2 Purpose and Need Statement

The purpose of the project is to construct a trail linking NH 155 through Bellamy Park to near Dover High School. The trail will fulfill the need to provide a safe, delineated, and accessible route for:

- Bicyclists and pedestrians to travel between NH 155 and Bellamy Road, with direct access to recreation at Bellamy Park;
- Students to travel from residential neighborhoods to Dover High School;
- Future connectivity to other segments of the Dover Community Trail.

# 3 Existing Conditions

The existing site of the project consists of three area types: developed multi-family residential, forested river corridor, and public park. The trailhead is proposed to start on NH 155 at the intersection with Lilac Lane. Lilac Lane is a 24-foot-wide private roadway with a 5-foot paved sidewalk adjacent to curb on the south side of the roadway. The sidewalk on Lilac Lane connects to the sidewalk on the south side of Knox Marsh Road. Several businesses and a residential development called Lilac Garden have frontage on Lilac Lane. To the west of the Lilac Garden property is a cleared easement for electric transmission lines owned and maintained by Eversource and further west of that is Bellamy Knox Self Storage. Knox Marsh Brook and a large low-lying wetland system are located to the south of Lilac Garden. To the east of the Lilac Garden properties is the Huntington Exchange properties, which is another multi-family residential development previously called the White Cliffs of Dover. The existing trails connect directly to the parking lot at the east end of Karolina Drive on the Huntington Exchange property.

Bellamy Park abuts the Huntington Exchange property to the east and includes programmed spaces such as a forested public park with existing walking trails, a disc golf course, parking lots, and a large athletic field. The disc golf course consumes most of the space on the north side of the Bellamy River from the Huntington Exchange property line to NH 155. The Bellamy River bisects the park and has a bridge from the north parking lot to the golf course which is currently not ADA accessible due to multiple steps and steep incline on the north side of the river. The disc golf course is very active and pedestrians must be mindful of flying discs when walking near the course. The disc golf course also has a supply store on site with a small parking lot and access road in from NH 155 and Bellamy Road. The southern bank of the Bellamy River, to the northwest of the athletic fields on the Bellamy Park parcel, is an alternative location for the proposed trail. This area is forested with minimal understory, similar to the disc golf course terrain. There are portions of existing trails, which consist of compacted native material with 5-to-6-foot widths with many protruding roots, but minimal brush and understory. This side of the river is much more consistent in grade and is at a higher elevation than the north bank. The existing trails end at the large parking lot for Bellamy Park and the adjacent athletic fields. Along Bellamy Road between the parking lot and the crosswalk to Dover High School there is an existing concrete sidewalk that is set back from the edge of the road with a grassed buffer.

# 4 Local Concerns Meeting

Fuss & O'Neill held a Local Concerns Meeting at the Dover Planning Board meeting on June 27, 2023 to solicit feedback from the public and Planning Board. At the meeting Fuss & O'Neill presented two trail alignment options through Bellamy Park; the first alignment through the disc golf course in Bellamy Park and then a second alignment along the southern bank of the Bellamy River with a bridge crossing.

The comments received from the Planning Board and public included:

i. The City prefers use of steel or concrete for the bridge structure. The City has had issues with wooden bridges in the past.
ii. Concern was expressed about the trail ending at NH 155 with no immediate plans to connect to other off-road facilities for bicycles.
iii. There was support for inclusion of a parking area at the NH 155/Lilac Lane end of the trail.
iv. Both the Planning Board and public agreed that it would be preferred to avoid the disc golf course and office for trail alignment.

# 5 Design Criteria (Trail)

The design criteria for the trail is based mainly on the *Guide for the Development of Bicycle Facilities*, 4th ed. (2012) by AASHTO (GBF) and the US Access Board's Outdoor Developed Areas (2014) (ODA).

| Criteria | Standard | Proposed Design | Reference |
|---|---|---|---|
| Design Speed (mph) | 12-30 | 16 | AASHTO GBF-4, p. 5-12 & 5-13 |
| Trail Width | 10' -14' | 10' | AASHTO GBF-4, p. 5-3 |
| Shoulder Width | 2' - 5' | 2' | AASHTO GBF-4, p. 5-5 |
| Min Vertical Clearance | 8'-10' | 10' | AASHTO GBF-4, p. 5-6 |
| Cross Slope | ≤5% | 4% | US Access Board ODA, p. 26 |

| Criteria | Standard | Proposed Design | Reference |
|---|---|---|---|
| Shoulder Slope* | 6:1 | 6:1 | AASHTO GBF-4, p. 5-5 |
| $R_{min}$ (ft) | 47 | 47 | AASHTO GBF-4, p. 5-14 |
| Min Stopping Sight Distance (SSD) Ascend | 100 | 100 | AASHTO GBF-4, p. 5-18 |
| Min Stopping Sight Distance (SSD) Descend | 135 | 135 | AASHTO GBF-4, p. 5-19 |
| Max Grade | 5% | 5% | US Access Board ODA, p. 24 |
| Min Length of Crest Curve | | | AASHTO GBF-4, p. 5-21 |
| Horizontal Clearance | 2' | 2' | AASHTO GBF-4, p. 5-5 |
| Max Recoverable Slope | 6:1 | 6:1 | AASHTO GBF-4, p. 5-5 |

Other design references include:

- NHDOT Highway Design Manual
- NHDOT Standard Specifications for Road and Bridge Construction, 2016
- Public Right-of-Way Accessibility Guidelines (PROWAG), 2023
- Roadside Design Guide, AASHTO 2011

# 6 Alternatives Analysis/Proposed Layout

Two trail alternatives were considered to satisfy the purpose and need for this project. The two alternatives have similar alignments from Lilac Lane at NH 155, through the Eversource easement area and private properties to the edge of the Bellamy Park property. The plans showing the alignment of each alternatives is provide in Appendix A. An Engineer's Opinion of Construction Costs for each alternative is provided in Appendix B and summarized in Section 13 below.

## 6.1 Alternative 1

Alternative 1 begins at the intersection of Lilac Lane and NH 155 and would route trail users along the existing 5-foot-wide bituminous sidewalk on the south side of Lilac Lane. Bicycle users would be directed to utilize Lilac Lane with shared use lane markings (sharrows).

At the first curve in Lilac Lane, the trail would leave the road and enter the Eversource electric transmission easement, where the trail will continue as a compacted gravel off-road trail that travels southeast within the power easement area and parallel to the Lilac Garden Apartment development. The off-road portion of the trail will be a 10-foot-wide compacted gravel trail with a typical 4% cross slope and 5% maximum longitudinal slope. The trail will also be constructed mostly in fill materials to avoid excavating native soils that may be culturally sensitive, wherever possible.

The proposed trail will stay close to the edge of development for the Lilac Garden Apartments and Huntington Exchange Apartments to minimize impacts to the wetlands and the volume of cut and full required to construct the trail. A wooded or grassed buffer will be maintained between the edge of pavement within each apartment development and the trail shoulder. Alternative 1 has direct impacts to the wetlands between building clusters within the Lilac Garden Apartment development.

The trail will continue northeast and crosses an unnamed perennial stream with a defined channel. A precast, concrete box culvert is proposed at this crossing location to provide adequate bankfull width, and other criteria associated with a new stream crossing over a tier 1 stream from the Env-Wt 900 Stream Crossings regulations. All proposed stream crossings would meet the required local and state design standards. After the stream crossing at the perennial stream, the trail will turn southeast to stay within the wooded area located to the south of the Lilac Garden Apartments. Another intermittent stream is located within the wooded buffer between the Lilac Garden Apartments to the west and Huntington Exchange Apartments to the east. The trail will cross this intermittent stream utilizing another precast, concrete box culvert to convey flow from the intermittent stream under the trail.

The trail will continue southeast and then east along the edge of the Huntington Exchange's parking lots maintaining a buffer between the trail shoulder and the edge of pavement. Alternative 1 provides a larger buffer between the trail and parking lot, but results in direct wetland impacts at this location. Before reaching the most easterly buildings nearest the river within the Huntington Exchange development, the trail turns to extend parallel to the Bellamy River and maintains a minimum 75-foot wooded buffer to the river.

The disc golf course utilizes much of the Bellamy Park parcel on the north side of the river where Alternative 1 is proposed along the Bellamy River's northern bank. The trail would curve around natural features such as knolls and around the tee off disc golf platforms to develop a gradual trail meeting ADA criteria. Once the proposed trail reaches the clearing limit within Bellamy Park it would turn north and navigate around a disc golf store within the park called Breaking Chains Disc Golf Supplies. The trail would then route around the edge the store's parking lot and follow the existing gravel access road north. The trail then curves east and follow an existing secondary entrance to the store from Bellamy Road. The trail would end at a crosswalk at the intersection of Bellamy Road and Cataract Avenue. There is an existing bituminous sidewalk with granite curb along the east side of Bellamy Road, which would allow pedestrians to walk to the Dover High School, while bicyclists would need to share travel lanes with vehicles between the end of the trail and the high school because Bellamy Road does not have sufficiently wide shoulders for bicycle use. The total off-road length of Alignment 1 is approximately 1.12 miles.

## 6.2 Alternative 2

Alternative 2 also begins at the intersection of NH 155 and Lilac Lane. Pedestrian trail users would travel on the existing 5-foot-wide bituminous sidewalk on the south side of Lilac Lane. Bicycle users would be directed to utilize Lilac Lane with shared use lane markings (sharrows).

At the first curve in Lilac Lane, the trail would leave the road and enter the Eversource electric transmission easement, where the trail will continue as a compacted gravel off-road trail that travels southeast within the power easement area and parallel to the Lilac Garden Apartment development. The off-road portion of the trail will be a 10-foot-wide compacted gravel trail with a typical 4% cross slope and 5% maximum longitudinal slope. The trail will also be constructed mostly in fill materials to avoid excavating native soils that may be culturally sensitive, wherever possible.

Alternative 2 includes construction of a small paved parking lot for seven vehicles, which includes one ADA accessible space. The parking lot would be buffered from the trail and connected with a gravel path. Small amenities such as benches, bike rack, trail head kiosk, and a bike repair station may be provided at this parking lot to support trail users. An access driveway to the parking lot would be provided from Lilac Lane and the parking lot would be located within the Eversource electric transmission easement, but avoids any impacts to the poles and guy wires.

The proposed trail will stay close to the edge of development for the Lilac Garden Apartments and Huntington Exchange Apartments to minimize impacts to the wetlands and the volume of cut and full required to construct the trail. A wooded or grassed buffer will be maintained between the edge of pavement within each apartment development and the trail shoulder. Alternative 2 avoids wetland impacts and will cross an existing berm between a detention basin and the wetland system. The berm will be modified to accommodate the trail width, shoulders, and safety railing. A pipe extension to the existing outfall pipe from the detention basin may be required and surveyed topographic data would be needed to make that determination.

The trail would continue northeast and crosses an unnamed perennial stream with a defined channel. A precast concrete box culvert is proposed at this crossing location to provide adequate bankfull width, and other criteria associated with a new stream crossing over a tier 1 stream from the Env-Wt 900 Stream Crossings regulations. All proposed stream crossings will meet the required local and state design standards. After the stream crossing at the perennial stream, the trail will turn southeast to stay within the wooded area located to the south of the Lilac Garden Apartments. Another intermittent stream is located within the wooded buffer between the Lilac Garden Apartment to the west and Huntington Exchange Apartments to the east. The trail will cross this intermittent stream utilizing another precast concrete box culvert to convey flow from the intermittent stream under the trail.

The trail will continue southeast and then east along the edge of the Huntington Exchange's parking lots maintaining a buffer between the trail shoulder and the edge of pavement. Alternative 2 proposes to use tall curb to reduce grading impacts to the Huntington Exchange Apartment's parking lot because it is located closer to the development to minimize wetland impacts. Landscape screening is proposed for Alternative 2 where an existing wooded buffer cannot be maintained. Before reaching the most easterly buildings nearest the river within the Huntington Exchange development, the trail turns to run parallel to the Bellamy River and maintains a minimum 75-foot wooded buffer.

Alternative 2 would cross the Bellamy Park property line and swing to the northeast to start the approach to the proposed pedestrian bridge across the Bellamy River. The proposed pedestrian bridge will span approximately 105 feet in the southeasterly direction to convey trail users to the southern bank and away from the existing disc golf course. More information regarding the proposed pedestrian bridge is included in Section 7 below and in the Type, Span and Location (TSL) Study Report, prepared by Fuss & O'Neill dated October 26, 2023.

When the trail reaches the southern bank of the Bellamy River, it would turn east and continue parallel to the river until reaching the large parking lot for Bellamy Park and the athletic fields. The trail would maintain a landscape buffer between the trail shoulder and the edge of pavement for snow storage and the fence would be relocated to the southern side of the trail. The trail would curve at the existing fields northeast corner to run parallel to Bellamy Road and the trail would end at the existing crosswalk across

Bellamy Road to Dover High School. The total off-road length of Alternative 2 is approximately 1.04 miles including the pedestrian bridge.

## 6.3 No Build Alternative

This alternative includes no improvements to construct Phase IV of the community trail extension. While this alternative has no cost or impacts, it does not meet any part of the Purpose and Need for the project. In addition, not constructing this phase of the community trail will prevent the next step in the realization of a fully integrated trail system connecting Dover to other regional and state-wide trails. If constructed, this project would improve community connections and prime the City for even greater accessibility, recreation and commerce in the future. The No-Build Alternative denies the City that opportunity.

# 7 Hydrologic/Hydraulic Studies

Alternative 2 proposes to construct a pedestrian bridge across the Bellamy River on the Bellamy Park property. The bridge would be sited at the top of the channel banks in order to avoid any hydraulic impacts. Based on information from the City of Dover, the proposed pedestrian bridge will be significantly higher than known flood elevations, therefore no hydrologic/hydraulic analyses will be needed for this crossing. As mentioned above in the trail overview, both alternatives are aligned from the trailhead at NH 155 to the Bellamy Park property. There are two crossings that require box culverts that are included in both alternatives. Based on USGS StreamStats, both the intermittent and perennial stream crossings would be categorized as tier 1 stream crossing because the contributing drainage areas are less than 200 acres. Both box culvert crossings will be designed in accordance with Env-Wt 900 Stream Crossings regulations. During the preliminary design phase a more detailed hydrologic and hydraulic assessment of these two crossings will be required to permit the design with the state.

Both alternatives would exceed 100,000 square feet of disturbance, which would require a New Hampshire Department of Environmental Services (NHDES) Alteration of Terrain (AoT) permit. The project will also be required to follow the City's Stormwater and MS4 Permit requirements for treating and conveying runoff generated from the trail. Compacted gravel is considered an impervious cover by the City of Dover per their Site Plan Regulations. Dover's Site Plan Regulations require peak runoff rates from the post-development condition to not exceed pre-development conditions up to the 50-year, 24-hours storm event and to treat runoff from impervious surfaces for 80% removal of total suspended solid (TSS) and 50% of total nitrogen and total phosphorous. Stormwater management BMPs will be sited on the upland side of the trail to mitigate upland runoff from washing over the trail and to capture and treat runoff generated from the trail. Proposed BMPs for stormwater treatment and pretreatment will include linear infiltration and filtration practices such as infiltration trenches, linear bioretention swales, vegetated buffers, and filter strips. Conveyance pipes, which will be designed to safely convey the 10-year, 24-hour storm event per Dover Site Plan Regulations, will be installed along the trail to discharge upland runoff and treated runoff from the proposed BMPs. There are ten conveyances pipes shown on the Alternative 2 plans, which were located at locations of known concentrated flow area based on the available topography. These pipes have not been hydraulically assessed at this stage of development, but are assumed to be 18-inch or 24-inch pipes. The disturbance impacts associated with constructing the proposed BMPs are not shown on the concept plans and will be incorporated in the next design phase.

# 8 Environmental and Cultural Review Documentation

The project was reviewed for potential natural resource impacts. The proposed work largely takes place within undeveloped areas of a public park and private property, including a river crossing. It is anticipated that some impacts to wetlands will be unavoidable and that a New Hampshire Department of Environmental Services (NHDES) Wetlands Permit will be necessary. In addition, a Shoreland Permit will also be required for the Bellamy River crossing.

Fuss & O'Neill reached out to multiple environmental and cultural stakeholders and agencies in July 2023 to solicit information about the project area and alert them to the preliminary project plan, which includes the following:

- City of Dover: Mayor, Planning Board, City Engineer, City Manager, Community Services Director, Conservation Commission, Fire Department, Heritage Commission, Recreation Division, Police Department
- NHDOT Bureau of Environment, Wetlands Program
- NHDOT Bureau of Environment, Plants & Wildlife Program
- NHDOT Bureau of Environment, Cultural Resource Program
- New Hampshire Department of Environmental Services, Environmental Justice
- NH Office of Strategic Initiatives, Floodplain Management Program
- NH Office of Strategic Initiatives, Conservation Land Stewardship Program
- NH Natural Heritage Bureau
- NH Fish & Game
- NH Department of Historical Resources
- NH Department of Environmental Services
- Federal Highway Administration, NH Division
- Land & Community Heritage Investment Program
- NH Department of Resources and Economic Development, Land & Water Conservation Fund

The questions within the 22 letters sent out varied based on the purview of the recipients. Five written responses were received from the environmental and cultural stakeholders and agencies and a virtual meeting on August 22, 2023 was held with the City of Dover's Planning Department, to go over their high-level project concerns. Appendix C contains a table with the summary of responses we received from environmental and cultural stakeholders and agencies.

Beyond performing a desktop analysis of the site and reviewing feedback from stakeholders and agencies, a Phase 1A archeological assessment was performed by Independent Archeological Consulting, LLC (IAC) and a project wetland delineation by Gove Environmental Services, Inc. (Gove) were conducted. The Phase 1A Archeological Sensitivity Assessment is provided in Appendix D. The wetland delineation was surveyed and the wetland flag locations are displayed on the Concept Plans provided in Appendix A.

# 9 Structural Studies and Recommendations

A 105-foot pedestrian bridge spanning the Bellamy River is included in Alternative 2. Fuss & O'Neill prepared as Type, Span, & Location (TSL) Study Report, provided in Appendix E. The Study Report was submitted to the City of Dover and NHDOT on October 26, 2023 for review. The Executive Summary from the TSL Study Report is provided here:

**Executive Summary**

- The bridge will connect the proposed Dover Community Trail, Phase IV across the Bellamy River.
- A prefabricated steel through truss with a wood deck is recommended.
- Concrete abutments bearing on structural fill or bedrock is recommended.

Refer to the TSL Study for more information on the superstructure alternatives considered, geotechnical findings, abutment type, constructability concerns, and preliminary opinion of cost. The TSL Study also has plan view, elevation view, and details of the proposed bridge.

# 10 Right-of-Way and Property Impacts

Both trail alternatives impact the same six properties between NH 155 and Bellamy Road. The City owns the Bellamy Park parcel and is responsible for the Bellamy Road right-of-way, which will be impacted during the construction of either trail alternative. The five privately owned parcels include four properties (Map H0041, Lot P, Map H0041, Lot Q, Map H0041, Lot T, and Map H0041, Lot S) within the Huntington Exchange Development and one property Map H0035, Lot D that contains the Lilac Garden Apartments. The Lilac Garden Apartments have an existing easement with Eversource which will also be impacted during construction of the trail.

As mentioned above, the proposed trail will provide additional amenity space to the residents at these apartment complexes and the property owners are aware and in favor of developing this section of the Dover Community Trail. Temporary and permanent easements for each parcel will be coordinated through the City with each property owner during final design of the project. Approximate impacts to each property are provided as slope lines, or extents of disturbance, on the Alternative 2 concept plan and would be similar for Alternative 1. The permanent easement areas on the private properties would include the trail, shoulder, physical barriers like fencing, screening elements including landscaping, proposed stormwater BMPs, box culverts, and conveyance pipes. The pedestrian bridge and temporary impacts associated with constructing the bridge are anticipated to be contained on the Bellamy Park property, besides some temporary impacts and access from a parcel within the Huntington Exchange development identified as Map H0041, Lot P.

# 11 Utilities

The Eversource easement runs north-south through the Lilac Garden Apartments parcel. The trail alignments avoid impacts to the utility poles. The partial site survey identified a drainage pipe south of the Huntington Exchange Apartments, which is unimpacted from the development of either alternative. There are no other known utilities that would be impacted for the off-road portions of the proposed

trail mainly because the trail will be constructed in fill to avoid impacting the native soils with potentially culturally sensitive artifacts.

If Alternative 2 is selected, the trail will impact a catch basin along the sidewalk on Bellamy Road, which will be removed or relocated. There is an existing utility pole with multiple guy wires located where the trail will turn to follow Bellamy Road. The trail layout is intended to avoid impacts to this pole. No other utilities along Bellamy Road are anticipated to be impacted by either alternative.

# 12 Wetland Impacts

Both alternatives have wetland and shoreland impacts associated with their development. These impacts will include the construction of the rail trail, clearing of brush and trees, and installation of drainage features. The bridge construction will likely have shoreland impacts, but no direct wetland impacts. The wetland impacts are more significant for Alternative 1 near the unnamed intermittent stream and unnamed perennial stream than Alternative 2's alignment. For either alternative, a New Hampshire Department of Environmental Services (NHDES) Wetlands Permit and Shoreland Permit will be required for this work.

# 13 Engineer's Opinion of Construction Cost

An opinion of construction costs was calculated for each alternative:

**Alternative 1**: $1,991,200.00

**Alternative 2**: $2,512,125.00

**No Build Alternative**: $0

The estimates are based on NHDOT average unit prices and bid prices from recently completed projects. The full preliminary opinion of construction cost estimate for each alternative is provided in Appendix B.

# 14 Public Presentation

Through the continued support of the community, correspondence with the City, and input from the Local Concerns Public Meeting, the City Planning staff will provide confirmation of their preferred project alternative.

A Preferred Alternative Meeting will be scheduled with the City to present the proposed project alternative to the Planning Board members and public. Feedback from this meeting will be the deciding criteria for how to move the project forward, as well as securing funding.

If funding is secured, this project will continue into the preliminary design phase through the NHDOT LPA program. The project schedule will be determined by the City for design and permitting,

advertisement for bid, and construction based on funding. The bridge would be a long lead time item that would impact the schedule, if Alternative 2 is selected as the preferred alignment.

# 15 Recommendations

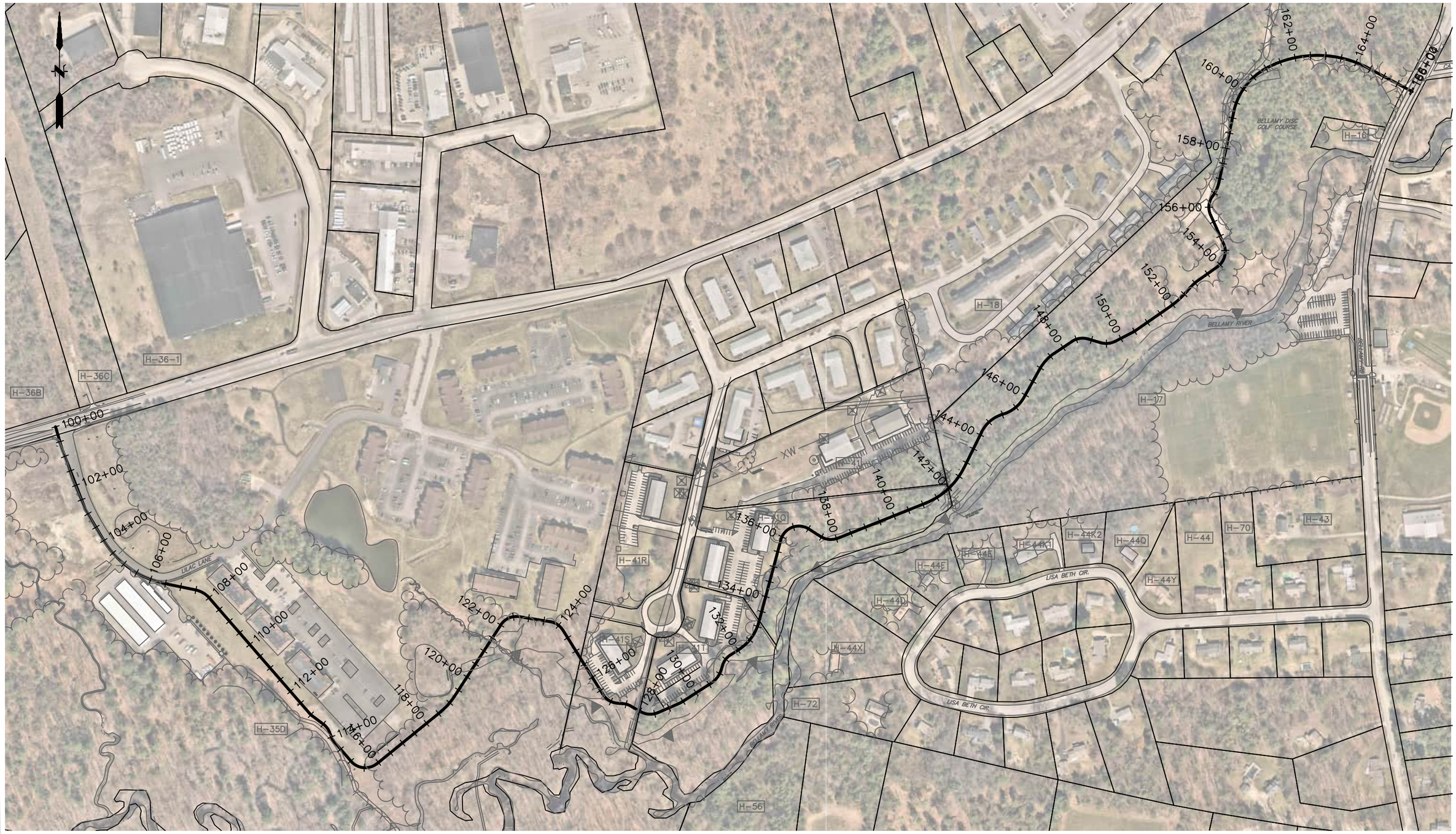
Alternative 1 follows the original concept of the trail, which winds through Bellamy Park, including where the disc golf course is located. Alternative 2 was later identified to address concerns related to the disc golf course conflict with Alternative 1 and provide better access to an underutilized section of Bellamy Park on the south side of the river.

Fuss & O'Neill has assessed multiple factors for developing the trail to recommend the best route for the City of Dover to pursue which include capital construction costs, long term operations and maintenance costs, environmental impacts, environmental permitting requirements, constructability, and trail user safety. More clearing would be required for Alternative 2 to transport and install the proposed pedestrian bridge. The existing footpaths through the woods on the southern side of the Bellamy River are less defined than the well-traveled paths through the disc golf course on the northern bank. There is also a greater concern about maintaining a buffer between the single-family residences on Lisa Beth Circle on the southern bank rather than buffer the trail from multi-unit apartments on the northern bank. The trail would be highlighted as an amenity to the multiple apartment complexes it passes by and provides more open recreational space to those residential communities. Both alternative's plans show path connections to the community trail from abutting residential developments. Landscape screening is proposed for Alternative 2 where the trail is clearing an existing wooded area adjacent to the apartment complexes' parking lots. The overriding concern with Alternative 1 is the safety of trail users when navigating through the disc golf course area, with a notable but less significant concern for the safety of bicyclists on Bellamy Road. There are minimal ways to improve safety of trail users from flying discs without creating physical barriers that would cut off their connection with the natural environment around them. Providing a safer and more remote trail along the southern bank of the Bellamy River would allow users a new perspective of the river and maximize the use of the forested park parcel.

Based on safety for trail users, Fuss & O'Neill recommends Alternative 2 be selected as the preferred alternatives for Phase IV of the Dover Community Trail. The disc golf course poses a significant risk for trail users safety and avoiding the course by routing riders and pedestrians along the southern bank of the Bellamy River provides access to an underutilized section of the park.

# Appendix A

## Conceptual Plans




File Path: J:\DWG\P20170299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CR-100 Plotted: Mon, April 29, 2024 - 12:57 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER, INC. 1855 ☆ TOWN SETTLED 1623 ☆


FUSS & O'NEILL
50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com


| SCALE: |
|---|
| HORZ.: 1" = 300' |
| VERT.: |
| DATUM: |
| HORZ.: NAD83 (2011) |
| VERT.: NAVD88 |

300 150 0 300
GRAPHIC SCALE

CITY OF DOVER

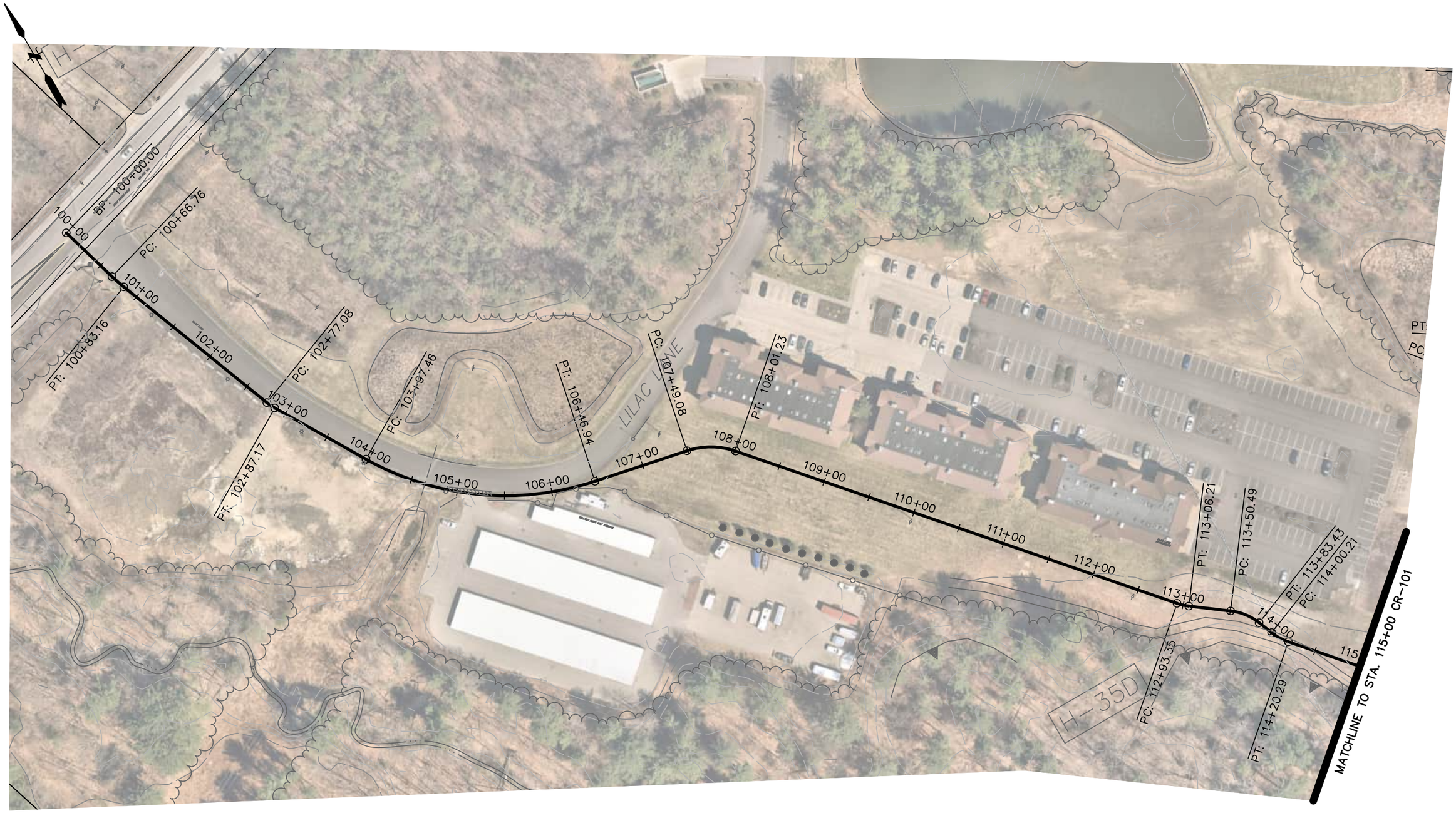
# ALIGNMENT ALTERNATIVE 1 OVERVIEW PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-100




File Path: J:\DWG\P20170299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CR-101 Plotted: Mon, April 29, 2024 - 12:57 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ----
LAYER STATE:
MS VIEW:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 — TOWN SETTLED 1623

FUSS&O'NEILL
50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 100'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

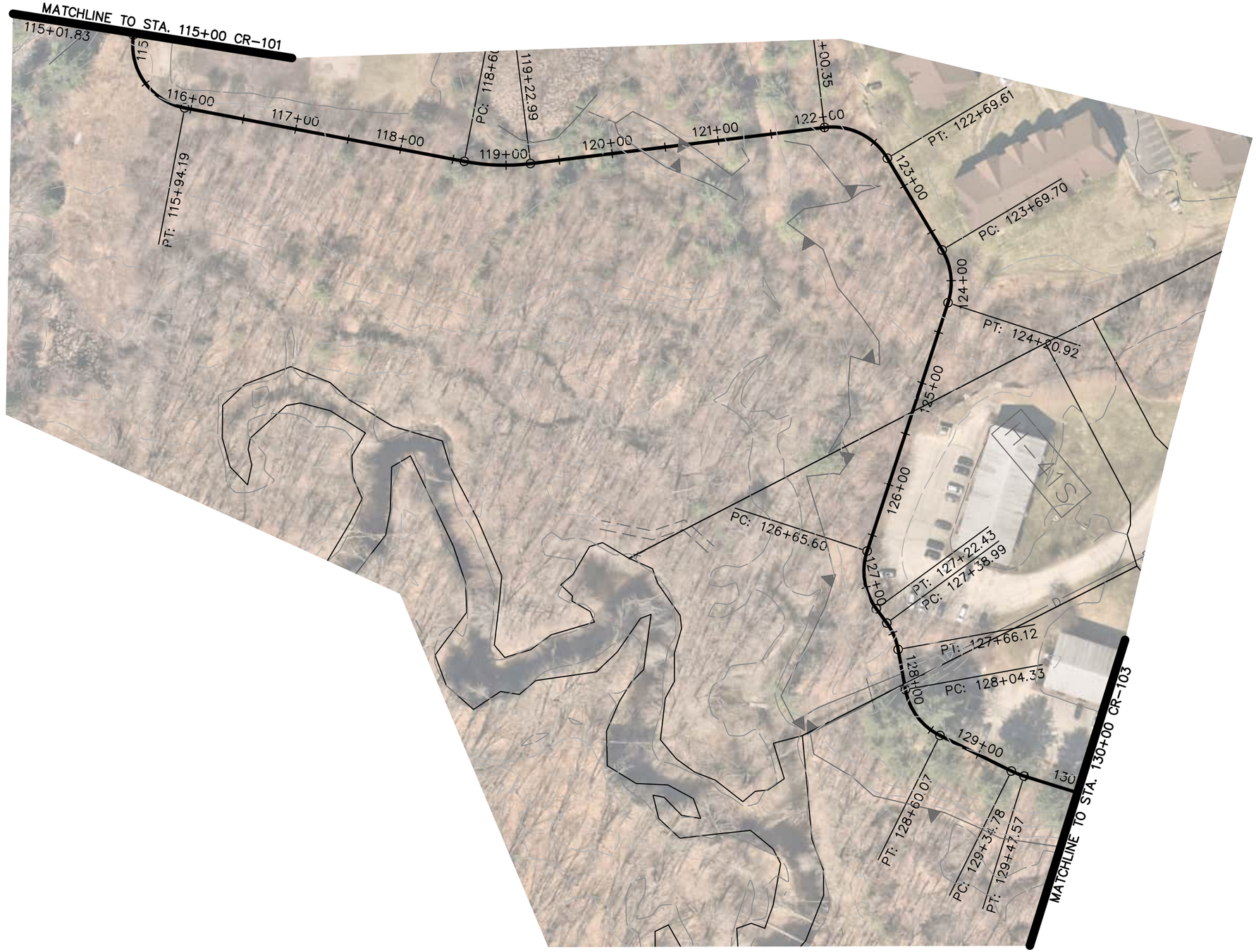
# ALIGNMENT ALTERNATIVE 1 GENERAL PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-101




File Path: J:\DWG\P20170299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CR-102 Plotted: Mon, April 29, 2024 - 12:57 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ----
MS VIEW: LAYER STATE:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

FUSS&O'NEILL
50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 100'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

# ALIGNMENT ALTERNATIVE 1 GENERAL PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-102




File Path: J:\DWG\P2017\0299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CR-103 Plotted: Mon, April 29, 2024 - 12:57 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ----
LAYER STATE:
MS VIEW:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 A TOWN SETTLED 1623

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50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 100'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

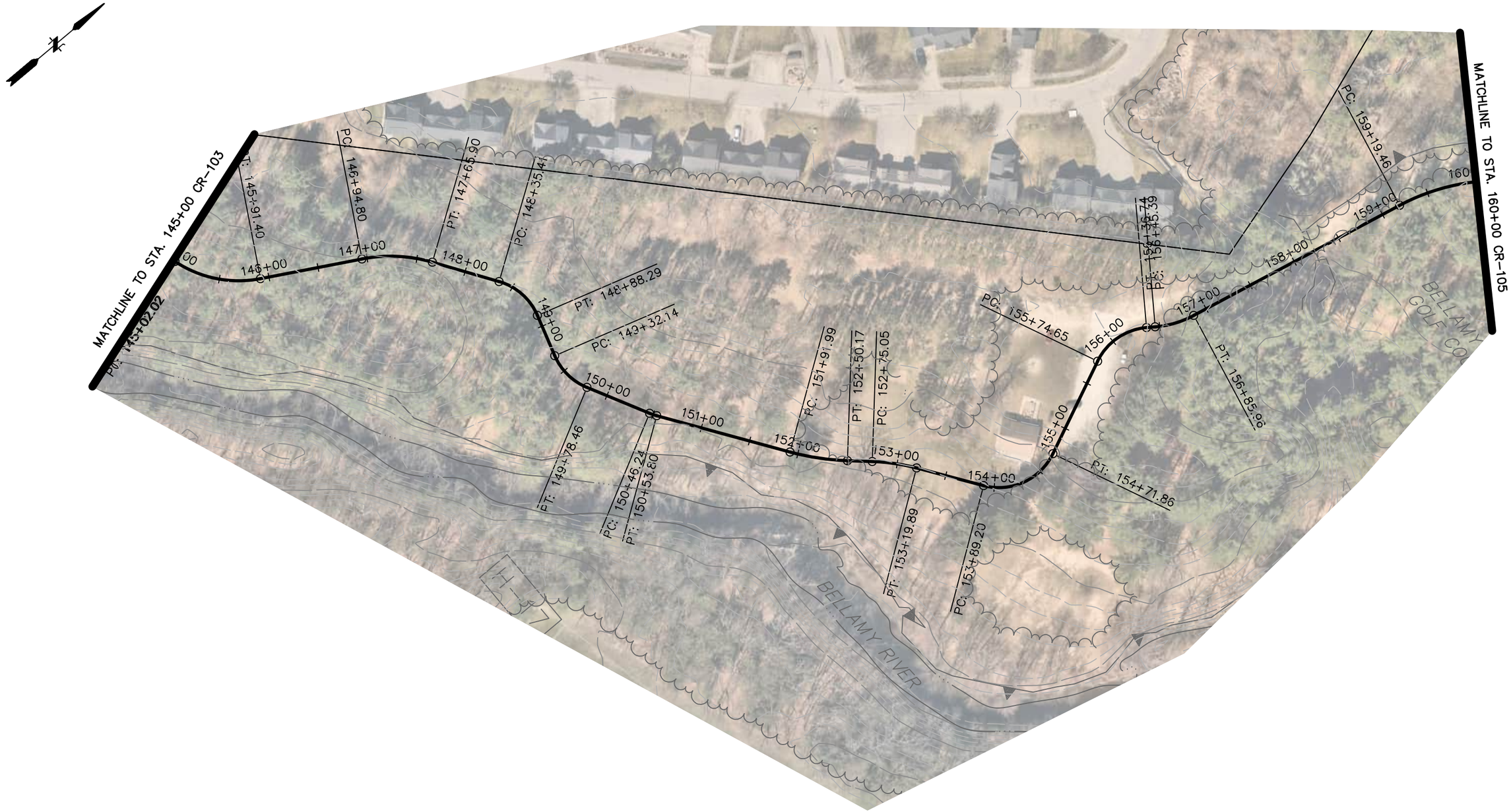
# ALIGNMENT ALTERNATIVE 1
# GENERAL PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-103




File Path: J:\DWG\P2017\0299\000\Civil\Plan\working\20170299_Alignment01_2009l4.dwg Layout: CR-104 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|
| | | | | |

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 100'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

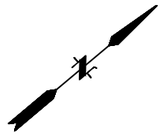
# ALIGNMENT ALTERNATIVE 1 GENERAL PLAN

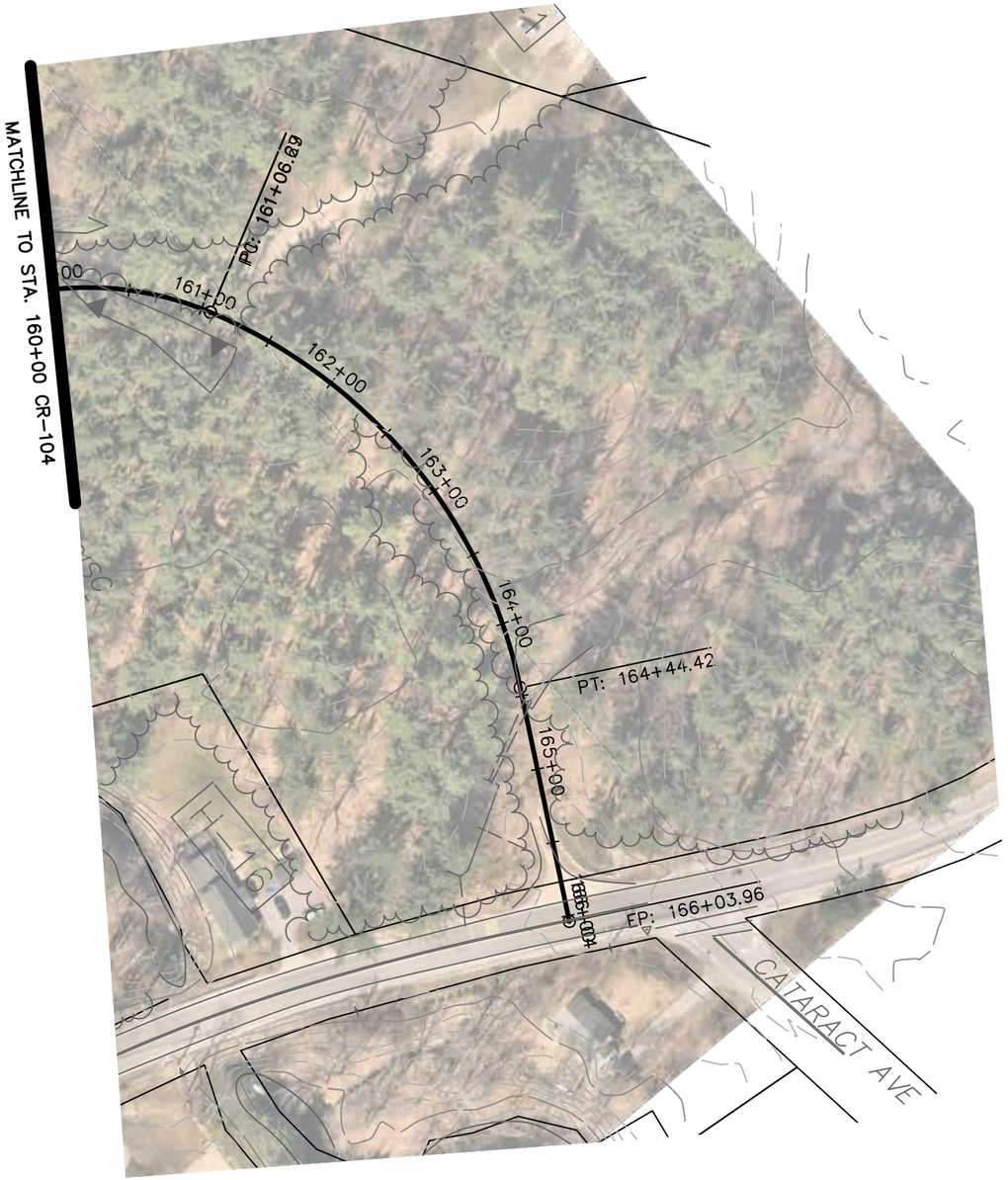
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-104






File Path: J:\DWG\P2017\0299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CR-105 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 100'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

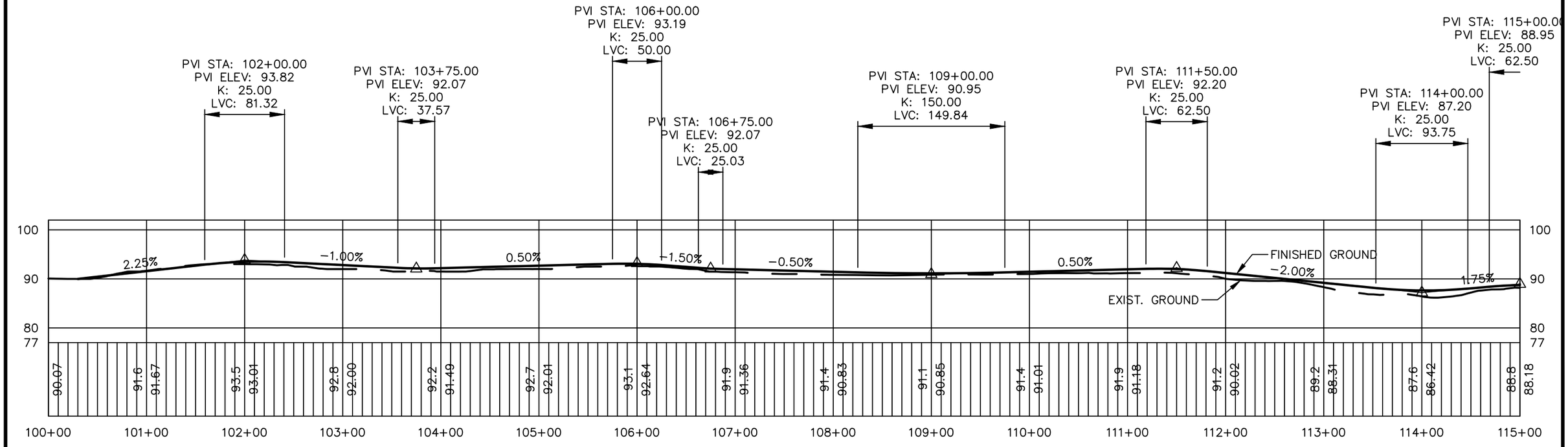
# ALIGNMENT ALTERNATIVE 1 GENERAL PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-105




PROFILE STA 100+00 – 115+00
SCALE: H: 1"=100'
V: 1"=20'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

FUSS&O'NEILL
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603.668.8223
www.fando.com

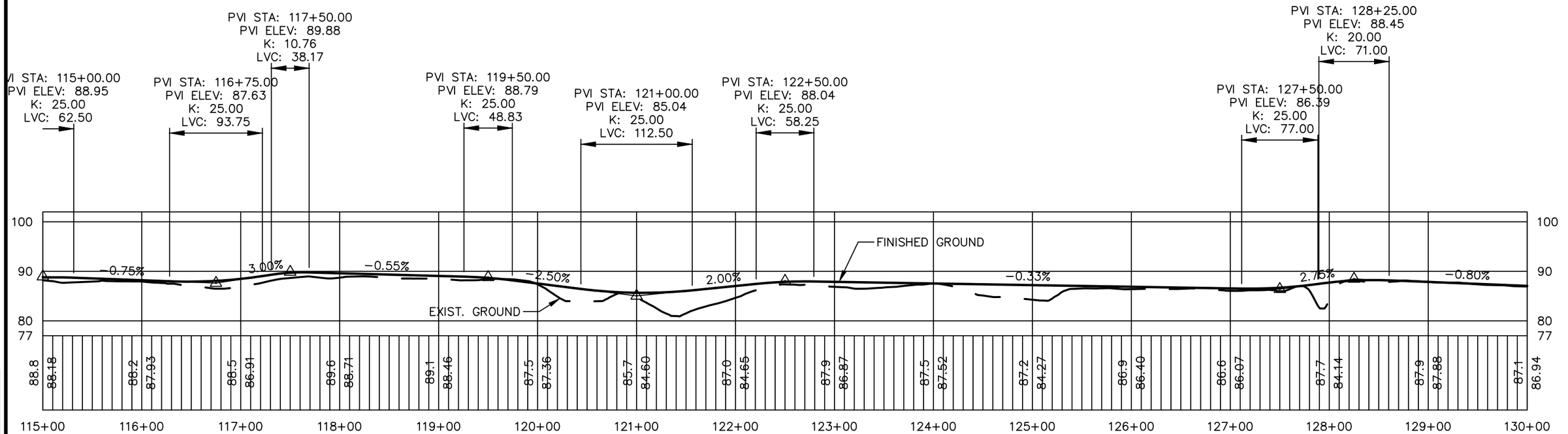
SCALE:
HORZ.: 1" = 100'
VERT.: 1" = 20'
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER
ALIGNMENT ALTERNATIVE 1
PROFILE
DOVER COMMUNITY TRAIL
PHASE IV
DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-101

File Path: J:\DWG\P20170299000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CP-101 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




PROFILE STA 115+00 – 130+00
SCALE: H:1"=100'
V:1"=20'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

FUSS&O'NEILL
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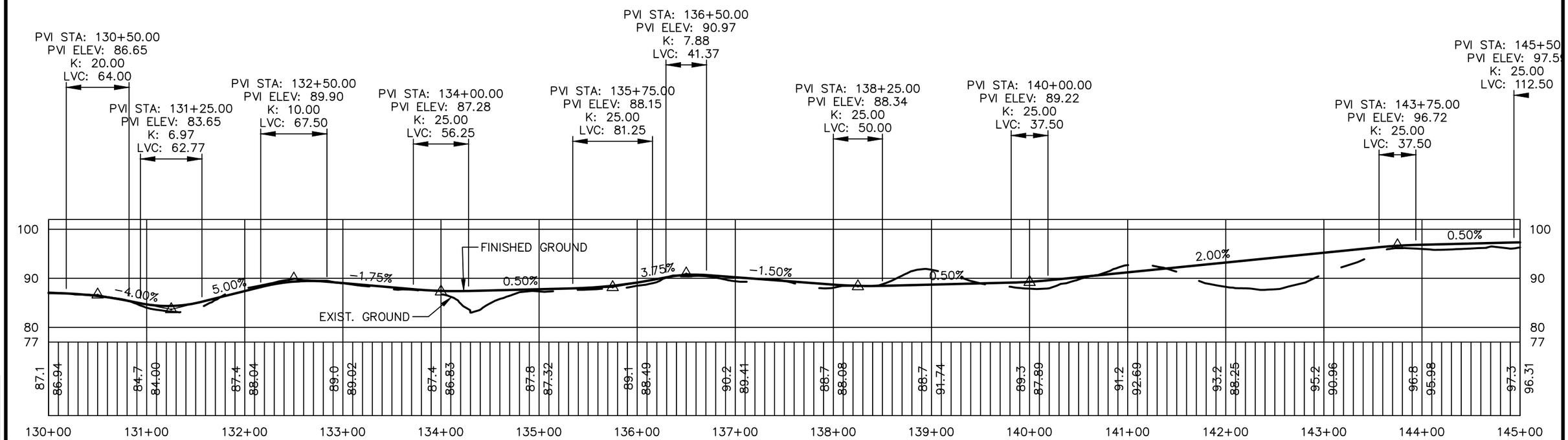
SCALE:
HORZ.: 1" = 100'
VERT.: 1" = 20'
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER
ALIGNMENT ALTERNATIVE 1
PROFILE
DOVER COMMUNITY TRAIL
PHASE IV
DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-102

File Path: J:\DWG\P2017\02999\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CP-102 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:




PROFILE STA 130+00 – 145+00
SCALE: H: 1"=100'
V: 1"=20'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

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MANCHESTER, NEW HAMPSHIRE 03101
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| SCALE: |
|---|
| HORZ.: 1" = 100' |
| VERT.: 1" = 20' |
| DATUM: |
| HORZ.: NAD83 (2011) |
| VERT.: NAVD88 |

100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 1
PROFILE

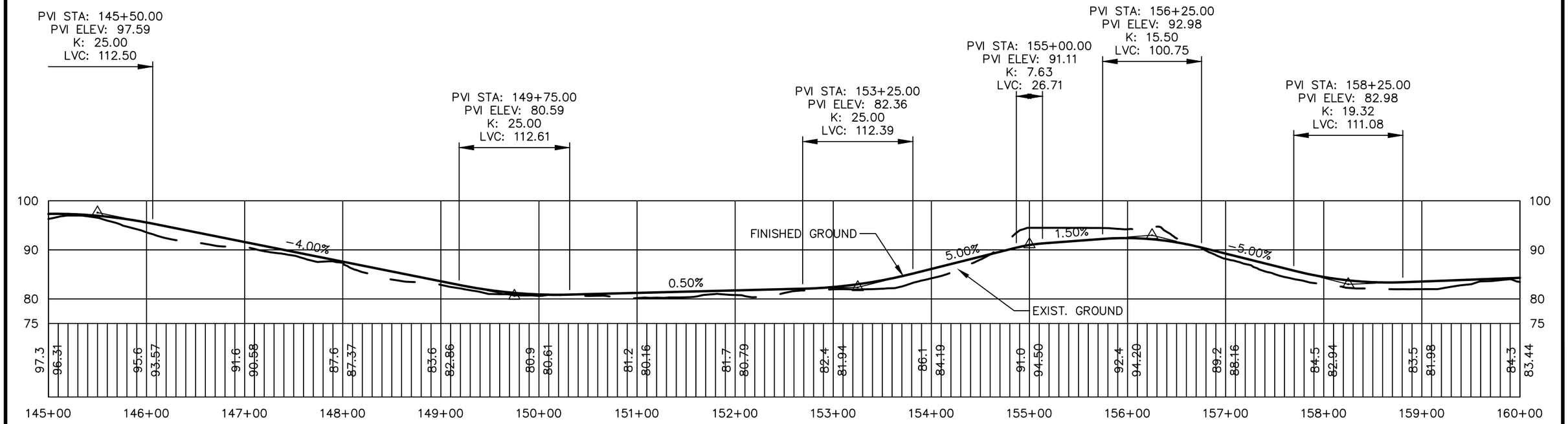
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-103

File Path: J:\DWG\P2017\0299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CP-103 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:




PROFILE STA 145+00 – 160+00
SCALE: H:1"=100'
V:1"=20'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

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603.668.8223
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| | |
|---|---|
| SCALE: | |
| HORZ.: | 1" = 100' |
| VERT.: | 1" = 20' |
| DATUM: | |
| HORZ.: | NAD83 (2011) |
| VERT.: | NAVD88 |

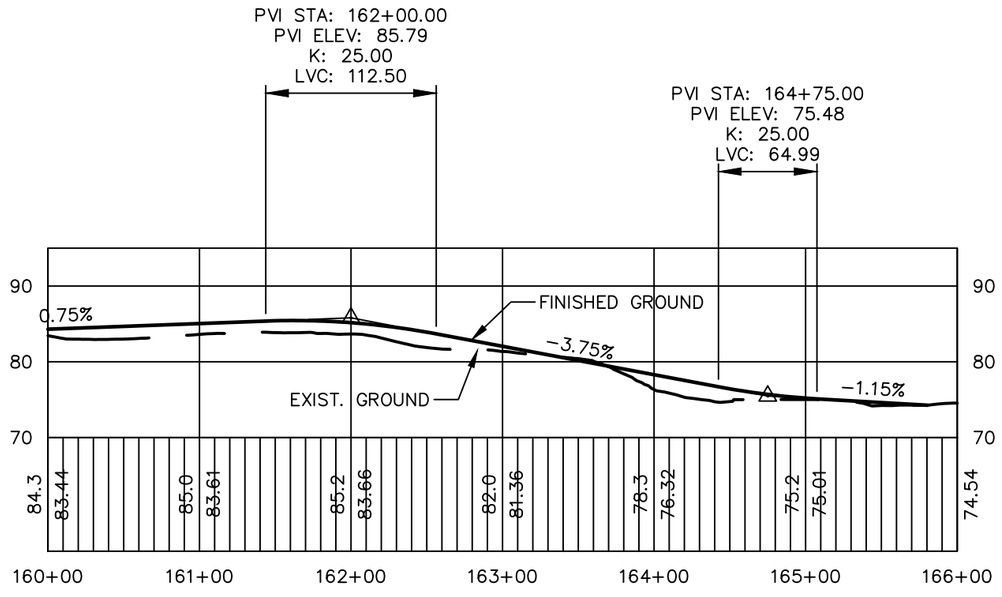
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER
ALIGNMENT ALTERNATIVE 1
PROFILE
DOVER COMMUNITY TRAIL
PHASE IV
DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-104

File Path: J:\DWG\P2017\0299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CP-104 Plotted: Mon. April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:




PROFILE STA 160+00 – 166+00

File Path: J:\DWG\P2017\0299\000\Civil\Plan\working\20170299_Alignment01_200914.dwg Layout: CP-105 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER, INC. 1855 – TOWN SETTLED 1623

FUSS&O'NEILL
50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 100'
VERT.: 1" = 20'
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
100 50 0 100
GRAPHIC SCALE

CITY OF DOVER

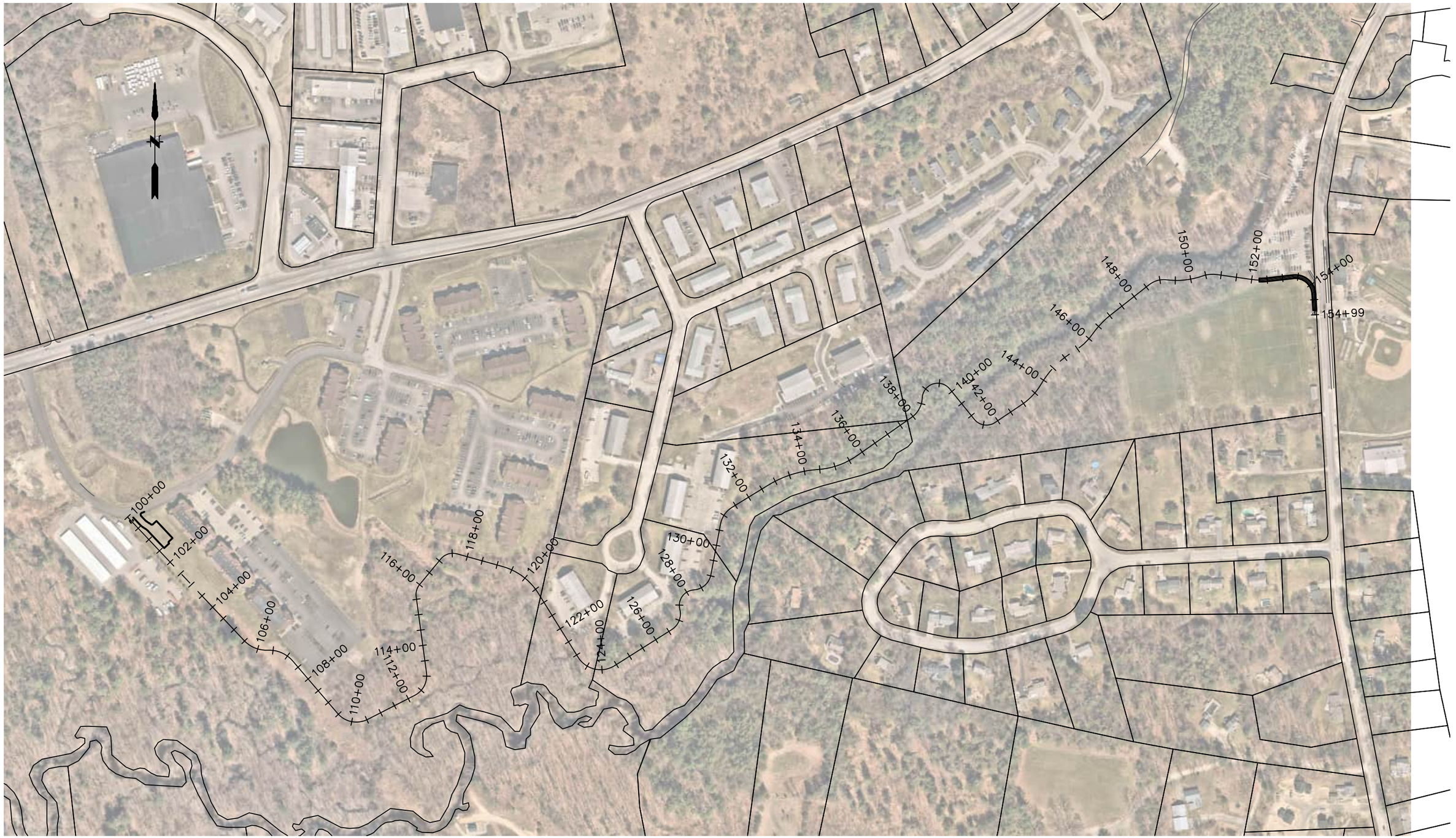
ALIGNMENT ALTERNATIVE 1
PROFILE

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-105




File Path: J:\DWG\P20170299000\Civil\Plan\20170299 - HPN.dwg Layout: CR-200 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

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50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

| | |
|---|---|
| SCALE: | |
| HORZ.: | 1" = 300' |
| VERT.: | |
| DATUM: | |
| HORZ.: | NAD83 (2011) |
| VERT.: | NAVD88 |

300 150 0 300
GRAPHIC SCALE

CITY OF DOVER

# ALIGNMENT ALTERNATIVE 2 OVERVIEW PLAN

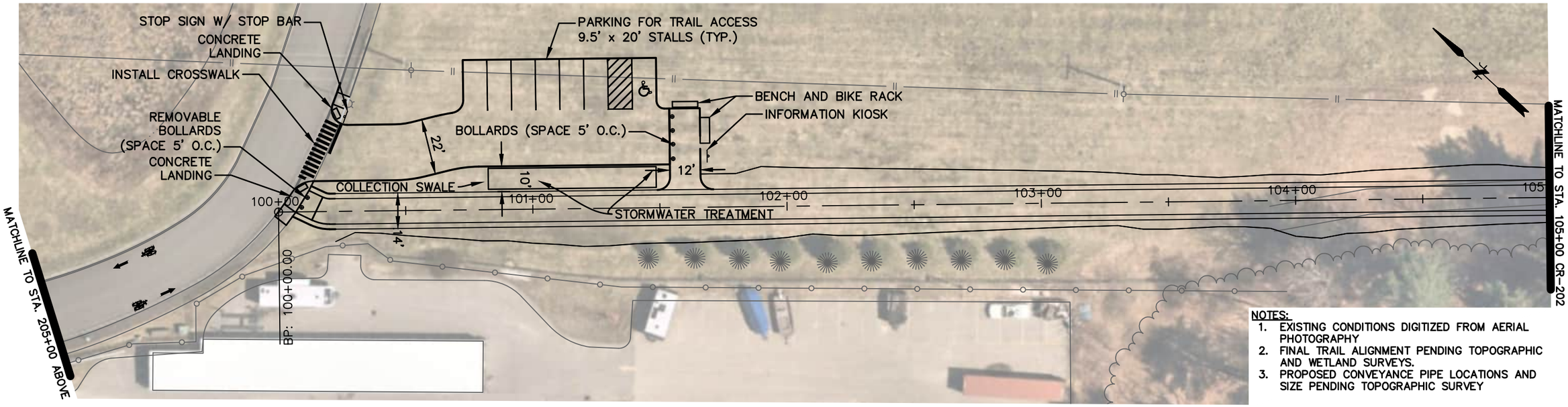
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-200




NOTES:
1. EXISTING CONDITIONS DIGITIZED FROM AERIAL PHOTOGRAPHY
2. FINAL TRAIL ALIGNMENT PENDING TOPOGRAPHIC AND WETLAND SURVEYS.
3. PROPOSED CONVEYANCE PIPE LOCATIONS AND SIZE PENDING TOPOGRAPHIC SURVEY

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 40'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
GENERAL PLAN

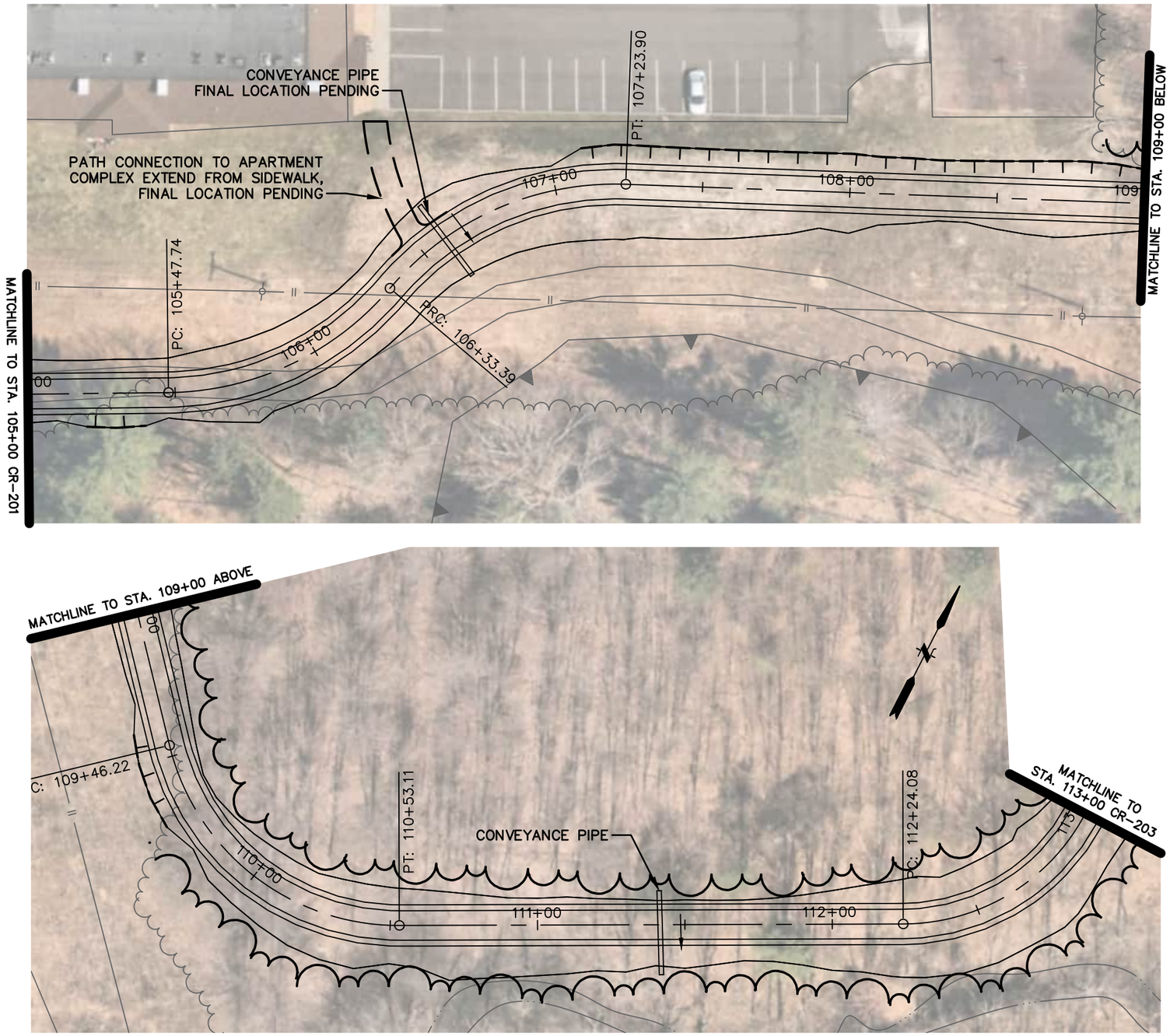
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-201

File Path: J:\DWG\P20170299\000\Civil\Plan\20170299 - HPN.dwg Layout: CR-201 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




NOTES:
1. EXISTING CONDITIONS DIGITIZED FROM AERIAL PHOTOGRAPHY
2. FINAL TRAIL ALIGNMENT PENDING TOPOGRAPHIC AND WETLAND SURVEYS.
3. PROPOSED CONVEYANCE PIPE LOCATIONS AND SIZE PENDING TOPOGRAPHIC SURVEY

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
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SCALE:
HORZ.: 1" = 40'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
GENERAL PLAN

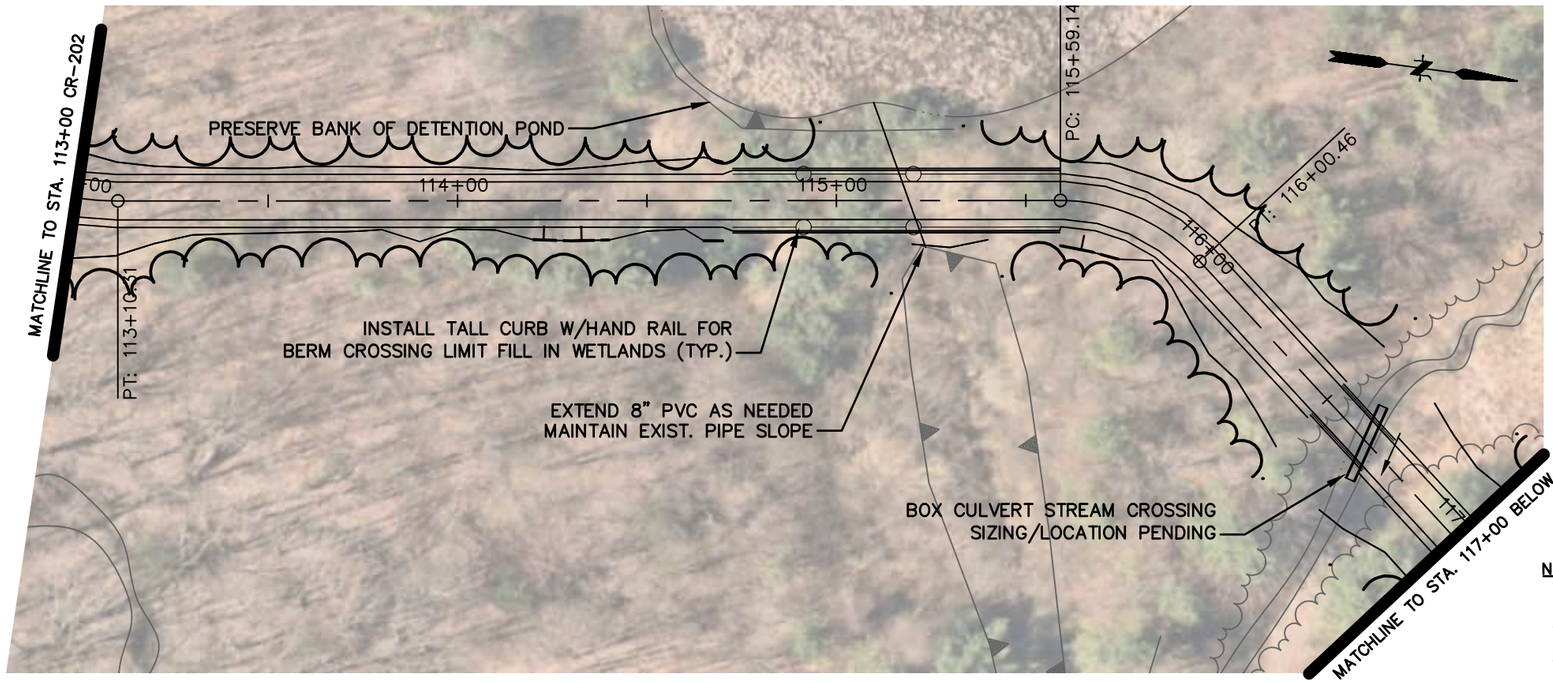
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

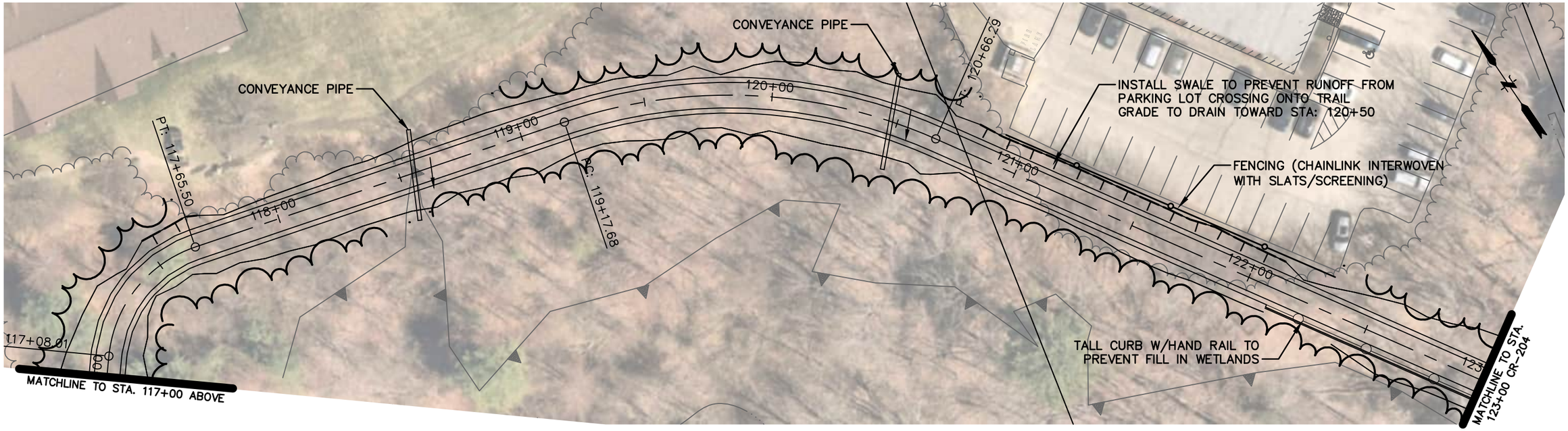
CR-202

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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




NOTES:

1. EXISTING CONDITIONS DIGITIZED FROM AERIAL PHOTOGRAPHY
2. FINAL TRAIL ALIGNMENT PENDING TOPOGRAPHIC AND WETLAND SURVEYS.
3. PROPOSED BOX CULVERT AND CONVEYANCE PIPE LOCATIONS AND SIZE PENDING TOPOGRAPHIC SURVEY




| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|
| | | | | |

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
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SCALE:
HORZ.: 1" = 40'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
GENERAL PLAN

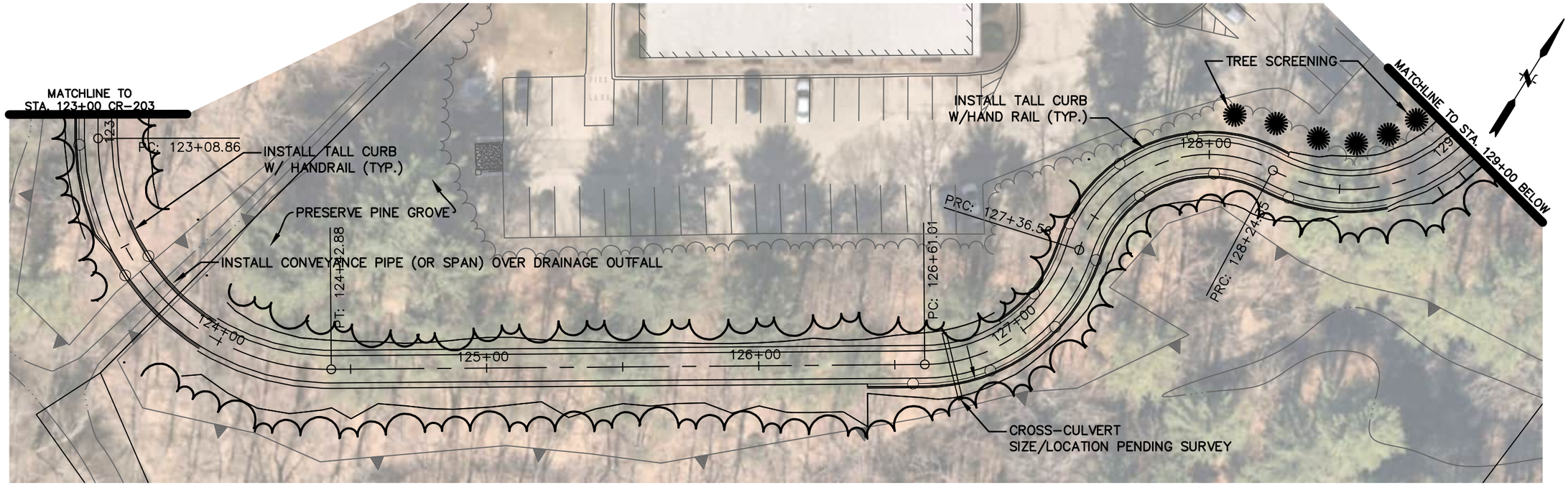
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

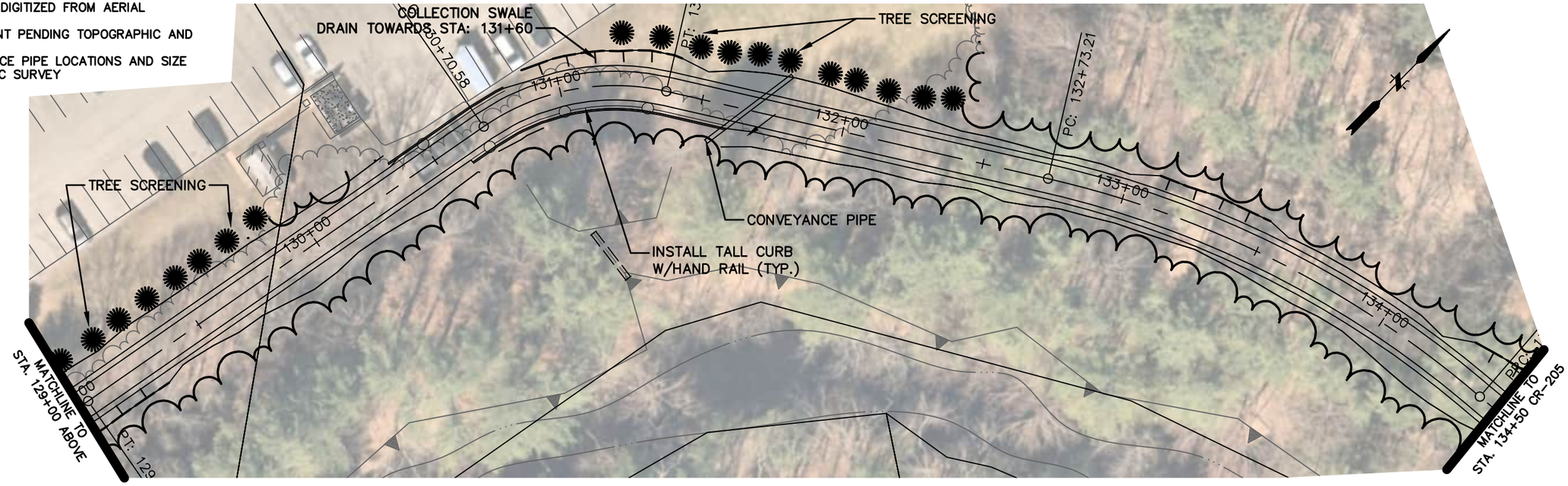
CR-203

File Path: J:\DWG\P2017\0299\000\Civil\Plan\20170299 - HPN.dwg Layout: CR-203 Plotted: Mon, April 29, 2024 - 12:58 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




NOTES:

1. EXISTING CONDITIONS DIGITIZED FROM AERIAL PHOTOGRAPHY
2. FINAL TRAIL ALIGNMENT PENDING TOPOGRAPHIC AND WETLAND SURVEYS.
3. PROPOSED CONVEYANCE PIPE LOCATIONS AND SIZE PENDING TOPOGRAPHIC SURVEY




| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 40'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 10 0 40
GRAPHIC SCALE

CITY OF DOVER

# ALIGNMENT ALTERNATIVE 2 GENERAL PLAN

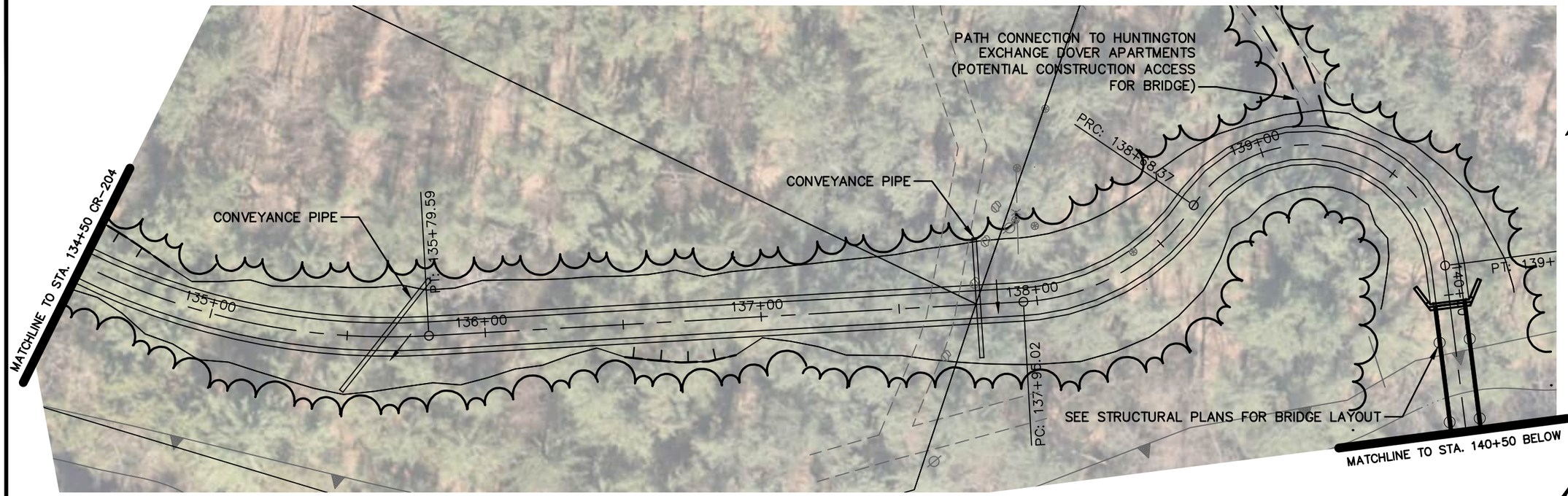
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-204

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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




NOTES:
1. EXISTING CONDITIONS DIGITIZED FROM AERIAL PHOTOGRAPHY
2. FINAL TRAIL ALIGNMENT PENDING TOPOGRAPHIC AND WETLAND SURVEYS.
3. PROPOSED CONVEYANCE PIPE LOCATIONS AND SIZE PENDING TOPOGRAPHIC SURVEY

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

FUSS&O'NEILL
50 COMMERCIAL STREET
MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

| | |
|---|---|
| SCALE: | |
| HORZ.: | 1" = 40' |
| VERT.: | |
| DATUM: | |
| HORZ.: | NAD83 (2011) |
| VERT.: | NAVD88 |

40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
GENERAL PLAN

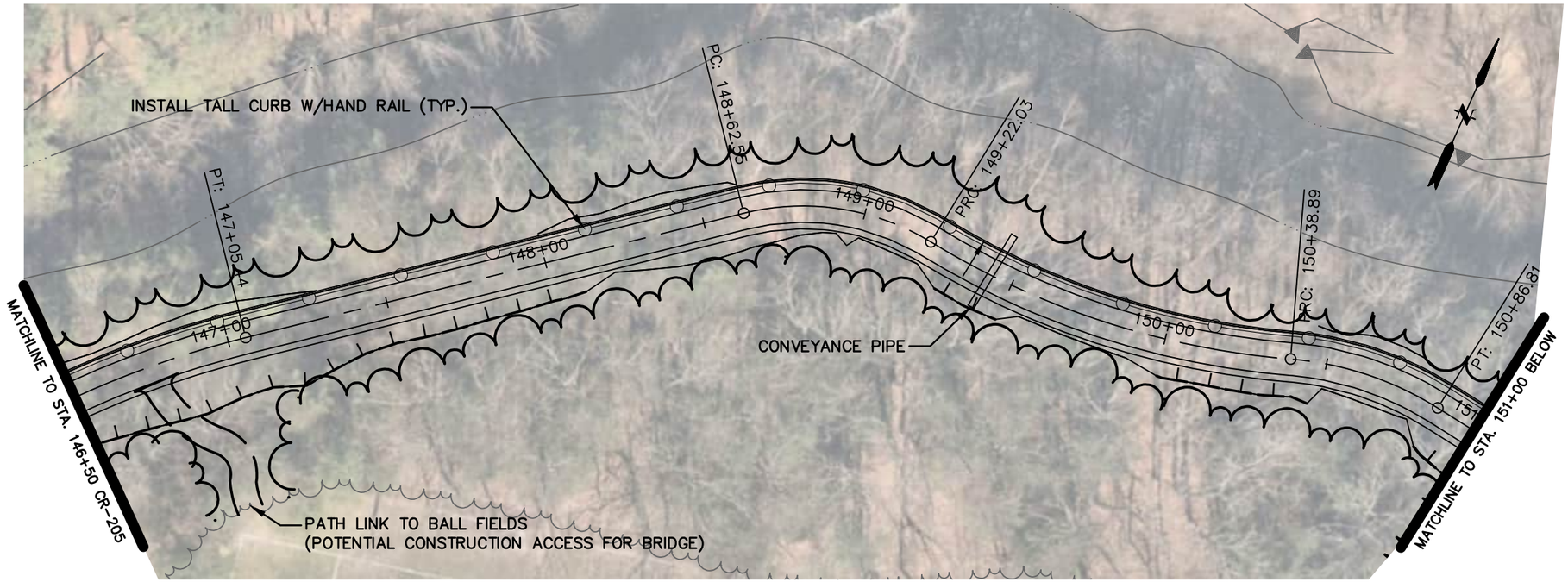
DOVER COMMUNITY TRAIL
PHASE IV

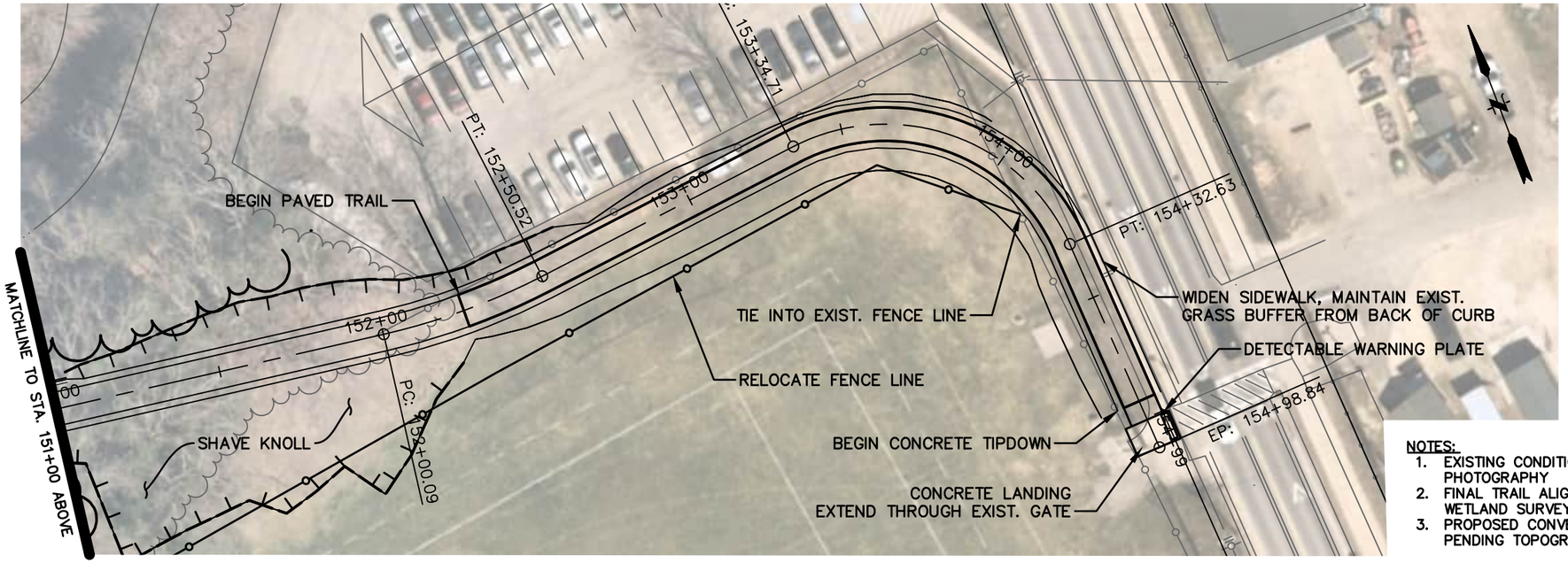
DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-205

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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:




NOTES:
1. EXISTING CONDITIONS DIGITIZED FROM AERIAL PHOTOGRAPHY
2. FINAL TRAIL ALIGNMENT PENDING TOPOGRAPHIC AND WETLAND SURVEYS.
3. PROPOSED CONVEYANCE PIPE LOCATIONS AND SIZE PENDING TOPOGRAPHIC SURVEY

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

SCALE:
HORZ.: 1" = 40'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

# ALIGNMENT ALTERNATIVE 2 GENERAL PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-206

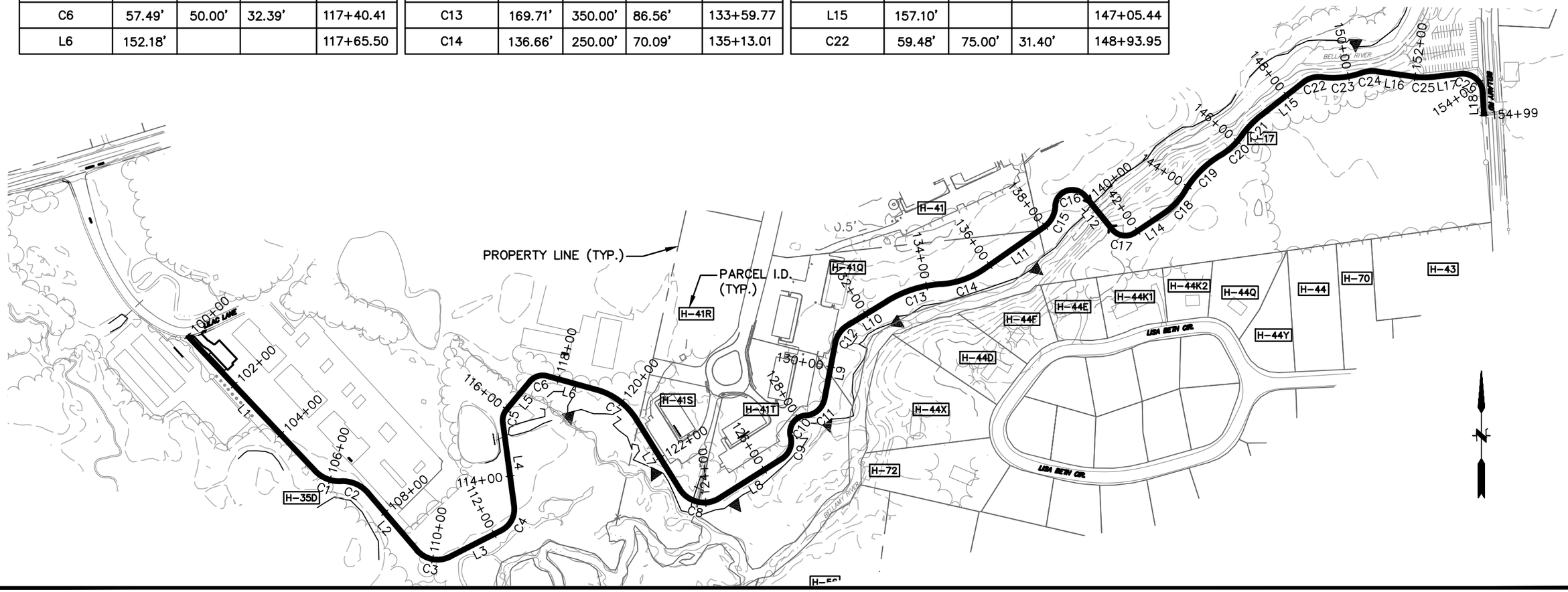
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LAYER STATE:
MS VIEW:

| ALIGNMENT LINE AND CURVE DATA ALTERNATIVE 2 | | | | |
|---|---|---|---|---|
| SEGMENT # | LENGTH | RADIUS | TANGENT | STATION |
| L1 | 547.74' | | | 100+00.00 |
| C1 | 85.65' | 100.00' | 45.65' | 105+93.39 |
| C2 | 90.52' | 100.00' | 48.62' | 106+82.01 |
| L2 | 222.31' | | | 107+23.90 |
| C3 | 106.89' | 80.00' | 63.13' | 110+09.35 |
| L3 | 170.97' | | | 110+53.11 |
| C4 | 86.23' | 70.00' | 49.55' | 112+73.62 |
| L4 | 248.83' | | | 113+10.31 |
| C5 | 41.32' | 50.00' | 21.92' | 115+81.07 |
| L5 | 107.55' | | | 116+00.46 |
| C6 | 57.49' | 50.00' | 32.39' | 117+40.41 |
| L6 | 152.18' | | | 117+65.50 |

| ALIGNMENT LINE AND CURVE DATA ALTERNATIVE 2 | | | | |
|---|---|---|---|---|
| SEGMENT # | LENGTH | RADIUS | TANGENT | STATION |
| C7 | 148.61' | 200.00' | 77.92' | 119+95.60 |
| L7 | 242.57' | | | 120+66.29 |
| C8 | 134.03' | 85.00' | 85.51' | 123+94.37 |
| L8 | 218.12' | | | 124+42.88 |
| C9 | 75.55' | 60.00' | 43.71' | 127+04.72 |
| C10 | 87.79' | 50.00' | 60.22' | 127+96.78 |
| C11 | 78.94' | 60.00' | 46.36' | 128+70.71 |
| L9 | 167.29' | | | 129+03.29 |
| C12 | 66.55' | 80.00' | 35.34' | 131+05.92 |
| L10 | 136.08' | | | 131+37.14 |
| C13 | 169.71' | 350.00' | 86.56' | 133+59.77 |
| C14 | 136.66' | 250.00' | 70.09' | 135+13.01 |

| ALIGNMENT LINE AND CURVE DATA ALTERNATIVE 2 | | | | |
|---|---|---|---|---|
| SEGMENT # | LENGTH | RADIUS | TANGENT | STATION |
| L11 | 215.43' | | | 135+79.59 |
| C15 | 73.35' | 80.00' | 39.48' | 138+34.50 |
| L12 | 126.24' | | | 139+89.31 |
| C16 | 120.94' | 50.00' | 132.26' | 140+00.63 |
| C17 | 74.05' | 50.00' | 45.70' | 141+61.25 |
| L14 | 105.16' | | | 141+89.59 |
| C18 | 89.73' | 200.00' | 45.63' | 143+40.39 |
| C19 | 151.02' | 300.00' | 77.14' | 144+61.64 |
| C20 | 83.47' | 200.00' | 42.35' | 145+77.86 |
| C21 | 86.47' | 300.00' | 43.54' | 146+62.51 |
| L15 | 157.10' | | | 147+05.44 |
| C22 | 59.48' | 75.00' | 31.40' | 148+93.95 |

| ALIGNMENT LINE AND CURVE DATA ALTERNATIVE 2 | | | | |
|---|---|---|---|---|
| SEGMENT # | LENGTH | RADIUS | TANGENT | STATION |
| C23 | 116.86' | 250.00' | 59.52' | 149+81.54 |
| C24 | 47.92' | 100.00' | 24.43' | 150+63.32 |
| L16 | 113.28' | | | 150+86.81 |
| C25 | 50.43' | 200.00' | 25.35' | 152+25.44 |
| L17 | 84.19' | | | 152+50.52 |
| C26 | 97.92' | 60.00' | 63.79' | 153+98.50 |
| L18 | 66.20' | | | 154+32.63 |




| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

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SCALE:
HORZ.: 1" = 300'
VERT.:
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
300 150 0 300
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
SEGMENT TABLE

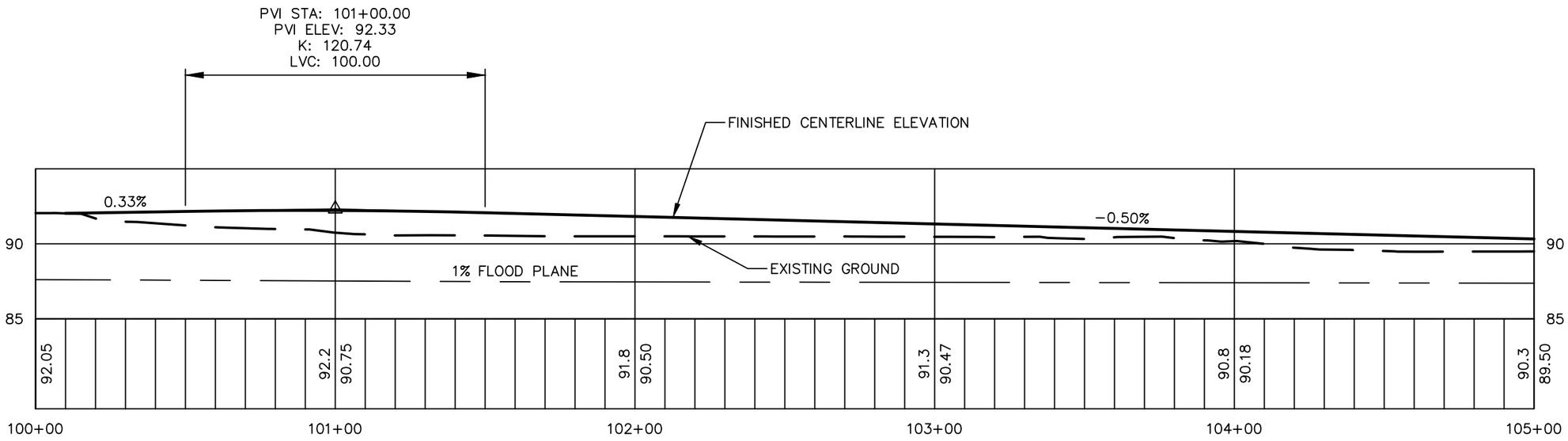
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CT-201

File Path: J:\DWG\P20170299000\Civil\Plan\20170299 - PROF.dwg Layout: CT-201 Plotted: Mon, April 29, 2024 - 12:59 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




PROFILE STA 100+00 – 105+00

SCALE: H: 1"=40'

V: 1"=8'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

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SCALE:
HORZ.: 1" = 40'
VERT.: 1" = 8'
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
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GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
PROFILE

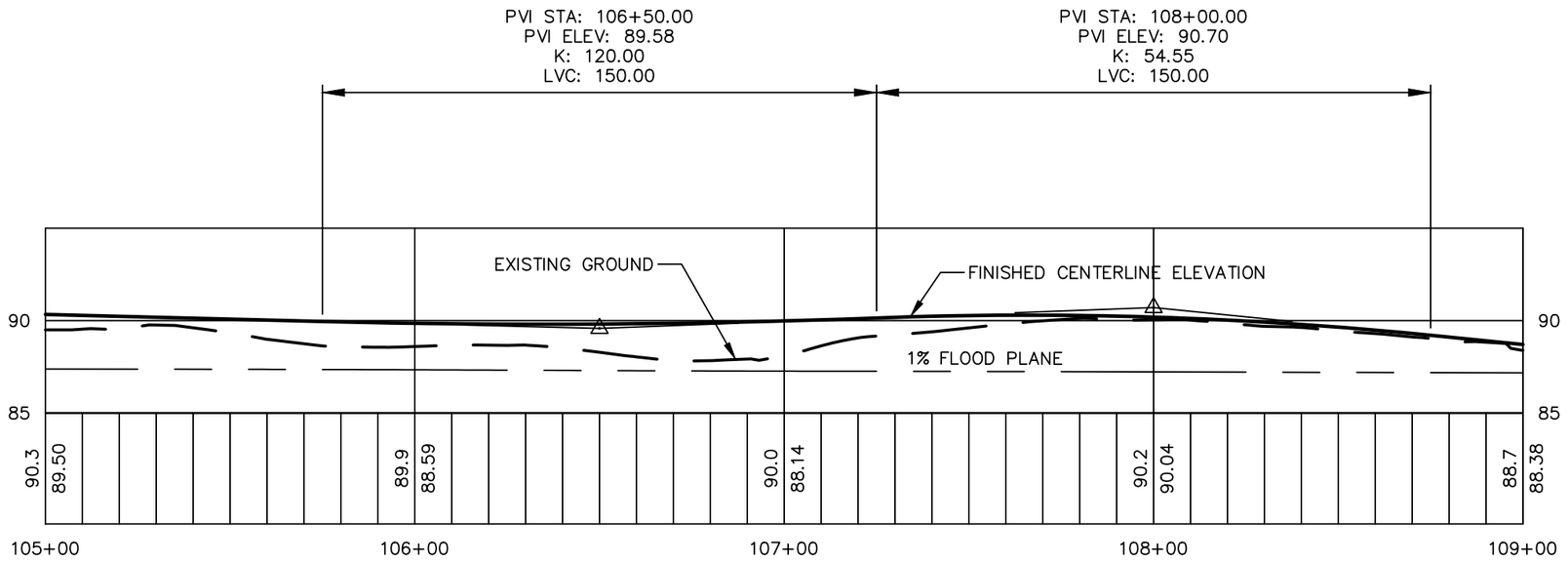
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-201

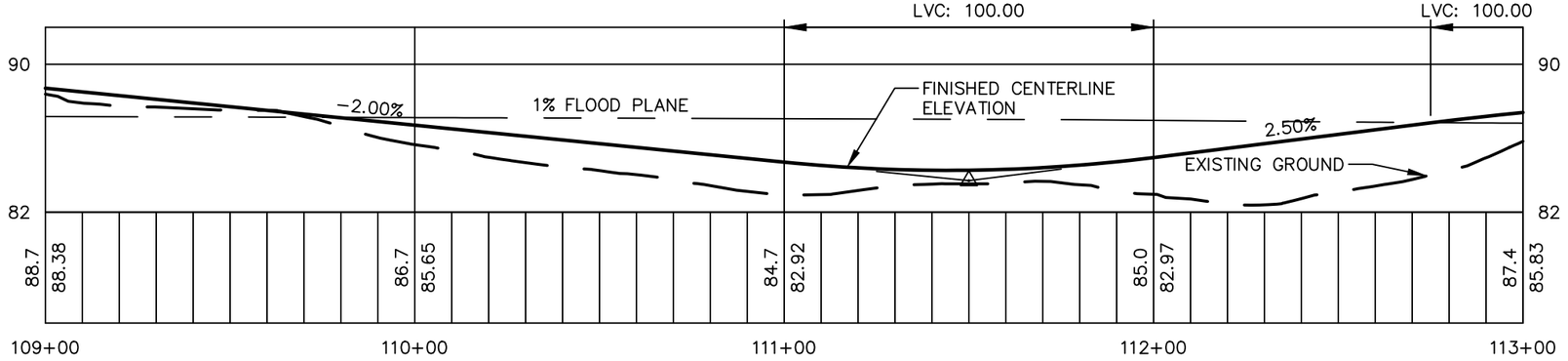
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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




PROFILE STA 105+00 – 109+00

SCALE: H: 1"=40'

V: 1"=8'




PROFILE STA 109+00 – 113+00

SCALE: H: 1"=40'

V: 1"=8'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

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SCALE:
HORZ.: 1" = 40'
VERT.: 1" = 8'
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
PROFILE

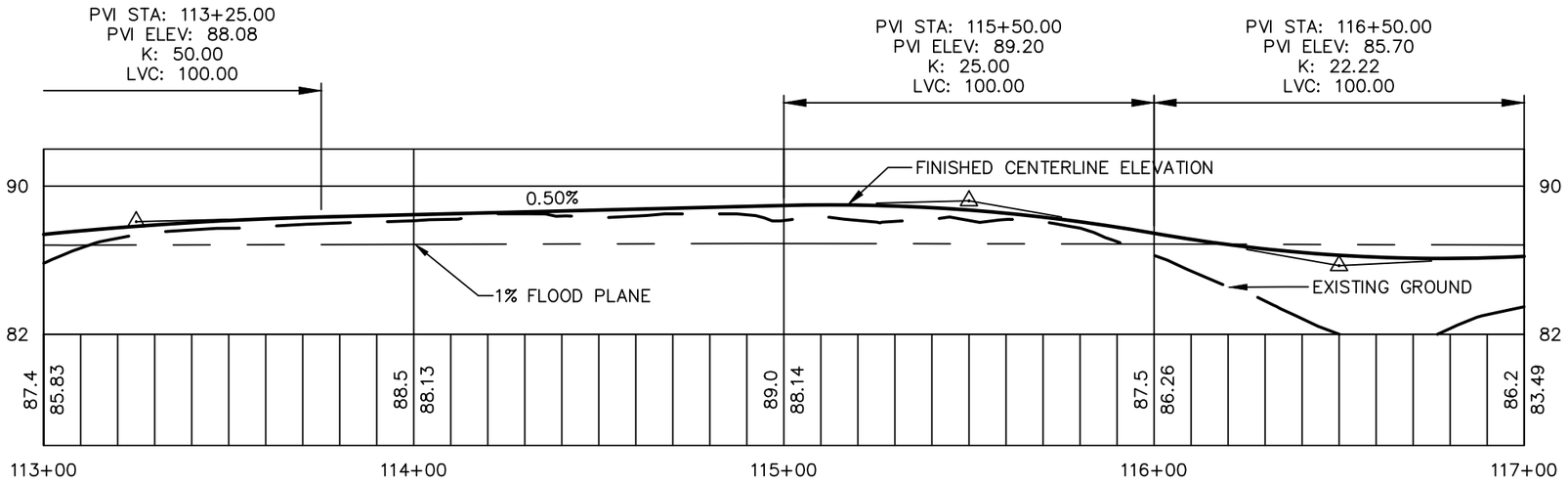
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-202

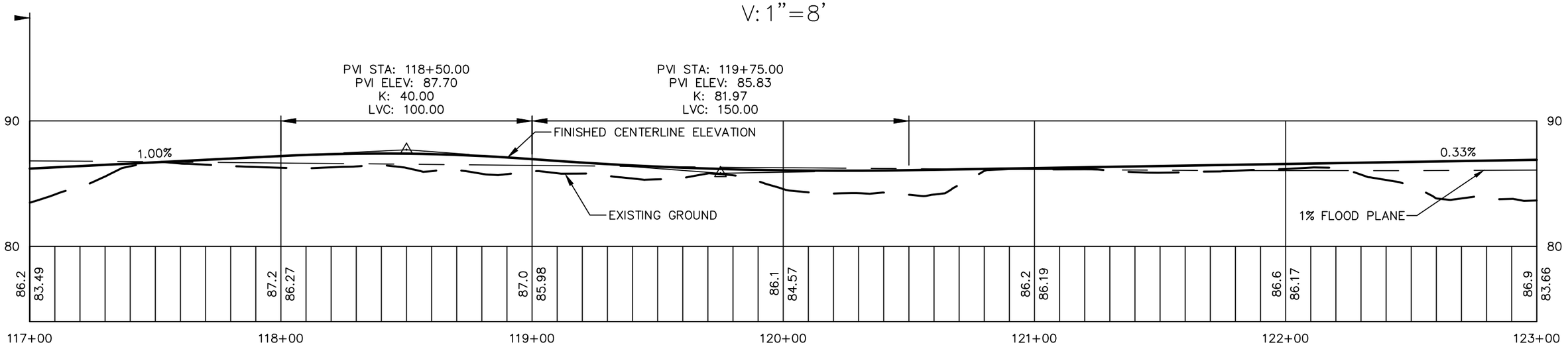
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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




PROFILE STA 113+00 – 117+00

SCALE: H: 1"=40'

V: 1"=8'




PROFILE STA 117+00 – 123+00

SCALE: H: 1"=40'

V: 1"=8'

File Path: J:\DWG\P2017\0299\000\Civil\Plan\20170299 - PROF.dwg Layout: CP-203 Plotted: Mon, April 29, 2024 - 12:59 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

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MANCHESTER, NEW HAMPSHIRE 03101
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| SCALE: | |
|---|---|
| | HORZ.: 1" = 40' |
| | VERT.: 1" = 8' |
| DATUM: | |
| | HORZ.: NAD83 (2011) |
| | VERT.: NAVD88 |

40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

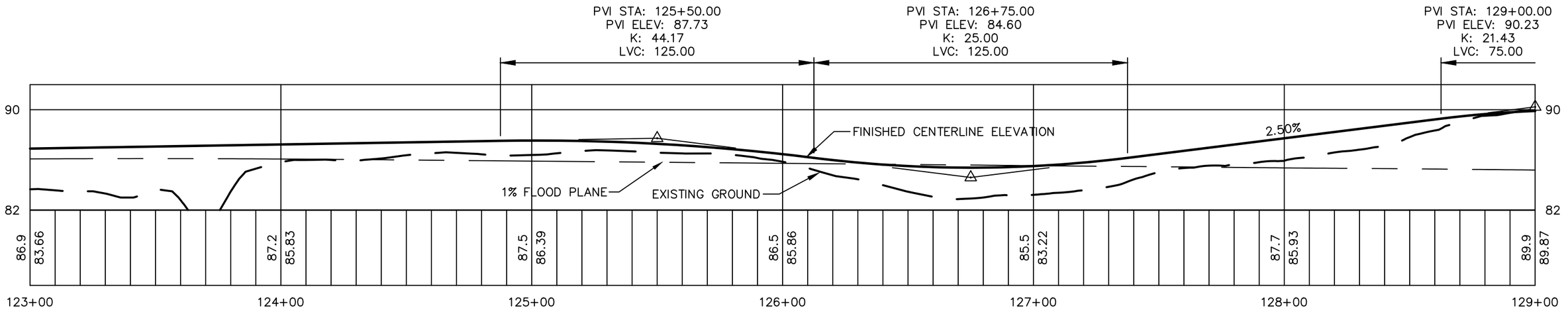
ALIGNMENT ALTERNATIVE 2
PROFILE

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

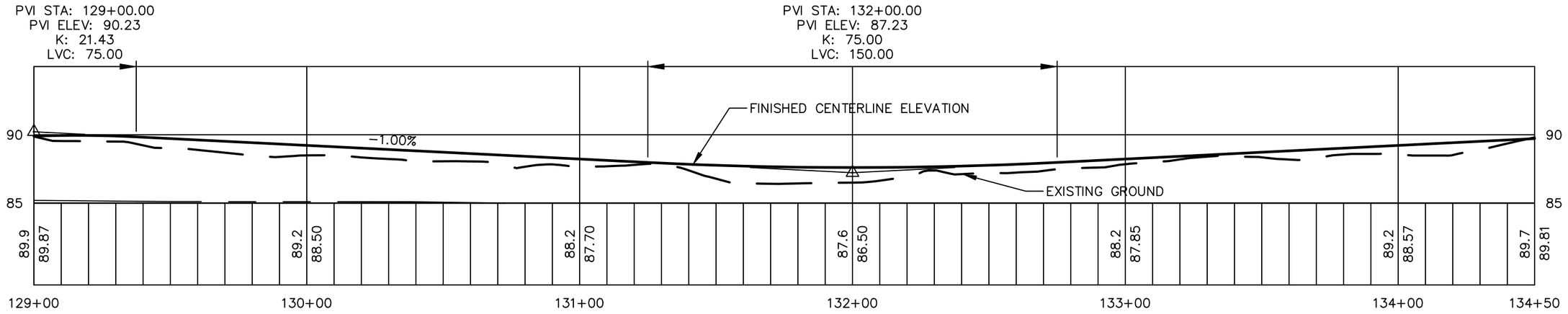
CP-203




PROFILE STA 123+00 – 129+00

SCALE: H:1"=40'

V:1"=8'




PROFILE STA 129+00 – 134+50

SCALE: H:1"=40'

V:1"=8'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

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SCALE:
HORZ.: 1" = 40'
VERT.: 1" = 8'
DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
PROFILE

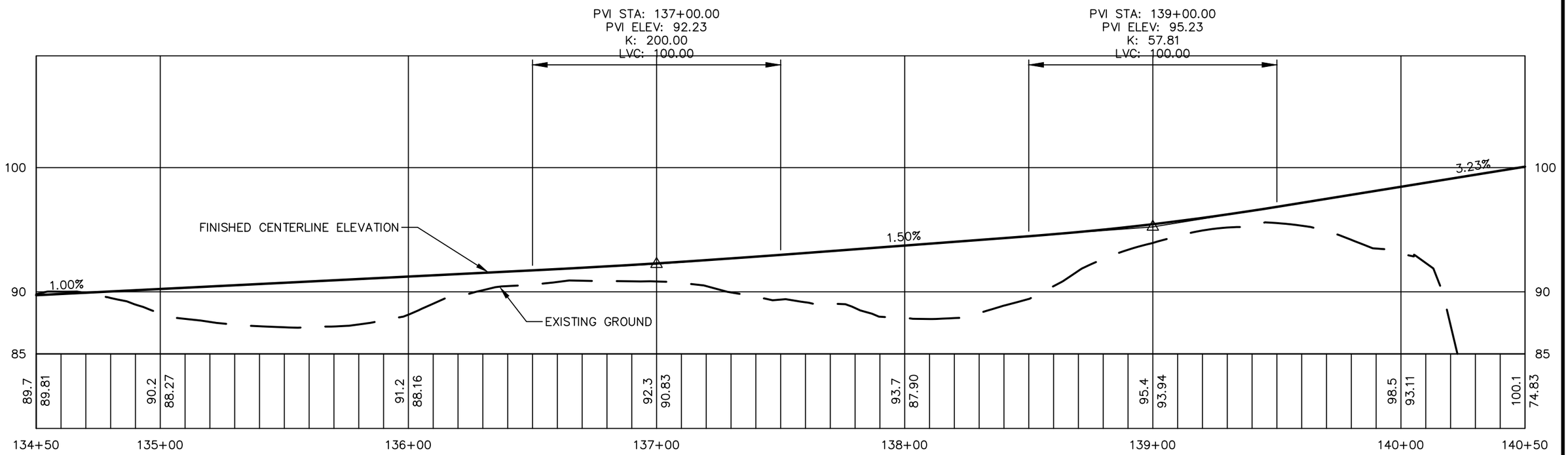
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-204

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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




## PROFILE STA 134+50 – 140+50

SCALE: H: 1"=40'
V: 1"=8'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

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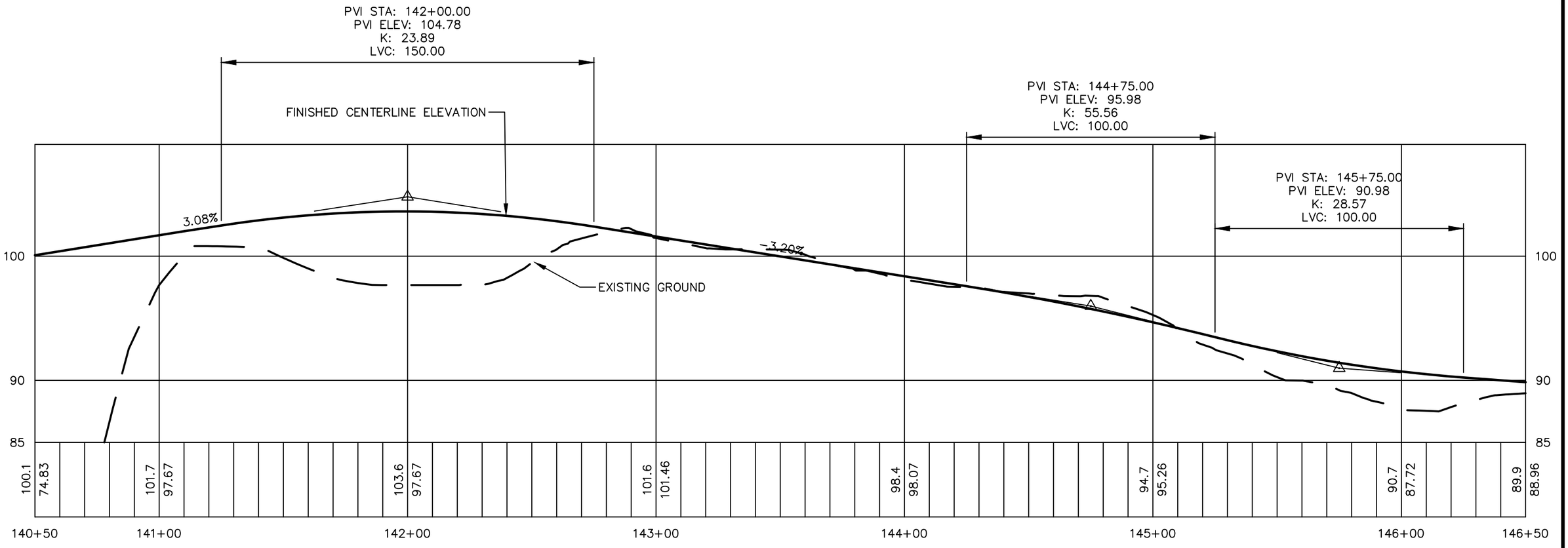
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DATUM:
HORZ.: NAD83 (2011)
VERT.: NAVD88
40 20 0 40
GRAPHIC SCALE

CITY OF DOVER
ALIGNMENT ALTERNATIVE 2
PROFILE
DOVER COMMUNITY TRAIL
PHASE IV
DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CP-205

File Path: J:\DWG\P20170299000\Civil\Plan\20170299 - PROF.dwg Layout: CP-205 Plotted: Mon, April 29, 2024 - 12:59 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:




PROFILE STA 140+50 – 146+50

SCALE: H: 1"=40'

V: 1"=8'

File Path: J:\DWG\P20170299\000\Civil\Plan\20170299 - PROF.dwg Layout: CP-206 Plotted: Mon, April 29, 2024 - 12:59 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
LAYER STATE:
MS VIEW:

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

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SCALE:
HORZ.: 1" = 40'
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HORZ.: NAD83 (2011)
VERT.: NAVD88
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GRAPHIC SCALE

CITY OF DOVER

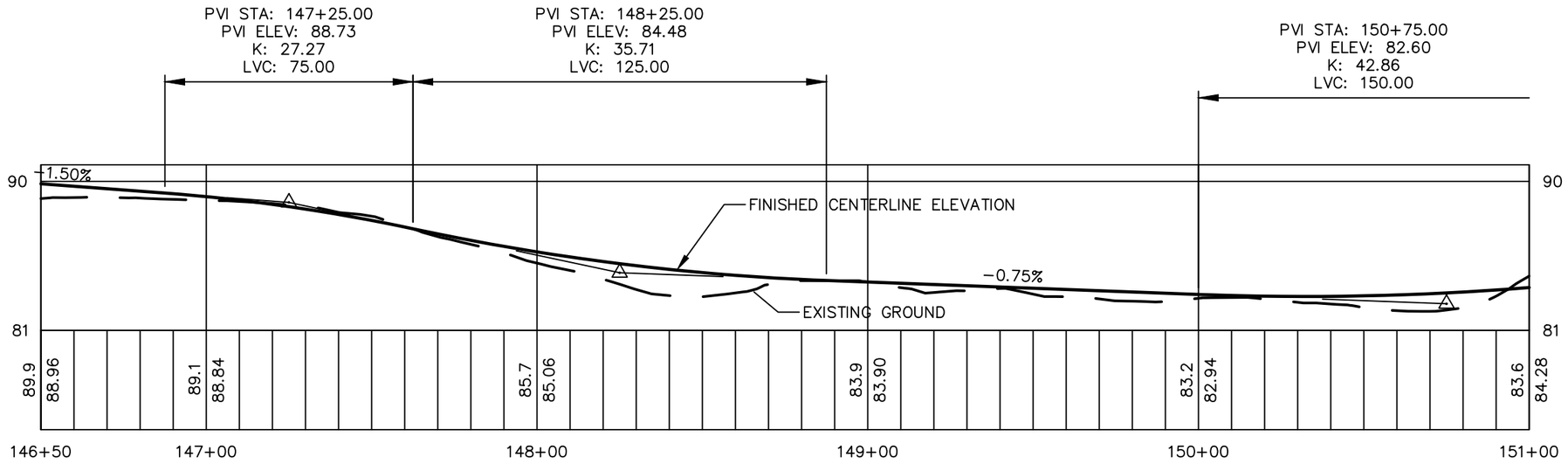
ALIGNMENT ALTERNATIVE 2
PROFILE

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

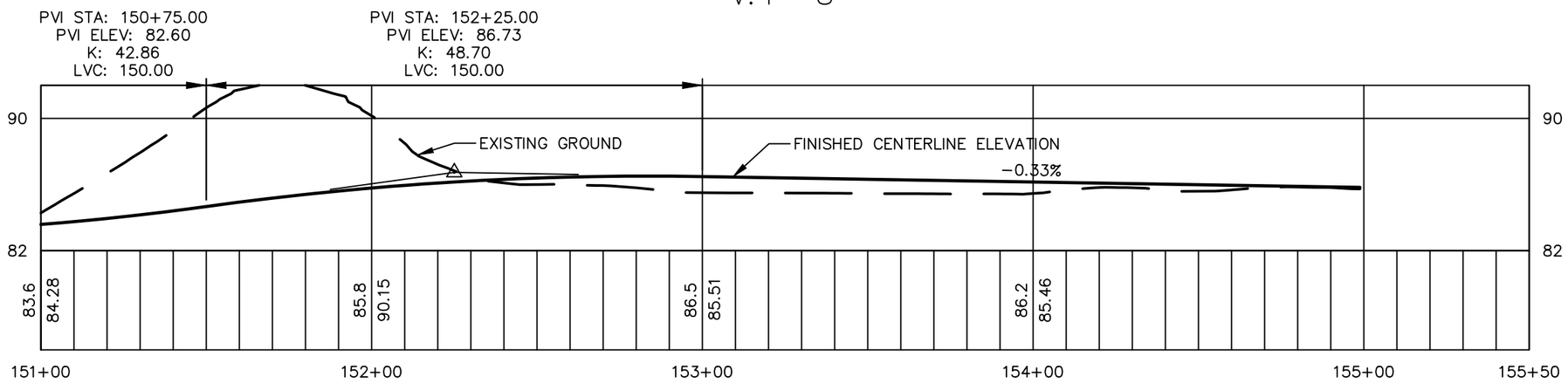
CP-206




PROFILE STA 146+50 – 151+00

SCALE: H: 1"=40'

V: 1"=8'




PROFILE STA 151+00 – 155+50

SCALE: H: 1"=40'

V: 1"=8'

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|

SEAL

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SCALE:
HORZ.: 1" = 40'
VERT.: 1" = 8'
DATUM:
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40 20 0 40
GRAPHIC SCALE

CITY OF DOVER

ALIGNMENT ALTERNATIVE 2
PROFILE

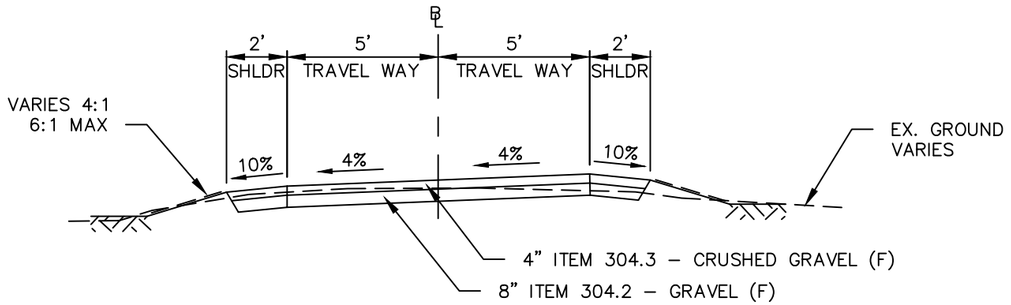
DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

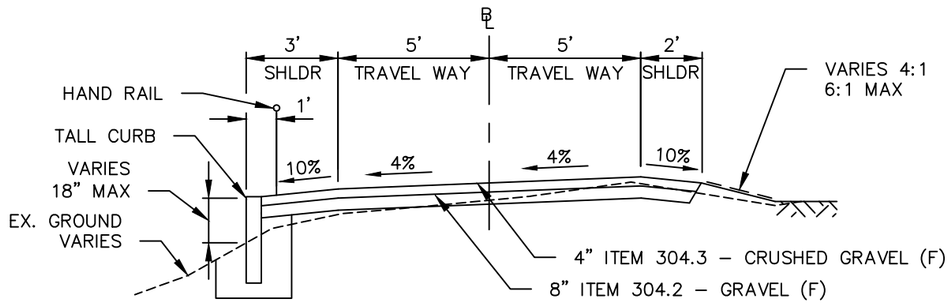
CP-207

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Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:




# GRAVEL TRAIL TYPICAL SECTION

N.T.S.




# TALL CURB WITH HANDRAIL TYPICAL SECTION

N.T.S.

| No. | DATE | DESCRIPTION | DESIGNER | REVIEWER |
|---|---|---|---|---|
| | | | | |

SEAL

CITY OF DOVER INC. 1855 TOWN SETTLED 1623

FUSS & O'NEILL
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MANCHESTER, NEW HAMPSHIRE 03101
603.668.8223
www.fando.com

CITY OF DOVER

TYPICAL SECTIONS

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CD-301

File Path: J:\DWG\P2017\0299\000\Civil\Plan\20170299 - DET.dwg Layout: CD-301 Plotted: Mon, April 29, 2024 - 12:59 PM User: jhavey
Plotter: AUTOCAD PDF (GENERAL DOCUMENTATION).PC3 CTB File: ---
MS VIEW: LAYER STATE:

# Appendix B

## Engineer's Opinion of Construction Costs

**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION**

# Alignment Alternative 1

**ENGINEERING STUDY ENGINEER'S ESTIMATE OF PROBABLE COST**

| | | | | | |
|---|---|---|---|---|---|
| Town of: | DOVER | | | Federal No. | N/A |
| County: | STRAFFORD | | | State No. | 42709 |
| Project No. | 0 | | | FO No. | 20170299 |
| Name of Road: | Dover Community Trail | Calc: | JWH | Date: | 4/9/2024 |
| Type: | Active Transportation Corridor | Check: | AWJ | Date: | 4/24/2024 |

| ITEM NO. | | ITEM DESCRIPTION | UNIT | PRICE | TOTAL QUANTITY | ESTIMATED COST |
|---|---|---|---|---|---|---|
| | | | | | | |
| 201.1 | | CLEARING AND GRUBBING (F) | A | $ 20,000.00 | 4.8 | $ 96,000.00 |
| 203.1 | | COMMON EXCAVATION | CY | $ 40.00 | 2,205.0 | $ 88,200.00 |
| 203.6 | | EMBANKMENT-IN-PLACE (F) | CY | $ 25.00 | 3,952.0 | $ 98,800.00 |
| 304.2 | | GRAVEL (F) | CY | $ 40.00 | 2,285.0 | $ 91,400.00 |
| 304.3 | | CRUSHED GRAVEL (F) | CY | $ 45.00 | 1,291.0 | $ 58,095.00 |
| 403.11023 | | HBP-3/4" BINDER MIX, MACHINE METHOD | TON | $ 125.00 | 100.0 | $ 12,500.00 |
| 403.11043 | | HBP-1/2" SURFACE MIX, MACHINE METHOD | TON | $ 150.00 | 50.0 | $ 7,500.00 |
| 550.3 | | STEEL BOLLARD (REMOVABLE) | EA | $ 300.00 | 6.0 | $ 1,800.00 |
| 606.6311 | | SAFETY RAIL, W/GUARD, STEEL | LF | $ 50.00 | 1,667.0 | $ 83,350.00 |
| 607.350 | | CHAIN LINK FENCE WITH VINYL COATED STEEL FABRIC, 5' HIGH | LF | $ 60.00 | 511.0 | $ 30,660.00 |
| 608.12 | | 2" BITUMINOUS SIDEWALK (F) | SY | $ 35.00 | 323.0 | $ 11,305.00 |
| 608.36 | | 6" REINFORCED CONCRETE SIDEWALK (F) | SY | $ 100.00 | 50.0 | $ 5,000.00 |
| 608.54 | | DETECTABLE WARNING DEVICES, CAST IRON | SY | $ 500.00 | 5.0 | $ 2,500.00 |
| 609.01 | | STRAIGHT GRANITE CURB | LF | $ 65.00 | 1,667.0 | $ 108,355.00 |
| 529.002 | | PRECAST CONCRETE BOX CULVERT (BRIDGE) | U | $ 210,000.00 | 2.0 | $ 420,000.00 |
| 619.1 | | MAINTENANCE OF TRAFFIC | U | $ 25,000.00 | 1.0 | $ 30,060.00 |
| 646.3 | | TURF ESTABLISHMENT WITH MULCH AND TACKIFIERS | A | $ 10,000.00 | 2.0 | $ 20,000.00 |
| 650.2 | | LANDSCAPING | U | $ 10,000.00 | 1.0 | $ 10,000.00 |
| 699 | | MISCELLANEOUS TEMPORARY EROSION AND SEDIMENT CONTROL | $ | $ 40,000.00 | 1.1 | $ 44,000.00 |
| 1050 | | WAYFINDING KIOSK | U | $ 6,400.00 | 2.0 | $ 12,800.00 |

| | |
|---|---|
| **Subtotal Roadway Items:** | **$ 1,202,300.00** |
| **15% Drainage and Stormwater Contingency** | **$ 180,300.00** |
| **15% Roadway Contingency:** | **$ 180,300.00** |

Note: Quantities calculated based on percentage of Alignment Alternative 2

| | |
|---|---|
| **Subtotal Roadway:** | **$ 1,592,960.00** |
| **Total Construction Costs:** | **$ 1,592,960.00** |
| **Preliminary Engineering (10%):** | **$ 159,296.00** |
| **Right of Way:** | **TBD** |
| **Construction Engineering (15% of Construction):** | **$ 238,944.00** |
| **Alignment Alternative 1 Project Total:** | **$ 1,991,200.00** |

**NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION**

# Alignment Alternative 2

**ENGINEERING STUDY ENGINEER'S ESTIMATE OF PROBABLE COST**

| | | | | | |
|---|---|---|---|---|---|
| Town of: | DOVER | | | Federal No. | N/A |
| County: | STRAFFORD | | | State No. | 42709 |
| Project No. | 0 | | | FO No. | 20170299 |
| Name of Road: | Dover Community Trail | Calc: | JWH | Date: | 4/9/2024 |
| Type: | Active Transportation Corridor | Check: | AWJ | Date: | 4/24/2024 |

| ITEM NO. | | ITEM DESCRIPTION | UNIT | PRICE | TOTAL QUANTITY | TOTAL COST |
|---|---|---|---|---|---|---|
| 201.1 | | CLEARING AND GRUBBING (F) | A | $ 20,000.00 | 4.5 | $ 90,000.00 |
| 203.1 | | COMMON EXCAVATION | CY | $ 40.00 | 2,050.0 | $ 82,000.00 |
| 203.6 | | EMBANKMENT-IN-PLACE (F) | CY | $ 25.00 | 3,675.0 | $ 91,875.00 |
| 304.2 | | GRAVEL (F) | CY | $ 40.00 | 2,125.0 | $ 85,000.00 |
| 304.3 | | CRUSHED GRAVEL (F) | CY | $ 45.00 | 1,200.0 | $ 54,000.00 |
| 403.11023 | | HBP-3/4" BINDER MIX, MACHINE METHOD | TON | $ 125.00 | 100.0 | $ 12,500.00 |
| 403.11043 | | HBP-1/2" SURFACE MIX, MACHINE METHOD | TON | $ 150.00 | 50.0 | $ 7,500.00 |
| 550.3 | | STEEL BOLLARD (REMOVABLE) | EA | $ 300.00 | 6.0 | $ 1,800.00 |
| 606.6311 | | SAFETY RAIL, W/GUARD, STEEL | LF | $ 50.00 | 1,550.0 | $ 77,500.00 |
| 607.350 | | CHAIN LINK FENCE WITH VINYL COATED STEEL FABRIC, 5' HIGH | LF | $ 60.00 | 475.0 | $ 28,500.00 |
| 608.12 | | 2" BITUMINOUS SIDEWALK (F) | SY | $ 35.00 | 300.0 | $ 10,500.00 |
| 608.36 | | 6" REINFORCED CONCRETE SIDEWALK (F) | SY | $ 100.00 | 50.0 | $ 5,000.00 |
| 608.54 | | DETECTABLE WARNING DEVICES, CAST IRON | SY | $ 500.00 | 5.0 | $ 2,500.00 |
| 609.01 | | STRAIGHT GRANITE CURB | LF | $ 65.00 | 1,550.0 | $ 100,750.00 |
| 529.002 | | PRECAST CONCRETE BOX CULVERT (BRIDGE) | U | $ 210,000.00 | 2.0 | $ 420,000.00 |
| 619.1 | | MAINTENANCE OF TRAFFIC | U | $ 25,000.00 | 1.0 | $ 25,000.00 |
| 646.3 | | TURF ESTABLISHMENT WITH MULCH AND TACKIFIERS | A | $ 10,000.00 | 1.8 | $ 17,500.00 |
| 650.2 | | LANDSCAPING | U | $ 10,000.00 | 1.0 | $ 10,000.00 |
| 699 | | MISCELLANEOUS TEMPORARY EROSION AND SEDIMENT CONTROL | $ | $ 40,000.00 | 1.0 | $ 40,000.00 |
| 1050 | | WAYFINDING KIOSK | U | $ 6,400.00 | 2.0 | $ 12,800.00 |

| | |
|---|---|
| **Subtotal Roadway Items:** | **$ 1,149,700.00** |
| **15% Drainage and Stormwater Contingency** | **$ 172,500.00** |
| **15% Roadway Contingency:** | **$ 172,500.00** |
| **Subtotal Roadway:** | **$ 1,519,700.00** |
| **Subtotal Bridge:** | **$ 490,000.00** |
| **Total Construction Costs:** | **$ 2,009,700.00** |
| **Preliminary Engineering (10%):** | **$ 200,970.00** |
| **Right of Way:** | **TBD** |
| **Construction Engineering (15% of Construction):** | **$ 301,455.00** |
| **Alignment Alternative 2 Project Total:** | **$ 2,512,125.00** |

# Appendix C

## Environmental and Cultural Stakeholder and Agency Responses

| Environmental and Cultural Stakeholders & Agency | Date of Response | Response to Intial Contact Letter |
|---|---|---|
| **NH Office of Strategic Initiatives Floodplain Management Program**<br>Contact: Katie Paight<br>Principal Planner<br>kathryn.o.paight@livefree.nh.gov<br>Office of Planning and Development<br>Department of Business and Economic Affairs<br>100 North Main Street, Suite 100<br>Concord, NH 03301<br>(603) 271-1755 | 27-Jul-23 | Our office does not have a list of priority mitigation efforts. We do provide flood mitigation and resiliency resources on our website. It appears that portions of the project area are located in Special Flood Hazard Area (SFHA) Zone AE with a regulatory floodway in the City of Dover. Requirements for development in Zone AE with a regulatory floodway have been provided. Our office does not have any environmental concerns at this point besides SFHA development requirements. Trails are acceptable use within SFHA. As these areas are subject to the 100-year storm and beyond, construction methods that withstand flooding conditions should be considered. As the City of Dover is a participant of the National Flood Insurance Program (NFIP), any development occurring in a SFHA should meet at least the minimum NFIP requirements contained in the community's floodplain regulations, 44 CFR, and the requirements in the flood provisions of the State Building Code. Development is defined under the NFIP as "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." For development occurring in Zone AE within a regulatory floodway, the following NFIP requirement would apply: Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the 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. Therefore any encroachment, fill placement, or other development activity proposed within the floodway may require hydrologic and hydraulic analyses to determine if the work will cause an increase in the base flood elevation. If any increase in the base flood elevation is anticipated, coordination with FEMA through the Conditional Letter of Map Revision (CLOMR) process is required prior to the start of the project. |
| **NH Department of Resource and Economic Development**<br>**NH Natural Heritage Bureau**<br>Contact: Maddie Severance<br>Assistant Ecological Information Specialist<br>nhbreview@dncr.nh.gov<br>New Hampshire Natural Heritage Bureau<br>Division of Forests & Lands<br>NH Dept. of Natural & Cultural Resources<br>172 Pembroke Rd<br>Concord, NH 03301<br>(603)-271-0687 (office) | 10-Jul-23 | Looking at your list of questions, NHB can only comment on the presence of rare species and exemplary natural communities in the proposed project area (item #3). In order to request rare species information please submit a project on the DataCheck Tool found here: NHB DataCheck Tool (state.nh.us). Once the project is submitted on the DataCheck Tool we can review the project along with NH Fish and Game to determine if we have any concerns and provide recommendations. |
| | 25-Mar-24 | I'm reaching out regarding your last correspondence that we have for your NHB23-2081 Dover Community Trail project. It does seem that your project requires a Fis 1004 consultation request. The requirements can be found here: https://gencourt.state.nh.us/rules/state_agencies/fis1000.html. For a more user-friendly version, we have an unofficial checklist that you can refer to on our homepage: Environmental Review \| State of New Hampshire Fish and Game (nh.gov). If you require anything in the meantime, please reach out to me and I'll do my best to help you. |
| **NH Fish & Game**<br>Contact: Kevin Newton<br>Wildlife Biologist<br>Kevin.M.Newton@wildlife.nh.gov<br>NH Fish and Game Department<br>Wildlife Division<br>11 Hazen Drive, Concord NH 03301<br>(603) 271- 5860 | 11-Jul-23 | We received your letter regarding the Dover Community Trail (Phase IV) (NHDOT Project No. 41373 and Fuss & O'Neill Reference No. 20170299.000). Would you be able to send us electronic versions of the letter and map you submitted? If you have a kmz or kml of the planned trail footprint, please share that as well. In order to better address your questions regarding mitigation efforts at this site, we will require you to submit an NHB Data Check letter. This will help us determine the potential impact to threatened and endangered species in the area and consider possible mitigation options. |
| | 9-Nov-23 | Thank you for providing the NHB letter as Kim requested. Since this project requires a NHDES Shoreland Standard permit and NHDES wetland standard dredge and fill, it will require consultation under FIS1004.03. Please refer to our submittal requirements which can be found at CHAPTER Fis 1000 CONSERVATION OF ENDANGERED SPECIES (state.nh.us) . Please include the NHB letter in the subject line once consultation materials are provided. |

| | | |
|---|---|---|
| **New Hampshire Department of Environmental Services**<br>**Environmental Justice**<br>Contact: Vincent Perelli<br>Administrator of the Planning, Prevention & Assistance Unit<br>vincent.r.perelli@des.nh.gov<br>NH Department of Environmental Services<br>Office of the Commissioner<br>29 Hazen Drive/P.O. Box 95<br>Concord, NH 03302-0095<br>(603) 271-8989 | 12-Jul-23 | Thank you for your letter of July 7th regarding the Dover Community Trail Project. In reference to a preferred mitigation efforts list, the NH Department of Environmental Services (NHDES) does not have such a list. Looking at several of your other questions, they would involve research using resources available to you such as NHDES's OneStop Database.<br><br>We will be happy to set up a pre-application meeting but would suggest that having a proposal to review and discuss would be important to properly address your questions and to discuss other available resources for some of your specific questions. Once you have an initial proposal/design prepared, you may use the form on our website at NH Online Forms System - Pre-Application Meeting Request. Version 3.13 to schedule a pre-application meeting. We look forward to discussing the project with you and your colleagues. |

# Appendix B

## Phase IA Archeological Sensitivity Assessment

# PHASE IA ARCHAEOLOGICAL SENSITIVITY ASSESSMENT
# DOVER COMMUNITY TRAIL EXPANSION PROJECT
# DOVER (STRAFFORD COUNTY), NEW HAMPSHIRE
# ADDENDUM 1: TRAIL ALIGNMENT ALTERNATIVE



Submitted to
Fuss & O'Neill
50 Commercial Street, Unit 2S
Manchester, NH 03101

Prepared by
Jacob Tumelaire, MA, RPA and
Jessica Cofelice, MA, RPA

IAC
INDEPENDENT
ARCHAEOLOGICAL
CONSULTING, LLC

www.iac-llc.net
34 Dover Point Road, Suite 300
Dover, NH 03820

**IAC Report No. 1491**
February 27, 2024

**THIS REPORT CONTAINS CONFIDENTIAL INFORMATION**
**NOT FOR PUBLIC DISTRIBUTION**

## PROJECT SUMMARY

| | |
|---|---|
| Project Name: | Dover Community Trail Expansion Transportation Alternatives Program |
| Type of Survey: | Phase IA Archaeological Sensitivity Assessment |
| Client: | Fuss & O'Neill |
| Sponsor Agency: | Federal Highway Administration (FHWA) |
| Location: | Dover (Strafford County), New Hampshire |
| Project Area Size: | total linear trail length of roughly 395 m (1,296 ft) |
| Expected Impacts: | Project impacts include the construction of a pedestrian and bicycle trail to extend from Bellamy Park in Dover, along the Bellamy River, and terminating at Rte. 155/Knox Marsh Road. Extant trails along much of the proposed route will require expansion or improvement, and new trail segments will be constructed where the proposed route does not follow existing paths. The project remains in the design stage and engineers have yet to determine the methods of expansion or construction. Potential measures could include topsoil removal and filling, or surface fill deposits to prevent disturbance to natural soils. **The 2023 Phase IA assessment included an alternative trail alignment along the southern bank of the Bellamy River in an area outside of the 2020 Phase IA survey area.** |
| Dates of Fieldwork: | NHDHR Site File Search: January 18, 2023<br>Field Inspection: January 19, 2023 |
| Sites Registered: | none |
| Findings: | IAC identified virtually the entire trail alignment as sensitive for Pre-Contact Native American cultural deposits, designated as Sensitive Area 3 (SA-3) with SAs 1 and 2 delineated during the 2020 assessment. The trail crosses a series of level terraces of well-drained sandy soil overlooking the resource base and travel corridor of the Bellamy River, prime locations for site types from ephemeral activity loci to long-term occupations. Nineteenth-century maps showed one Post-Contact resource near the alignment's eastern terminus at Bellamy Road, however, the resource is likely beneath the extant parking area and archaeologists found no Euroamerican features during the survey. Nevertheless, SA-3 is also designated as sensitive for Post-Contact resources given documentary evidence for multiple early Euroamerican occupations that predate the nineteenth-century maps. Research suggests that by the 1650s, as many as four homesteads had been established along this stretch of the Bellamy River. Such pre-1800 resources could have no visible indications of their presence on the modern landscape, but informative artifact deposits or features could remain buried along the proposed trail route. Finally, the extant trail is simply a compressed footpath and therefore intact Pre-Contact or Post-Contact archaeological deposits could exist both beyond and below the current trail limits. |

Recommendations: Should final design plans require ground disturbance to construct the trail, IAC recommends a Phase IB Intensive Archaeological Investigation of the impact areas prior to construction to confirm the presence or absence of Pre-Contact and/or Post-Contact archaeological deposits. Phase IB testing along the full alternative alignment would require approximately 40 shovel test pits.

Should engineers devise a technique to avoid ground disturbance, IAC recommends no further archaeological survey for the project. Although filling and subsequent use can pose a compression hazard to buried cultural deposits, the proposed trail will be for pedestrians and bicyclists only. Such land use is unlikely to negatively affect archaeological deposits beneath the fill and will likely provide additional protection for potential archaeological resources located beneath the existing and often-used trail. Finally, IAC also recommends a review of final impacts, e.g. staging areas or stockpile locations, to establish the need for Phase IB testing at these locations.

No. of pages: 20
No. of Maps: 4
No. of Figures: 11

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## INTRODUCTION

Independent Archaeological Consulting, LLC (IAC) completed a second Phase IA Archaeological Sensitivity Assessment for the Dover Community Trail Expansion Transportation Alternatives Program (Dover TAP) project in Dover (Strafford County), New Hampshire in the winter of 2023, facilitated by unseasonably warm weather and absent snow cover (Figure 1). Proposed impacts include the construction of a pedestrian and bicycle trail to extend west from Bellamy Park along the Bellamy River to terminate at Rte. 155/Knox Marsh Road at the Lilac Lane intersection (Figure 2). Extant trails along much of the proposed route will require expansion or improvement, while new trail segments will be constructed where the proposed route does not follow existing paths. The project remains in the design stage and engineers have yet to determine the methods of expansion or construction. Potential measures could include topsoil removal and filling, or surface fill deposits to prevent disturbance to natural soils. IAC completed a Phase IA assessment in 2020 that included a 1.9 km (1.2 mi) proposed alignment along the north bank of the Bellamy River. **The 2023 survey area included a 395-m (1,296-ft) alternative trail alignment along the southern riverbank in an area beyond the 2020 survey limits (see Figure 1).** IAC's 2020 report includes chapters devoted to the local Native American and Euroamerican cultural contexts, and the information is therefore excluded from this addendum report for brevity.

The objective of the Phase IA assessment is to evaluate the archaeological sensitivity, i.e. potential, for both Pre-Contact Native American and/or Post-Contact Euroamerican cultural resources within the project area. IAC completed the assessment through a review of known archaeological resources inventoried on the New Hampshire Division of Historic Resources (NHDHR) online site file database EMMIT; desktop analysis of topography, soils and proximal natural resources; cartographic overlays of the project area onto historic maps and past aerial images of Dover; a review of secondary historic resources; and finally, a walkover inspection of the project area. The work is authorized under Section 106 of the Historic Preservation Act of 1966 (P.L. 89-665), as amended, and as implemented by regulations of the Advisory Council of Historic Preservation (36 CFR Part 800).

The distribution of known Pre-Contact archaeological sites in New Hampshire indicates the cooccurrence of several variables at most Native American occupation or activity sites, including level terrain, well drained soils, good vantage over the surrounding countryside, and access to natural resources such as water, stone tool raw material, clay for pottery, and floral or faunal consumables. The Dover TAP alternative trail alignment stretches along the southern bank of the Bellamy River, a primary resource base and travel route for both Native American and Euroamerican groups. In addition to a potential for Native American cultural deposits, map review revealed Euroamerican resources documented near the trail alignment's eastern end. The Walling (1858) map shows a single resource south of the river and west of Bellamy Road. The resource's label is illegible on the Walling (1858) map but the Hurd (1892) map shows the same resource as one of several homes owned by C.H. Sawyer.

IAC identified virtually the entire alternative trail alignment as sensitive for Pre-Contact Native American cultural deposits, designated as Sensitive Area 3 (SA-3), with SAs 1 and 2 delineated during the initial 2020 assessment. The proposed trail crosses a series of level terraces of well-drained sandy soil overlooking the resource base and travel corridor of the Bellamy River. Landforms along the alternative alignment could support Pre-Contact site types from ephemeral resource-extraction activity sites to longer-term habitations. Archaeologists observed no evidence of surficial Euroamerican features during the walkover survey – the resource shown on the Walling (1858) and Hurd (1892) maps is likely beneath the existing parking area – however, SA-3 is also designated as sensitive for Post-Contact resources given documentary evidence for multiple early Euroamerican occupations that predate the nineteenth-century maps. Research suggests by the 1650s, as many as four homesteads had been established along this stretch of the Bellamy River. Often constructed without the substantial stone foundations common to later Euroamerican homes, pre-1800 resources could have no visible indications of their presence on the modern landscape. Nonetheless,

informative early Euroamerican artifact deposits or features could remain buried along the proposed trail route and therefore IAC also designated SA-3 as sensitive for Post-Contact archaeological resources. In addition, the extant trail is simply a compressed footpath and therefore intact Pre-Contact or Post-Contact archaeological deposits could exist both beyond and *below* the current trail limits.

**Should final design plans require ground disturbance to construct the trail, IAC recommends a Phase IB Intensive Archaeological Investigation of the impact areas prior to construction to confirm the presence or absence of Pre-Contact archaeological deposits.** Phase IB testing along the full alternative alignment would require approximately 40 shovel test pits. Alternatively, should engineers devise a technique to avoid ground disturbance, IAC recommends no further archaeological survey for the project. Although filling and subsequent use can pose a compression hazard to buried cultural deposits, the proposed trail will be for pedestrians and bicyclists only. Such land use is unlikely to negatively affect archaeological deposits beneath the fill and will likely provide additional protection for potential archaeological resources located beneath the existing and often-used trail. Finally, IAC also recommends a review of final impacts, e.g. staging areas or stockpile locations, to establish the need for Phase IB testing at these locations.

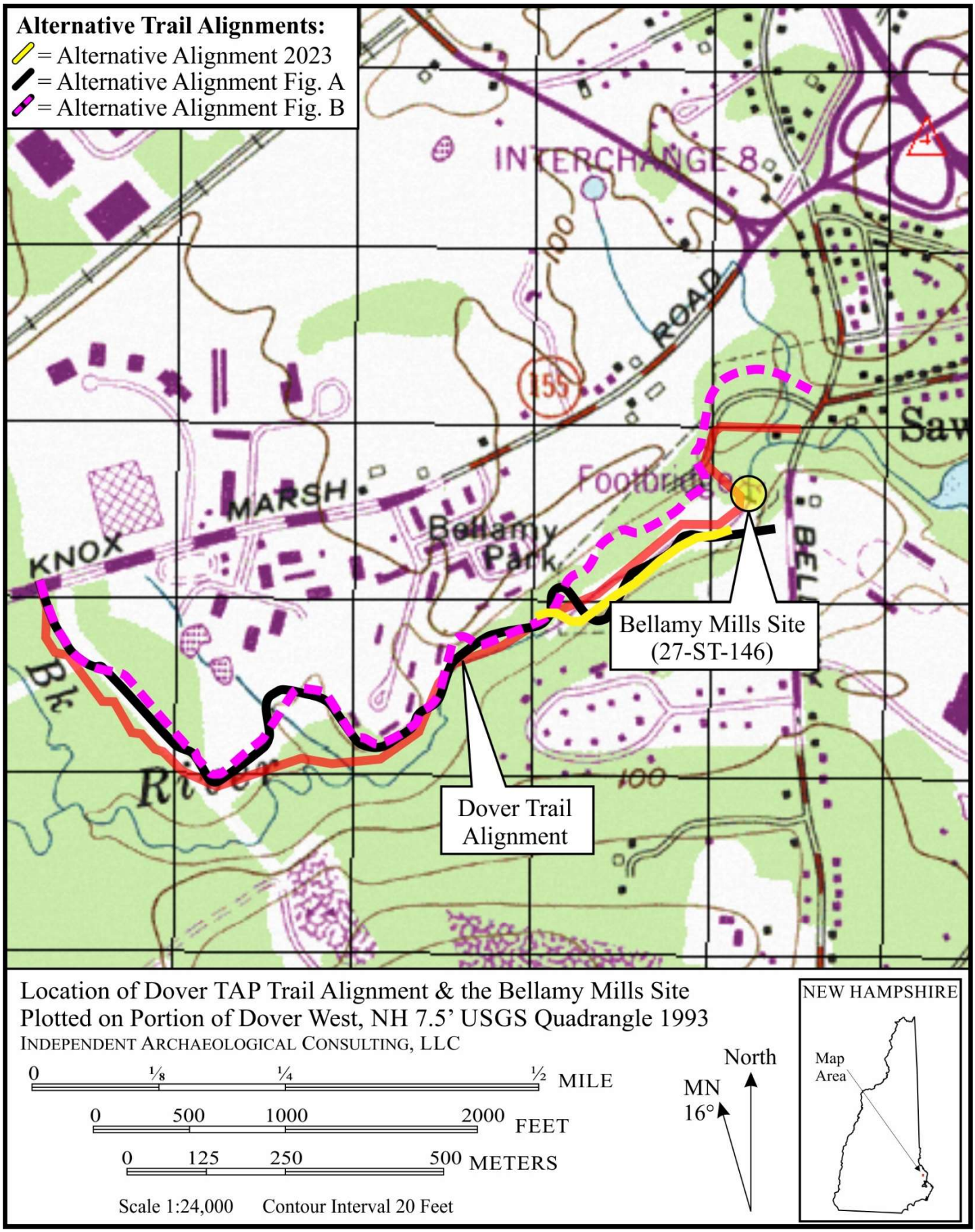



Figure 1. Dover TAP project original and alternative trail alignments in Dover, New Hampshire (after USGS 1993).

## PROJECT LOCATION

The town of Dover (Strafford County) is located in a 30-mile strip of land at the southeastern portion of New Hampshire designated as the Seaboard Lowland physiographic region. The Seaboard Lowland was submerged beneath the Atlantic Ocean during the waning stages of the last Ice Age and eroded by wave action for millennia. The result is relatively little topographic relief and low elevations that range from sea level to just 150 m (500 ft) above mean sea level (AMSL), with an average elevation of just 30 m (100 ft) AMSL. Following the retreat and melting of the great ice masses, the ice-depressed land rebounded, and sea levels rose nearly to pre-glacial levels (Van Diver 1987:18).

The Seaboard Lowland lay within the Piscataqua River watershed that drains roughly 8% of New Hampshire's total area (Potter 1994:10). In addition to the Bellamy River along the proposed trail alignment, other primary waterways of the Piscataqua River drainage include the Cocheco, Isinglass, Lamprey, Oyster, Squamscott, Exeter and Piscassic Rivers. Smaller waterways near the current project area include Knox Marsh Brook that meets the Bellamy River at a confluence just southwest of the proposed trail. The Piscataqua River watershed terminates at the Great Bay Estuary, a resource-rich ecosystem where tidally driven seawater meets the fresh water of the Piscataqua River drainage (NHDES 2019). The drainage system provided access to a wealth of floral and faunal consumables as well as a transportation corridor for both Pre-Contact and Post-Contact peoples to travel between the coast and interior forests using the network of the Piscataqua and its tributaries, including the Bellamy River.

The Dover TAP alternative trail alignment stretches along the southern bank of the Bellamy River, beginning at Bellamy Park and extending generally west for 395 m (1,296 ft) to a point where it crosses the river and connects to the original trail alignment subject to Phase IA assessment in 2020. The alternative trail crosses undeveloped wooded landforms with evidence of past disturbance limited to the existing trail visible as a compressed footpath (Figures 2-5).

A generalized bedrock map of New Hampshire indicates that the Dover TAP project is located in an area of Eliot Formation Silurian to Ordovician metasedimentary and metavolcanics rocks, including phyllite, calcareous quartzite, quartz-mica schist and well-bedded calc-silicate (USGS 1997). The alternative trail will cross landforms of three distinct soil units as shown in Table 1, dominated by sandy loams with a small pocket of silt loam where the trail crosses the Bellamy River channel (USDA 2019).

Table 1. Soil units along the alternative trail alignment.

| **Soil Unit** | **Slope Range in APE** |
|---|---|
| Charlton fine sandy loam | 3-8% |
| Suffield silt loam | 8-15% |
| Windsor loamy fine sand | 0-8% |



Figure 2. Eastern end of alternative trail alignment at the extant parking area, view west.



Figure 3. An example of the level terraces along the alternative trail alignment, view west.



Figure 4. View northwest of the Bellamy River from the alternative trail alignment.



Figure 5. An example of ground conditions along the existing trail, view west.

## POST-CONTACT EUROAMERICAN ARCHAEOLOGICAL RESOURCES

The full Post-Contact Euroamerican cultural context is not repeated here, but it is worth noting that research suggests by the 1650s, at least four homesteads had been established along the stretch of the Bellamy River between "Nocks Marsh Road" and Mast Road (Thompson, 1892). These ephemeral homestead sites likely consisted of small, sill-on-grade houses, which did not persist into the eighteenth-century. Unlike the later, eighteenth- and nineteenth century homes, which are shown clustered along the roadways on the Walling (1858) and Hurd (1892) maps, the seventeenth-century dwellings are more likely to be closer to the river, as they pre-dated the roadways. During the 2022 walkover survey, Archaeologists observed no evidence of surficial Euroamerican features along the alternative alignment. Due to the ephemeral nature of seventeenth-century homestead sites, portions of the proposed trail alignment are assessed as sensitive for seventeenth-century resources.

Figures 6 and 7 show the alternative trail alignment overlaid on the Walling (1858) and Hurd (1892) maps along with the 2020 survey area. Both maps show resources flanking the northern and southern shorelines of the Bellamy River, just west of Bellamy Road. The southern resource, closest to the new proposed trail alignment, is present on the 1858 map, however the label illegible (Figure 6). By 1892, when cartographers drafted the Hurd map, the resource is attributed to C.H. Sawyer (Figure 7). The nineteenth-century map overlays suggest any remnants of the C.H. Sawyer homestead are likely located beneath the current Bellamy Park Disc Golf parking area.

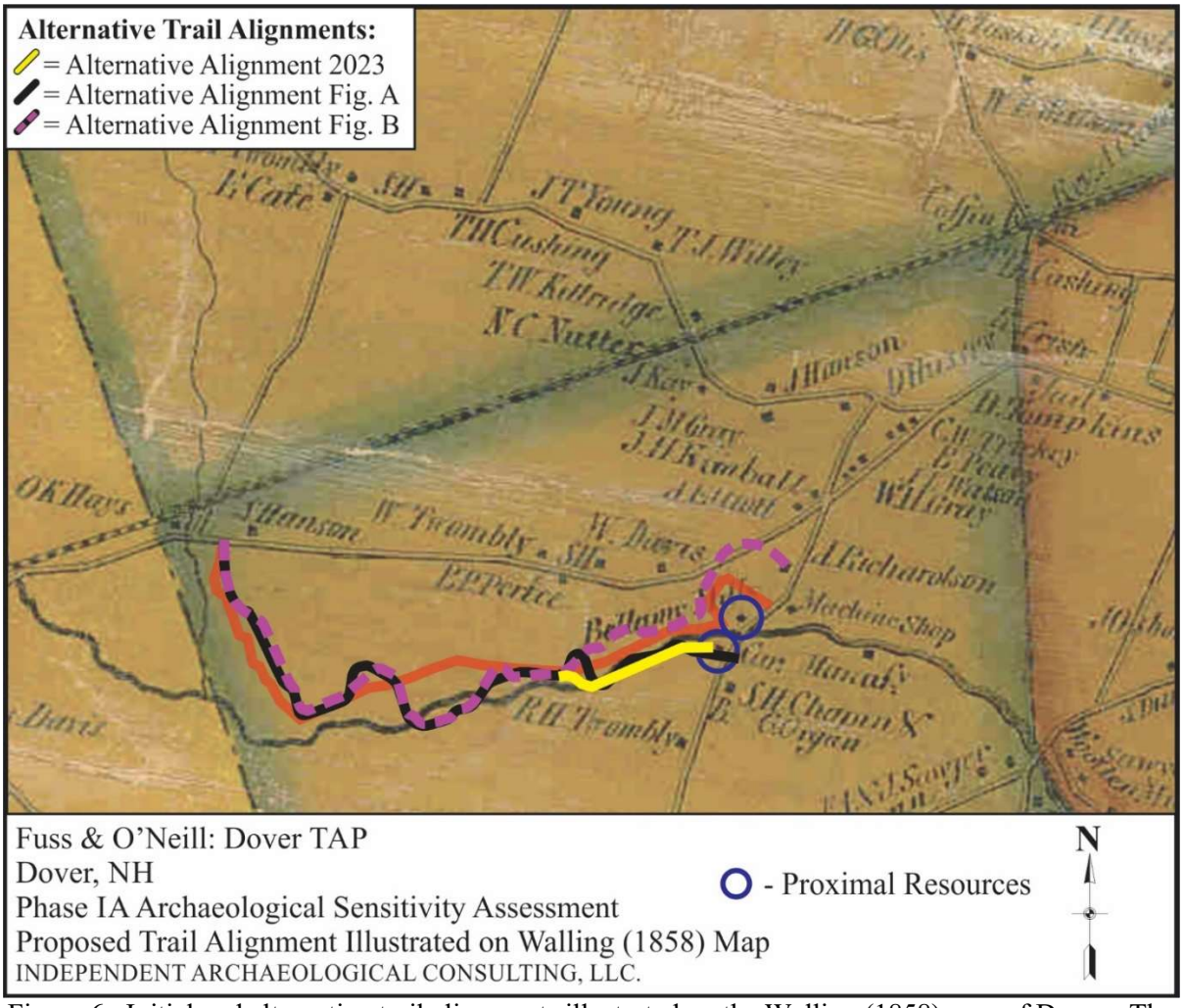



Figure 6. Initial and alternative trail alignments illustrated on the Walling (1858) map of Dover. The blue circle highlights the proximal Post-Contact resources.

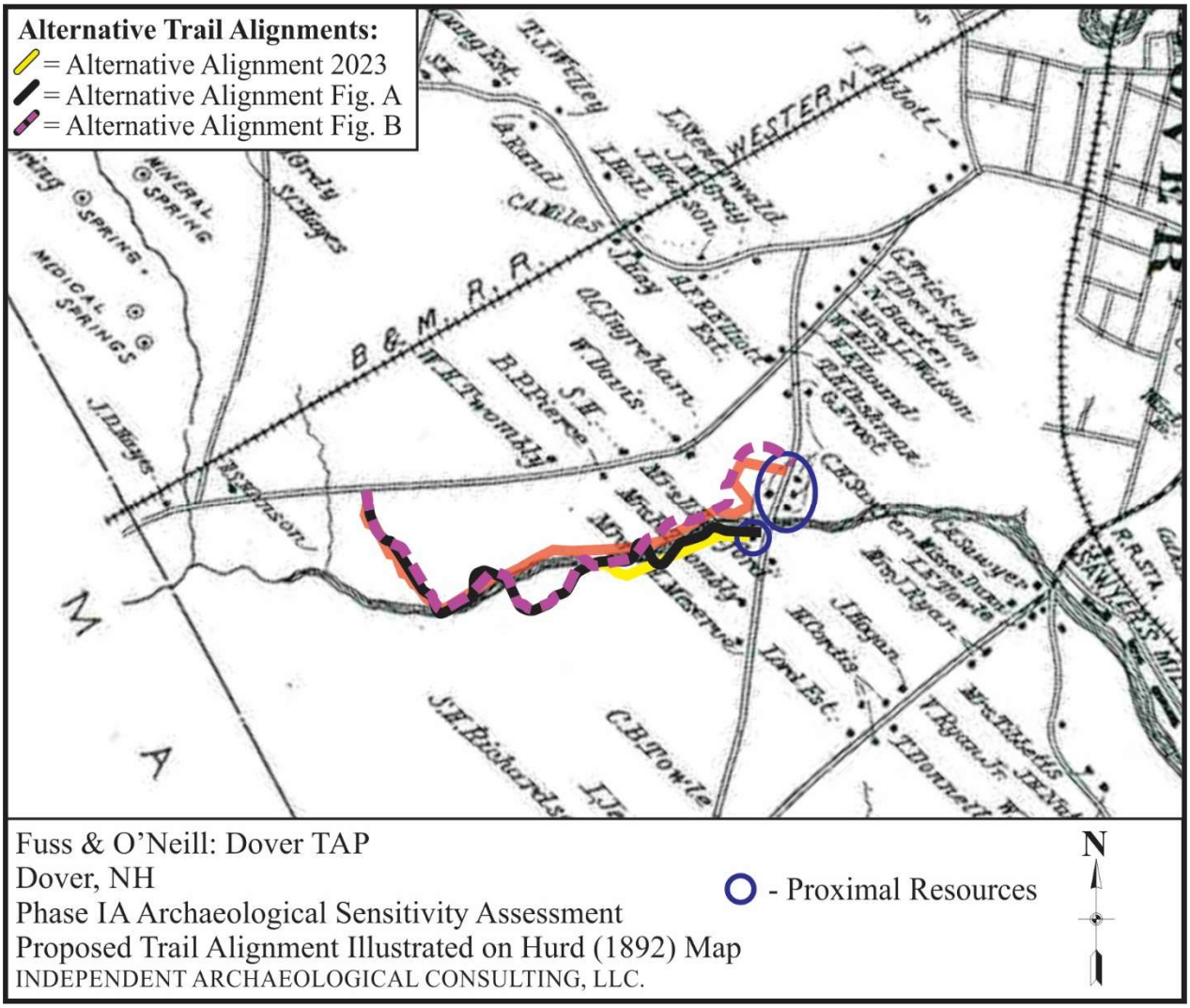



Figure 7. Initial and alternative trail alignments illustrated on the Hurd (1892) map of Dover. The blue circle highlights the various homes owned by C.H. Sawyer, including one south of the river.

## PHASE IA ARCHAEOLOGICAL SENSITIVITY ASSESSMENT METHODS AND RESULTS

The Phase IA sensitivity assessment includes several components to establish the archaeological sensitivity of a project area, which may be described as the likelihood or *potential* for Pre-Contact Native American or Post-Contact Euroamerican archaeological resources. To evaluate the potential for Pre-Contact cultural deposits, IAC analyzes several sources of data: soil information, topography, proximity to water or other resources (e.g., tool stone or clay for pottery), data from the distribution of known Pre-Contact sites, background research, and a walkover inspection. The Euroamerican sensitivity assessment involves these same steps but also includes a detailed review of nineteenth-century cartographic resources (Hurd 1892; Walling 1858), documentary evidence, historic USGS quadrangle maps, and available aerial images to identify documented Post-Contact residential or commercial sites within the survey limits.

The distribution of known Pre-Contact archaeological sites in New Hampshire indicates several criteria common to Native American occupation or activity sites, including level terrain, well drained soils, good vantage of the surrounding landscape, and access to water or other natural resources such as stone-tool raw material or clay beds for pottery production. The Dover TAP alternative trail alignment crosses a series of level terraces along the southern bank of the Bellamy River. In addition to a wealth of floral and faunal consumables, the Bellamy River provided navigable access to the major regional Native American travel corridor of the Piscataqua River tributary system. Native American groups could follow the river inland to the west or east to the Little Bay, Great Bay and eventually the Atlantic Ocean, providing access to resource-rich forest, riverine, estuarine and marine ecosystems. Considering topography, soils and general environmental conditions, the initial stages of the sensitivity assessment suggested a high potential for Pre-Contact cultural deposits along the alternative alignment.

Jacob Tumelaire served as Principal Investigator for the 2023 assessment and conducted the Phase IA walkover survey on January 19, 2023, aided by Project Archaeologist Shannon Mascarenhas. Unseasonable warm weather and virtually nonexistent snow cover provided excellent visibility along the full survey area extent. Archaeologists documented the inspection results with photographs, detailed notes and GPS data collected using a Trimble® Geo7X handheld GPS receiver. The field inspection is a vital step in the Phase IA survey that allows archaeologists to refine the results of the initial desktop assessment according to real-world ground conditions and the extent of Post-Contact development.

### Results of Archaeological Sensitivity Assessment

The 2023 Phase IA assessment resulted in the delineation of Sensitive Area 3 (SA-3), an area of Pre-Contact and Post-Contact archaeological sensitivity that encompasses the full extent of the alternative trail alignment (Figure 8). The alternative trail extends across a series of level terraces that form the southern bank of the Bellamy River (Figures 9-12). Native Americans camped atop the riverside landforms had direct access to a variety of floral and faunal consumables as well as to the river itself that provided a navigable route inland to the west or east towards New Hampshire's coastline. Given the topography and proximal resource bases, potential site types along the alternative alignment could range from ephemeral resource-extraction activity loci to long-term occupation sites.

Although archaeologists observed no evidence of surficial Euroamerican features during the walkover survey, with the resource shown on the Walling (1858) and Hurd (1892) maps likely beneath the existing parking area (Figure 13), IAC nonetheless designated SA-3 as also sensitive for Post-Contact Euroamerican resources. Background research indicates the presence of multiple early Euroamerican occupations that predate the nineteenth-century maps, with as many as four homesteads established along the Bellamy River by the 1650s. Often constructed without the substantial stone foundations common to later Euroamerican homes, these pre-1800 resources could have no visible indications of their presence on the modern

landscape. Nonetheless, informative early Euroamerican artifact deposits or features could remain buried along the proposed trail route and therefore IAC also designated SA-3 as sensitive for Post-Contact archaeological resources.

As previously mentioned, the existing trail is visible as a compressed footpath worn into the soil with no significant ground disturbance associated with its construction or use. Considering the minimal impact of the extant trail, intact Pre-Contact or Post-Contact cultural deposits could be preserved beneath the trail in addition to beyond its horizontal limits (Figure 14).

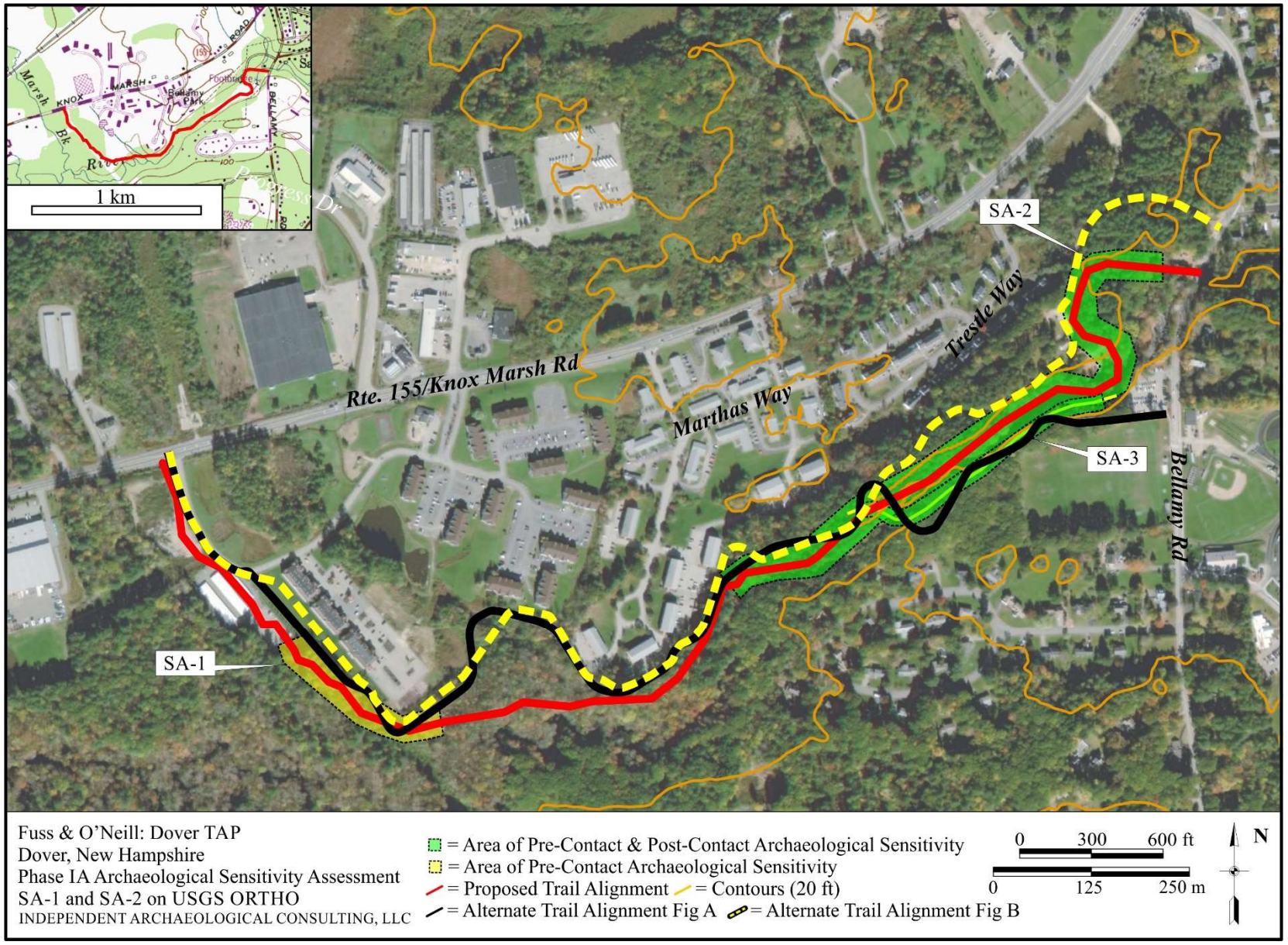



Figure 8. Archaeologically sensitive areas (SAs) identified along the original and alternative trail alignments.



Figure 9. View northeast of the Bellamy River from the alternative trail alignment.



Figure 10. An example of the highly sensitive riverside landforms within the survey area around the extant trail (dashed line), view west.



Figure 11. An example of the broad, level riverside landforms along the alternative trail alignment, view southwest.



Figure 12. An example of the level riverside terraces along the alternative trail alignment, view west.



Figure 13. Bellamy Park Disc Golf parking area at the eastern trail terminus that likely covers any remnants of the nineteenth-century home shown in this approximate area.



Figure 14. Typical conditions along the existing trail (outlined), view west.

## CONCLUSIONS AND RECOMMENDATIONS

IAC completed a Phase IA Archaeological Sensitivity Assessment for the Dover TAP project alternative trail alignment in Dover (Strafford County), New Hampshire in the winter of 2023. Project plans include the construction of a new pedestrian and bicycle trail to extend from Bellamy Park along Bellamy Road to its western terminus near the intersection of Rte. 155/Knox Marsh Road and Lilac Lane. IAC completed a Phase IA assessment of the original 1.9-km (1.2-mi) proposed alignment on the northern bank of the Bellamy River in 2020 and the 2023 survey encompassed a proposed alternative trail alignment on the southern riverbank (see Figure 1). The project remains in the preliminary design stage with no established methods of expansion/improvement or construction. Potential measures could include topsoil removal and filling, or surface fill deposits to prevent disturbance to natural soils.

The Dover TAP alternative trail alignment stretches along the southern bank of the Bellamy River, crossing numerous level landforms with ready access to the resource base and travel corridor of the river and the larger Piscataqua River watershed. The initial stages of the assessment suggested that significant portions of the project area are sensitive for Pre-Contact cultural deposits based on topography, soils, vantage, and proximity to the waterway. Background research also revealed the presence of a nineteenth-century Euroamerican resource near the alignment's eastern end, with an illegible label in 1858 and the associated with C.H. Sawyer in 1892. In addition to these nineteenth-century resources, IAC's research suggests that by the 1650s, as many as four homesteads had been established along the Bellamy River in and near the alternative trail alignment.

IAC identified virtually the entire alternative trail alignment as sensitive for Pre-Contact Native American cultural deposits, designated as Sensitive Area 3 (SA-3), with SAs 1 and 2 delineated during the initial 2020 assessment. The proposed trail crosses a series of level terraces of well-drained sandy soil overlooking the resource base and travel corridor of the Bellamy River. Landforms along the alternative alignment could support Pre-Contact site types from short-term activity sites to camps inhabited for multiple days. Archaeologists observed no evidence of Euroamerican features during the walkover survey – the resource shown on the Walling (1858) and Hurd (1892) maps is likely beneath the existing parking area – but nonetheless designated SA-3 as also sensitive for Post-Contact resources given documentary evidence for multiple early Euroamerican occupations that predate the nineteenth-century maps. Often constructed without the stone foundation elements common to Post-Contact homes built in the 1800s, pre-1800 resources could have no visible indications of their presence on the modern landscape. Nonetheless, informative early Euroamerican artifact deposits or features could remain buried along the proposed trail route. In addition, the extant trail is simply a compressed footpath and therefore intact Pre-Contact or Post-Contact archaeological deposits could exist both beyond and *below* the current trail limits.

**IAC recommends a Phase IB Intensive Archaeological Investigation to confirm the presence or absence of Native American and/or Euroamerican cultural deposits prior to any ground disturbance associated with trail construction or expansion/improvement within SA-3.** A Phase IB investigation along the full alternative trail alignment in SA-3 would require a total of approximately 40 shovel test pits. Should engineers devise methods to avoid ground disturbance during trail expansion or construction – such as filling atop the modern ground surface with no preceding excavation or ground disturbance – then IAC recommends no further archaeological survey for the Dover TAP alternative alignment. Filling and subsequent land use can pose a compression hazard to buried archaeological resources, however, the proposed trail will **only** be used for pedestrian and bicycle traffic. Foot and bicycle traffic pose a minimal threat to potential buried cultural resources and is unlikely to negatively affect archaeological deposits beneath the fill. Not only will fill deposits pose less of a threat than the current trail use as a foot-worn path atop the natural ground surface, but the fill may also provide additional protection for any undocumented archaeological resources located beneath the trail. **Finally, IAC recommends a review of final impacts, e.g. staging areas or stockpile locations, to establish the need for Phase IB testing at these locations**.

## REFERENCES CITED


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# Appendix E

## Type, Span, and Location Study Letter

FUSS & O'NEILL

October 26, 2023

Donna Benton
City Planner
City of Dover, New Hampshire
288 Central Avenue, 2nd Floor
Dover, New Hampshire 03820

Re: Dover Community Trail Phase IV
Type, Span, and Location Study
Fuss & O'Neill Reference No. 20170299.001

Dear Ms. Benton:

Fuss & O'Neill is pleased to provide the following Type, Span and Location Study (TSL) Report for the construction alternative for the pedestrian crossing of the Bellamy River for the Dover Community Trail, Phase IV project. This report summarizes the layout and superstructure type, and evaluates the substructure types for the proposed bridge.

Executive Summary

- The bridge will connect the proposed Dover Community Trail, Phase IV across the Bellamy River.
- A prefabricated steel through truss with a wood deck is recommended.
- Concrete abutments bearing on structural fill or bedrock is recommended.

Existing Condition

The proposed Dover Community Trail, Phase IV project will follow an existing non-delineated trail system along the northern side of the Bellamy River. A bridge structure is proposed to gain access to the southern side of the river. There once was a structure at the proposed location, evident by two old masonry abutments on either side of the river. The abutments are located along the river banks right against the water line. Based on the survey information, the grade at the face of the old abutments is 76-feet with a top of abutment elevation of 82-feet.

Proposed Trail Alignment, Profile, and Typical Section

The trail alignment and profile have not yet been fully developed; additional information regarding the design of these components will be included in the engineering study. It is expected the horizontal alignment will match into the selected bridge layout and the profile will be a tangent across the length of the bridge of approximately 3%. The trail approach will be 10 feet wide with 2-foot shoulders on either side for a total width of 14 feet. The bridge will have a curb-to-curb width of 10 feet to match the approach trail width. The slopes coming off the approach trail section will be 4:1. A 2:1 maximum slope will be used in front of the abutments and wingwalls.

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Manchester, NH
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Vermont

Bridge Superstructure Type

Based on previous information from the City of Dover, the preferred bridge type is a prefabricated steel truss system. This system will be designed, fabricated, and delivered by a truss manufacturer. The system can be erected quickly since it will come in two pre-constructed pieces which reduces the construction time in comparison to other structure types. Also, the pedestrian truss systems are found to be more aesthetically pleasing compared to the traditional deck-beam structures. We agree that a prefabricated truss is the appropriate bridge type for this location.

Proposed Bridge Layout

Two bridge length/layout options were evaluated, a 120-foot bridge and a 105-foot bridge. For each option, the proposed abutments will be placed at the top of the channel banks in order to avoid any hydraulic impacts. Based on information from the City of Dover, the bridge will be significantly higher than known flood elevations, therefore no hydrologic/hydraulic analyses will be needed. The layout of each option is discussed below.

*Option 1 – 120-foot Bridge*

This layout option consists of a 120-foot truss structure, with the abutments located within the flattest areas on either side of the Bellamy River in an effort to reduce the slope impacts of the trail approach and wingwalls. This resulted in the structure crossing the river at an approximate angle of 80 degrees, requiring the bridge length to be 120 feet.

This layout option is expected to result in more overall project impacts and construction cost; therefore, this option is not recommended.

*Option 2 – 105-foot Bridge*

To reduce the impacts, a shorter span length with a more direct intersection with the original Dover Community Trail alignment was evaluated. This layout option consists of a 105-foot truss structure, with the abutments located to set the bridge perpendicular to both the river and the original Dover Community Trail alignment.

This is the recommended option as it will have a shorter span length which will result in fewer impacts to the area and will be more cost effective.

Geotechnical

S.W. Cole completed borings at the approximate proposed abutment locations on either side of the Bellamy River. A Geotechnical Report was prepared and summarizes the findings of the subsurface explorations and the geotechnical recommendations. The borings indicate that the approximate bedrock elevations are 83 feet and 93 feet for Abutments A and B, respectively. Both borings consist of glacial till and fine sand from existing ground to the bedrock elevation of 82 feet for

Abutment A and 93 feet for Abutment B. The bedrock is classified as hard and slightly weathered. Please see the Geotechnical Report for additional information.

Abutment Type

Based on the shallow depth to bedrock and the high blow counts of the existing glacial till layers, integral abutments and abutments on piles were determined to not be viable; therefore, standard cantilever abutments with spread footings, supported on glacial till or bedrock are recommended.

The proposed finished grade elevations in front of the abutments will be 93 feet and 96.5 feet for Abutments A and B, respectively. Per the Geotechnical Report, the bottom of a footing founded on soil should be 4.5 feet below grade.

The proposed bottom of footing elevation of abutment A is 88.5 feet. This places the footing approximately 6.5 feet above bedrock and within the glacial till layer. The glacial till is adequate to support the footing, therefore it is recommended the abutment A footing be founded on soil in lieu of over-excavating to the bedrock surface.

At abutment B, bedrock is shallower and was encountered at elevation 93 feet; only 3.5 feet below the proposed grade. Therefore, it is recommended the abutment B footing be founded on bedrock.

Constructability

The access to the proposed construction site is limited. The abutments are located on the banks on either side of the Bellamy River which are wooded and have no access road. To construct the proposed structure, access has to be created to allow large machinery and trucks to get to the site. For example, the prefabricated truss will be delivered to the site in two pieces. Each piece will be 55 feet long and weigh approximately 26,000 pounds. The trucks will need to be able to drive up to the abutment locations and get back out. Because of the large weight for each piece, a crane will need to be located at each abutment to erect the structure.

The proposed approach trail width is 14 feet, which should be sufficient to allow access for equipment and materials to be delivered to the bridge location. It is anticipated that staging areas for the bridge construction will require additional clearing beyond what is needed for the proposed work. These potential areas can be further evaluated during the preliminary design.

Cost Estimate

A preliminary cost estimate, for the bridge only, has been prepared using standard NHDOT items. The quantities were estimated using the conceptual plans. The estimate was developed using current construction costs with adjust for future inflation; unit prices were based on recently bid, similar type, projects along with an estimate for the truss system provided by the manufacturer.

**105-Foot Steel Truss Structure**

| | | |
|---|---|---|
| Base Bridge Items: | $ | 490,000 |
| Mobilization (10%): | $ | 50,000 |
| Engineering & Permitting (10%) | $ | 55,000 |
| Construction Engineering (15%) | $ | 80,000 |
| **GRAND TOTAL** | **$** | **675,000** |

Recommendations

The recommended bridge type is a 105-foot, simple-span, prefabricated steel truss with wood plank deck supported on cantilever abutments with spread footings on soil (Abutment A) and on bedrock (Abutment B).

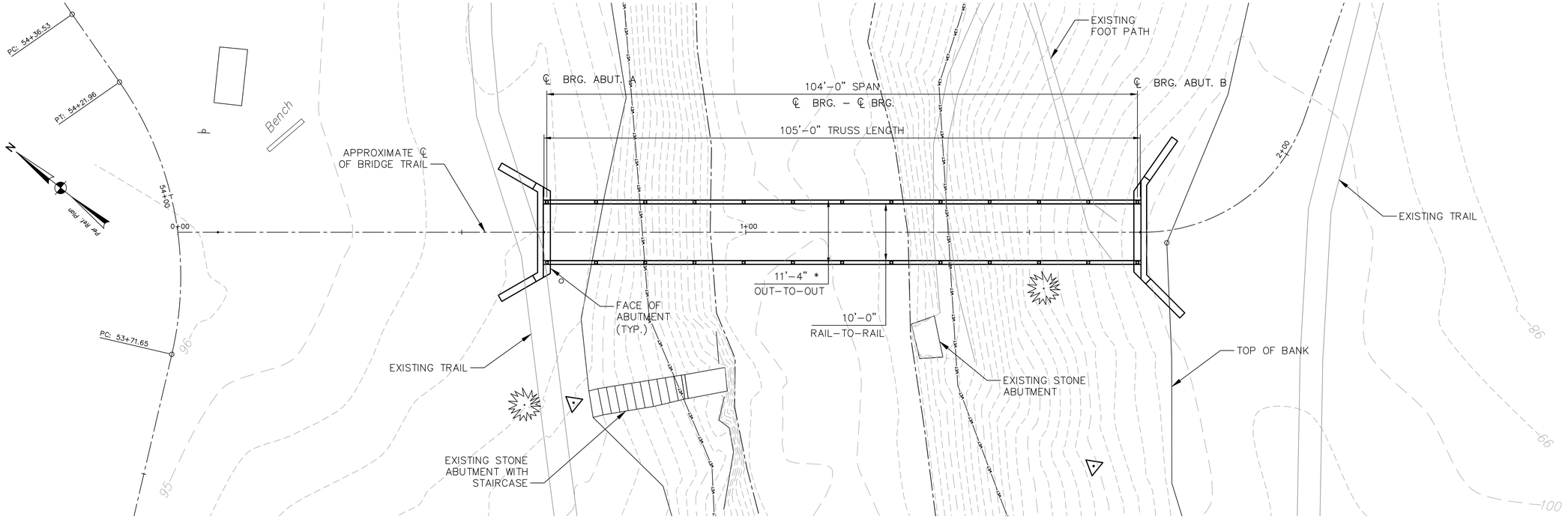
Please contact me if you have questions, comments, or require any additional information.

Sincerely,

Jaime French

Jaime French, PE
Associate | Transportation Department Manager

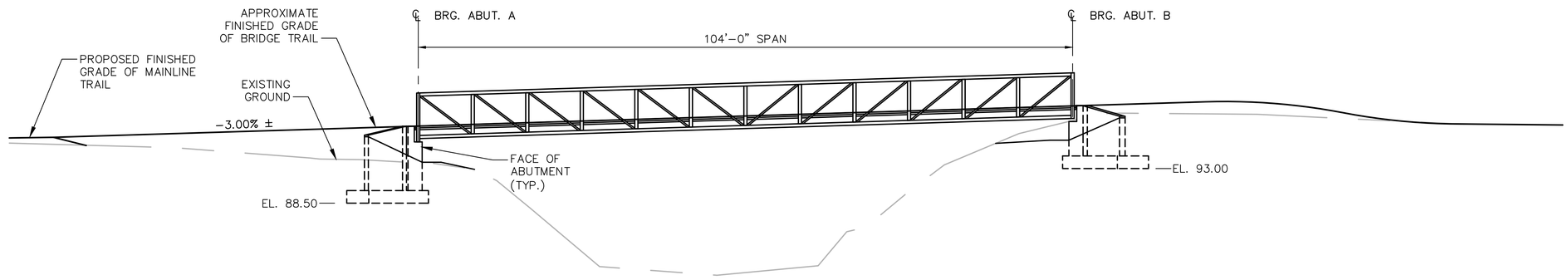
Enclosures




## GENERAL PLAN

SCALE: 1" = 10'-0"

* STEEL TRUSS DIMENSIONS MAY VARY DEPENDING ON SPECFIC TRUSS SYSTEM USED




## ELEVATION

SCALE: 1" = 10'-0"

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MANCHESTER, NEW HAMPSHIRE 03101
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CITY OF DOVER

GENERAL PLAN & PROFILE

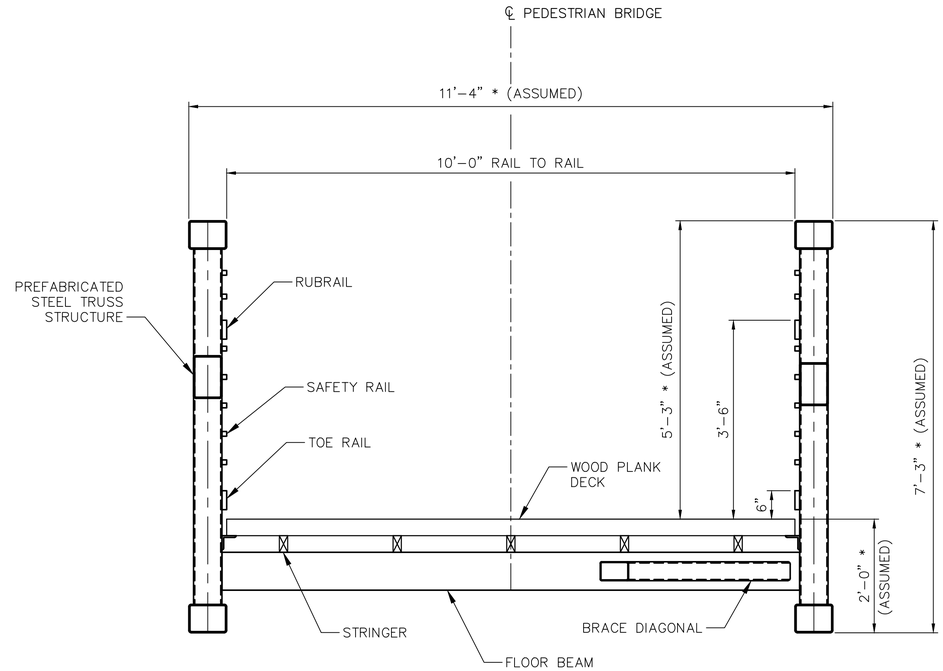
DOVER COMMUNITY TRAIL, PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: 10/09/2023

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* STEEL TRUSS DIMENSIONS MAY VARY DEPENDING ON SPECIFIC TRUSS SYSTEM USED.

## TYPICAL DECK SECTION

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TYPICAL SECTIONS

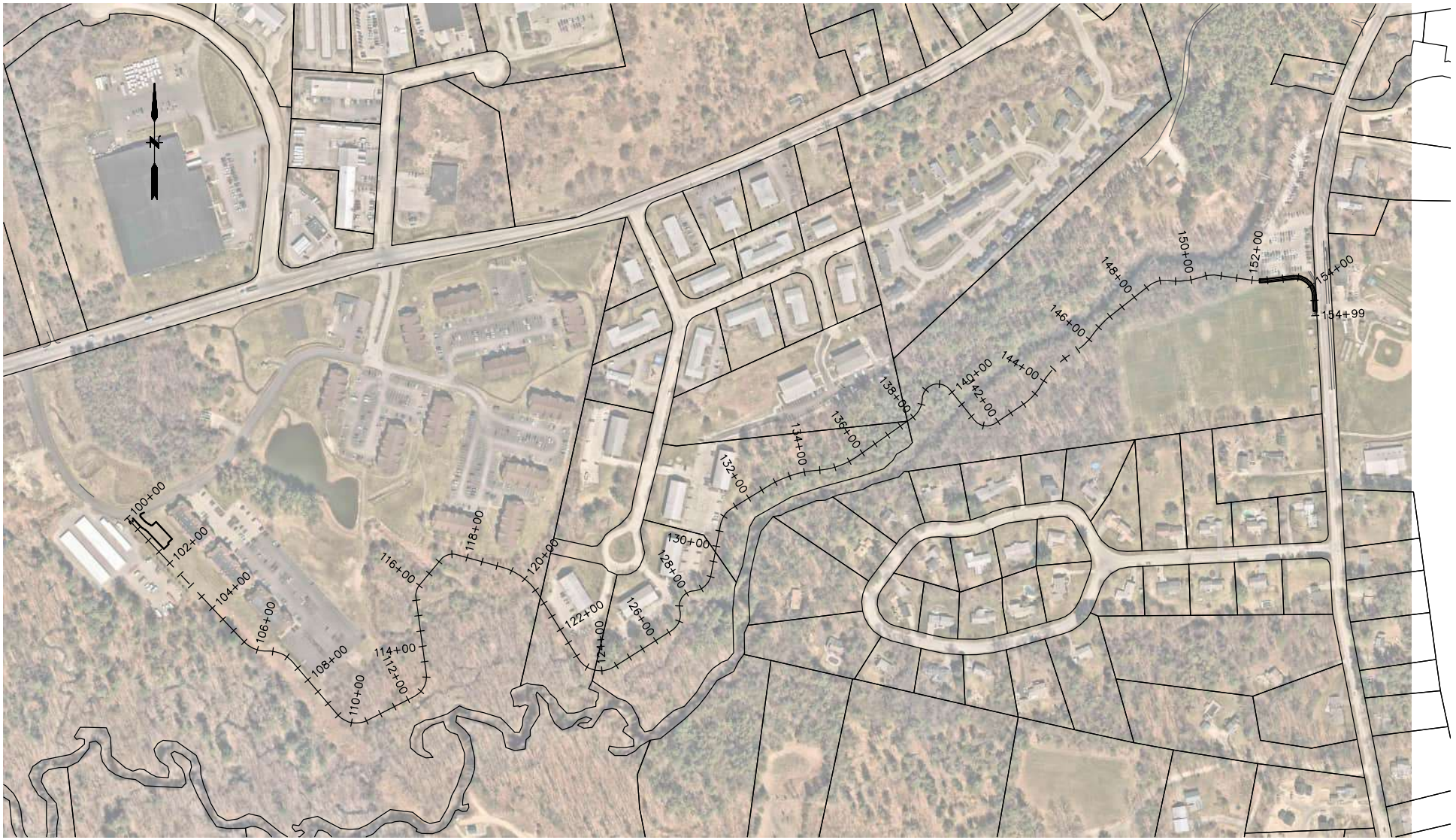
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DOVER NEW HAMPSHIRE

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CITY OF DOVER

# ALIGNMENT ALTERNATIVE 2 OVERVIEW PLAN

DOVER COMMUNITY TRAIL
PHASE IV

DOVER NEW HAMPSHIRE

PROJ. No.: 20170299.000
DATE: APRIL, 2024

CR-200

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CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE # WAIV-2024-0010

| | |
|---|---|
| Application Type: | Site Plan Amendment |
| Applicant(s): | Summit Land Development, LLC |
| Owner(s): | Pointe West, LLC |
| Location: | 40 Pointe Place (Assessor's Map K, Lot 19) |
| Meeting Date: | July 23, 2024 |

**INTENT:** The Board previously approved a Site Plan for the subject parcel on July 28, 2020. Two lots have been developed as proposed and the applicant is now proposing to change the remaining lot from one mixed-use residential building with 60 units to four (4), two-story buildings totaling 32 units.

**UNITS PROPOSED:** 32 units (60 units plus 10,000 s.f of non-residential previously proposed)

**AGENDA ITEM #:** 4-B

**ACREAGE:** Lot C= 3.45± acres

**ZONING DISTRICT:** IT, RCM Overlay

**EXISTING USE:** Vacant

**PROPOSED USE:** Residential

**SURROUNDING USES:** Residential, Mixed-Use

**ZBA ACTION:** None

**PERMITS REQUIRED:** N/A

**WAIVERS REQUIRED:** N/A

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**NOTICES SENT:** Abutter notices were sent by certified mail.

**TRC:** N/A

**ATTACHMENTS:** Application materials, previous site plan

**Summary of Request and Background**
On July 28, 2020, the Board approved a Site Plan for the subject parcel that included three lots:

> Lot A: Five-story building, (6,500 square foot footprint), with 24 residential units and first floor commercial.
> Lot B: Seven townhouses with 30 residential units.
> Lot C: Five-story building, (20,000 square foot footprint), with 10,000 square feet of commercial space, 60 residential units, and a maximum height of 55'.

Since that time, Lots A and B have been constructed as approved. The applicant is now proposing to change the remaining Lot C from one mixed-use building with 10,000 square feet of commercial space and 60 residential units to four (4), two-story buildings totaling 32 units.

In comparison with the originally approved plan, the proposed buildings will remain within the original design footprint, have 6,500 square feet less impervious area, remove the commercial component, increase green space between buildings, and decrease the building height by two stories. The proposal also includes the widening of a gravel access drive with access to Applevale Park that will increase the gravel area by 1,500 square feet.

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

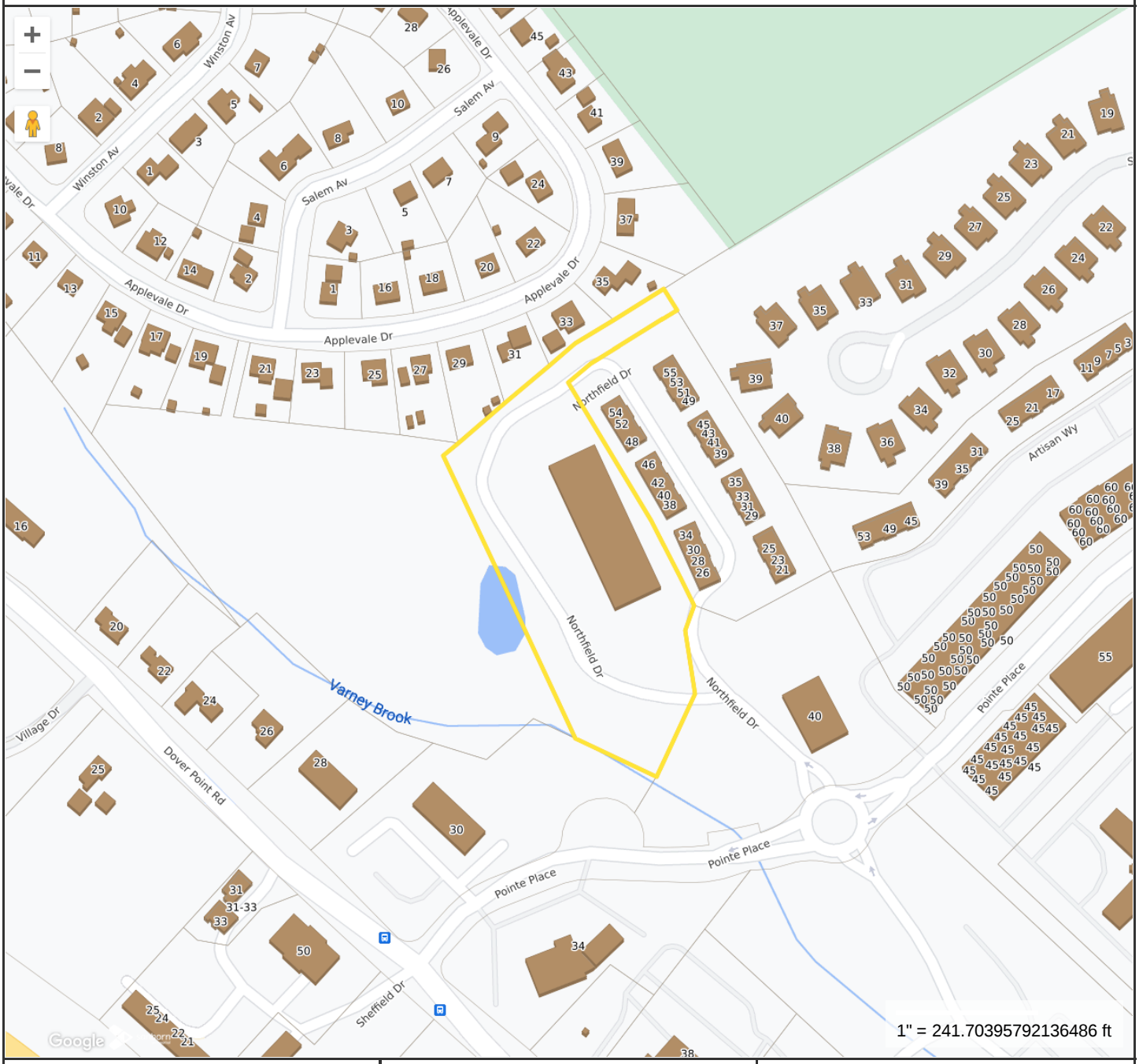
**STAFF RECOMMENDATION:**
The Planning Department recommends the Planning Board accept the application, open the public hearing, make findings, and vote to approve the Site Plan Amendment with the following subsequent conditions:

**Subsequent Conditions of Approval Prior to Signing of the Plans:**

1. Same conditions of the original approval (P20-32) still apply.
2. Revise plans to:
   - 2.1. Add file number (WAIV-2024-0010)
   - 2.2. Add note referencing previously approved plans (P20-32) as the submitted plans just show the amendments.
   - 2.3. Include plan or narrative explaining revised landscaping and lighting.
   - 2.4. Note that the removal of the commercial space did not affect the previously approved ratio for commercial to residential.
   - 2.5. Show Water-line loop; if connection to the hydrant at the Townhomes doesn't work then add a new hydrant at the top of our waterline run.
   - 2.6. Add Sewer Connection Permit number once approved
   - 2.7. Show drainage exhibit.
   - 2.8. Add pedestrian walkway between ballfield parking and apartment building

2.9. Add note that the ballpark parking and access road will be maintained year-round
2.10. Show water and FDC on utility plan.
2.11. Note EVSE readiness

# WAIV-2024-0010 Northfield Drive




**Property Information**

| | |
|---|---|
| **Location** | DOVER POINT RD |
| **Owner** | POINTE WEST LLC |
| **Land Use** | |
| **Zoning Code** | IT |
| **Property Id** | K0019-000000 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 10/30/2023
Data updated Daily

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

# PLAN SNAPSHOT REPORT WAIV-2024-0010
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Plan Type:** | Waiver / Extension / Amendment | **Project:** | | **App Date:** | 06/07/2024 |
| **Work Class:** | Plan | **District:** | None | **Exp Date:** | 08/11/2024 |
| **Status:** | In Review | **Square Feet:** | 0.00 | **Completed:** | NOT COMPLETED |
| **Valuation:** | $0.00 | **Assigned To:** | Glidden, Jean | **Approval Expire Date:** | |
| **Description:** | Amendment | | | | |

| | | |
|---|---|---|
| **Parcel:** K0019-000000 Main | **Address:** Dover Point Rd<br>Dover, NH<br><br>Northfield Drive Building #1 Main<br>Dover, NH 03820 | **Zone:** |

| Applicant | Owner |
|---|---|
| Chad Kageleiry | Chad Kageleiry |
| 340 Central Avenue Suite 202 | 340 Central Avenue Suite 202 |
| Suite 202 Suite 202 | Suite 202 Suite 202 |
| Dover, NH 03820 | Dover, NH 03820 |
| Business: (603) 749-2800 | Business: (603) 749-2800 |

**Plan Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Project Location | Pointe Place - Phase 5 - Lot C | Waiver Request Type | Amendment | Project Name | Project P20-232 |
| Owner Phone | 6037492800 | Owner Name | Pointe Northwest, LLC | Original Plan Approval Date | Jun 1 2020 12:00AM |
| Owner Address | 340 Central Ave Ste 202 Dover, NH 03820 | Owner EMail | chad@summitlanddev.com | Plan ID Number | |
| Plan Type | Site Plan | Extension Request Detail | | Condition / Portion of Plan to be Amended | Building |
| Amendment Request Detail | The approved building for the site is a 250 ft X 80 ft (20,000 sf footprint) building with a maximum height of 55 feet. Summit is proposing to replace this building with four walkup buildings (3,350 s.f./ea footprint) and only two stories, approximately 24 feet in height. | Site / Subdivision Portion of Plan to be Waived | | Waiver Request Detail | |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| Signature_Chad_Kageleiry_6/7/2024.jpg | 06/07/2024 10:23 | Kageleiry, Chad | | Uploaded via CSS |

| Invoice No. | Fee | Fee Amount | Amount Paid |
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| INV-00008225 | Planning Waiver / Extension /Amend Application Fee | $200.00 | $200.00 |
| | Total for Invoice INV-00008225 | $200.00 | $200.00 |
| INV-00008284 | Planning Public Notice in Newspaper | $120.00 | $0.00 |
| | Planning Certified Mailing to Abutters | $120.00 | $0.00 |
| | Planning Certified Mailing to Application Contacts | $20.00 | $0.00 |
| | Planning Creation / Printing of Abutter Labels | $30.00 | $0.00 |
| | Planning First Class Mailing | $25.00 | $0.00 |
| | Total for Invoice INV-00008284 | $315.00 | $0.00 |
| | **Grand Total for Plan** | **$515.00** | **$200.00** |

# PLAN SNAPSHOT REPORT (WAIV-2024-0010)

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 06/13/2024 14:01 | 06/13/2024 14:02 |
| Confirm application complete v.1 | Generic Action | | 06/13/2024 14:02 |
| Technical Review Committee Meeting Agenda v.1 | Task | | 06/13/2024 14:01 |
| Land Use Plan Technical Review v.1 | Receive Submittal | | 06/13/2024 14:02 |
| Technical Review Committee Meeting v.1 | Hold Meeting | | 06/13/2024 14:02 |
| **Planning Board v.1** | | 06/13/2024 14:02 | |
| Planning Board Agenda v.1 | Task | 06/13/2024 14:02 | 06/13/2024 14:02 |
| Invoice for Notices v.1 | Task | 06/13/2024 14:02 | 06/13/2024 14:02 |
| Send Notices v.1 | Task | | |
| Planner Creates Staff Recommendations v.1 | Plan Activity | | |
| Distribute Planning Board Materials v.1 | Task | | |
| Planning Board Hearing v.1 | Hold Hearing | | |
| Planning Board Decision v.1 | Plan Activity | | |
| NOD Sent to Applicant v.1 | Create Report | | |
| **Final Plan v.1** | | | |
| Land Use Plan Stamped and Signed v.1 | Generic Action | | |
| Recording v.1 | Task | | |
| Document Archival v.1 | Generic Action | | |
| Internal Notification of Plan Completion v.1 | Generic Action | | |
| Building Official Notifies Address v.1 | Generic Action | | |
| Pre-Con Meeting v.1 | Hold Meeting | | |
| **Create/Link to Records v.1** | | | |
| Create / Link to Permit - Building Major v.1 | Create Sub Permit | | |
| Create / Link to Permit - Site Work, Construction v.1 | Create Sub Permit | | |

ALTUS ENGINEERING

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

June 5, 2024

Ken Mavrogeorge, City Engineer
City of Dover Planning and Community Development
271 Mast Road
Dover, New Hampshire 03820

Re: **DESIGN MEMORANDUM**
**Pointe Place - Phase 5 - Lot C Site Revisions**
City of Dover Project P20-32
Assessor's Map K, Lot 19
Altus Project #P5057

Mr. Mavrogeorge,

On behalf of Summit Land Development (Summit), Altus Engineering LLC (Altus) submits the following information and Revised Plans for the Pointe Place – Phase 5 development site, City of Dover Project P20-232. This site was approved in 2020 and included three development areas that were subdivide into separate lot developments.

Lot A) Five story building (6,500 s.f. footprint) with 24 residential units and first floor commercial at the northeast quadrant of the roundabout
Lot B) Seven Townhouses with 30 residential units in the northeast portion of the site
Lot C) Five story building (20,000 s.f. footprint) with 60 residential units and a maximum height of 55 in the northeast portion of the site and west of the townhouses

Lot developments A and B have been constructed, while Lot C for the subject site has been rough graded for the original building and parking layout. The majority of the utilities have been installed and stubbed to the site; including drainage structures, water, sewer, electrical, and light pole bases. The intent of the new development is to stay within the originally proposed design footprint, while providing a smaller scale development that will fit better into the neighborhood ad overall master plan for Pointe Place.

Summit is proposing to revise Lot C to construct a less intrusive plan for the site. The approved building for the site is a 250 ft X 80 ft (20,000 sf footprint) building with a maximum height of 55 feet. Summit is proposing to replace this building with four townhouse buildings (3,350 s.f./ea footprint) and only two stories in height. This new development plan will provide more sunlight, airflow, and green space for the site and will fit into the character of the development much better than the originally approved building. By providing more open space between the buildings, the impervious area will be reduced by approximately 6,500 square feet. Widening of the gravel access drive along the west side of the stormwater pond to provide access to the public field at Applevale Park will increase the gravel area by approximately 1,500 square feet. The reduced stormwater impacts will be beneficial to the site and the stormwater management system. This reduced plan will provide a less expensive housing option at Pointe Place, compared to the approved plan, while also significantly reducing traffic and the burden on other municipal services.

As requested, the attached Comparison Plan (CP-1) shows the approved impervious areas (blue hatching) compared to the proposed site plan revision. The new buildings will be located predominantly in the footprint of the approved 250' x 80' building, while the parking and driveway access will have minimal changes to accommodate the new buildings. The plan illustrates the additional green spaces that will be provided between the buildings, ranging from 25 to 33 feet in width. Not represented in the Comparison Plan is the height of the new buildings compared to the approved buildings which will be significantly lower and allow for air flow, sunlight, and views to other areas of the Pointe Place development. The parking calculations are proved below along with a review of the drainage calculations for the proposed revisions.

| **Parking Calculations:** | | REQUIRED | PROVIDED |
|---|---|---|---|
| RESIDENTIAL: | 2 SPACES / UNIT (32 UNITS) = | 64 Spaces | 68 Spaces |

**Drainage Review:**
The proposed site revisions provide a reduction in the site impervious surfaces of approximately 6,500 square feet and in increase in gravel driveway of approximately 1,500 square feet. Altus has reviewed the drainage model and calculations and the proposed revisions will provide a reduction in peak flows to the designed stormwater treatment system, compared to the approved design. The resulting stormwater treatment system design provides for additional capacity and will not have a negative impact on the approved stormwater management system.

Summit has discussed the new development plan with some of the residents of the townhouses along Northfield Drive and the residents are very supportive of the new plan which will eliminate the proposed building "wall" and provide more green space, light, and airflow for the neighborhood.

**Attachments:**

1. Revised Plans (dated June 5, 2024)
   (Comparison Plan, Revised Site Plan, Revised Grading and Drainage Plan)

Please feel free to contact me if you have any questions.

Sincerely,
ALTUS ENGINEERING, LLC



Cory D. Belden, PE

Copy: Chad Kageleiry, Summit Land Development
Encl

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – WAIV-2024-0010

| | |
|---|---|
| Application Type: | Site Plan Amendment |
| Applicant(s): | Summit Land Development, LLC |
| Owner(s): | Pointe West, LLC |
| Location: | 40 Pointe Place (Assessor's Map K, Lot 19) |
| Date: | July 18, 2024 |

**INTENT:** The applicant previously received Planning Board approval for a Site Plan for the subject parcel on July 28, 2020. Two lots have been developed as proposed and the applicant is now proposing to change the remaining lot from one mixed-use building with 60 residential units to four (4), two-story residential buildings totaling 32 units.

**UNITS PROPOSED:** 32 units (60 units originally proposed with 10,000 s.f. of non-residential)

**AGENDA ITEM #:** 3

**ACREAGE:** Lot C=3.45± acres

**ZONING DISTRICT:** IT, RCM Overlay

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Mixed-Use

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Marn Speidel, Police Department
Ken Mavrogeorge, Engineering
Craig Chabot, Fire Department
James Burdin, Business Development

**Others:**
Erin Bassegio, Assistant City Planner
Chad Kageleiry, Applicant/Owner

**PLAN REVIEW:**
**Planning:**

- Updated lighting and landscape plans or narrative needed.
- Narrative revised to explain removal of commercial space and how it doesn't impact previously approved CUPs or DA.

**Engineering:**

- How would these connect into the sewer and water systems? Previously the larger building had one water connection where we would expect each of the standalone buildings to have a service that is sub metered internally.
- If water is extended to the last (northernmost) unit it would make sense to loop it to the existing water main in the adjacent drives.
- For sewer it would seem that a new sewer connection permit would be required with the NHDES.
- Will the lighting plan change now that there are walkways between the structures?
- How are the buildings tied into the drainage system?

**Police:**

- Who will maintain the proposed gravel access road and gravel parking area during winter, given that it is earmarked as overflow parking for Tax Map K, Lot 19?
- Does the proposed change of access to this public parking area impact the Development Agreement?
- Police request that you provide and maintain a connection between your site driveway and the gravel parking area as per the original plan, in addition to – or in lieu of – widening and extending the gravel driveway.

**Inspection Services:**

- Fire Department connection locations?
- Dumpster screening/detail the same as previous approval?
- EVSE readiness on site?

**Fire Department:**

- No comments.

DRAFT

| | |
|---|---|
| Application Type: | Site Plan Amendment |
| Applicant(s): | Summit Land Development, LLC |
| Owner(s): | Pointe West, LLC |
| Location: | 40 Pointe Place (Assessor's Map K, Lot 19) |
| Date: | July 18, 2024 |

**Business Development:**

- The proposed amendment appears equally suitable for this site as the original approval and contributes to the diversity of housing stock within the development.
- The 2020 preliminary lot layout plan identifies lot C as a mixed-use building (commercial square footage not specified), but the design memorandum only appears to speak to revisions to residential units. Can you speak to the decision to eliminate the commercial space?

**Planning Board:**

- N/A

**Next Steps:** Any remaining items above will become Conditions of Approval for the Planning Board amendment request.

**Adjournment:** J. Burdin moved to adjourn the meeting at 12:19 p.m. Seconded by M. Speidel. Vote: U/A

DRAFT

ALTUS ENGINEERING

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

July 19, 2024

Donna Benton, AICP
Director of Planning and Community Development
City of Dover Planning Department
288 Central Ave
Dover, New Hampshire 03820

**Re: Site Review Amendment Application for Planning Board**
**Pointe West - Phase 5**
**Tax Map K, Lot 19**
**City File #P20-32/ Altus File P-5057**

Dear Ms. Benton:

On behalf of Pointe West LLC and Summit Land Development, Altus Engineering, LLC (Altus) is pleased to re-submit the Site Review Amendment Application for "Lot C" of the Pointe West mixed-use development site, located on Tax Map K, Lot 19Summit is proposing to revise Building #7 to construct a less intrusive plan for the site. Building #7 was approved as a 250 ft X 80 ft (20,000 sf footprint) building with a maximum height of 55 feet. Summit is proposing to replace the building with four townhome buildings, each approximately 3,350 sf in footprint and only two stories in height.

Included in this submittal for consideration at the July 23, 2024 Planning Board meeting are six (6) hard copies and an electronic copy of the following:

- Design Memorandum, dated June 30, 2024
- Revised Site Plans, dated June 30, 2024
- TRC Review Letter

We will comply with all comments from the attached TRC Review Letter

Please call if you have any questions or require additional information.

Sincerely,

Cory Belden

Cory Belden, P.E.

copy: Chad Kageleiry, Summit Land Development
*wde/5057_P5 City ltr 7-19-24.doc*

ALTUS ENGINEERING

Civil
Site Planning
Environmental
Engineering

133 Court Street
Portsmouth, NH
03801-4413

# DESIGN MEMORANDUM

**Pointe Place - Phase 5 - Site Modifications**
City of Dover Project P20-32
Assessor's Map K, Lot 19
Altus Project #P5057

June 30, 2024

On behalf of Summit Land Development (Summit), Altus Engineering LLC (Altus) submits the following information and Revised Site Plan for the Pointe Place – Phase 5 development site. This site was approved in 2020 and included three development areas that were subdivide into separate lot developments.

1) Townhouses – Seven townhouse buildings (30 units) in the northeast portion of the site
2) Building #6 – 6,500 SF - Three-story building at the northeast quadrant of the roundabout
3) Building #7 – 20,000 SF – Four story building (55 ft max height) west of the townhouses

Lot developments #1 and #2 have been constructed, while Lot #3 for Building # 7 has been rough graded and the utilities have been installed or stubbed to the site; including drainage structures, water, sewer electrical, and light pole bases.

Summit is proposing to revise Building #7 to construct a less intrusive plan for the site. Building #7 was approved as a 250 ft X 80 ft (20,000 sf footprint) building with a maximum height of 55 feet. Summit is proposing to replace the building with four townhome buildings, each approximately 3,350 sf in footprint and only two stories in height. This new development plan will provide more sunlight, airflow, and green space for the site and will fit into the character of the development much better than the originally planned building. By providing more open space between the buildings, the impervious area will be reduced by approximately 6,500 square feet. Widening of the gravel access drive to a 14 ft wide driveway along the west side of the stormwater pond to provide access to the public field at Applevale Park will increase the gravel area by approximately 1,500 square feet. The resulting stormwater impact will be beneficial to the site and the stormwater management system.

Summit has discussed the new development plan with some of the residents of the townhouses along Northfield Drive and the residents are very supportive of the new plan which will eliminate the proposed building "wall" and provide more green space, light, and airflow for the neighborhood.

**Parking Analysis:**

| | | REQUIRED | PROVIDED |
|---|---|---|---|
| RESIDENTIAL: | 2 SPACES / UNIT (32 UNITS) = | 64 Spaces | 67 Spaces |

**Drainage Analysis:**
As noted above, the site modification provides a reduction in the site impervious surfaces of approximately 6,500 square feet and in increase in gravel driveway of 1500 square feet. Altus has reviewed the drainage report and calculations and the resulting impact provides a minor reduction in peak flows to the designed stormwater treatment system.

Attachments:
1. Revised Site, Grading and Drainage, and Utilities Plans, dated June 30, 2024.
2. Comparison Plan, dated June 30, 2024

Sincerely,
Cory D. Belden, PE

CITY OF DOVER

# TECHNICAL REVIEW COMMITTEE MINUTES – WAIV-2024-0010

| | |
|---|---|
| Application Type: | Site Plan Amendment |
| Applicant(s): | Summit Land Development, LLC |
| Owner(s): | Pointe West, LLC |
| Location: | 40 Pointe Place (Assessor's Map K, Lot 19) |
| Date: | July 18, 2024 |

**INTENT:** The applicant previously received Planning Board approval for a Site Plan for the subject parcel on July 28, 2020. Two lots have been developed as proposed and the applicant is now proposing to change the remaining lot from one mixed-use building with 60 residential units to four (4), two-story residential buildings totaling 32 units.

**UNITS PROPOSED:** 32 units (60 units originally proposed with 10,000 s.f. of non-residential)

**AGENDA ITEM #:** 3

**ACREAGE:** Lot C=3.45± acres

**ZONING DISTRICT:** IT, RCM Overlay

**EXISTING LAND USE:** Vacant

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential, Mixed-Use

**ZBA ACTION:** None.

**PERMITS REQUIRED:** None.

**WAIVERS REQUESTED:** None.

**ATTENDANCE:**
Donna Benton, Planning
Paul Crouser, Zoning
Jim Maxfield, Inspection Services
Marn Speidel, Police Department
Ken Mavrogeorge, Engineering
Craig Chabot, Fire Department
James Burdin, Business Development

**Others:**
Erin Bassegio, Assistant City Planner
Chad Kageleiry, Applicant/Owner

**PLAN REVIEW:**
**Planning:**

- Updated lighting and landscape plans or narrative needed.
- Narrative revised to explain removal of commercial space and how it doesn't impact previously approved CUPs or DA.

**Engineering:**

- How would these connect into the sewer and water systems? Previously the larger building had one water connection where we would expect each of the standalone buildings to have a service that is sub metered internally.
- If water is extended to the last (northernmost) unit it would make sense to loop it to the existing water main in the adjacent drives.
- For sewer it would seem that a new sewer connection permit would be required with the NHDES.
- Will the lighting plan change now that there are walkways between the structures?
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**Police:**

- Who will maintain the proposed gravel access road and gravel parking area during winter, given that it is earmarked as overflow parking for Tax Map K, Lot 19?
- Does the proposed change of access to this public parking area impact the Development Agreement?
- Police request that you provide and maintain a connection between your site driveway and the gravel parking area as per the original plan, in addition to – or in lieu of – widening and extending the gravel driveway.

**Inspection Services:**

- Fire Department connection locations?
- Dumpster screening/detail the same as previous approval?
- EVSE readiness on site?

**Fire Department:**

- No comments.

DRAFT

| | |
|---|---|
| Application Type: | Site Plan Amendment |
| Applicant(s): | Summit Land Development, LLC |
| Owner(s): | Pointe West, LLC |
| Location: | 40 Pointe Place (Assessor's Map K, Lot 19) |
| Date: | July 18, 2024 |

**Business Development:**

- The proposed amendment appears equally suitable for this site as the original approval and contributes to the diversity of housing stock within the development.
- The 2020 preliminary lot layout plan identifies lot C as a mixed-use building (commercial square footage not specified), but the design memorandum only appears to speak to revisions to residential units. Can you speak to the decision to eliminate the commercial space?

**Planning Board:**

- N/A

**Next Steps:** Any remaining items above will become Conditions of Approval for the Planning Board amendment request.

**Adjournment:** J. Burdin moved to adjourn the meeting at 12:19 p.m. Seconded by M. Speidel. Vote: U/A

DRAFT

**WAIV-2024-0010** **OFF NORTHFIELD DRIVE**

| Property ID | Location | Owner 1 | Owner 2 | Owner Address 1 | City | State | Zip |
|---|---|---|---|---|---|---|---|
| K0015-Y00000 | 23 APPLEVALE DR | HALLETT HOWARD B JR & | HALLETT PAMELA D | 23 APPLEVALE DR | DOVER | NH | 03820-4233 |
| K0015-Z00000 | 25 APPLEVALE DR | ANDREASEN TIMOTHY | RYAN KRISTY | 25 APPLEVALE DR | DOVER | NH | 03820 |
| K0017-A00000 | 27 APPLEVALE DR | LANZONI PAUL O & JANICE M TRUSTEES | THE LANZONI FAMILY REVOCABLE TRUST | 411 SOUTH ST | PORTSMOUTH | NH | 03801 |
| K0017-B00000 | 35 APPLEVALE DR | TROTTER WILLIAM J | | 35 APPLEVALE DR | DOVER | NH | 03820 |
| K0017-H00000 | 29 APPLEVALE DR | OUTHIT HA & | OUTHIT MAY | 29 APPLEVALE DR | DOVER | NH | 03820 |
| K0017-H00001 | 31 APPLEVALE DR | ADAMS JOHN W III | ADAMS LORI BETH | 31 APPLEVALE DRIVE | DOVER | NH | 03820 |
| K0017-I00000 | 33 APPLEVALE DR | MCKENZIE ROSE M | | 33 APPLEVALE DR | DOVER | NH | 03820 |
| K0017-J00000 | 37 APPLEVALE DR | NEVINS PATRICK & | NEVINS KELLY J | 37 APPLEVALE | DOVER | NH | 03820 |
| K0017-L00000 | 22 APPLEVALE DR | WALLIN DANIEL MICHAEL ANTHONY & | DAVIDSON HEATHER LEA | 22 APPLEVALE DR | DOVER | NH | 03820-4257 |
| K0017-M00000 | 18 APPLEVALE DR | BUELL AARON E | | 18 APPLEVALE DR | DOVER | NH | 03820 |
| K0017-N00000 | 39 APPLEVALE DR | MERMET GUY ALLYN & | MERMET TRACY M | 29 MOOSE HOLLOW RD | DANVILLE | NH | 03819-3243 |
| K0017-Q00000 | 24 APPLEVALE DR | BEEDY MARSHA M & | DUPRE KIRK R | 24 APPLEVALE DRIVE | DOVER | NH | 03820 |
| K0017-S00000 | 20 APPLEVALE DR | NORRIS MARY C | | 20 APPLEVALE DRIVE | DOVER | NH | 03820 |
| K0018-A00010 | APPLEVALE DR | CITY OF DOVER | | 288 CENTRAL AVE | DOVER | NH | 03820 |
| K0019-003000 | SIERRA HILL DR | STABILE HOMES AT POINTE PLACE LLC | | 20 COTTON RD | NASHUA | NH | 03063 |
| K0019-003016 | 35 SIERRA HILL DR | SWEENEY LUKE M & COLLEEN M TRUSTEES | SWEENEY FAMILY REVOCABLE TRUST | 10019 SKY VIEW WAY APT 1401 | FORT MYERS | FL | 33913 |
| K0019-003017 | 37 SIERRA HILL DR | ASSELIN MICHAEL & LUCIE TRUSTEES | ASSELIN LUCIE REVOCABLE TRUST OF 2010 | 37 SIERRA HILL DR | DOVER | NH | 03820 |
| K0019-003018 | 39 SIERRA HILL DR | CASSAVECHIA GARY R | CASSAVECHIA ANN MARIE | 39 SIERRA HILL DR | DOVER | NH | 03820 |
| K0019-011000 | 40 POINTE PL | POINTE WEST LLC | | 340 CENTRAL AVE STE 202 | DOVER | NH | 03820 |
| K0019-012000 | NORTHFIELD DR | THE LANDING AT POINTE PLACE CONDOMINIUM | C/O KEITH MADEN | 17 COMMERCE DR | BEDFORD | NH | 03110 |
| K0019-012021 | 21 NORTHFIELD DR | SALYARDS CHARLES F JR & | SALYARDS WENDE M | 21 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012023 | 23 NORTHFIELD DR | PATEL SAMIT | PATEL PATRICIA | 33 EMERALD LANE | DOVER | NH | 03820 |
| K0019-012025 | 25 NORTHFIELD DR | CANTIN JULIA B | | 28 FIFTH STREET UNIT A | DOVER | NH | 03820 |
| K0019-012026 | 26 NORTHFIELD DR | BOYATSIS PHILIP J | BOYATSIS SUZANNE J | 26 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012027 | 27 NORTHFIELD DR | PROULX ELISABETH H | | 27 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012028 | 28 NORTHFIELD DR | WANG TZUSHOU | MIN DEULRE | 28 NORTHFIELD DR | DOVER | NH | 03820-2190 |
| K0019-012029 | 29 NORTHFIELD DR | COAKLEY BRIANA | | 29 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012030 | 30 NORTHFIELD DR | BURGER JUDI | | 30 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012031 | 31 NORTHFIELD DR | KADIRANNAGARIPALLY MAHALAKSHMI ASWATHANA | BUTNA THIMMARAJU | 31 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012032 | 32 NORTHFIELD DR | LEE TRISTAN | FOPIANO ASHLEY | 14 HALLS WAY | SEABROOK | NH | 03874 |
| K0019-012033 | 33 NORTHFIELD DR | BLAISDELL JAMIE K & ANGELA M TRUSTEES | JAMIE K BLAISDELL REVOCABLE TRUST OF 201 | 33 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012034 | 34 NORTHFIELD DR | DEPALO TIMOTHY E | DEPALO TRAN A | 34 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012035 | 35 NORTHFIELD DR | EARL RUTH | | 35 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012038 | 38 NORTHFIELD DR | ALLBEE STEPHEN E | ALLBEE COLLEEN R | 38 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012039 | 39 NORTHFIELD DR | MOLLOY KEVIN P | DELGROSSO PATRICIA A | 39 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012040 | 40 NORTHFIELD DR | MIKULIS PATRICK BURKE | MIKULIS ANNA ELIZABETH | 40 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012041 | 41 NORTHFIELD DR | STEVENSON NACY C | | 41 NORTHFIELD DR | DOVER | NH | 03820-2185 |
| K0019-012042 | 42 NORTHFIELD DR | REED ABIGAIL ANNE | | 42 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012043 | 43 NORTHFIELD DR | OBAS EVENS | | 43 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012044 | 44 NORTHFIELD DR | MIKULICH JULIA | MIKULICH EVAN | 44 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012045 | 45 NORTHFIELD DR | SEMMAR ADEL | | 45 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012046 | 46 NORTHFIELD DR | MCLAUGHLIN PAUL J | MCLAUGHLIN AMY K | 46 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012048 | 48 NORTHFIELD DR | PLATENYK KYLE W | PLATENYK RACHELE L | 48 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012049 | 49 NORTHFIELD DR | FRENCH KEITH A & CYNTHIA E RIGGS-FRENCH | RIGGS-FRENCH REALTY TRUST | 72 RAYMOND DR | DALTON | MA | 01226 |
| K0019-012050 | 50 NORTHFIELD DR | SYE KAYLLE | DUBREUIL MATTHEW | 50 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012051 | 51 NORTHFIELD DR | MALLOY DAVID MICHAEL | | 51 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012052 | 52 NORTHFIELD DR | SINCLAIR BENJAMIN F | DEGREGORIO JULIA A | 52 NORTHFIELD DR E3 | DOVER | NH | 03820 |
| K0019-012053 | 53 NORTHFIELD DR | MADEN KEITH DAVID & JOANNE MARIE TRUSTEE | MADEN FAMILY 2021 REVOCABLE TRUST | 53 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012054 | 54 NORTHFIELD DR | ESTES WARREN C & DARLENE A TRUSTEES | THE ESTES FAMILY TRUST | 54 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-012055 | 55 NORTHFIELD DR | LOVELL JESSICA | LOVELL SARAH | 55 NORTHFIELD DR | DOVER | NH | 03820 |
| K0019-B00000 | 34 DOVER POINT RD | RSN REALTY LLC | | 34 DOVER POINT RD | DOVER | NH | 03820 |
| K0019-C00000 | 30 DOVER POINT RD | IRVING OILS TERMINALS INC | | 10 KING SQUARE SOUTH | ST JOHN NEW BRUNSWICK | CANAD | E2L0G3 |
| K0049-A00000 | MIDDLE RD | MEADOWOOD AT DOVER HOMEOWNERS' ASSOCIATI | C/O RON POULIN | 60 AUGUSTA WAY | DOVER | NH | 03820 |
| K0019-000000 | DOVER POINT RD | POINTE WEST LLC | | 340 CENTRAL AVE STE 202 | DOVER | NH | 03820 |
| | | ALTUS ENGINEERING, LLC | CORY BELDEN, PE | 133 COURT STREET | PORTSMOUTH | NH | 03801 |

NOTES:

1. THE INTENT OF THIS PLAN IS TO SHOW THE CHANGES TO THE PROPOSED LOT C DEVELOPMENT AREA COMPARED TO THE APPROVED SITE LAYOUT.
2. FOR COMPLETE PROJECT PLAN SET, REFERENCE "POINTE PLACE – PHASE 5" (34 PAGES) BY ALTUS ENGINEERING, PLANS DATED SEPTEMBER 30, 2020, CITY FILE NO. P20–32.

## LEGEND

- IMPERVIOUS SURFACES FROM APPROVED LAYOUT
- PROPOSED PAVED DRIVES AND PARKING
- PROPOSED SIDEWALKS AND WALKWAYS
- PROPOSED BUILDINGS

REFERENCES PER PLAN

APPROVED BUILDING FOOTPRINT (250' X 80', MAX HEIGHT = 55 FT)

8 UNIT BLDG (32 TOTAL UNITS)

TOWNHOUSES (LOT B)

EXTERIOR PATIO (TYP)

25' MIN

SAWCUT 1 FT INSIDE EDGE OF PAVEMENT AND CONFORM (VERIFY LIMITS IN FIELD)

TAX MAP K, LOT 19-12

TAX MAP K, LOT 19-11

NORTHFIELD DRIVE

LIGHT POLE

SNOW STORAGE

SIGN (NO PARKING– FIRE LANE)

BLDG No.1 FF=72.0

BLDG No.2 FF=68.0

BLDG No.3 FF=67.25

BLDG No.4 FF=64.0

TAX MAP K, LOT 19
PROPOSED RESIDENTIAL SITE
150,305 S.F. (3.45 ACRES)

LOT C PROPERTY LINE

6 FT SW

LAWN

VGC

OHP

STORMWATER MANAGEMENT AREA

ADA ACCESSIBLE WALKWAY

HATCHED AREAS ARE IMPERVIOUS SURFACES FROM ORIGINAL 2020 SITE PLAN APPROVAL

R=50'
R=74'

9' X 18' PARKING STALL (TYP)

3 ADA STALLS

VERTICAL GRANITE CURB (VGC) W/ 6" REVEAL (TYP)

CONSTRUCT 6 FT STOCKADE FENCE (APPROX 170 LF)

50 FT WETLAND BUFFER

COMPACT PARKING (8.5'W)

14 FT GRAVEL ACCESS ROAD

PROPERTY LINE

WETLANDS

100 FT WIDE EVERSOURCE EASEMENT

TAX MAP K, LOT 18A-10
PUBLIC BALL FIELD
(CITY OF DOVER PROPERTY)

WIDEN GRAVEL LOT FOR PUBLIC BALL FIELD APPROXIMATELY 40 PARKING SPACES (NOT STRIPED) TO BE USED FOR CITY OF DOVER BALLFIELD AND OVERFLOW PARKING FOR TAX MAP K, LOT 19.

GRAPHIC SCALE
20 0 10 20 40
( IN FEET )

P5057


ENGINEER:

ALTUS ENGINEERING

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com


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ISSUED FOR: APPROVAL

ISSUE DATE: JUNE 30, 2024

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | INITIAL SUBMISSION | CDB | 06/05/24 |
| 1 | REVISION 1 | CDB | 06/05/24 |

DRAWN BY: CDB
APPROVED BY: CDB
DRAWING FILE: 5057–BLDG7–SITE.DWG

SCALE:
22"x34" 1" = 20'
11"x17" 1" = 40'

OWNER:
*POINTE WEST, LLC*
*P.O. BOX 728*
*DOVER, NH 03821*

APPLICANT:
*SUMMIT LAND DEVELOPMENT*
*340 CENTRAL AVE., #202*
*DOVER, NH 03820*

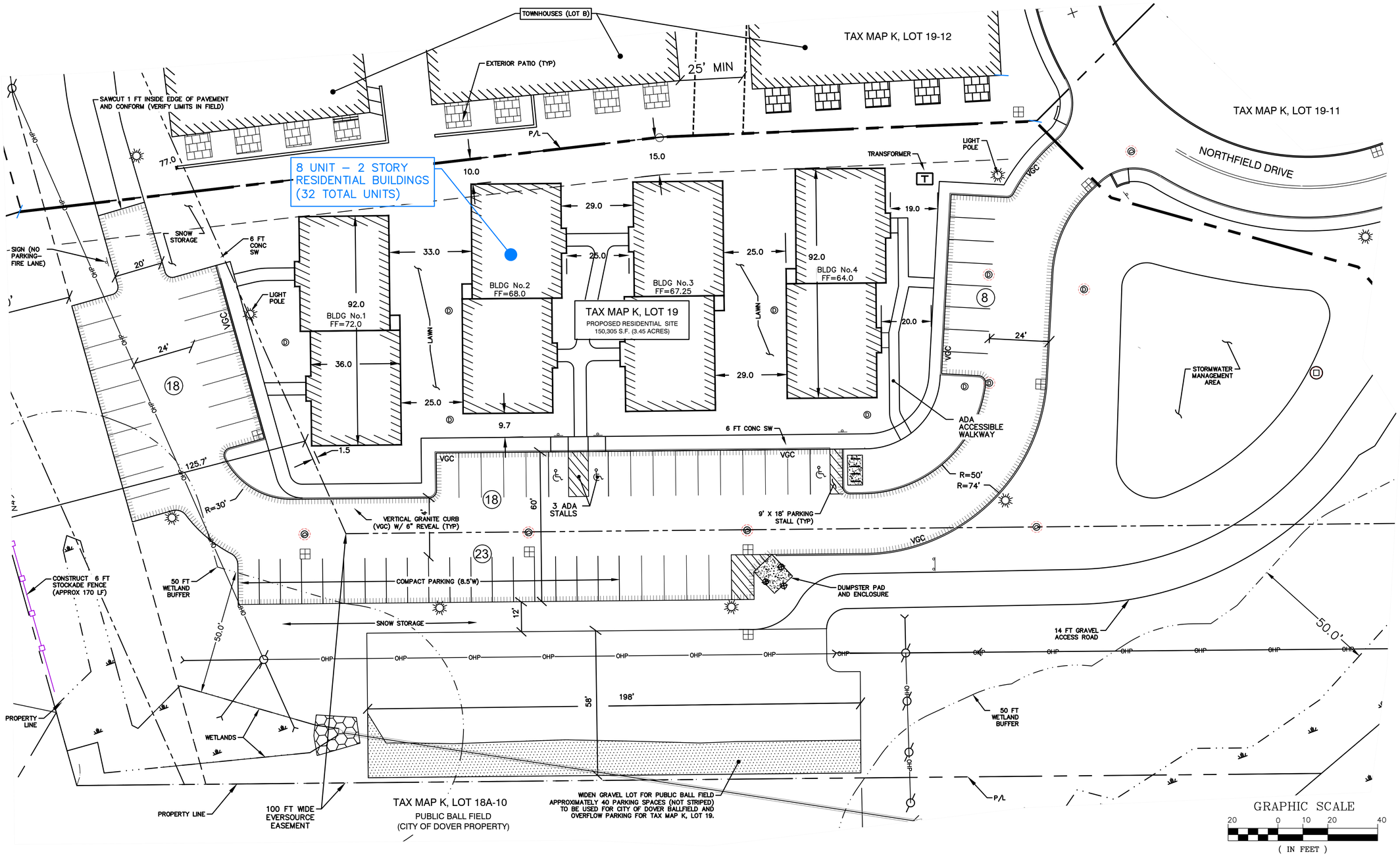
PROJECT:
*POINTE PLACE – PHASE 5*
*RESIDENTIAL AND COMMERCIAL*
*MIXED USE DEVELOPMENT*
*CITY FILE NO. P20–32*
*TAX MAP K, LOT 19*
*DOVER, NH*

TITLE:
# COMPARISON PLAN (LOT C)

SHEET NUMBER:
# CP-1

NOTES:

1. FOR COMPLETE PROJECT PLAN SET, REFERENCE "POINTE PLACE – PHASE 5" (34 PAGES) BY ALTUS ENGINEERING, PLANS DATED SEPTEMBER 30, 2020, CITY FILE NO. P20-32.
2. PROJECT SHALL COMPLY WITH THE CITY OF DOVER PLANNING BOARD CONDITIONS OF APPROVAL. SEE GENERAL NOTES, SHEET GN-1.
3. FOR POINTE PLACE ROADWAY AND UTILITIES INFORMATION, REFERENCE "POINTE PLACE AND SIERRA DRIVE ROADWAY AND UTILITY INFRASTRUCTURE PLANS", PREPARED BY ALTUS ENGINEERING, APPROVED DECEMBER 16, 2015, CITY OF DOVER FILE NO. P14-56.
4. PROJECT WILL IMPACT APPROXIMATELY 3,850 SF OF THE 50 FOOT WETLANDS BUFFER. A CONDITIONAL USE PERMIT WAS GRANTED BY THE DOVER PLANNING BOARD ON JULY 28, 2020 FOR THE IMPACTS SHOWN. CONTRACTOR SHALL COMPLY WITH ALL TERMS OF THE PERMIT AND SHALL NOT IMPACT ANY ADDITIONAL AREAS WITHIN THE BUFFER.




P5057


ENGINEER:

ALTUS ENGINEERING

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com


CORY D. BELDEN No. 14239 PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

6/30/2024

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ISSUED FOR: APPROVAL

ISSUE DATE: JUNE 30, 2024

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | INITIAL SUBMISSION | CDB | 03/07/24 |
| 1 | REVISION 1 | CDB | 06/21/24 |
| 2 | REVISION 2 | CDB | 06/30/24 |

DRAWN BY: CDB

APPROVED BY: CDB

DRAWING FILE: 5057-BLDG7-SITE.DWG

SCALE:

22"x34" 1" = 20'
11"x17" 1" = 40'

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*P.O. BOX 728*
*DOVER, NH 03821*

APPLICANT:

*SUMMIT LAND DEVELOPMENT*
*340 CENTRAL AVE., #202*
*DOVER, NH 03820*

PROJECT:

*POINTE PLACE – PHASE 5*
*RESIDENTIAL AND COMMERCIAL*
*MIXED USE DEVELOPMENT*

*CITY FILE NO. P20-32*

*TAX MAP K, LOT 19*
*DOVER, NH*

TITLE:

# REVISED (LOT C) SITE PLAN

SHEET NUMBER:

# C-2A (Rev)

## PROPOSED DRAINAGE STRUCTURES

PDMH 6
RIM=58.40
15"INV. IN=51.40 (PDMH7)
18"INV. OUT= 51.30

PDMH 7
RIM=64.80
12"INV. IN=57.20 (PCB17)
15"INV. IN=56.95 (PDMH8)
15"INV. OUT= 56.85

PDMH 8
RIM=66.10
12"INV. IN= 60.00 (PCB18)
15"INV. IN=60.00 (PDMH9)
15"INV. OUT= 59.75

PDMH 9
RIM=67.70
12"INV. IN=61.70 (PCB19)
12"INV. IN=61.70 (PCB20)
15"INV. OUT= 61.60

PDMH 16
RIM=55.50
12" INV IN= 50.80 (PCB22)
18" INV. IN= 50.80 (PDM16A)
18" INV. OUT= 50.70

PDMH 16A
RIM=59.40
12" INV. IN= 51.75 (PDM16B)
18" INV. OUT= 51.50

PDMH 16B
RIM=60.40
8" INV IN = 56.00 (PYD29)
12" INV IN = 52.20 (PCB23)
12" INV. OUT = 52.10

PCB 17
RIM=62.10
12" INV. IN =57.50 (PCB21)
12" INV. OUT=57.40

PCB 18
RIM=64.50
12" INV. OUT=60.20

PCB 19
RIM=65.90
12" INV. OUT=61.90

PCB 20
RIM=70.00
8" INV. IN = 62.50 (PYD24)
12" INV. OUT= 62.40

PCB 21
RIM=62.25
12" INV. OUT=57.75

PCB 22
RIM = 57.70
12" INV OUT = 52.70

PCB 23
RIM = 59.80
12" INV OUT = 54.80

PYD 24
RIM=71.0
8" INV. OUT= 67.0

PYD 25
RIM=67.25
8" INV. OUT= 63.25

PYD 25B
RIM=67.0
8" INV. IN= 63.0 (PYD25)
8" INV. OUT= 62.9

PYD 26
RIM=66.25
8" INV. OUT= 62.25

PYD 27
RIM=63.00
8" INV. OUT= 59.00

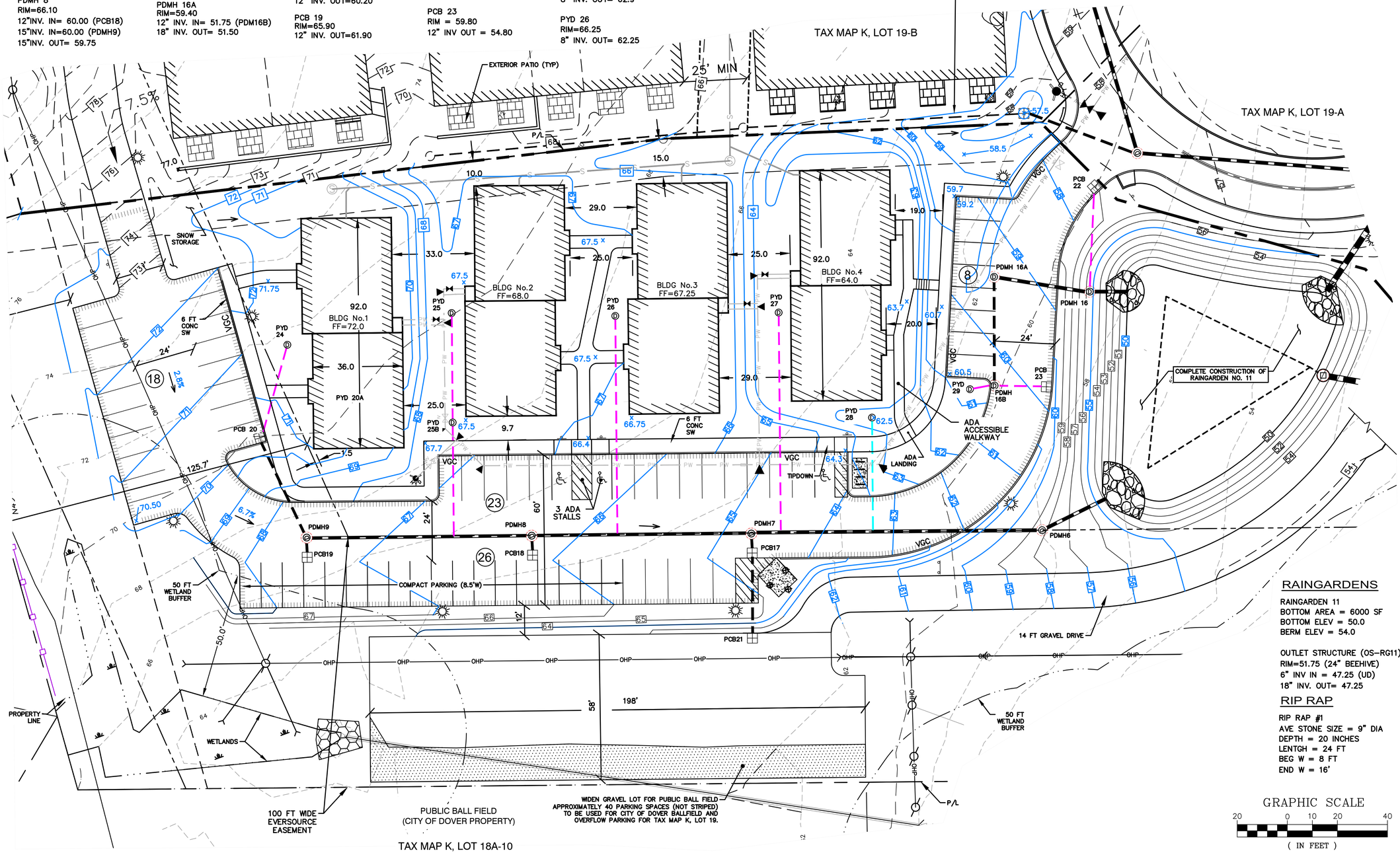
PYD 28
RIM=62.50
8" INV. OUT= 58.50

PYD 29
RIM=60.50
8" INV. OUT= 56.50

**NOTES:**

1. FOR COMPLETE APPROVED PROJECT PLAN SET, REFERENCE "POINTE PLACE – PHASE 5" (34 PAGES) BY ALTUS ENGINEERING, PLANS DATED SEPTEMBER 30, 2020, CITY FILE NO. P20-32.
2. RETAINING WALLS 4 FOOT IN HEIGHT OR GREATER MUST BE STAMPED BY A STRUCTURAL ENGINEER REGISTERED IN THE STATE OF NEW HAMPSHIRE.

GRADING AROUND THE TOWNHOUSES AND ON SITE WAS COMPLETED AFTER THE EXISTING CONDITIONS SURVEY AND HAS NOT BEEN UPDATED FROM AS-BUILT SURVEY. THEREFORE SOME OF THE EXISTING CONTOURS SHOWN ON THE PLANS DO NOT REFLECT CURRENT CONDITIONS. CONTRACTOR SHALL VERIFY CURRENT SITE CONDITIONS PRIOR TO CONSTRUCTION AND BRING ATTENTION TO THE OWNER AND ENGINEER ANY CONDITIONS THAT CONFLICT WITH THE PROPOSED DESIGN.




### RAINGARDENS

RAINGARDEN 11
BOTTOM AREA = 6000 SF
BOTTOM ELEV = 50.0
BERM ELEV = 54.0

OUTLET STRUCTURE (OS-RG11)
RIM=51.75 (24" BEEHIVE)
6" INV IN = 47.25 (UD)
18" INV. OUT= 47.25

### RIP RAP

RIP RAP #1
AVE STONE SIZE = 9" DIA
DEPTH = 20 INCHES
LENTGH = 24 FT
BEG W = 8 FT
END W = 16'

GRAPHIC SCALE
20 0 10 20 40
( IN FEET )

P5057

ENGINEER:

ALTUS ENGINEERING

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

STATE OF NEW HAMPSHIRE – CORY D. BELDEN No. 14239 – LICENSED PROFESSIONAL ENGINEER – 6/30/2024

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ISSUED FOR: APPROVAL

ISSUE DATE: JUNE 30, 2024

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| 2 | REVISION 2 | CDB | 06/30/24 |

DRAWN BY: CDB
APPROVED BY: EDW
DRAWING FILE: 5057-BLDG7 SITE.DWG

SCALE:
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OWNER:
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P.O. BOX 728
DOVER, NH 03821

APPLICANT:
SUMMIT LAND DEVELOPMENT
340 CENTRAL AVE., #202
DOVER, NH 03820

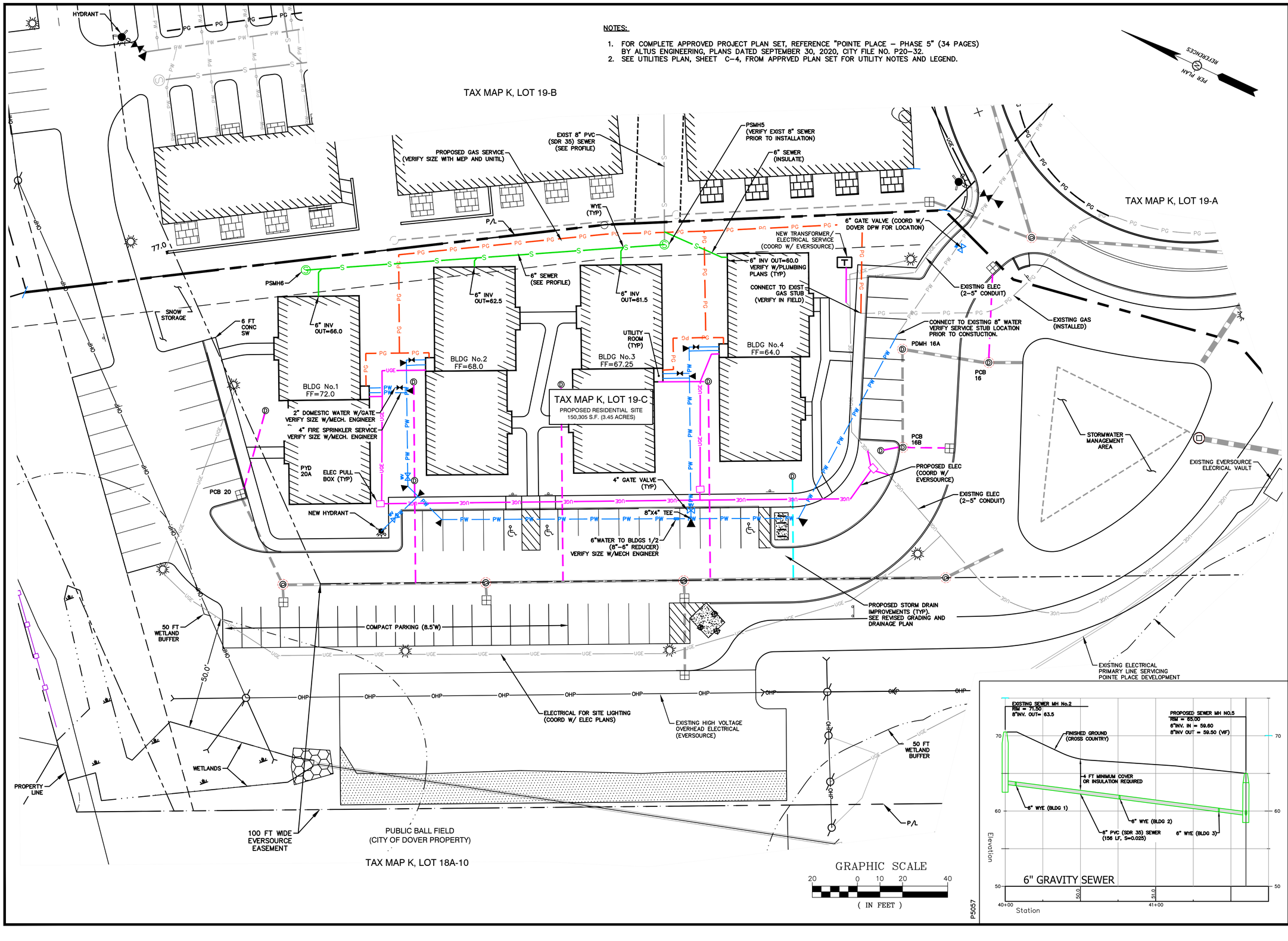
PROJECT:
POINTE PLACE – PHASE 5
RESIDENTIAL AND COMMERCIAL
MIXED USE DEVELOPMENT
CITY FILE NO. P20-32
TAX MAP K, LOT 19
DOVER, NH

TITLE:
# REVISED (LOT C) GRADING AND DRAINAGE PLAN

SHEET NUMBER:
# C-3A (Rev)

NOTES:

1. FOR COMPLETE APPROVED PROJECT PLAN SET, REFERENCE "POINTE PLACE – PHASE 5" (34 PAGES) BY ALTUS ENGINEERING, PLANS DATED SEPTEMBER 30, 2020, CITY FILE NO. P20-32.
2. SEE UTILITIES PLAN, SHEET C-4, FROM APPRVED PLAN SET FOR UTILITY NOTES AND LEGEND.







P5057

ENGINEER:

ALTUS ENGINEERING

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

STATE OF NEW HAMPSHIRE – CORY D. BELDEN No. 14039 – LICENSED PROFESSIONAL ENGINEER
6/30/2024

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ISSUED FOR: APPROVAL

ISSUE DATE: JUNE 30, 2024

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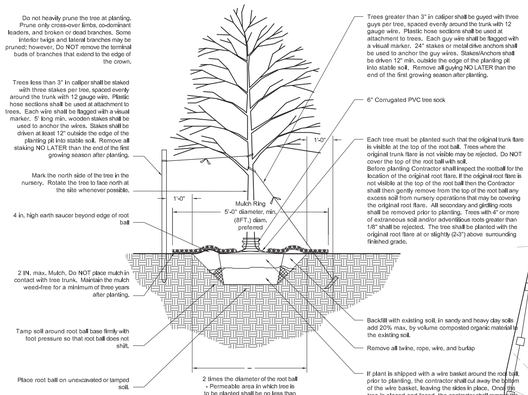
OWNER:
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P.O. BOX 728
DOVER, NH 03821

APPLICANT:
SUMMIT LAND DEVELOPMENT
340 CENTRAL AVE., #202
DOVER, NH 03820

PROJECT:
POINTE PLACE – PHASE 5
RESIDENTIAL AND COMMERCIAL
MIXED USE DEVELOPMENT
CITY FILE NO. P20-32
TAX MAP K, LOT 19
DOVER, NH

TITLE:
REVISED (LOT C) UTILITIES PLAN

SHEET NUMBER:
C-4A (Rev)




# TREE PLANTING DETAIL




# LANDSCAPE NOTES:

1. Design is based on drawings by Altus Engineering, Inc. dated June 19, 2020 and may require adjustment due to actual field conditions.
2. The contractor shall follow best management practices during construction and shall take all means necessary to stabilize and protect the site from erosion.
3. Erosion Control shall be in place prior to construction.
4. Erosion Control to consist of Hay Bales and Erosion Control Fabric shall be staked in place between the work and Water bodies, Wetlands and/or drainage ways prior to any construction.
5. The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes in layout and/or grade relationships prior to construction.
6. It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
7. Trees to Remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fence shall be located at the drip line at a minimum and shall include any and all surface roots. Do not fil or mulch on the trunk flare. Do not disturb roots. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s) no vehicles or construction equipment shall drive or park in or on the area within the drip line(s) of the tree(s). Do not store any refuse or construction materials or portalets within the tree protection area.
8. This plan is for review purposes only, NOT for Construction. Construction Documents will be provided upon request.
9. Location, support, protection, and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor.
10. The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 1-888-344-7233.
11. The Contractor shall procure any required permits prior to construction.
12. Prior to any landscape construction activities Contractor shall test all existing loam and loam from off-site intended to be used for lawns and plant beds using a thorough sampling throughout the supply. Soil testing shall indicate levels of pH, nitrates, macro and micro nutrients, texture, soluble salts, and organic matter. Contractor shall provide Landscape Architect with test results and recommendations from the testing facility along with soil amendment plans as necessary for the proposed plantings to thrive. All loam to be used on site shall be amended as approved by the Landscape Architect prior to placement.
13. Contractor shall notify landscape architect or owner's representative immediately if at any point during demolition or construction a site condition is discovered which may negatively impact the completed project. This includes, but is not limited to, unforeseen drainage problems, unknown subsurface conditions, and discrepancies between the plan and the site. If a contractor is aware of a potential issue, and does not bring it to the attention of the landscape architect or owner's representative immediately, they may be responsible for the labor and materials associated with correcting the problem.
14. The Contractor shall furnish and plant all plants shown on the drawings and listed thereon. All plants shall be nursery-grown under climatic conditions similar to those in the locality of the project. Plants shall conform to the botanical names and standards of size, culture, and quality for the highest grades and standards as adopted by the American Association of Nurserymen, Inc. in the American Standard of Nursery Stock, American Standards Institute, Inc. 230 Southern Building, Washington, D.C. 20005.
15. A complete list of plants, including a schedule of sizes, quantities, and other requirements is shown on the drawings. In the event that quantity discrepancies or material omissions occur in the plant materials list, the planting plans shall govern.
16. All plants shall be legibly tagged with proper botanical name.
17. The Contractor shall guarantee all plants for not less than one year from time of acceptance.
18. Owner or Owner's Representative will inspect plants upon delivery for conformity to Specification requirements. Such approval shall not affect the right of inspection and rejection during or after the progress of the work. The Owner reserves the right to inspect and/or select all trees at the place of growth and reserves the right to approve a representative sample of each type of shrub, herbaceous perennial, annual, and ground cover at the place of growth. Such sample will serve as a minimum standard for all plants of the same species used in this work.
19. No substitutions of plants may be made without prior approval of the Owner or the Owner's Representative for any reason.
20. All landscaping shall be provided with the following:
    a. Outside hose attachments spaced a maximum of 150 feet apart, and
    b. An underground irrigation system, or
    c. A temporary irrigation system designed for a two-year period of plant establishment.
21. If an automatic irrigation system is installed, all irrigation valve boxes shall be located within planting bed areas.
22. The contractor is responsible for all plant material from the time their work commences until final acceptance. This includes but is not limited to maintaining all plants in good condition, the security of the plant material once delivered to the site, and watering of plants. Plants shall be appropriately watered prior to, during and after planting. It is the contractor's responsibility to provide clean water suitable for plant health from off site, should it not be available on site.
23. All disturbed areas will be dressed with 6" of topsoil and planted as noted on the plans or seeded except plant beds. Plant beds shall be prepared to a depth of 12" with 75% loam and 25% compost.
24. Trees, ground cover, and shrub beds shall be mulched to a depth of 2" with one-year-old, well-composted, shredded native bark not longer than 4" in length and ½" in width, free of woodchips and sawdust. Mulch for ferns and herbaceous perennials shall be no longer than 1" in length. Trees in lawn areas shall be mulched in a 5' diameter min. saucer. Color of mulch shall be black.
25. Drip strip shall extend to 6" beyond roof overhang and shall be edged with 3/16" thick metal edger.
26. In no case shall mulch touch the stem of a plant nor shall mulch ever be more than 3" thick total (including previously applied mulch) over the root ball of any plant.
27. Secondary lateral branches of deciduous trees overhanging vehicular and pedestrian travel ways shall be pruned up to a height of 6' to allow clear and safe passage of vehicles and pedestrians under tree canopy. Within the sight distance triangles at vehicle intersections the canopies shall be raised to 8' min.
28. Snow shall be stored a minimum of 5' from shrubs and trunks of trees.
29. Landscape Architect is not responsible for the means and methods of the contractor.

## Plant List

**TREES**

| Symbol | Botanical Name | Common Name | Quantity | Size | Comments |
|---|---|---|---|---|---|
| | | | | Height/cal | |
| Ar | *Acer rubrum 'Red Sunset'* | Red Sunset Red Maple | 4 | 3.5-4" cal. | BB |
| Bn | *Betula nigra 'Heritage'* | Heritage River Birch | 5 | 8-10ht. | BB |
| Ck | *Cornus kousa* | Kousa Dogwood | 2 | 2-2.5" al. | BB |
| Gb | *Ginkgo biloba 'Autumn Gold'* | Autumn Gold Ginkgo | 3 | 3.5-4" cal. | BB |
| Ls | *Liquidambar styraciflua* | American Sweetgum | 4 | 3.5-4" cal. | BB |
| Mag | *Magnolia loebneri Leonard Messel'* | Leonard Messel Magnolia | 3 | 8-10ht. | BB |
| Mal | *Malus 'Donald Wyman'* | Donald Wyman Crabapple | 3 | 2-2.5" al. | BB |
| MalP | *Malus 'Prairiefire'* | Prairiefire Crabapple | 6 | 2-2.5" al. | BB |
| PoG | *Picea orientalis 'Gowdy'* | Gowdy Oriental Spruce | 1 | 7-8' ht | BB |
| PsK | *Prunus serrulata 'Kwanzan'* | Kwanzan Cherry | 4 | 3.5-4" cal. | BB |
| Qp | *Quercus palustris* | Pin Oak | 5 | 3.5-4" cal. | BB |
| Sr | *Syringa reticulata 'Ivory Silk'* | Ivory Silk Japanese Tree Lilac | 4 | 3.5-4" cal. | BB |
| UaP | *Ulmus americana 'Princeton'* | Princeton American Elm | 7 | 3.5-4" cal. | BB |
| Z | *Zelkova serrata 'Green Vase'* | Green Vase Zelkova | 3 | 3.5-4" cal. | BB |

**SHRUBS**

| Symbol | Botanical Name | Common Name | Quantity | Size | Min width | Min height | Comments |
|---|---|---|---|---|---|---|---|
| ClH | *Cornus alba 'Ivory Halo'* | Ivory Halo Dogwood | 37 | 5 gal | 24" | 24" | |
| Cle | *Clethra alnifolia 'Hummingbird'* | Hummingbird Compact Summersweet | 70 | 3 gal | 18" | 24" | |
| Hs | *Hibiscus syriacus 'Blue Satin'* | Blue Satin Rose-of -Sharon (Single Royal | 4 | 5-6' ht. | | | BB |
| Hyl | *Hydrangea arborescens 'Incrediball'* | Incrediball Hydrangea | 46 | 5 gal | 24" | 24" | |
| Ig | *Ilex glabra 'Shamrock'* | Shamrock Inkberry | 122 | 3 gal | 18" | 24" | full to the ground |
| Iv | *Ilex verticillata 'Red Sprite'* | Red Sprite Winterberry | 9 | 5 gal | 24" | 24" | |
| IvM | *Ilex verticillata 'Southern Gentleman'* | Male Winterberry | 2 | 5 gal | 24" | 24" | |
| JcSG | *Juniperus chinensis 'Seagreen'* | Seagreen Juniper | 42 | 3 gal | 24" | 18" | |
| JW | Juniperus scopulorum 'Witchita' | Witchita Juniper | 10 | 7-8' ht. | | | BB |
| RhA | Rhododendron 'Algo' | Aglo Rhododendron | 4 | 2.5-3ht. | | | |
| Pm | Pinus mugo 'Pumilo' | Dwarf Mugo Pine | 58 | 5 gal | 24" | 24" | |
| Ros | Rosa 'knockout' | Double Pink Knockout Rose | 7 | 2 gal. | 18" | 18" | |
| Sp | *Spirea bumalda 'Anthony Waterer'* | Anthony Waterer Spirea | 37 | 3 gal. | 24" | 24" | |
| SyB | *Syringa 'Bloomerang'* | Bloomerang Lilac | 11 | 2.5-3ht. | | | |
| SyP | *Syringa meyeri 'Palabin'* | Dwarf Korean Lilac | 48 | 2.5-3ht. | | | |
| TaxE | *Taxus media 'Ever-Low'* | Ever-Low Yew | 10 | 2-2.5' w | | | BB |
| ThS | *Thuja occidentalis 'Smaragd'* | Emerald Green Arborvitae | 3 | 5-6' ht. | | | BB |

**PERENNIALS, GROUNDCOVERS, VINES and ANNUALS**

| Symbol | Botanical Name | Common Name | Quantity | Size | Comments |
|---|---|---|---|---|---|
| Cal | *Calamagrostis acutifola 'Karl Foerster'* | Feather Reed Grass | 92 | 1 gal | |
| Day | *Hemerocallis 'Siloam Double Classic'* | Siloam Double Classic Daylily | 89 | 1 gal | |
| | *Hemerocallis 'Big Time Happy'* | Big Time Happy Daylily | 88 | 1 gal | |
| | *Hemerocallis 'Chicago Apache'* | Chicago Apache Daylily | 88 | 1 gal | |
| Dp | *Dennstaedtia punctilloba* | Hay-scented Fern | 214 | 1 gal | |
| VmB | *Vinca minor 'Bowles'* | Bowles Periwinkle | 2195 | 2.5" pots | plant 8" o.c. |
| SEED MIX A | 50% New England Erosion Control/Restoration Mix For Detention Basins and Moist Sites, 50% New England Conservation/Wildlife Mix by New England Wetlan Plants, Inc | | | LBS | SF calculated is approx. (seed rate=50 lbs/ac) 871 SF/LB |


woodburn & company
LANDSCAPE ARCHITECTURE
103 Kent Place Newmarket, New Hampshire Phone: 603.659.5949


# Pointe West

## LANDSCAPE CONCEPT

Tax Map K, Lot 19 Dover, New Hampshire City File No. P20-32

Drawn By: LF
Checked By: RW
Scale: 1" = 40' - 0"
Date: 2020-06-24
Revisions:

ROBERTA N. WOODBURN 002 LICENSED LANDSCAPE ARCHITECT STATE OF NEW HAMPSHIRE

0 10 20 40 80

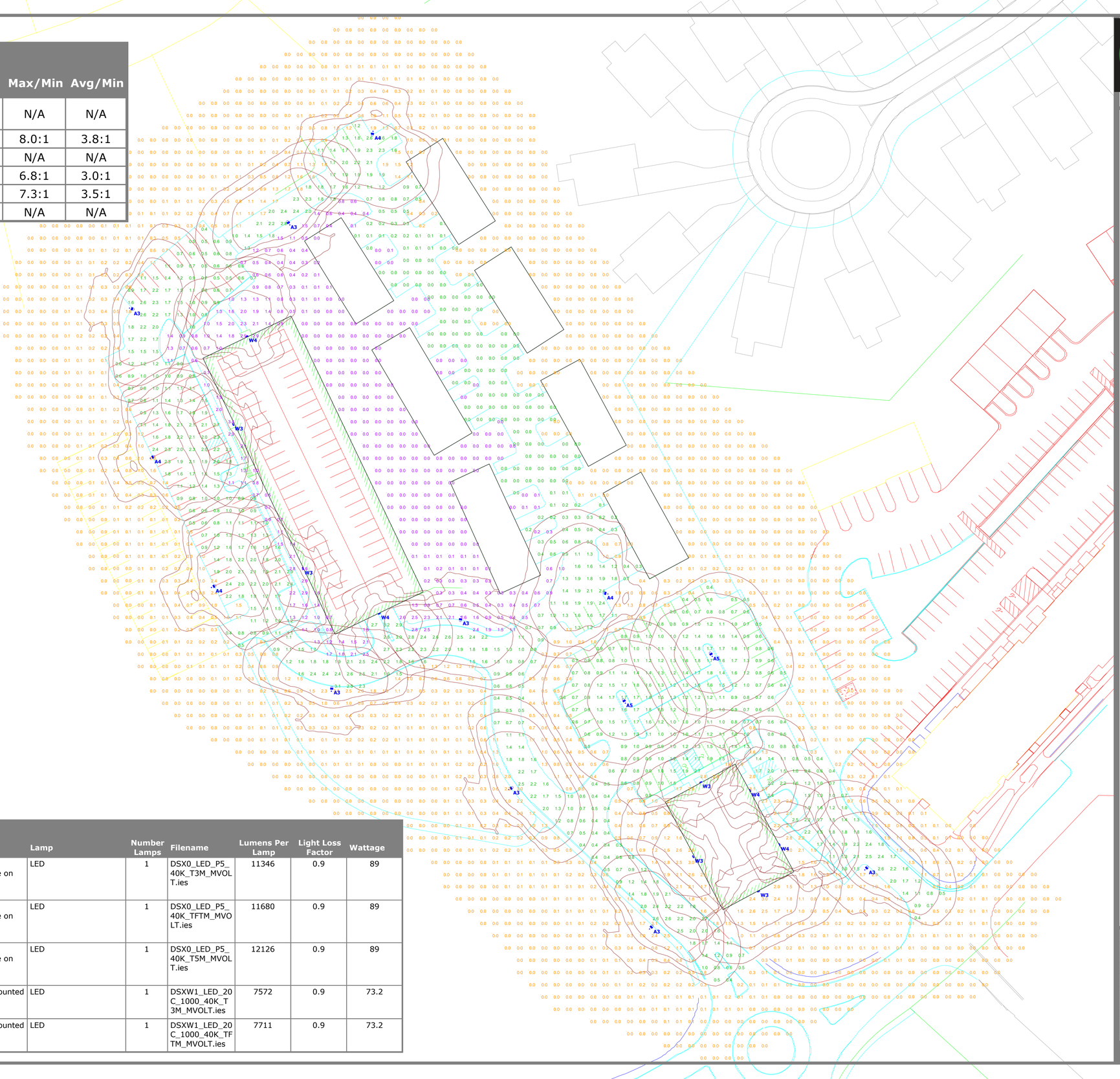
L-1

Sheet 1 of 1

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## Statistics

| Description | Symbol | Avg | Max | Min | Max/Min | Avg/Min |
|---|---|---|---|---|---|---|
| Between Townhouses & Residential Building | + | 0.5 fc | 3.6 fc | 0.0 fc | N/A | N/A |
| Driveway | + | 1.5 fc | 3.2 fc | 0.4 fc | 8.0:1 | 3.8:1 |
| Outside of Parking Lots | + | 0.2 fc | 3.1 fc | 0.0 fc | N/A | N/A |
| Parking Lot (near mixed use building) | + | 1.2 fc | 2.7 fc | 0.4 fc | 6.8:1 | 3.0:1 |
| Residential Parking Lot | + | 1.4 fc | 2.9 fc | 0.4 fc | 7.3:1 | 3.5:1 |
| Townhouse Parking Lot | + | 0.6 fc | 2.8 fc | 0.0 fc | N/A | N/A |




## Schedule

| Symbol | Label | Quantity | Manufacturer | Catalog Number | Description | Lamp | Number Lamps | Filename | Lumens Per Lamp | Light Loss Factor | Wattage |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | A3 | 7 | Lithonia Lighting | DSX0 LED P5 40K T3M MVOLT SPA DDBXD with SSS 20 4C DM19AS DDBXD | DSX0 LED Area Fixture; mounted at 22ft (20ft pole on 2ft base) | LED | 1 | DSX0_LED_P5_40K_T3M_MVOLT.ies | 11346 | 0.9 | 89 |
| | A4 | 4 | Lithonia Lighting | DSX0 LED P5 40K TFTM MVOLT SPA DDBXD with SSS 20 4C DM19AS DDBXD | DSX0 LED Area Fixture; mounted at 22ft (20ft pole on 2ft base) | LED | 1 | DSX0_LED_P5_40K_TFTM_MVOLT.ies | 11680 | 0.9 | 89 |
| | A5 | 2 | Lithonia Lighting | DSX0 LED P5 40K T5M MVOLT SPA DDBXD with SSS 20 4C DM19AS DDBXD | DSX0 LED Area Fixture; mounted at 22ft (20ft pole on 2ft base) | LED | 1 | DSX0_LED_P5_40K_T5M_MVOLT.ies | 12126 | 0.9 | 89 |
| | W3 | 5 | Lithonia Lighting | DSXW1 LED 20C 1000 40K T3M MVOLT DDBXD | DSXW1 LED Wall Pack; mounted at 16ft | LED | 1 | DSXW1_LED_20C_1000_40K_T3M_MVOLT.ies | 7572 | 0.9 | 73.2 |
| | W4 | 4 | Lithonia Lighting | DSXW1 LED 20C 1000 40K TFTM MVOLT DDBXD | DSXW1 LED Wall Pack; mounted at 16ft | LED | 1 | DSXW1_LED_20C_1000_40K_TFTM_MVOLT.ies | 7711 | 0.9 | 73.2 |

VISUAL

# POINTE WEST
## Dover, NH
## Site Lighting Layout


**Designer**
Heidi G. Connors
Visible Light, Inc.
24 Stickney Terrace
Suite 6
Hampton, NH 03842


**Date**
4/15/2020

**Scale**
1"=40'

**Drawing No.**

**Summary**

## ZONING SUMMARY

TAX MAP K, LOT 19

A. ZONING DISTRICT: RESIDENTIAL COMMERCIAL MIXED USE (RCM) OVERLAY BY APPROVED CONDITIONAL USE PERMIT INNOVATIVE TECHNOLOGY (IT) DISTRICT

OVERLAY DISTRICTS: RESIDENTIAL COMMERCIAL MIXED USE OVERLAY DISTRICT
WETLANDS OVERLAY DISTRICT

## LOT SUMMARY

TAX MAP K, LOT 19 (8.5 ACRES)

| LOT | AREA (SF) | AREA (ACRES) |
|---|---|---|
| A | 120,260 SF | 2.76 AC |
| B | 99,790 SF | 2.29 AC |
| C | 150,300 SF | 3.45 AC |

TAX MAP K, LOT 19-3
PRIVATE ROADWAY AND SINGLE FAMILY RESIDENTIAL HOUSES

100 FT WIDE EVERSOURCE EASEMENT

30 FT WIDE WATER LINE EASEMENT

EXTERIOR DECK OR PATIO (120 SF/UNIT)

TOWNHOUSE 2 – (F–G) 5 UNITS (100' X 36')

SEWER EASEMENT TO LOT C (20 FT WIDE')

30 FT WATER EASEMENT

TOWNHOUSE 1 – (A–E) 4 UNITS (80' X 36')

PROPERTY LINE

SEWER EASEMENT TO LOTS B AND C (20 FT WIDE')

RETAINING WALL

TRASH STORAGE AND ENCLOSURE

WATER EASEMENT TO LOTS B AND C (20 FT WIDE')

SAWCUT PAVEMENT

PROPOSED ACCESS EASEMENT

SNOW STORAGE

VISITOR PARKING (TYP)

LOT B (2.29 ACRES)

LIGHT POLE (TYP. SEE LIGHTING PLAN)

SIGN (NO PARKING– FIRE LANE)

50 FT SETBACK (TYP)

9' X 18' PARKING STALL (TYP)

END 5-FT BIT SW

DYL AND STOP BAR

LOT A (2.76 ACRES)

BIKE RACK (6 STALLS)

5 FT CONC SW

5 FT BIT SW MEET AND MATCH EXIST WALK

TAX MAP K, LOT 19-4

STORMWATER MANAGEMENT AREA

LOT C (3.45 ACRES)

RETAINING WALL

STOP SIGN

WATER EASEMENT TO LOT C (20 FT WIDE')

PROPERTY LINE

TAX MAP K, LOT 19-2

EXISTING BIT SW

TRASH STORAGE AND ENCLOSURE

BIKE RACK (6 STALLS)

PARKING GARAGE ENTRANCE

NORTH POINTE DRIVE

BUILDING NO. 6 – MIXED USE 5,000 SF COMMERCIAL / 24 RESIDENTIAL UNITS (100' X 65')

50 FT WETLAND BUFFER

5 FT CONC SW

STOP SIGN

SAWCUT PAVEMENT

MEET AND MATCH EXIST WALK

5 FT BIT SW

STORMWATER MANAGEMENT AREA

5 FT BIT SW

SEE ROUNDABOUT PLANS R–2 AND R–4 FOR REQUIRED SIGNAGE

BUILDING NO. 7 – RESIDENTIAL–COMMERCIAL MIXED–USE BUILDING 60 UNITS (250' X 80')

WETLANDS

PROPERTY LINE

PROPOSED GUARDRAIL

EXISTING RAINGARDEN #1 (POINTE PLACE PHASE 1)

WIDEN GRAVEL LOT FOR PUBLIC BALL FIELD APPROXIMATELY 42 PARKING SPACES (NOT STRIPED) TO BE USED FOR CITY OF DOVER BALLFIELD PER EASEMENT DEED _____ AND OVERFLOW PARKING FOR TAX MAP K, LOT 19)

50 FT WETLAND BUFFER

8 FT GRAVEL PATH

WETLANDS

POINTE PLACE

EXISTING BOX CULVERTS AND HEADWALL

PUBLIC BALL FIELD
(CITY OF DOVER PROPERTY)

GRAPHIC SCALE
40 0 20 40 80 160
( IN FEET )

NOTES:

1. THE PRELIMINARY LOT LAYOUT IS INTENDED TO SHOW THE THAT THE PARCEL CAN BE SUBDIVIDED IN THE FUTURE AND COMPLY WITH ZONING REGULATIONS FOR THREE LOTS OF TWO ACRES MINIMUM IN SIZE. A SEPARATE SUBDIVISION APPLICATION SHALL BE SUBMITTED FOR APPROVAL BY THE PLANNING.

P5057


ENGINEER:
ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
(603) 433–2335 www.ALTUS–ENG.com


CORY D. BELDEN No. 14239 LICENSED PROFESSIONAL ENGINEER – STATE OF NEW HAMPSHIRE

THIS DRAWING HAS NOT BEEN RELEASED FOR CONSTRUCTION

ISSUED FOR: PLANNING BOARD APPROVAL

ISSUE DATE: JULY 21, 2020

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|---|---|---|---|
| 0 | INITIAL SUBMISSION | CDB | 06/30/20 |
| 1 | TRC COMMENTS | CDB | 07/21/20 |

DRAWN BY: _____
APPROVED BY: _____
DRAWING FILE: _____

SCALE:
22"x34" 1" = 40'
11"x17" 1" = 80'

OWNER:
POINTE WEST, LLC
P.O. BOX 728
DOVER, NH 03821

APPLICANT:
SUMMIT LAND DEVELOPMENT
340 CENTRAL AVE., #202
DOVER, NH 03820

PROJECT:
POINTE PLACE – PHASE 5
RESIDENTIAL AND COMMERCIAL
MIXED USE DEVELOPMENT

CITY FILE NO. P20–32

TAX MAP K, LOT 19
DOVER, NH

TITLE:
# PRELIMINARY LOT LAYOUT PLAN

SHEET NUMBER:
C-8

# POINT NORTHWEST 8

## Point Place Dover, NH

## PERMIT SET
## NFC - 032624

LOCUS MAP: (N.T.S.)



### MASTER ABBREVIATION KEY:

| | |
|---|---|
| AB | ANCHOR BOLT |
| AC | AIR CONDITIONER |
| ACI | AMERICAN CONCRETE INSTITUTE |
| ACOUST | ACOUSTIC |
| AFF | ABOVE FINISH FLOOR |
| ALT | ALTERNATE |
| ALUM | ALUMINUM |
| ANCH | ANCHOR |
| ANOD | ANODIZED |
| ASTM | AMERICAN SOCIETY FOR TESTING MATERIALS |
| BD | BOARD |
| BIT | BITUMINOUS |
| BL | BUILDING LINE |
| BLDG | BUILDING |
| BLK | BLOCK |
| BLKG | BLOCKING |
| BM | BEAM |
| BOC | BOTTOM OF CURB |
| BOF | BOTTOM OF FOOTING ELEVATION |
| BOT | BOTTOM |
| BRG | BEARING |
| BRK | BRICK |
| BSMT | BASEMENT |
| BTW | BETWEEN |
| BUR | BUILT-UP ROOF |
| CAB | CABINET |
| CB | CATCH BASIN |
| CER | CERAMIC |
| CF | CUBIC FOOT |
| CI | CAST IRON |
| CJ | CONTROL JOINT |
| CL | CLOSET |
| CLCB | CURBLESS CATCH BASIN |
| CLG | CEILING |
| CM | CONTRACT MANAGER |
| CMU | CONCRETE MASONRY UNIT |
| CO | CLEAN OUT |
| COL | COLUMN |
| COMP | COMPACTED (COMPOSITION) |
| CONC | CONCRETE |
| CONST | CONSTRUCTION |
| CONT | CONTINUOUS |
| CONTR | CONTRACTOR |
| CORR | CORRUGATED |
| CP | CONTROL PANEL |
| CSG | CASING |
| CSMT | CASEMENT |
| CT | CERAMIC TILE |
| CTR | CENTER |
| CY | CUBIC YARD |
| DF | DRINKING FOUNTAIN |
| DIA | DIAMETER |
| DIAG | DIAGONAL |
| DIM | DIMENSION |
| DL | DEAD LOAD |
| DN | DOWN |
| DR | DOOR |
| DS | DOWNSPOUT |
| DSIC | DRIVE SIDE OF CURB |
| DTL | DETAIL |
| DWG | DRAWING |
| E | EAST |
| EJ | EXPANSION JOINT |
| EJC | EXPANSION JOINT COVER |
| EL | ELEVATION |
| ELEC | ELECTRICAL |
| ELEV | ELEVATOR |
| EQ | EQUAL |
| EQUIP | EQUIPMENT |
| ER | EMERGENCY ROOM |
| EST | ESTIMATE |
| EWC | ELECTRICAL WATER COOLER |
| EXH | EXHAUST |
| EXIST | EXISTING |
| EXP | EXPANSION |
| EXPD | EXPANDED |
| EXT | EXTERIOR |
| F/F | FACE OF FOUNDATION WALL |
| FA | FRESH AIR |
| FAP | FIRE ALARM PANEL |
| FD | FLOOR DRAIN |
| FE | FIRE EXTINGUISHER |
| FEC | FIRE EXTINGUISHER CABINET |
| FIN | FINISH |
| FL | FLOW LINE |
| FLR | FLOOR |
| FND | FOUNDATION |
| FOF | FACE OF FINISH |
| FOM | FACE OF MASONRY |
| FOS | FACE OF STUD |
| FR | FIRE RATED |
| FS | FULL SIZE |
| FT | FOOT |
| FTG | FOOTING |
| FUR | FURRED (FURRING) |
| FVC | FIRE VALVE CABINET |
| GA | GAUGE |
| GALV | GALVANIZED |
| GC | GENERAL CONTRACTOR |
| GEN | GENERAL |
| GL | GLASS |
| GLZ | GLAZING |
| GRD | GRADE |
| GYP | GYPSUM |
| H/V | HEATING & VENTILATING |
| HC | HANDICAP |
| HDWD | HARDWOOD |
| HGT | HEIGHT |
| HM | HOLLOW METAL |
| HP | HIGH POINT |
| HVAC | HEATING, VENTILATION, AIR CONDITIONING |
| HWH | HOT WATER HEATER |
| ID | INSIDE DIAMETER |
| IN | INCH |
| INSUL | INSULATION |
| INT | INTERIOR |
| INV | INVERT |
| JC | JANITOR'S CLOSET |
| JST | JOIST |
| JT | JOINT |
| LAM | LAMINATE |
| LAV | LAVATORY |
| MAS | MASONRY |
| MAT | MATERIAL |
| MAX | MAXIMUM |
| MECH | MECHANICAL |
| MEM | MEMBRANE |
| MEP | MECHANICAL, ELECTRICAL, PLUMBING |
| METTP | METAL TOILET PARTITION |
| MFR | MANUFACTURER |
| MH | MANHOLE |
| MIN | MINIMUM |
| MISC | MISCELLANEOUS |
| MO | MASONRY OPENING |
| MTL | METAL |
| MULL | MULLION |
| N | NORTH |
| NAT | NATURAL |
| NEC | NECESSARY |
| NIC | NOT IN CONTRACT |
| NOM | NOMINAL |
| NRC | NOISE REDUCTION COEFFICIENT |
| NTS | NOT TO SCALE |
| OC | ON CENTER |
| OD | OUTSIDE DIAMETER |
| OF/C | OUTSIDE FACE OF CONCRETE |
| OH | OVERHEAD |
| OPG | OPENING |
| OPP | OPPOSITE |
| OR | OPERATING ROOM |
| PBD | PARTICLE BOARD |
| PCF | POUNDS PER CUBIC FOOT |
| PL | PROPERTY LINE |
| PLAM | PLASTIC LAMINATE |
| PLAS | PLASTER |
| PLYWD | PLYWOOD |
| PNL | PANEL |
| PSF | POUNDS PER SQUARE FOOT |
| PSI | POUNDS PER SQUARE INCH |
| PT | PAINT |
| PTD | PAINTED |
| PTN | PARTITION |
| PVC | POLYVINYL CHLORIDE |
| QT | QUARRY TILE |
| R | RADIUS |
| R/A | RETURN AIR |
| RC | REINFORCED CONCRETE |
| RD | ROOF DRAIN |
| REF | REFERENCE |
| REFR | REFRIGERATOR |
| REINF | REINFORCE |
| REQD | REQUIRED |
| RGH | ROUGH |
| RL | RAIN LEADER |
| RM | ROOM |
| RO | ROUGH OPENING |
| ROW | RIGHT OF WAY |
| RQMT | REQUIREMENT |
| S | SOUTH |
| S-TRAP | SEDIMENT TRAP |
| SC | SOLID CORE |
| SCED | SCHEDULE |
| SD | STORM DRAIN |
| SF | SQUARE FOOT |
| SH | SHOWER |
| SHT | SHEET |
| SIM | SIMILAR |
| SL | SLIDING |
| SMR | SINGLE PLY MEMBRANE ROOF |
| SP/PT/FIN | SPECIAL PAINT FINISH |
| SPEC | SPECIFICATION |
| SPKR | SPEAKER |
| SQ | SQUARE |
| SS | STAINLESS STEEL |
| STA | STATION |
| STD | STANDARD |
| STL | STEEL |
| STOR | STORAGE |
| STRG | STRINGER |
| STRUCT | STRUCTURAL |
| SU | SITE UTILITY |
| SUSP | SUSPEND (SUSPENDED) |
| SYMM | SYMMETRICAL |
| SYS | SYSTEM |
| T | TREAD |
| TAG | TONGUE & GROOVED |
| T/FRM | TOP OF FRAME |
| T/SLB | TOP OF SLAB |
| TB | TACKBOARD |
| TEL | TELEPHONE |
| TEMP | TEMPORARY |
| TERR | TERRAZZO |
| THK | THICK |
| THLD | THRESHOLD |
| TOC | TOP OF CURB |
| TOF | TOP OF FOUNDATION |
| TOS | TOP OF SLAB |
| TOW | TOP OF WALL ELEVATION |
| TR | TO REMAIN |
| TYP | TYPICAL |
| UH | UNIT HEATER |
| UL | UNDERWRITERS LABORATORIES, INC. |
| UOD | UNDERSIDE OF DECK |
| UON | UNLESS OTHERWISE NOTED |
| UR | URINAL |
| UV | UNIT VENTILATOR |
| VAR | VARIES OR VARIABLE |
| VB | VINYL BASE |
| VCT | VINYL COMPOSITION TILE |
| VERT | VERTICAL |
| VEST | VESTIBULE |
| VIF | VERIFY IN FIELD |
| VNR | VENEER |
| VOL | VOLUME |
| W | WEST |
| W/ | WITH |
| WC | WATER CLOSET |
| WD | WOOD |
| WDW | WINDOW |
| WGL | WIRE GLASS |
| WP | WEATHERPROOF (WATERPROOFING) |
| WWF | WELDED WIRE FABRIC |

### GRAPHIC SYMBOLS LEGEND

- BUILDING SECTION CALLOUT — A — A4.1 — SHEET WHERE SECTION IS SHOWN
- WALL SECTION CALLOUT — 1 — A4.1 — SHEET WHERE SECTION IS SHOWN
- DETAIL CALLOUT — 1 — A4.1 — SHEET WHERE DETAIL IS SHOWN
- CALLOUT NUMBER — 1 — A4.1 — SHEET WHERE CALLOUT IS SHOWN
- EXTERIOR ELEVATION — 2 — A1.1 — SHEET WHERE ELEVATION IS SHOWN
- COLUMN BUBBLES — 0
- DOOR TAG NUMBER — 101
- WINDOW TAG NUMBER — A
- ACCESSIBILITY CLEARANCES: TURNING RADIUS
- ACCESSIBILITY CLEARANCES: CLEAR FLOOR SPACE
- INTERIOR ELEVATION — 1, 2, 3, 4 — A101 — A101 — SHEET WHERE ELEV. IS SHOWN

### MATERIAL LEGEND

- EXISTING ITEMS TO REMAIN
- STEEL
- ALUMINUM
- CONCRETE MASONRY UNIT (SECTION)
- CONCRETE MASONRY UNIT (ELEVATION)
- BRICK (SECTION)
- BRICK (ELEVATION)
- CONCRETE
- SAND / GYPSUM
- COUNTER TOPS / SOLID SURFACE
- EARTH
- CRUSHED STONE
- GRAVEL / COMPACTED FILL
- BLOWN-IN INSULATION
- BATT INSULATION
- RIGID INSULATION
- CLOSED CELL SPRAY FOAM INSULATION
- FINISH WOOD (ELEVATION)
- FINISH WOOD (SECTION)
- PLYWOOD
- WOOD FRAMING OR WOOD BLOCKING (CONTINUOUS)
- WOOD BLOCKING (NON-CONTINUOUS)

### DRAWING SHEET INDEX:



| Sheet | Sheet Name | Issued | Revision | Revision Date |
|---|---|---|---|---|
| PCS | PROJECT COVER SHEET | NFC - 03/26/24 | | |
| S1.3 | TRUSS PROFILE | NFC - 03/26/24 | | |
| A1.1 | FLOOR PLAN | NFC - 03/26/24 | | |
| A1.2 | SECOND FLOOR PLAN | NFC - 03/26/24 | | |
| A2.1 | REFLETED CEILING PLAN | NFC - 03/26/24 | | |
| A3.1 | EXTERIOR ELEVATIONS | NFC - 03/26/24 | | |
| A3.2 | EXTERIOR ELEVATIONS | NFC - 03/26/24 | | |
| A4.1 | BUILDING SECTIONS | NFC - 03/26/24 | | |
| A6.1 | DOOR, WINDOW & ROOM FINISH SCHEDULES | NFC - 03/26/24 | | |



### GENERAL NOTES:

1. DO NOT SCALE DRAWING OR DIMENSIONS. FOR MISSING DIMENSIONS OR DIMENSIONS IN CONFLICT, CONTACT THE CONTRACTOR IMMEDIATELY BEFORE CONTINUING WITH WORK.
2. ANY DISCREPANCIES IN THESE PLANS WILL BE BROUGHT TO THE CONTRACTOR'S ATTENTION IN WRITING IMMEDIATELY
3. REFER TO MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION DESIGN-BUILD PLANS AND SPECIFICATION FOR LOCATIONS OF ALL BLOCK OUTS, INSERTS, OPENINGS, CURBS, BASES, & PADS THAT ARE NOT DIMENSIONED OR SHOWN ON CONTRACTOR'S DWG'S. OR STRUCTURAL DWG'S.
4. STRUCTURAL STEEL, MECHANICAL, ELECTRICAL, PLUMBING, AND FIRE PROTECTION PLANS AND SPECIFICATION SHALL BE PROVIDED AND ARE THE RESPONSIBILITY OF THERE RESPECTIVE SUBCONTRACTORS IF NOT CARRIED IN ARCHITECTURAL SERVICES
5. ALL CONSTRUCTION SHALL CONFORM TO AND BE IN ACCORDANCE WITH THE REGULATOR REQUIREMENTS MANDATED BY ALL FEDERAL, STATE AND LOCAL AUTHORITIES HAVING JURISDICTION IN ACCORDANCE TO THE STATE IN WHICH THE WORK IS PERFORMED (STATE BUILDING CODE, STATE LIFE SAFETY & FIRE CODE ETC.)
6. THE CONTRACTOR SHALL REVIEW ALL DOCUMENTS AND VERIFY ALL DIMENSIONS AND FIELD CONDITIONS, AND SHALL CONFIRM WORK IS BUILDABLE AS SHOWN. ANY CONFLICTS OR OMISSIONS, ETC. SHALL BE IMMEDIATELY REPORTED IN WRITING TO THE ARCHITECT FOR CLARIFICATION
7. DIMENSIONS ARE FROM EXTERIOR FACE OF FOUNDATION, VENEER, OR WALL STUD AND TO CENTER OF ALL INTERIOR STUD WALLS OR FACE OF INTERIOR MASONRY. UNLESS NOTED OTHERWISE.
8. CLEAR DIMENSIONS ARE FROM FACE TO FACE OF WALL FINISH. UNLESS NOTED OTHERWISE
9. REFER TO MECHANICAL DRAWINGS / SPEC. FOR ALL SIZES AND LOCATIONS OF MECHANICAL DUCT WORK.
10. UNLESS OBVIOUSLY SHOWN OTHERWISE, DOOR LOCATIONS NOT DESIGNATED BY WRITTEN DIMENSION SHALL BE CENTERED IN THE WALL OR SHALL BE LOCATED FOUR (4) INCHES FROM FINISH WALL TO EDGE OF DOOR JAMB. PER PLAN.
11. PROVIDE METAL CORNER BEAD AT ALL OUTSIDE CORNERS OF PLASTERED OR DRYWALL SURFACES, UNLESS NOTED OTHERWISE.
12. PENETRATIONS OF ALL FIRE RATED ASSEMBLIES SHALL BE PROTECTED BY LIKE RATED CONSTRUCTION DAMPPERS, SEALANTS, COLLARS, ETC., TYPICAL.
13. CONTRACTOR SHALL FURNISH, LOCATE AND INSTALL ALL ACCESS PANELS AS REQUIRED AFTER INSTALLATION OF MECHANICAL DUCTS, PLUMBING AND ELECTRICAL WORK, FIRE RATED AS REQUIRED.
14. FURNISH AND INSTALL SOLID BLOCKING BEHIND ALL WALL HUNG MILLWORK ITEMS, RAILS, FIXTURES,GRAB BARS, ETC. , WHERE INDICATED OR REQUIRED.
15. CONTRACTOR SHALL LAYOUT OR MARK, ALL EQUIPMENT, SYSTEMS AND MILLWORK ON THE FLOOR FOR ARCHITECT OR OWNER'S APPROVAL PRIOR TO BEGINNING CEILING / OVER HEAD WORK.
16. ALL SPRINKLER HEAD LOCATIONS, MAINS, BRANCHES AND RISER PIPE LOCATIONS MUST BE COORDINATED WITH THE DESIGN / BUILD CONTRACTOR PRIOR TO WORK.
17. FURNISH AND INSTALL FIRE EXTINGUISHERS IN TYPE, QUANTITY, AND LOCATION PER LOCAL FIRE DEPARTMENT. TYPICAL
18. CONTRACTOR SHALL VERIFY, COORDINATE LOCATION WITH THE ARCHITECT ANY SMOKE, CARBON MONOXIDE DETECTOR OR FIRE ALARM DEVICE AS REQUIRED BY THE LOCAL FIRE DEPARTMENT.
19. FURNISH & INSTALL FIRE DAMPERS WITH FUSIBLE LOUVER WHEREVER DUCT WORK PENETRATES ONE OR TWO HOUR CEILINGS OR WALLS. TYPICAL UNLESS NOTED OTHERWISE.
20. PROVIDE PLASTER AND GYPSUM WALL BOARD CONTROL JOINTS AT 30'-0" ON CENTER FROM FLOOR TO CEILING, OR AS NOTED ON THE CONSTRUCTION DOCUMENTS. VERIFY IN FEILD WITH ARCHITECT PRIOR TO WORK.


T | W DESIGNS
254 Drake Hill Rd. Strafford, NH
TW-Designs.com | 603.664.2181


**Project Info:**

POINT NORTHWEST 8
Point Place Dover, NH
PERMIT SET


**Architect of Record:**

T | W Designs, LLC
254 Drake Hill Rd.
Strafford, NH 03884
603-664-2181

**Civil Engineer:**

N/A

**Structural Engineer:**

XXX

**Electrical Engineer:**

XXX

**Mechanical Engineer:**

XXX

**Plumbing Engineer:**

XXX

**Fire Protection Eng.:**

XXX

**Contractor of Record:**

XXX


**Revision Schedule**

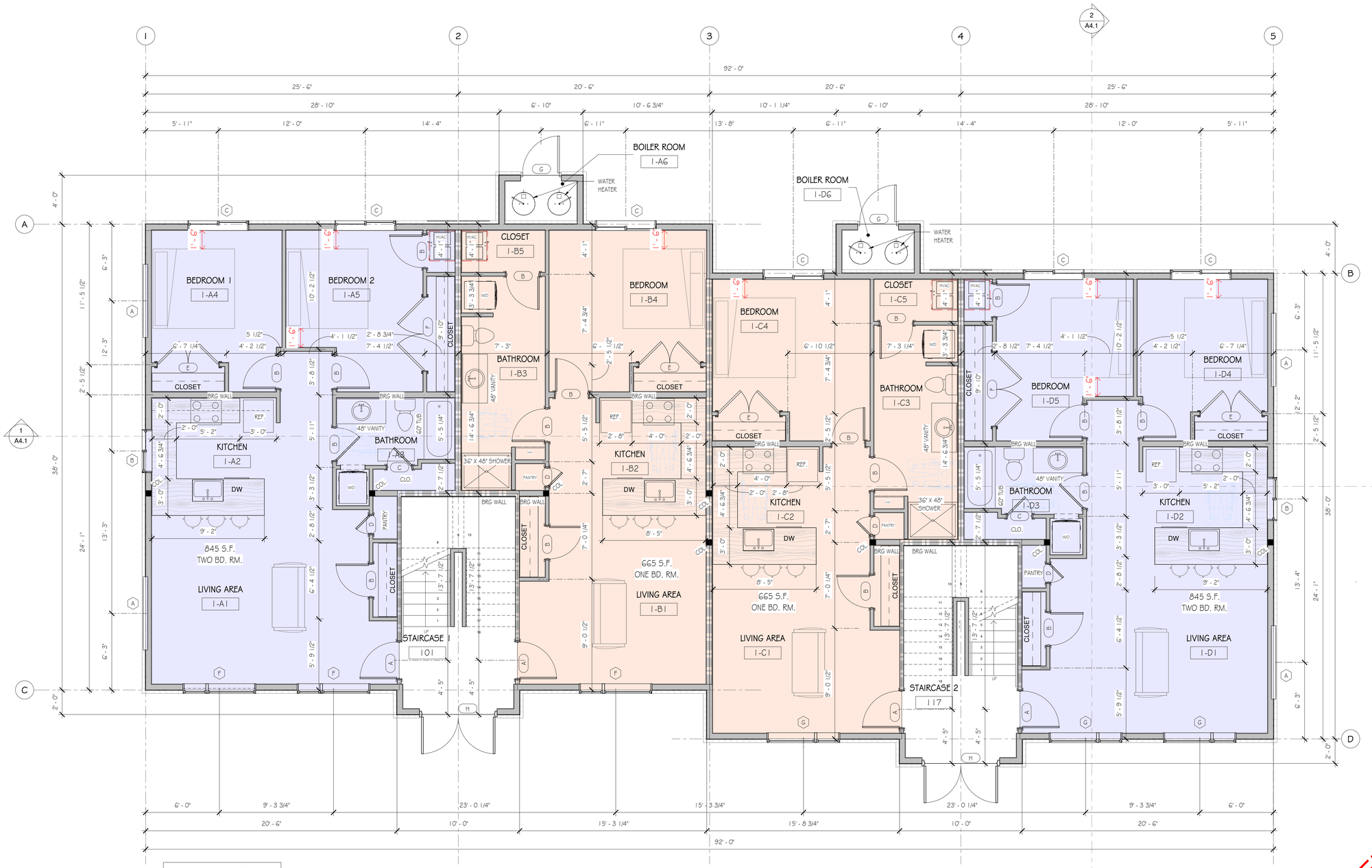
| No. | Description | Date |
|---|---|---|

PROJECT COVER SHEET

SHEET NUMBER

PCS

TW DESIGNS LLC
254 DRAKE HILL RD. STRAFFORD, NH
P: 603.664.2181 | F: 603.664.9508




1 FIRST FLOOR PLAN
1/4" = 1'-0"

FLOOR PLAN NOTES:
1) REFER TO SHEETS A2. 1 FOR REFLECTED CEILING PLANS & LIGHT FIXTURE LAYOUTS
2) REFER TO SHEET A6. 1 FOR DOOR & WINDOW INFORMATION.
3) REFER TO STRUCTURAL DRAWINGS FOR ALL CONCRETE SLAB THICKNESSES & REINFORCEMENT PLACEMENT LOCATIONS.
4) REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL COLUMN SIZES & LOCATIONS.
5) REFER TO COVER SHEET FOR TYPICAL ABBREVIATIONS.
6) REFER TO SHEETS A3. 1 & A3. 2 FOR STOREFRONT ELEVATIONS
7) PROVIDE UNDER SLAB RADIENT HEAT @ LOBBY.
8) REFER TO EXTERIOR ELEVATIONS FOR EFIS, FINISHES & CONTROL JOINT LOCATIONS.

| No. | Description | Date |
|---|---|---|

Revision Schedule

Project Info:
**POINT NORTHWEST 8**

*Point Place*
*Dover, NH*

Sheet Status:
Latest Release:
Issued For: PERMIT SET
Org. Issue Date: NFC - 032624

JOB NO:
DRAFTED: JMT
CHECKED: Checker

SCALE: 1/4" = 1'-0"

Sheet Title:
*FLOOR PLAN*

Sheet Number:
A1.1

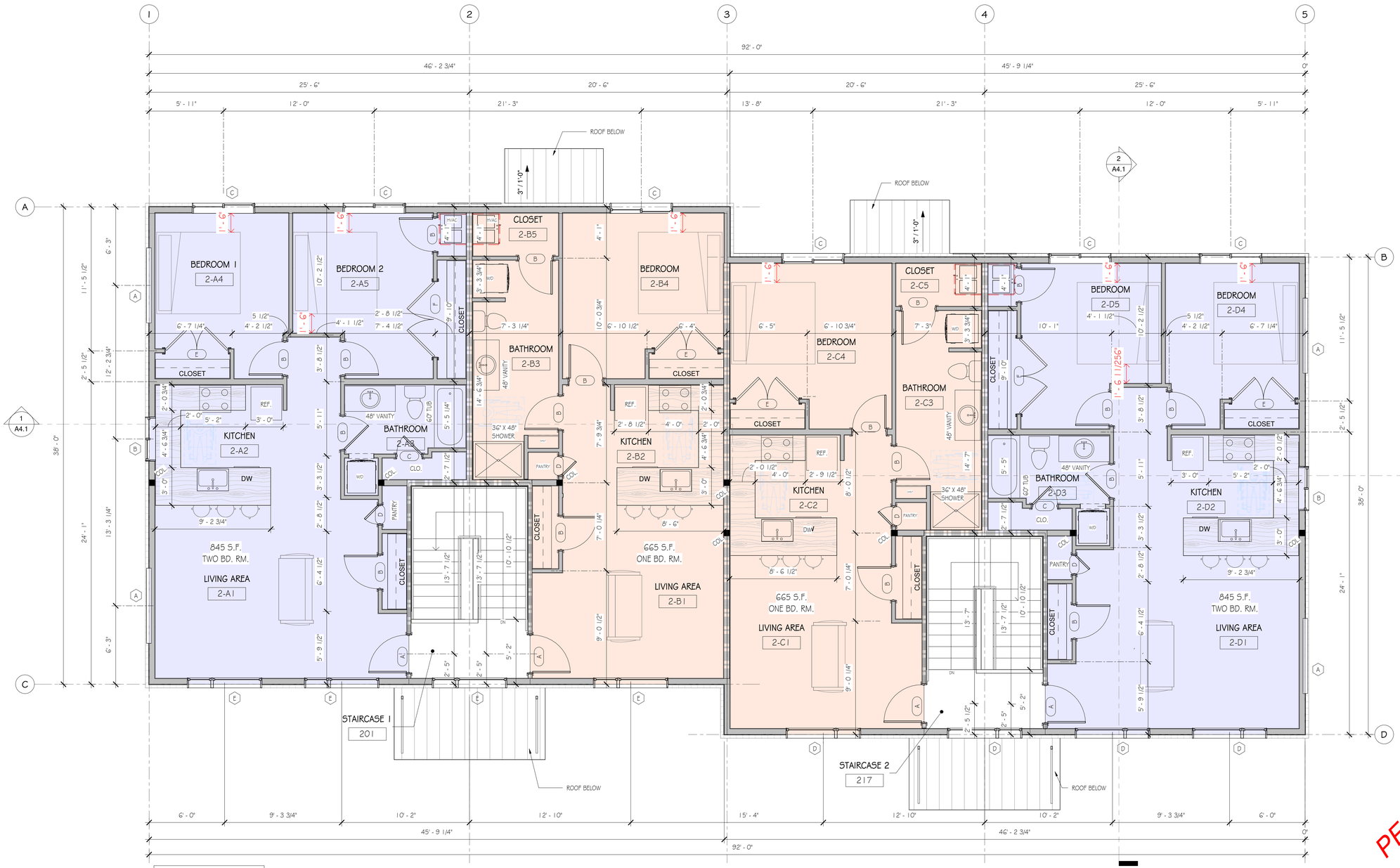
PERMIT SET
3/26/2024
9:40:18 PM

PROJECT NORTH

Printed on: 3/26/2024 9:40:18 PM

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TW DESIGNS LLC
254 DRAKE HILL RD. STRAFFORD, NH
P: 603.664.2181 | F: 603.664.9508




1 SECOND FLOOR PLAN
1/4" = 1'-0"

FLOOR PLAN NOTES:
1) REFER TO SHEETS A2.1 FOR REFLECTED CEILING PLANS & LIGHT FIXTURE LAYOUTS
2) REFER TO SHEET A6.1 FOR DOOR & WINDOW INFORMATION.
3) REFER TO STRUCTURAL DRAWINGS FOR ALL CONCRETE SLAB THICKNESSES & REINFORCEMENT PLACEMENT LOCATIONS.
4) REFER TO STRUCTURAL DRAWINGS FOR ALL STRUCTURAL COLUMN SIZES & LOCATIONS.
5) REFER TO COVER SHEET FOR TYPICAL ABBREVIATIONS.
6) REFER TO SHEETS A3.1 & A3.2 FOR STOREFRONT ELEVATIONS
7) PROVIDE UNDER SLAB RADIENT HEAT @ LOBBY.
8) REFER TO EXTERIOR ELEVATIONS FOR EFIS,FINISHES & CONTROL JOINT LOCATIONS.

| No. | Description | Date |
|---|---|---|

Revision Schedule

Project Info:

**POINT NORTHWEST 8**

*Point Place*
*Dover, NH*

Sheet Status:

Latest Release:
Issued For: PERMIT SET
Org. Issue Date: NFC - 032624

JOB NO:
DRAFTED: Author
CHECKED: Checker

SCALE: 1/4" = 1'-0"

Sheet Title:

*SECOND FLOOR PLAN*

Sheet Number:

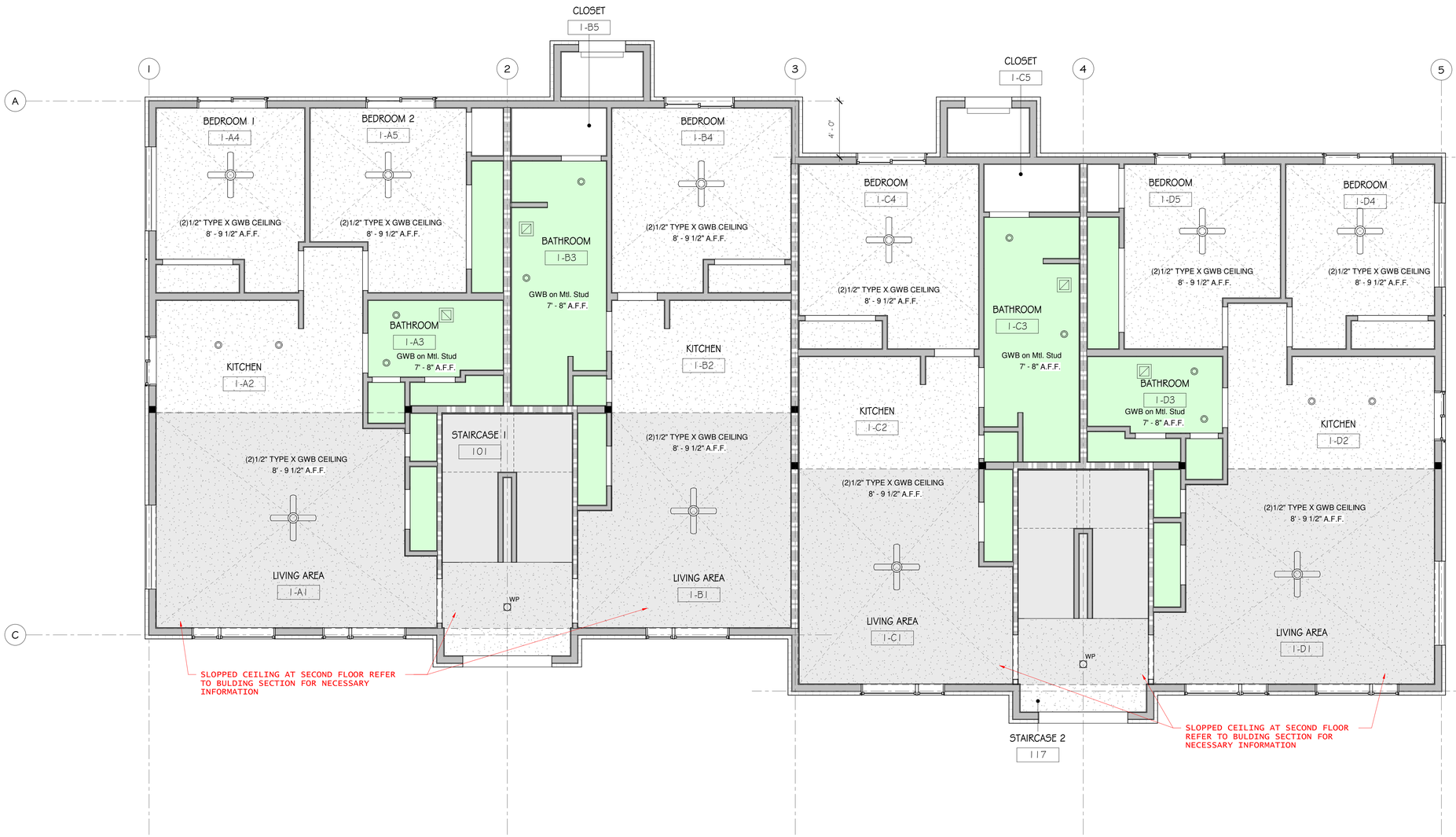
A1.2

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TW DESIGNS LLC
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1 FIRST FLOOR REFLECTED CEILING PLAN
1/4" = 1'-0"

RCP SYMBOL LEGEND

| | |
|---|---|
| | = TOILET ROOM EXHAUST VENT (COMBINE & GATHER AS APPLICABLE BY CODE, EXIT THRU ROOF) |
| WP | = 6X6 RECESSED CAN LIGHT |
| | = CEILING FAN WITH LIGHT |
| | = 4X4 RECESSED CAN LIGHT |
| | = WALL MOUNTED LIGHT |

RCP NOTES:
1) LIGHTING LAYOUT IS FOR DESIGN INTENT ONLY. ALL LIGHTING FIXTURES & PLACEMENT TO BE COORDINATED BY LIGHTING CONTRACTOR.
2) ALL HVAC SYSTEMS SHALL HAVE HARDWIRED THERMOSTATS.
3) HEATING & COOLING REGISTER LOCATIONS ON HALLWAY CEILING ARE SHOWN FOR DESIGN INTENT ONLY. MECH. REGISTER LOCATIONS & QUANTITIES SHALL BE COORDINATED BY MECHANICAL CONTRACTOR.
4) BEDROOMS TO RECEIVE LIGHT & FAN COMBINATION UNIT W/ CONTINUOUSLY RUNNING FAN TO CREATE NEGATIVE PRESSURE
5) DUCTED HVAC SYSTEMS @ RES. UNITS SHALL HAVE (3) DUCTS, FOR BED ROOM, LIVING ROOM & BATH ROOM. REFER TO MECH. DWGS

| COLOR LEGEND | |
|---|---|
| | GWB CEILING HGT. 7'-8" A.F.F. FOR FIRST FLOOR LEVEL |
| | GWB SLOPPED CEILING FOR SECOND FLOOR LEVEL |

| No. | Description | Date |
|---|---|---|

Revision Schedule

Project Info:
**POINT NORTHWEST 8**
*Point Place*
*Dover, NH*

Sheet Status:
Latest Release:
Issued For: PERMIT SET
Org. Issue Date: NFC - 032624

JOB NO:
DRAFTED: Author
CHECKED: Checker

SCALE: As indicated

Sheet Title:
*REFLETED CEILING PLAN*

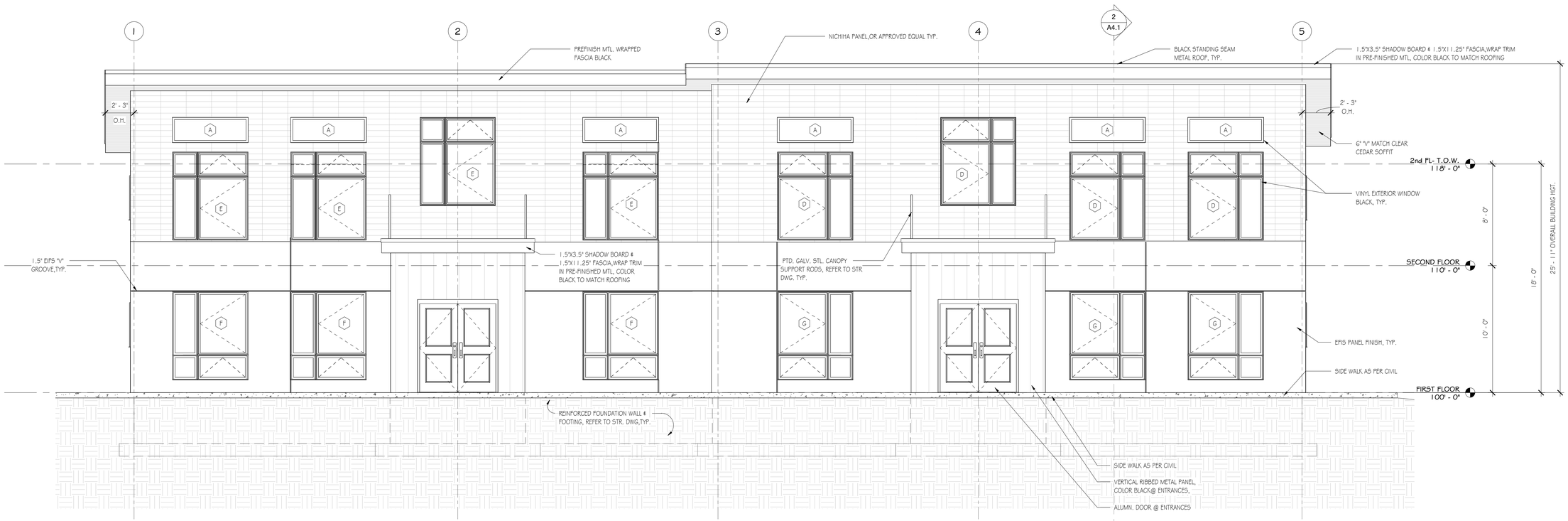
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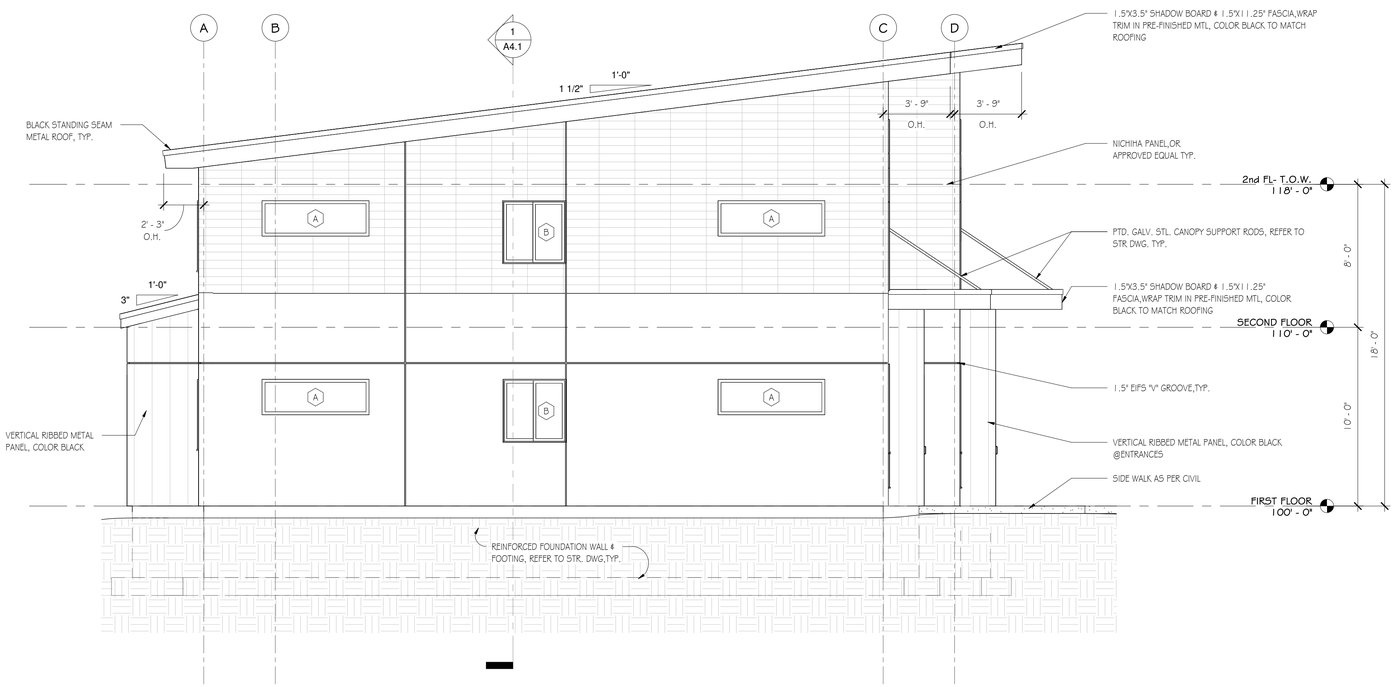
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1 FRONT EXTERIOR ELEVATION
1/4" = 1'-0"




2 LEFT SIDE EXTERIOR ELEVATION
1/4" = 1'-0"

**ELEVATION NOTES:**

1. REFER TO SHEET A3.3 FOR ALL LOCATIONS OF E.I.F.S., 3/4" GROOVES
2. REFER TO SHEET A1.1 & A1.2 FOR ALL CURTAIN WALL & STOREFRONT MULLION GRID DIMENSIONS
3. REFER TO SHEET A6.1 FOR DOOR & WINDOW SCHEDULES & LEGENDS
4. REFER TO FLOOR PLANS FOR ALL EXTERIOR WALL TYPE ASSEMBLIES
5. LIGHTING LAYOUT FOR DESIGN INTENT ONLY. ALL FIXTURE PLACEMENTS TO BE BY ELECTRICAL CONTRACTOR'S DESIGN / BUILD ENGINEER.
6. REFER TO MECH. DWGS. FOR ALL WALL PENETRATION LOCATIONS & DETAIL
7. REFER TO PLUMBING DWGS. FOR ALL WATER & GAS METER LOCATIONS
8. REFER TO ELECTRICAL DWGS. FOR ALL METER LOCATIONS

| EXTERIOR FINISH SCHEDULE | |
|---|---|
| | MANUFACTURE- NICHIHA OR APPROV. EQ.<br>MODEL:<br>COLOR: |
| | MANUFACTURE- STO - EIFS OR APPROV. EQ.<br>MODEL- SUPER SMOOTH<br>COLOR: LIGHT GREY |
| | MANUFACTURE- ATAS INTERNATIONAL OR APPROV. EQ.<br>MODEL- MULTI PURPOSE MPN 8"<br>COLOR: BLACK |

No. Description Date

Revision Schedule

Project Info:

**POINT NORTHWEST 8**

*Point Place*
*Dover, NH*

Sheet Status:

Latest Release:
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Org. Issue Date: NFC - 032624

JOB NO:
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SCALE: 1/4" = 1'-0"

Sheet Title:

*EXTERIOR ELEVATIONS*

Sheet Number:

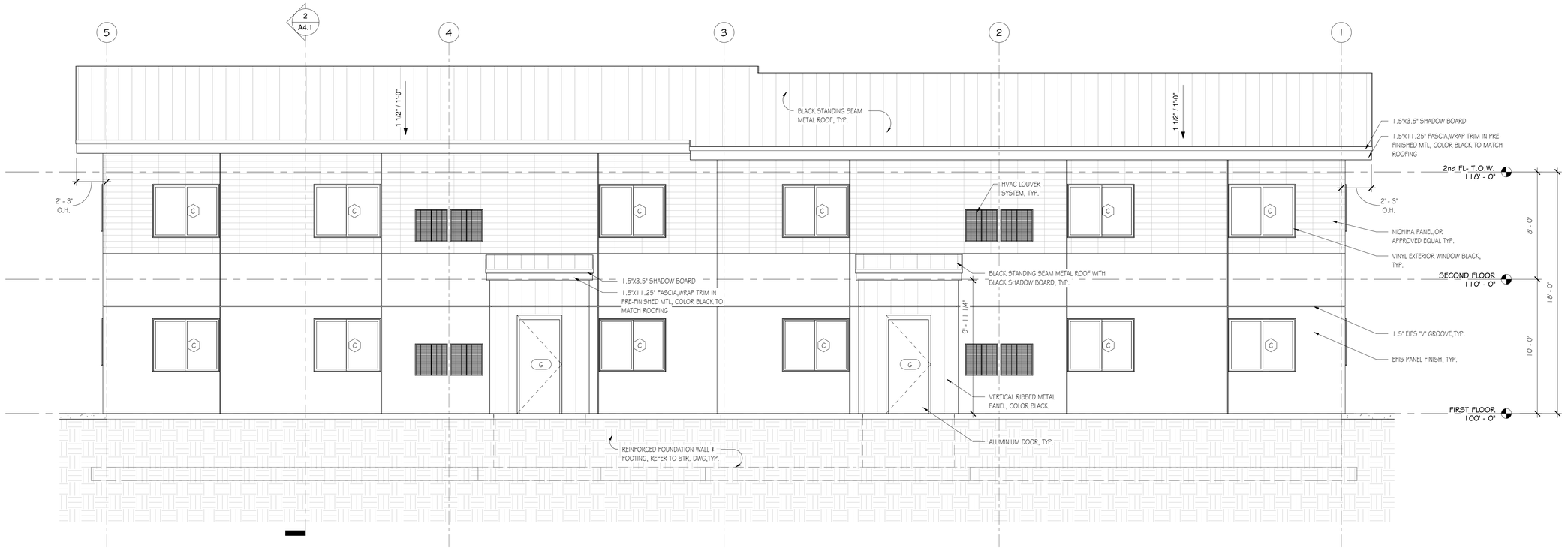
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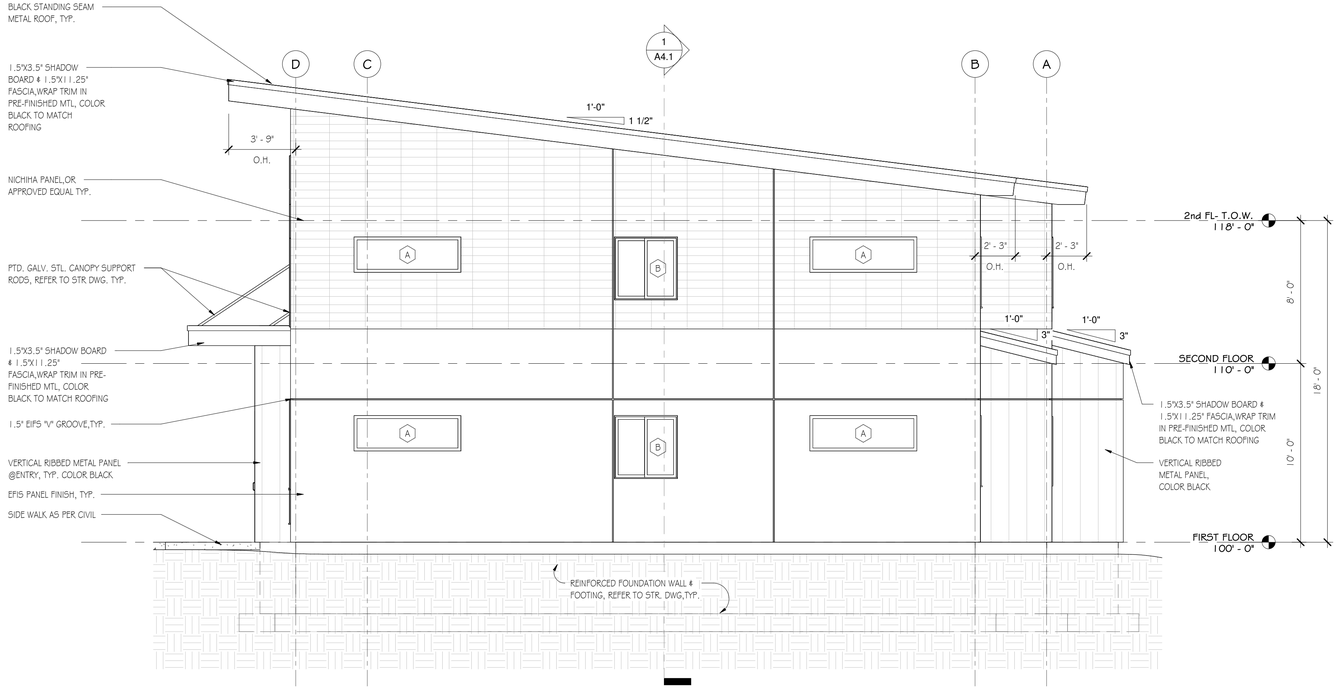
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1 REAR EXTERIOR ELEVATION
1/4" = 1'-0"




2 RIGHT SIDE EXTERIOR ELEVATION
1/4" = 1'-0"

**ELEVATION NOTES:**

1. REFER TO SHEET A3.3 FOR ALL LOCATIONS OF E.I.F.S. 3/4" GROOVES
2. REFER TO SHEET A1.1 & A1.2 FOR ALL CURTAIN WALL & STOREFRONT MULLION GRID DIMENSIONS
3. REFER TO SHEET A6.1 FOR DOOR & WINDOW SCHEDULES & LEGENDS
4. REFER TO FLOOR PLANS FOR ALL EXTERIOR WALL TYPE ASSEMBLIES
5. LIGHTING LAYOUT FOR DESIGN INTENT ONLY. ALL FIXTURE PLACEMENTS TO BE BY ELECTRICAL CONTRACTOR'S DESIGN / BUILD ENGINEER.
6. REFER TO MECH. DWGS. FOR ALL WALL PENETRATION LOCATIONS & DETAIL
7. REFER TO PLUMBING DWGS. FOR ALL WATER & GAS METER LOCATIONS
8. REFER TO ELECTRICAL DWGS. FOR ALL METER LOCATIONS

| EXTERIOR FINISH SCHEDULE | |
|---|---|
| | MANUFACTURE: NICHIHA OR APPROV. EQ.<br>MODEL:<br>COLOR: |
| | MANUFACTURE: STO - EIFS OR APPROV. EQ.<br>MODEL: SUPER SMOOTH<br>COLOR: LIGHT GREY |
| | MANUFACTURE: ATAS INTERNATIONAL OR APPROV. EQ.<br>MODEL: MULTI PURPOSE MPN 8"<br>COLOR: BLACK |

PERMIT SET
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| No. | Description | Date |
|---|---|---|

Revision Schedule

Project Info:

**POINT NORTHWEST 8**

*Point Place*
*Dover, NH*

Sheet Status:

Latest Release:
Issued For: PERMIT SET
Org. Issue Date: NFC - 032624

JOB NO:
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CHECKED: Checker
SCALE: 1/4" = 1'-0"

Sheet Title:

*EXTERIOR ELEVATIONS*

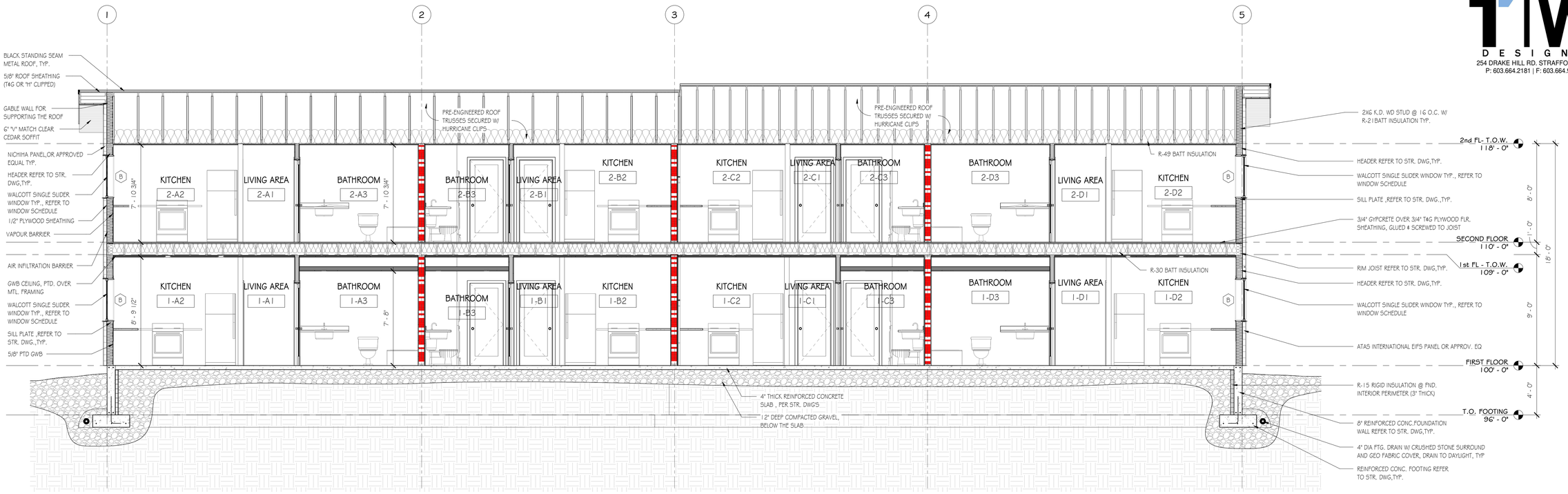
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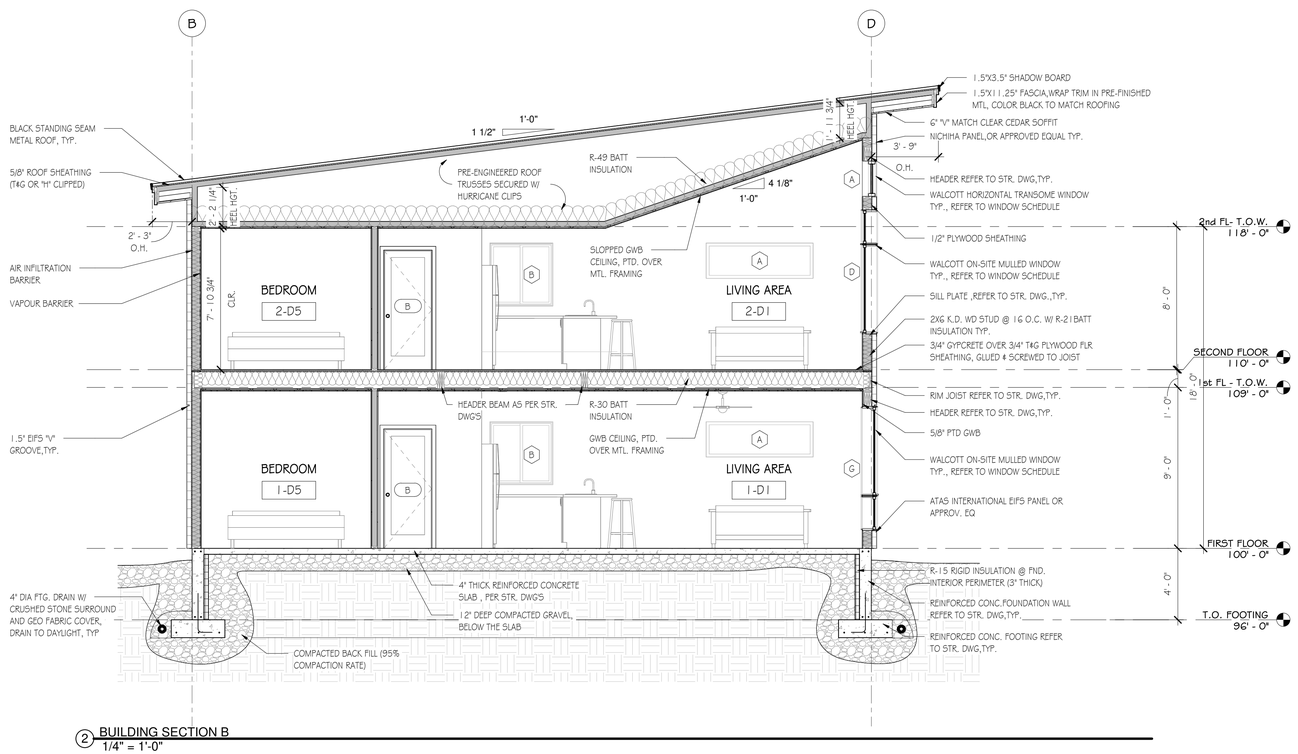
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1 BUILDING SECTION A
1/4" = 1'-0"




2 BUILDING SECTION B
1/4" = 1'-0"

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| No. | Description | Date |
|---|---|---|

Revision Schedule

Project Info:

**POINT NORTHWEST 8**

*Point Place*
*Dover, NH*

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SCALE: 1/4" = 1'-0"

Sheet Title:

*BUILDING SECTIONS*

Sheet Number:

A4.1

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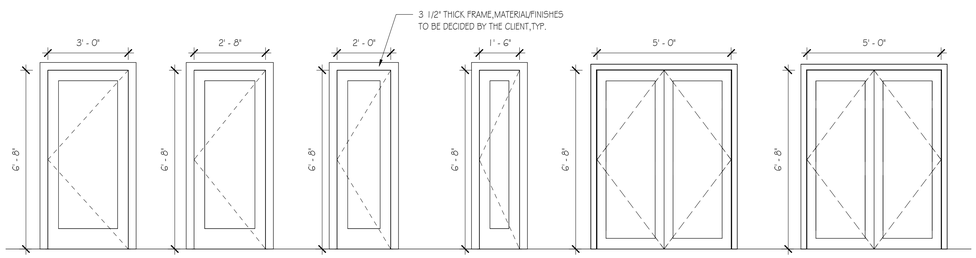
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## Door Schedule

| Type Mark | Operation | Rough Width | Rough Height | Thickness | Fire Rating | Door Matenal | Door Finish | Frame Type | Frame Finish | Lock Set | Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|
| A | SWING | 3' - 0" | 6' - 8" | 1 3/8" | | | | | | | INTERIOR |
| B | SWING | 2' - 8" | 6' - 8" | 1 3/8" | | | | | | | INTERIOR |
| C | SWING | 2' - 0" | 6' - 8" | 1 3/8" | | | | | | | INTERIOR |
| D | SWING | 1' - 6" | 6' - 8" | 1 3/8" | | | | | | | INTERIOR |
| E | SWING | 5' - 0" | 6' - 8" | 1 3/4" | | | | | | | INTERIOR |
| F | SWING | 6' - 0" | 6' - 8" | 1 3/4" | 90 MIN | | | | | | INTERIOR |
| G | SWING | 3' - 0" | 7' - 0" | 1 3/4" | | | | | | | EXTERIOR |
| H | SWING | 6' - 0" | 7' - 0" | 1 3/4" | | | | | | | EXTERIOR |

## ROOM FINISH SCHEDULE

| Name | Number | Floor Finish | Base Finish | Wall Finish | Ceiling Finish |
|---|---|---|---|---|---|
| LIVING AREA | 1-A1 | VINYL PLANK FLOORING | 5 1/4" MDF SPEED BASE (PTD.) | GYPSUM WALL BOARD (PTD.) | GYPSUM WALL BOARD (PTD.) |
| KITCHEN | 1-A2 | VINYL PLANK FLOORING | 5 1/4" MDF SPEED BASE (PTD.) | GYPSUM WALL BOARD (PTD.) | GYPSUM WALL BOARD (PTD.) |
| BATHROOM | 1-A3 | CERAMIC TILE | CERAMIC TILE BASE | GYPSUM WALL BOARD (PTD.) | GYPSUM WALL BOARD (PTD.) |
| BEDROOM 1 | 1-A4 | CARPET | 5 1/4" MDF SPEED BASE (PTD.) | GYPSUM WALL BOARD (PTD.) | GYPSUM WALL BOARD (PTD.) |
| BEDROOM 2 | 1-A5 | CARPET | 5 1/4" MDF SPEED BASE (PTD.) | GYPSUM WALL BOARD (PTD.) | GYPSUM WALL BOARD (PTD.) |




"A" — INT. 1 PANEL SMOOTH FACE DOOR, MOULDED WOOD, SOLID CORE, PAINTED

"B" — INT. 1 PANEL SMOOTH FACE DOOR, MOULDED WOOD, SOLID CORE, PAINTED

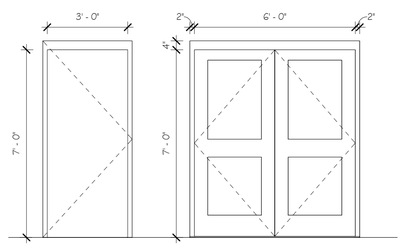
"C" — INT. 1 PANEL SMOOTH FACE DOOR, MOULDED WOOD, SOLID CORE, PAINTED

"D" — INT. 1 PANEL SMOOTH FACE DOOR, MOULDED WOOD, SOLID CORE, PAINTED

"E" — INT. 1 PANEL SWING, MOULDED WOOD, SOLID CORE, SPLIT JAMB WOOD FRAME, PAINTED

"F" — INT. 1 PANEL SWING, MOULDED WOOD, SOLID CORE, SPLIT JAMB WOOD FRAME, PAINTED

RESIDENTIAL UNIT INTERIOR DOOR LEGEND
3/8" = 1'-0"




"G" — EXT. FLUSH METAL DOOR, SOLID CORE, PTD. HOLLOW MTL. FRAME, 90 MIN. FIRE RATED, PAINTED, AUTO CLOSER

"H" — EXT. ALUMINIUM ENTRANCE DOOR, DOUBLE LITES, ALUMINIUM FRAME, BLACK ANODISED DOOR FRAME, AUTO OPENER AND CLOSER

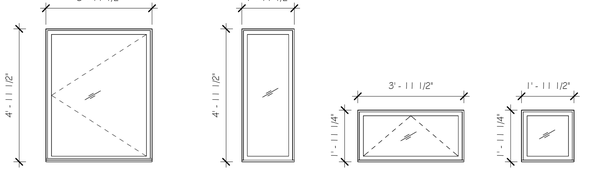
EXTERIOR DOOR LEGEND
3/8" = 1'-0"

## Window Schedule Assembly

| Type Mark | Manufacturer | Model | Description | Width | Height | Head Height | Comments |
|---|---|---|---|---|---|---|---|
| A | MATHEWS BROTHERS | WALCOTT | GLAZE TRANSOM | 5' - 11 3/4" | 1' - 11 3/4" | <varies> | |
| B | MATHEWS BROTHERS | WALCOTT | HOR. SINGLE SLIDER | 3' - 6 1/4" | 3' - 6 1/4" | 7' - 1" | |
| C | MATHEWS BROTHERS | WALCOTT | HOR. SINGLE SLIDER | 4' - 11 3/4" | 3' - 11 3/4" | 7' - 1" | |
| D | MATHEWS BROTHERS | WALCOTT | ON SITE MULL | 5' - 11 5/16" | 6' - 11 5/16" | <varies> | |
| E | MATHEWS BROTHERS | WALCOTT | ON SITE MULL | 5' - 11 5/16" | 6' - 11 5/16" | <varies> | |
| F | MATHEWS BROTHERS | WALCOTT | ON SITE MULL | 5' - 11 5/16" | 6' - 11 5/16" | 7' - 11 5/16" | |
| G | MATHEWS BROTHERS | WALCOTT | ON SITE MULL | 5' - 11 5/16" | 6' - 11 5/16" | 7' - 11 5/16" | |

## Mulled Schedule

| Type Mark | Manufacturer | Model | Description | Width | Height | Comments |
|---|---|---|---|---|---|---|
| 1 | MATHEWS BROTHERS | CP4860 | CASEMENT WINDOW | 3' - 11 1/2" | 4' - 11 1/2" | |
| 2 | MATHEWS BROTHERS | CP2460 | PICTURE WINDOW | 1' - 11 1/2" | 4' - 11 1/2" | |
| 3 | MATHEWS BROTHERS | CP4824 | AWNING WINDOW | 3' - 11 1/2" | 1' - 11 1/8" | |
| 4 | MATHEWS BROTHERS | CP2424 | PICTURE WINDOW | 1' - 11 1/2" | 1' - 11 1/8" | |



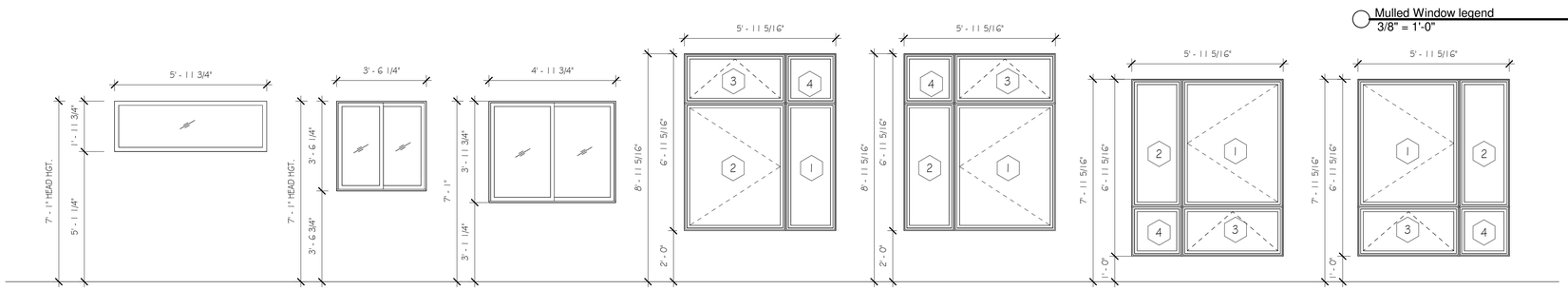

1 — MATHEWS BROTHERS, CASEMENT WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

2 — MATHEWS BROTHERS, PICTURE WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

3 — MATHEWS BROTHERS, AWNING WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

4 — MATHEWS BROTHERS, PICTURE WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

Mulled Window legend
3/8" = 1'-0"




A — MATHEWS BROTHERS, TRANSOM WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

B — MATHEWS BROTHERS, SINGLE SLIDER WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

C — MATHEWS BROTHERS, SINGLE SLIDER WINDOW, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

D — MATHEWS BROTHERS, WALCOTT CONSTRUCTION MULL, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

E — MATHEWS BROTHERS, WALCOTT CONSTRUCTION MULL, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

F — MATHEWS BROTHERS, WALCOTT CONSTRUCTION MULL, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

G — MATHEWS BROTHERS, WALCOTT CONSTRUCTION MULL, BLACK EXTERIOR, INSULATED LOW E 4 ARGON

WINDOW LEGEND
3/8" = 1'-0"

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| No. | Description | Date |
|---|---|---|

Revision Schedule

Project Info:

**POINT NORTHWEST 8**

*Point Place*
*Dover, NH*

Sheet Status:

Latest Release:
Issued For: PERMIT SET
Org. Issue Date: NFC - 032624

JOB NO:
DRAFTED: Author
CHECKED: Checker

SCALE: 3/8" = 1'-0"

Sheet Title:

*DOOR, WINDOW & ROOM FINISH SCHEDULES*

Sheet Number:

A6.1

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TW DESIGNS

# Front Rendering
# POINT NORTHWEST 8

SUMMIT
Land Development · Property Investment

R1

03/06/24

CITY OF DOVER

# PLANNING BOARD - STAFF MEMO FILE #SUBM-2024-0002

| | |
|---|---|
| Application Type: | Minor Subdivision |
| Applicant(s): | Civilworks NE |
| Owner(s): | Westfield, LLC |
| Location: | 64 Littleworth Rd. (Assessor's Map G, Lot 2) |
| Meeting Date: | July 23, 2024 |

**INTENT:** Proposal is for a Minor Subdivision to create two new lots. *(The Board previously approved a subdivision for the subject parcel on May 24, 2022 which has since expired and the proposed roadway has been slightly altered.)*

**LOTS PROPOSED:** 2 new lots

**AGENDA ITEM #:** 4-C

**ACREAGE**:
Existing Acreage: 58.91± ac.
Proposed Parent Lot (Map G, Lot 2): 5.11± ac.
Proposed Lot 3 (Map G, Lot 2-3): 23.67± ac.
Proposed Lot 4 (Map G, Lot 2-4): 28.24± ac

**ZONING DISTRICT:** CM

**EXISTING USE:** Vacant formerly farmland with residence

**PROPOSED USE:** TBD

**SURROUNDING USES:** Residential, Industrial

**ZBA ACTION:** N/A

**APPLICATION IS COMPLETE:** Yes

**REGIONAL IMPACT:** No

**PERMITS REQUIRED:** NHDES Wetlands and Non-Site Specific Permit (granted)
CUP for Wetlands (P22-24, granted)

**WAIVERS REQUESTED:** N/A

**NOTICES SENT:** Abutter notices were sent by certified mail to all abutters.

**ATTACHMENTS:** Application material, Subdivision Plan

**Summary of Request and Background:**
On May 24, 2022, the Board approved a Minor Subdivision plan for the subject parcel that included one (1) existing lot and two (2) new lots. The Board also granted a related Conditional Use Permit (P22-24) due to a wetland impact related to roadway construction.

The Minor Subdivision approval has since expired as the applicant was working with NH DES for permitting approval. The applicant received NH DES approval for a Wetlands Permit on May 10, 2024.

The applicant is again proposing to subdivide the subject parcel, 58.91± acres, into three (3) total lots (one (1) existing and two (2) new). Future development of the proposed lots will be subject to Site Plan review.

**Consistency with Land Use Regulations:**
The plan is consistent with §157-15 of the City of Dover's Land Subdivision Regulations, which provides for subdivision of existing lots.

**STAFF RECOMMENDATION:**
Planning Department recommends that the Planning Board vote to accept the application and determine it not to have regional impact, open a public hearing, close the public hearing, make the necessary and supporting findings of fact, and vote to approve the minor subdivision with the following subsequent conditions:

**Subsequent Conditions to be Met Prior to Signing of Plans:**

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
   1.1. Signature and stamp of PE, LLS, CWS and LLA
   1.2. The owners' signatures for recording at Strafford County Registry of Deeds
   1.3. All permit numbers
   1.4. Add city wetland buffer placards every 30 feet
   1.5. Add road names approved by the Building Official.
   1.6. Add note to plan or show proposed easement location for emergency access from Lot G, 2-2.

**Subsequent Condition to Be Met Prior to Construction:**

2. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Planning Director.
3. The wetland buffer placards be installed every 30 feet.

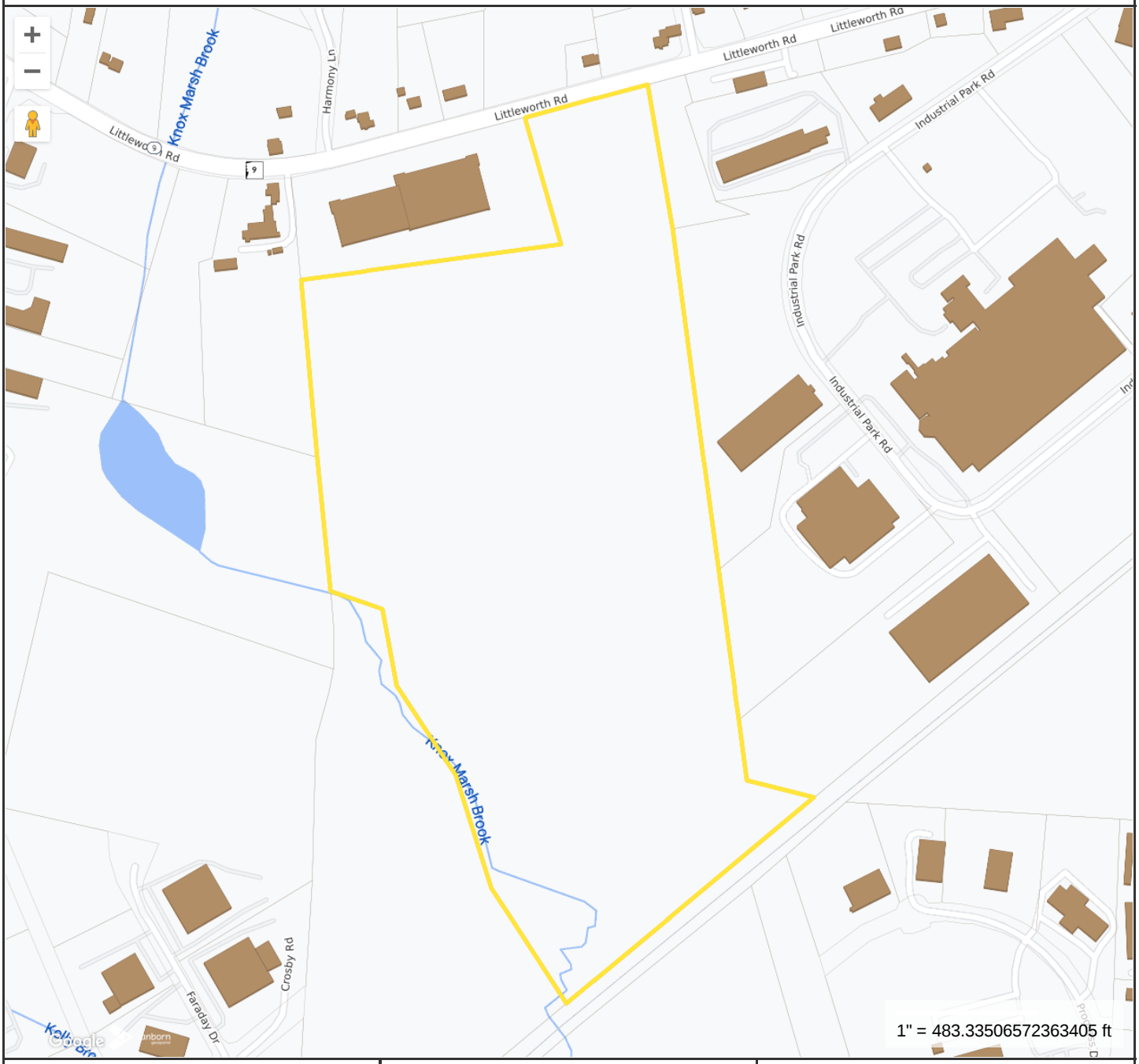
**Conditions to be Met Prior to the Issuance of a Building Permit:**

4. The payment the current Water and Sewer Investment Fees in place at the time of application for service.
5. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision, unless change to impact fee policy occurs.

**Conditions to Be Met Prior to Occupancy/Completion:**

6. Issuance of the Certificate of Occupancy.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
8. Confirmation, by staff, that the wetlands buffer signs are in place, or replaced if damaged during construction.
9. Design engineer to submit a construction certification letter to the City ensuring construction was completed in accordance with the plans and specifications approved by the City of Dover.

# SUBM-2024-0002 Littleworth Road




**Property Information**

| | |
|---|---|
| **Location** | LITTLEWORTH RD |
| **Owner** | WESTFIELD LLC |
| **Land Use** | |
| **Zoning Code** | CM |
| **Property Id** | G0002-000000 |

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 10/30/2023
Data updated Daily

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

# PLAN SNAPSHOT REPORT SUBM-2024-0002
# FOR CITY OF DOVER, N.H.

| | | | | | |
|---|---|---|---|---|---|
| **Plan Type:** | Subdivision Plan - Minor | **Project:** | | **App Date:** | 07/03/2024 |
| **Work Class:** | New Construction | **District:** | None | **Exp Date:** | 09/06/2024 |
| **Status:** | In Review | **Square Feet:** | 2,566,225.00 | **Completed:** | NOT COMPLETED |
| **Valuation:** | $1,191,600.00 | **Assigned To:** | Blonigen, Rachel | **Approval Expire Date:** | |
| **Description:** | 3 Lot Subdivision | | | | |

| **Parcel:** | G0002-000000 Main | **Address:** | Littleworth Rd Main<br>Dover, NH | **Zone:** |
|---|---|---|---|---|

Engineer
Stephen Haight
Home: (603) 749-0443
Business: (603) 749-0443
Mobile: (603) 851-6651

Applicant
Douglas J LaRosa
181 Watson Road PO Box
1166 PO Box 1166
Dover, NH 03821
Business: (160) 374-9044 x3
Mobile: (603) 520-0625

**Plan Custom Fields**

| | | | | | |
|---|---|---|---|---|---|
| Proposed Number of New Lots | 3 | Existing Number of Lots | 1 | Parcel Map/Lot | G0002-000000 |
| Parcel Zoning Overlay | Wetland Overlay and Conservation Overlay | Select Subdivision Type | Conventional | Parcel Zoning | Commercial Manufacturing CM |
| Property Address | Littleworth Road | Existing Parcel Size (Ac) | 58.91 | Existing Parcel Size (sqft) | 2.56612e+006 |
| Proposed Use Detail | Commercial and or Manufacturing | Owner Name | Westfield, LLC | Deed Page | 471 |
| Deed Book | 4733 | Owner Address | 340 CENTRAL AVE STE 202 DOVER, NH 03820 | Deed Date | 2-12-2020 |
| Refuse Removal | Public | Estimated Construction Value | 759000.00 | Owner Phone | 603-749-2800 |
| Parcel Feedback | Unknown | Owner EMail | Chad Kageleiry <chad@summitlanddev.com> | Existing Use Detail | Vacant Field |
| TDR Detail | | subdroadtype | Municipal | Water Source? | Municipal |
| Distance to City Water (ft) | 0 | Distance to City Sewer (ft) | 0 | Sewer Service? | Municipal |
| Proposed Road Length (ft) | 1265 | Subdivision Regulations section(s) to be waived | None | Justification for waiver request(s) | |

| Attachment File Name | Added On | Added By | Attachment Group | Notes |
|---|---|---|---|---|
| Signature_Douglas_LaRosa_7/3/2024.jpg | 07/03/2024 13:24 | LaRosa, Douglas | | Uploaded via CSS |
| 2024.07.23_PlanningBoard.Agenda.pdf | 07/09/2024 16:38 | Blonigen, Rachel | | PB Agenda |
| Abutter List.pdf | 07/09/2024 16:38 | Blonigen, Rachel | | Abutter List |

| Invoice No. | Fee | Fee Amount | Amount Paid |
|---|---|---|---|
| INV-00008554 | Planning Subdivision Lot Fee | $450.00 | $450.00 |
| | Planning Subdivision Application Fee | $200.00 | $200.00 |
| | **Total for Invoice INV-00008554** | **$650.00** | **$650.00** |
| NOT INVOICED | Planning Creation / Printing of Abutter Labels | $210.00 | $0.00 |
| | **Total for Invoice NOT INVOICED** | **$210.00** | **$0.00** |
| | **Grand Total for Plan** | **$860.00** | **$650.00** |

# PLAN SNAPSHOT REPORT (SUBM-2024-0002)

| Workflow Step / Action Name | Action Type | Start Date | End Date |
|---|---|---|---|
| **Review v.1** | | 07/03/2024 14:29 | 07/03/2024 14:29 |
| Confirm application complete v.1 | Generic Action | | 07/03/2024 14:29 |
| **Planning Board v.1** | | 07/09/2024 16:42 | |
| Planning Board Agenda v.1 | Task | 07/09/2024 16:42 | 07/09/2024 16:42 |
| Invoice for Notices v.1 | Task | 07/09/2024 16:42 | 07/10/2024 14:18 |
| Send Notices v.1 | Task | | |
| Planner Creates Staff Recommendations v.1 | Plan Activity | | |
| Distribute Planning Board Materials v.1 | Task | | |
| Planning Board Hearing v.1 | Hold Hearing | | |
| Planning Board Decision v.1 | Plan Activity | | |
| NOD Sent to Applicant v.1 | Create Report | | |
| **Final Plan v.1** | | | |
| Land Use Plan Final Review v.1 | Receive Submittal | | |
| Land Use Plan Stamped and Signed v.1 | Generic Action | | |
| Recording v.1 | Task | | |
| Document Archival v.1 | Generic Action | | |
| Internal Notification of Plan Completion v.1 | Generic Action | | |
| **Create/Link to Records v.1** | | | |
| Create / Link to Permit - Building Major v.1 | Create Sub Permit | | |

**SUBM-2024-0002** **LITTLEWORTH ROAD**

| Property ID | Location | Owner 1 | Owner 2 | Owner Address 1 | City | State | Zip | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| F0026-000000 | LITTLEWORTH RD | PUBLIC SERV CO OF N H | | PO BOX 330 | MANCHESTER | NH | 03105-0330 | | | | | |
| F0026-A00000 | 69 LITTLEWORTH RD | NUGENT LISA A | | 69 LITTLEWORTH RD | DOVER | NH | 03820 | | | | | |
| F0027-000000 | 67 LITTLEWORTH RD | RAVELING DAVID L | | 16 FORD DR | BARRINGTON | NH | 03825 | | | | | |
| F0028-A00000 | 73 LITTLEWORTH RD | SHOCKLEY LUANNE K & | HARVEY DAVID MICHAEL | 73 LITTLEWORTH ROAD | DOVER | NH | 03820 | | | | | |
| G0001-L00000 | 15 FARADAY DR | CHAUVIN ARNOUX INC | | 15 FARADAY DR | DOVER | NH | 03820 | | | | | |
| G0002-001000 | LITTLEWORTH RD | DEL SOL DOVER LLC | | 340 CENTRAL AVE STE 202 | DOVER | NH | 03820 | | | | | |
| G0002-002000 | 64 LITTLEWORTH RD | BLUEBIRD DOVER LLC | | 125 OCEAN RD | GREENLAND | NH | 03840 | | | | | |
| G0003-A00100 | 80 INDUSTRIAL PARK RD | RECON REALTY LLC | | 80 INDUSTRIAL PARK DR | DOVER | NH | 03820 | | | | | |
| G0003-A00101 | 74 INDUSTRIAL PARK RD | 74 IP LLC | | 800 BOYLSTON ST PO BOX 990539 | BOSTON | MA | 02118 | | | | | |
| G0003-C00000 | 44 INDUSTRIAL PARK RD | 44 INDUSTRIAL DRIVE OWNER LLC | | 55 CAMBRIDGE ST | BURLINGTON | MA | 01803 | | | | | |
| G0003-D00002 | 62 LITTLEWORTH RD | IWORX REAL ESTATE LLC | | 62 LITTLEWORTH RD | DOVER | NH | 03820 | | | | | |
| G0004-E00000 | 92 INDUSTRIAL PARK RD | WILLMANCH CORP | C/O BT-NEWYO LLC ATTN CORP REAL ESTATE | 55 GLENLAKE PARKWAY NE | ATLANTA | GA | 30328 | | | | | |
| G0005-000000 | LITTLEWORTH RD | BOSTON & MAINE RR | IRON HORSE PARK | 500 WATER STREET J-910 | JACKSONVILLE | FL | 32202 | | | | | |
| G0031-000000 | 66 LITTLEWORTH RD | GP MADBURY 35 LLC | | 21 MADBURY RD | DURHAM | NH | 03824 | | | | | |
| G0031-001000 | 50 52 CROSBY RD | MCGUIRE GROUP LLC | | PO BOX 988 | DOVER | NH | 03821 | | | | | |
| G0041-000000 | LITTLEWORTH RD | BT-NEWYO LLC | ATTN CORP REAL ESTATE DEPT TAX MRG | 55 GLENLAKE PARKWAY NE | ATLANTA | GA | 30328 | | | | | |
| H0031-000000 | 30 LITTLEWORTH RD | SOUSANE RUTH K & | QUINLAN NANCY K | 30 LITTLEWORTH RD | DOVER | NH | 03820 | | | | | |
| H0036-004000 | 8 PROGRESS DR | PROGRESS OF DOVER LLC | | PO BOX 1409 | DOVER | NH | 03821-1409 | | | | | |
| H0036-005000 | 10 PROGRESS DR | RETROSI PROPERTIES LLC | | 318 DOVER POINT RD | DOVER | NH | 03820 | | | | | |
| H0036-B00001 | 221 KNOX MARSH RD | NSA OPTIVEST ACQUISITION HOLDINGS LLC | | 24901 DANA PT HARBOR DR #200 | DANA POINT | CA | 92629 | | | | | |
| H0036-C00000 | KNOX MARSH RD | PUBLIC SERV CO OF N H | | PO BOX 330 | MANCHESTER | NH | 03105-0330 | | | | | |
| | | CIVILWORKS NEW ENGLAND | DOUGLAS LAROSA | PO BOX 1166 | DOVER | NH | 03820 | | | | | |
| | | MCENEANEY SURVEY ASSOCIATES OF NEW | ENGLAND | PO BOX 681 | DOVER | NH | 03820 | | | | | |
| | | BAG LAND CONSULTANTS | BRUCE A GILDAY, CWS | 43 ROCKINGHAM STREET | CONCORD | NH | 03301 | | | | | |
| G0002-000000 | LITTLEWORTH RD | WESTFIELD LLC | | 340 CENTRAL AVE STE 202 | DOVER | NH | 03820 | 14370 | 1191600 | 0 | 20200212 | 4733/471 |

The State of New Hampshire
**Department of Environmental Services**

**Robert R. Scott, Commissioner**

**WETLANDS AND NON-SITE SPECIFIC PERMIT 2022-02955**

**NOTE CONDITIONS**

| | |
|---|---|
| **PERMITTEE:** | **WESTFIELD LLC**<br>**340 CENTRAL AVE STE 202**<br>**DOVER NH 03820** |
| **PROJECT LOCATION:** | **NH RTE 9 - LITTLEWORTH RD, DOVER**<br>**Tax Map/Block/Lot(s): G/2** |
| **WATERBODY:** | **UNNAMED INTERMITTENT STREAMS** |
| **APPROVAL DATE:** | **MAY 10, 2024** |
| **EXPIRATION DATE:** | **MAY 10, 2029** |

Based upon review of permit application 2022-02955 in accordance with RSA 482-A and RSA 485-A:17, the New Hampshire Department of Environmental Services (NHDES) hereby issues this Wetlands and Non-Site Specific Permit. To validate this Permit, signatures of the Permittee and the Principal Contractor are required.

**PERMIT DESCRIPTION:**
Dredge and fill a total of 707 square feet (SF) within the bed and banks of two (2) intermittent streams to construct a 30 foot wide roadway to provide access to a 3-lot industrial subdivision including the following; Stream Crossing #1: dredge and fill 345 SF within the bed and banks of an unnamed intermittent stream (tier 1, impacting 50 linear feet [LF]) to install twin 24 inch diameter by 50 foot long culverts with associated headwalls; Stream Crossing #2: dredge and fill 362 SF within the bed and banks of an unnamed intermittent stream (tier 1, impacting 50 LF) to install a 24 inch diameter by 50 foot long culvert with associated headwalls.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING PROJECT-SPECIFIC CONDITIONS:**

1. All work shall be done in accordance with approved plan sheets dated March 25, 2022, and revised through November 27, 2023, by Civilworks New England and received by the NH Department of Environmental Services (NHDES) on November 28, 2023, in accordance with Env-Wt 307.16 and Env-Wt 524.05(b).
2. In accordance with Env-Wt 524.05(a), industrial development projects in non-tidal wetlands shall submit a construction notice with the department at least 48 hours prior to commencing work.
3. No activity shall be conducted in such a way as to cause or contribute to any violation of surface water quality standards per Env-Wt 307.03(a).
4. All work including management of soil stockpiles, shall be conducted so as to minimize erosion, minimize sediment transfer to surface waters or wetlands, and minimize turbidity in surface waters and wetlands per Env-Wt 307.03(b).
5. In accordance with Env-Wt 307.03(c)(3), water quality control measures shall be installed prior to start of work and in accordance with the manufacturer's recommended specifications.
6. In accordance with Env-Wt 307.03(c)(1), water quality control measures shall be selected and implemented based on the size and nature of the project and the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to jurisdictional areas.
7. In accordance with Env-Wt 307.03(c)(2), water quality control measures shall be comprised of wildlife-friendly erosion control materials if erosion control blankets are utilized.

8. In accordance with Env-Wt 307.03(c)(5), water quality control measures shall be maintained so as to ensure continued effectiveness in minimizing erosion and retaining sediment on-site during and after construction.
9. In accordance with Env-Wt 307.03(c)(6), water quality control measures shall remain in place until all disturbed surfaces are stabilized to a condition in which soils on the site will not experience accelerated or unnatural erosion by achieving and maintaining a minimum of 85% vegetative cover using an erosion control seed mix, whether applied in a blanket or otherwise, that is certified by its manufacturer as not containing any invasive species; or placing and maintaining a minimum of 3 inches of non-erosive material such as stone.
10. In accordance with Env-Wt 307.03(c)(7), temporary water quality control methods shall be removed upon completion of work when compliance with Env-Wt 307.03(c)(6) is achieved.
11. In accordance with Env-Wt 307.05(e), to prevent the use of soil or seed stock containing nuisance or invasive species, the contractor responsible for work shall follow Best Management Practices for the Control of Invasive and Noxious Plant Species (Invasive Plant BMPs).
12. In accordance with Env-Wt 307.11(b), limits of fill shall be clearly identified prior to commencement of work and controlled in accordance with Env-Wt 307.03 to ensure that fill does not spill over or erode into any area where filling is not authorized.
13. In accordance with Env-Wt 307.11(a), fill shall be clean sand, gravel, rock, or other material that meets the project's specifications for its use; and does not contain any material that could contaminate surface or groundwater or otherwise adversely affect the ecosystem in which it is used.
14. In accordance with Env-Wt 307.11(e), fill shall be not placed so as to direct flows onto adjacent or down-current property.
15. In accordance with Env-Wt 307.12(i), wetland areas where permanent impacts are not authorized shall be restored to their pre-impact conditions and elevation by replacing the removed soil and vegetation in their pre-construction location and elevation such that post-construction soil layering and vegetation schemes are as close as practicable to pre-construction conditions.
16. In accordance with Env-Wt 307.03(e), all exposed soils and other fills shall be permanently stabilized within 3 days following final grading.
17. In accordance with Env-Wt 307.11(c), slopes shall be immediately stabilized to prevent erosion into adjacent wetlands or surface waters.
18. In accordance with Env-Wt 307.03(g)(1), the person in charge of construction equipment shall inspect such equipment for leaking fuel, oil, and hydraulic fluid each day prior to entering surface waters or wetlands or operating in an area where such fluids could reach groundwater, surface waters, or wetlands.
19. In accordance with Env-Wt 307.03(g)(3) and (4), the person in charge of construction equipment shall maintain oil spill kits and diesel fuel spill kits, as applicable to the type(s) and amount(s) of oil and diesel fuel used, on site so as to be readily accessible at all times during construction; and train each equipment operator in the use of the spill kits.
20. In accordance with Env-Wt 307.03(g)(2), the person in charge of construction equipment shall repair any leaks prior to using the equipment in an area where such fluids could reach groundwater, surface waters, or wetlands.
21. In accordance with Env-Wt 307.03(h), equipment shall be staged and refueled outside of jurisdictional areas (unless allowed) and in accordance with Env-Wt 307.15.
22. In accordance with Env-Wt 307.15(b), mobile heavy equipment working in wetlands shall not be stored, maintained, or repaired in wetlands, except that repairing or refueling in a wetland is allowed if equipment cannot practicably be removed and secondary containment is provided.

**THIS PERMIT IS SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:**

1. Pursuant to RSA 482-A:12, a copy of this permit shall be posted in a secure manner in a prominent place at the site of the approved project.
2. In accordance with Env-Wt 313.01(a)(5), and as required by RSA 482-A:11, II, work shall not infringe on the property rights or unreasonably affect the value or enjoyment of property of abutting owners.
3. In accordance with Env-Wt 314.01, a standard permit shall be signed by the permittee, and the principal contractor who will build or install the project prior to start of construction, and will not be valid until signed.

4. In accordance with Env-Wt 314.03(a), the permittee shall notify the department in writing at least one week prior to commencing any work under this permit.
5. In accordance with Env-Wt 314.08(a), the permittee shall file a completed notice of completion of work and certificate of compliance with the department within 10 working days of completing the work authorized by this permit.
6. In accordance with Env-Wt 314.06, transfer of this permit to a new owner shall require notification to, and approval of, the NHDES.
7. The permit holder shall ensure that work is done in a way that protects water quality per Env-Wt 307.03; protects fisheries and breeding areas per Env-Wt 307.04; protects against invasive species per Env-Wt 307.05; meets dredging activity conditions in Env-Wt 307.10; and meets filling activity conditions in Env-Wt 307.11.
8. This project has been screened for potential impact to known occurrences of protected species and exemplary natural communities in the immediate area. Since many areas have never been surveyed, or only cursory surveys have been performed, unidentified sensitive species or communities may be present. This permit does not absolve the permittee from due diligence in regard to state, local or federal laws regarding such communities or species. This permit does not authorize in any way the take of threatened or endangered species, as defined by RSA 212-A:2, or of any protected species or exemplary natural communities, as defined in RSA 217-A:3.
9. In accordance with Env-Wt 307.06(a) through (c), no activity shall jeopardize the continued existence of a threatened or endangered species, a species proposed for listing as threatened or endangered, or a designated or proposed critical habitat under the Federal Endangered Species Act, 16 U.S.C. §1531 et seq.; State Endangered Species Conservation Act, RSA 212-A; or New Hampshire Native Plant Protection Act, RSA 217-A.
10. In accordance with Env-Wt 307.02, and in accordance with federal requirements, all work in areas under the jurisdiction of the U.S. Army Corps of Engineers (USACE) shall comply with all conditions of the applicable state general permit.

APPROVED:



Kristin L. Duclos
Wetlands Specialist, Wetlands Bureau
Land Resources Management, Water Division

**THE SIGNATURES BELOW ARE REQUIRED TO VALIDATE THIS PERMIT (Env-Wt 314.01).**

_____ _____

PERMITTEE SIGNATURE (required) PRINCIPAL CONTRACTOR SIGNATURE (required)

The State of New Hampshire
**DEPARTMENT OF ENVIRONMENTAL SERVICES**

**Robert R. Scott, Commissioner**

September 22, 2022

Kenneth Mavrogeorge, City Engineer *(via email: K.Mavrogeorge@dover.nh.gov )*
Dover Public Works
271 Mast Road
Dover, NH 03820

**Re: Dover, NH – Westfield LLC Subdivision**
**WWEB Project No. D2022-0615**

**SEWERAGE DESIGN APPROVAL / WITHOUT SEWER CONNECTION PERMIT**

Dear Mr. Mavrogeorge:

The NH Department of Environmental Services (DES) has completed its review of the sewerage portion of design drawings and technical specifications prepared by Civilworks New England on behalf of the owner for the referenced project in Dover, NH, and hereby approves same.

The owner of the proposed sewerage has responsibility to ensure that project design, construction and testing complies with all state standards in Env-Wq 700 Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities adopted October 15, 2014. No deviations from approved plans or specifications shall be made without prior written approval from DES.

Other than a connection permit which has already been approved [Bluebird Storage, D2022-0621] no service connections to the system (subject to sewer connection permit review) shall take place without going through the approval and design review process (Env-Wq 703.07-703.08) for issuance of a Sewer Connection Permit. Until requested information is provided, the sewer connection review will be put on hold regarding the subject project.

Feel free to contact me at Robert.A.Daniel@des.nh.gov or (603) 271-2952 with any questions regarding this letter.

Sincerely,

Robert A. Daniel

Robert A. Daniel, P.E.
Design Review Section
Wastewater Engineering Bureau

*ec: Stephen J. Haight, P.E. – Civilworks New England, shaight@civilworksne.com*

# 3 LOT SUBDIVISION

## FOR

# WESTFIELD, LLC.

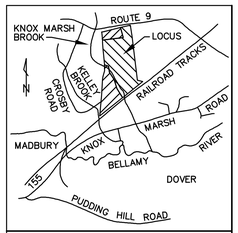
TAX MAP G, LOT No. 2

## NH ROUTE 9 - LITTLEWORTH ROAD

## DOVER, NH

**MARCH 22, 2022**
**APRIL 29, 2022**
**JUNE 8, 2022**
**JULY 12, 2022**
**AUGUST 12, 2022**
**AUGUST 25, 2022**
**AUGUST 25, 2022**
**NOVEMBER 27, 2023**

## JUNE 27, 2024




LOCATION PLAN
( NO SCALE )


OWNER
WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH 03820

SITE CIVIL ENGINEER
CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

LAND SURVEYOR
MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND
P.O. BOX 681
24 CHESTNUT STREET
DOVER, NH 03820
(603) 742-0911

WETLAND SCIENTIST
BRUCE A. GILDAY, CWS
BAG LAND CONSULTANTS
43 ROCKINGHAM STREET
CONCORD, NH 03301
(603) 228-5775


_____ DATE

| SHEET INDEX | SHEET |
|---|---|
| COVER SHEET | 1 |
| NEIGHBORHOOD PLAN | 2 |
| SUBDIVISION PLAN (BY MCENEANEY SURVEY ) | 3 - 8 |
| EXISTING CONDITIONS PLAN (BY MCENEANEY SURVEY) | 9 - 11 |
| NOTE SHEET | 12 |
| ROAD & UTILITY PLAN | 13 |
| GRADING AND EROSION AND SEDIMENT CONTROL PLAN | 14 |
| ROAD PROFILES | 15 |
| CONDITIONAL USE PLAN | 16 |
| EROSION CONTROL NOTES | 17 |
| EROSION CONTROL DETAILS | 18 |
| DETAILS | 19 - 21 |
| TRUCK TURNING EXHIBIT (TBI) | 22-23 |
| EASEMENT PLAN | 24 |

SUBDIVISION: APPROVED MAY 24, 2022
CONDITIONAL USE PERMIT: APPROVED MAY 24, 2022
NHDES WETLANDS PERMIT: APPROVED MAY 10, 2024,
PERMIT # 2022-02955, DATED MAY 10, 2024, EXPIRES MAY 10, 2029

NHDES SEWER DISCHARGE PERMIT #D2022-0615 AMENDED SEPTEMBER 11. 2023

PLANNING FILE NO.: P22-23




GRAPHIC SCALE

200 0 100 200 400 800

(IN FEET)

## ABUTTERS LIST (WITHIN 200 FT)

| TAX MAP | LOT NO. | NAME & ADDRESS |
|---|---|---|
| G | 2-0-0 | WESTFIELD, LLC<br>340 CENTRAL AVENUE, STE 202<br>DOVER, NH 03820 |
| G | 2-1-0 | DEL SOL DOVER, LLC<br>340 CENTRAL AVENUE, STE 202<br>DOVER, NH 03820 |
| G | 1-L-0 | CHAUVIN ARNOUX INC.<br>15 FARADAY DRIVE<br>DOVER, NH 03820 |
| G | 31-1-0 | MCQUIRE GROUP, LLC<br>50 CROSBY ROAD<br>DOVER, NH 03820 |
| G | 31-0-0 | GP MADBURY 35, LLC<br>21 MADBURY ROAD<br>DURHAM, NH 03824 |
| G | 2-2-0 | BLUEBIRD DOVER, LLC<br>125 OCEAN ROAD<br>GREENLAND, NH 03840 |
| F | 28-A-0 | LUANNE K. SHOCKEY &<br>DAVID MICHAEL HARVEY<br>73 LITTLEWORTH ROAD<br>DOVER, NH 03820 |
| F<br>H | 26-0-0<br>36-C-0 | PUBLIC SERVICE CO, OF NH<br>PO BOX 330<br>MANCHESTER, NH 03105-0330 |
| F | 26-A-0 | LISA A. NUGENT<br>69 LITTLEWORTH ROAD<br>DOVER, NH 03820 |
| F | 27-0-0 | DAVID L. RAVELING<br>67 LITTLEWORTH ROAD<br>DOVER, NH 03820 |
| G | 41-0-0 | BT, NEWYO, LLC<br>ATTN:CORP REAL ESTATE DEPT TAX MGR<br>55 GLENLAKE PARKWAY NE<br>ATLANTA GA 30328 |
| G | 3-D-2 | IWORX REAL ESTATE, LLC<br>62 LITTLEWORTH ROAD<br>DOVER, NH 03820 |
| G | 4-E-0 | WELMANCH CORP.<br>C/O BT-NEWYO LLC<br>ATTN:CORP REAL ESTATE DEPT TAX MGR<br>55 GLENLAKE PARKWAY NE<br>ATLANTA, GA 30328 |
| G | 3-A-1 | RECON REALTY, LLC<br>380 INDUSTRIAL PARK DRIVE<br>DOVER, NH 03820 |
| G | 3-A-1-1 | 74 IP, LLC<br>800 BOYLSTON STREET<br>PO BOX 990539<br>BOSTON MA 02118 |
| G | 3-C-0 | 44 INDUSTRIAL DRIVE OWNER, LLC<br>55 CAMBRIDGE STREET<br>BURLINGTON, MA 01803 |
| G | 5-0-0 | BOSTON & MAINE RAILROAD<br>IRON HORSE PARK<br>500 WATER STREET<br>JACKSONVILLE FL 32202 |
| H | 31-0-0 | RUTH K. SOUSANE &<br>NANCY K. QUINLAN<br>30 LITTLEWORTH ROAD<br>DOVER, NH 03820 |
| H | 36-4-0 | PROGRESS OF DOVER, LLC<br>PO BOX 1409<br>DOVER, NH 03821 |
| H | 36-5-0 | RETROSI PROPERTIES, LLC<br>318 DOVER POINT ROAD<br>DOVER, NH 03820 |
| H | 36-B-1 | NSA OPTIVEST AQUISITION<br>HOLDINGS, LLC<br>24901 DANA PT HARBOR DRIVE #200<br>DANA POINT, CA 92629 |

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 |
| 6 | RESPOND TO WETLANDS RFMI | SJH | 11-27-2023 |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 3 | REVISED PER PB NOD | SJH | 7-12-2022 |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| 1 | PER TRC COMMENTS | SJH | 4-29-2022 |

DATE: 3-25-22
SCALE: 1" = 200'
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY:SJH
PROJECT NO:1804.3
FILE:1804-SITE SUBDIVISION

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

STEPHEN J HAIGHT No. 7976 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

NEIGHBORHOOD PLAN

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVSION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

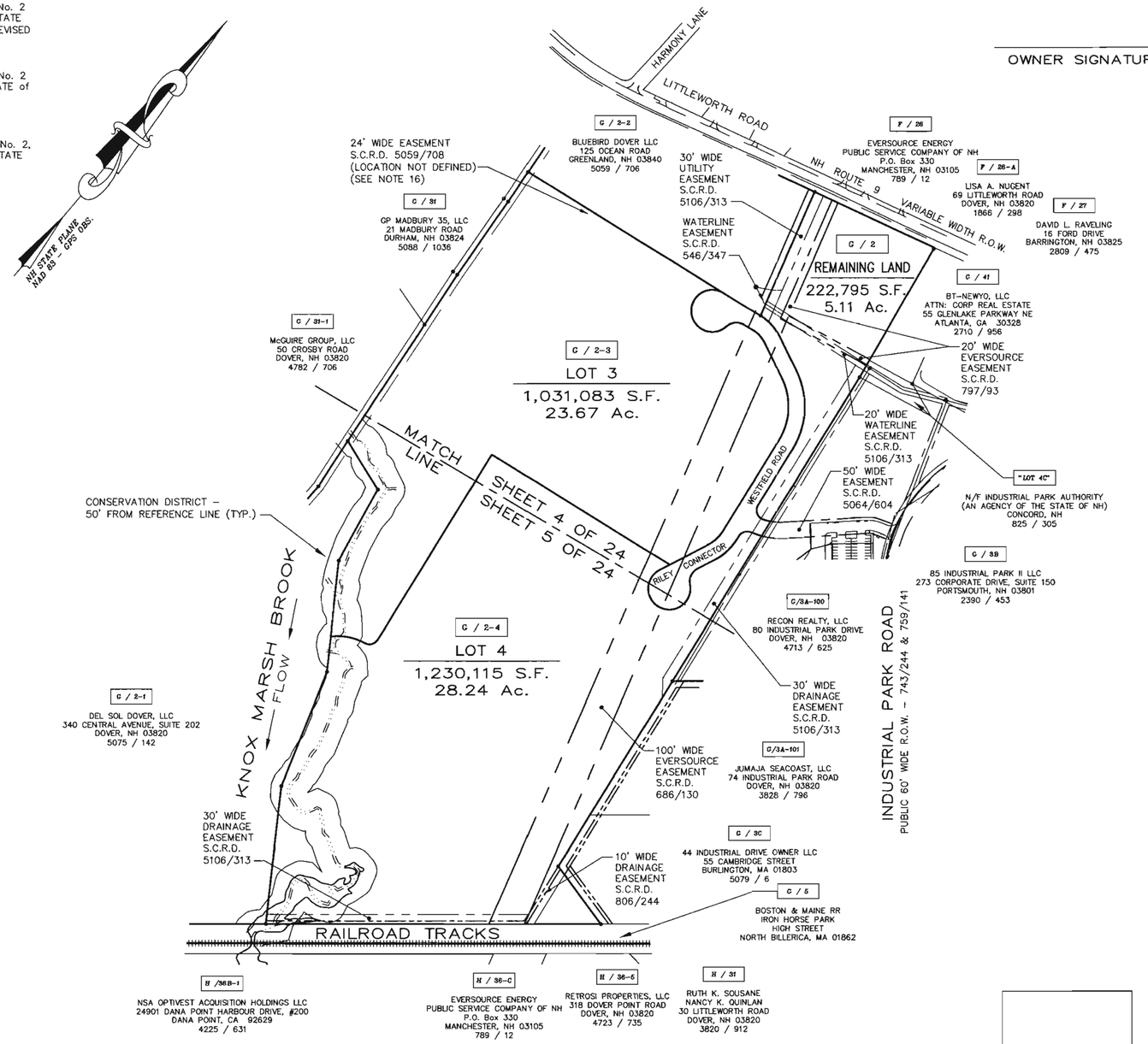
2

## REFERENCE PLANS:

1.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 LITTLEWORTH ROAD & CROSBY ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 400'; DATED: FEBRUARY 9, 2021, REVISED THROUGH 3/24/21; BY THIS OFFICE. DOVER PLANNING FILE 21-07. RECORDED S.C.R.D. PLANS 12388, 12389, 12390.

2.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 NH ROUTE 9 – LITTLEWORTH ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 100'; DATED: JUNE 21, 2021, REVISED THROUGH 9/30/21; BY THIS OFFICE. DOVER PLANNING FILE 21-41. RECORDED S.C.R.D. PLANS 12514, 12515 & 12516.

3.) PROPOSED EASEMENT PLAN PREPARED FOR WESTFIELD, LLC, TAX MAP G, LOT No. 2, NH ROUTE 9 – LITTLEWORTH ROAD, CITY of DOVER, COUNTY of STRAFFORD, STATE of NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: FEBRUARY 1, 2023, REVISED THROUGH 3/23/23; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 12883.




OWNER SIGNATURE

## NOTES:

1.) OWNERS OF RECORD:
WESTFIELD, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 4733, PAGE 471

2.) [ C / 2 ] – DENOTES TAX MAP AND PARCEL NUMBER.

3.) PLAN INTENT: TO SUBDIVIDE THE SUBJECT PARCEL INTO THREE (3) LOTS AS SHOWN. LOTS ARE SERVED BY MUNICIPAL SEWER AND WATER SERVICE.

4.) TOTAL PARCEL AREA: 2,566,225 S.F. / 58.91 Ac.

5.) ZONING DISTRICT: COMMERCIAL MANUFACTURING (CM) DISTRICT:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| LOT COVERAGE | = 50 PERCENT |
| MINIMUM FRONTAGE | = 100 FEET |
| FRONT SETBACK | = 35 FEET |
| SIDE SETBACK | = 10 FEET MIN. |
| REAR SETBACK | = 10 FEET MIN. |
| BUILDING HEIGHT | = 50 FEET MAX. |

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED IN THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANELS 0310 & 0320; SUFFIX E; MAP NUMBERS 33017C0310E & 33017C0320E; EFFECTIVE DATE SEPTEMBER 30, 2015, THAT AREA DIRECTLY ADJACENT TO THE RAILROAD TRACKS AT KNOX MARSH BROOK.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JANUARY 22, 2021.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000

9.) THE PARCEL IS SUBJECT TO A TEN (10) FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE CITY OF DOVER, AS DESCRIBED IN S.C.R.D. VOLUME 806, PAGE 244. (SEE REFERENCE PLAN No. 3).

10.) THE PARCEL IS SUBJECT TO RIGHTS OF DOVER TO MAINTAIN A WATER LINE AS DESCRIBED IN S.C.R.D. VOLUME 546, PAGE 347.

11.) THE PARCEL IS SUBJECT TO A 100' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MARCH 12, 1958 AND DESCRIBED IN S.C.R.D. VOLUME 686, PAGE 130.

12.) THE PARCEL IS SUBJECT TO A 20' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MAY 27, 1965 AND DESCRIBED IN S.C.R.D. VOLUME 797, PAGE 93.

13.) HANSON ROAD (A/K/A HANSON WAY) IS AN UNIMPROVED 33'WIDE ROAD. THE CITY OF DOVER DISCONTINUED HANSON ROAD AS A PUBLIC WAY WITH THE 2008 RESOLUTION, R-2008.05.14-80. PER ACCEPTED PRACTICE, TITLE TO THE UNDERLYING LAND OF THE ROAD EXTENDS TO THE CENTERLINE FOR ABUTTING PARCELS. USE RIGHTS OF THE ENTIRE WIDTH OF HANSON ROAD MAY EXIST FOR ABUTTING OWNERS.

14.) SEE SHEETS 4 & 5 OF 24 FOR PARCEL METES AND BOUNDS.

15.) THE PARCELS ARE SUBJECT TO A DOVER CONSERVATION OVERRIDING DISTRICT, 170-27B.(2), AREAS WITHIN FIFTY (50) FEET OF A FRESHWATER BROOK.

SEE NOTES CONTINUED ON SHEET 4 OF 24.

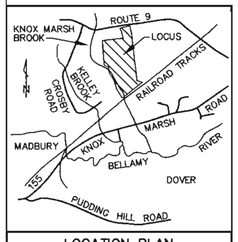


# SUBDIVISION PLAN OF LAND
PREPARED FOR
**WESTFIELD, LLC**
TAX MAP G, LOT No. 2
**NH ROUTE 9 – LITTLEWORTH ROAD**
**CITY of DOVER**
**COUNTY of STRAFFORD**
**STATE of NEW HAMPSHIRE**

**DOVER PLANNING FILE No.** P 22-23

| | |
|---|---|
| DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1 |
| SCALE: 1" = 200' | DATE: MARCH 15, 2022 |

200 100 0 100 200 400 600 800




LOCATION PLAN
( NO SCALE )

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 3 | 11/17/22 | REVISED PER PLANNING BOARD N.O.D. | RJM | KMM |
| 2 | 8/9/22 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |

CNE 18043A REVISIONS

| | | | |
|---|---|---|---|
| 19-2210 | SUBDIV | 20-13 | 65-75 |
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

## LEGEND

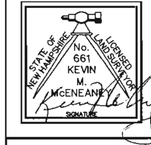
C.A.R.O.W. – CONTROLLED ACCESS RIGHT OF WAY
S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-o- UP – UTILITY POLE

□ CB – CATCH BASIN
Ⓢ SMH – SEWER MANHOLE
G PP – GAS – PLASTIC PIPE
HDPE – HIGH DENSITY POLYETHYLENE
CMP – CORRUGATED METAL PIPE
RCP – REINFORCED CONCRETE PIPE
PVC – POLYVINYL CHLORIDE

⊙ – IRON ROD WITH IDENTIFICATION CAP TO BET SET AT PROPERTY CORNERS
□ – GRANITE BOUND WITH DRILL HOLE TO BET SET AT RIGHT OF WAY POINTS OF CURVATURE

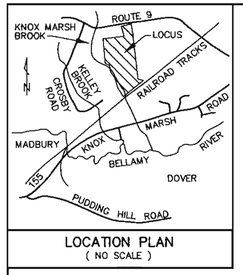
APPROVAL BLOCK

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




McEneaney Survey Associates of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING – PLANNING – CONSULTING

6/26/2024 13:54:45 File: M:\2210\Drawin




LOCATION PLAN
( NO SCALE )

NH STATE PLANE NAD 83 - GPS OBS.

24' WIDE EASEMENT
S.C.R.D. 5059/708
(SEE NOTE 16)
(LOCATION NOT DEFINED)

LIMITS OF FORMER HANSON ROAD RIGHT OF WAY

C / 31
GP MADBURY 35, LLC
21 MADBURY ROAD
DURHAM, NH 03824
5088 / 1036

C / 2-2
BLUEBIRD DOVER LLC
125 OCEAN ROAD
GREENLAND, NH 03840
5059 / 706

F / 26
EVERSOURCE ENERGY
PUBLIC SERVICE COMPANY OF NH
P.O. Box 330
MANCHESTER, NH 03105
789 / 12

F / 26-A
LISA A. NUGENT
69 LITTLEWORTH ROAD
DOVER, NH 03820
1866 / 298

F / 27
DAVID L. RAVELING
16 FORD DRIVE
BARRINGTON, NH 03825
2809 / 475

C / 41
BT-NEWYO, LLC
ATTN: CORP REAL ESTATE
55 GLENLAKE PARKWAY NE
ATLANTA, GA 30328
2710 / 956

"LOT 4C"
N/F INDUSTRIAL PARK AUTHORITY
(AN AGENCY OF THE STATE OF NH)
CONCORD, NH
825 / 305

C / 2-3
LOT 3
1,031,083 S.F.
23.67 Ac.

C / 2
REMAINING LAND
222,795 S.F.
5.11 Ac.

LITTLEWORTH ROAD
NH ROUTE 9
VARIABLE WIDTH R.O.W.

30' WIDE UTILITY EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

20' WIDE WATERLINE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

WATERLINE EASEMENT
S.C.R.D. 546/347
(SEE NOTE 10)

20' WIDE EVERSOURCE EASEMENT
S.C.R.D. 797/93 (SEE NOTE 12)

FORMER HANSON ROAD
(SEE NOTE 13)

N81°47'48"E 707.67'
N74°55'12"E 408.04'
N16°23'24"W 416.75'
S09°56'54"E 461.57'
N06°32'55"W 185.10'
N06°32'55"W 429.88'
N71°33'50"W 175.63'
N11°02'19"W 249.86'
S08°12'12"E 670.31'
N33°53'16"W 234.64'
S81°47'48"W 643.97'
S08°12'12"E 324.38'
N08°12'12"W 203.15'
S08°12'12"E 522.59'
S08°12'12"E 523.88'

L1 274.32' N05°12'28"W

EVERSOURCE EASEMENT (100' WIDE) (SEE NOTE 11)

WESTFIELD ROAD

50' WIDE EASEMENT
S.C.R.D. 5064/604
(SEE NOTE 17)

APPROXIMATE WATER MAIN LOCATION

INDUSTRIAL PARK ROAD
PUBLIC 60' WIDE R.O.W.
743/244 & 739/141

C / 58
85 INDUSTRIAL PARK II LLC
273 CORPORATE DRIVE, SUITE 150
PORTSMOUTH, NH 03801
2390 / 453

CONNECTOR
RILEY

30' WIDE DRAINAGE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

C/58-100
RECON REALTY, LLC
80 INDUSTRIAL PARK DRIVE
DOVER, NH 03820
4713 / 625
352,425 S.F. / 8.09 Ac.

APPROXIMATE WATER MAIN LOCATION

CONSERVATION DISTRICT (50' FROM REFERENCE LINE (TYP.)

C / 31-1
McGUIRE GROUP, LLC
50 CROSBY ROAD
DOVER, NH 03820
4782 / 706

KNOX MARSH BROOK FLOW (SEE NOTE 15)

C / 2-4
LOT 4
1,230,115 S.F.
28.24 Ac.

MATCH LINE SHEET 5 OF 24

SMH
RIM = 102.4'
GROUND = 97.4'
SHELF ⓘ IN = 93.7' (CONCRETE)
SHELF ⓞ OUT = 93.3' (CONCRETE)
INV. IN = 93.2' 12" SDR
INV. OUT = 92.7' 12" SDR

APPROVAL BLOCK

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 3 | 11/17/22 | REVISED PER PLANNING BOARD N.O.D. | RJM | KMM |
| 2 | 8/9/22 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |
| CNE 18043A | | REVISIONS | | |
| 19-2210 | | SUBDIV | 20-13 | 65-75 |
| PROJECT NO | | TYPE | FIELDBOOK & PAGES | |

STATE OF NEW HAMPSHIRE
BRUCE A. GILDAY
No. 088
CERTIFIED WETLAND SCIENTIST

## NOTES CONTINUED FROM SHEET 3 OF 24

16.) THE PARCEL IS SUBJECT TO A 24' WIDE EASEMENT BENEFITING PARCEL G/2-2 (LOCATION NOT DEFINED) AS DESCRIBED IN S.C.R.D. VOLUME 5059, PAGE 708. (EMERGENCY ACCESS).

17.) THE PARCELS BENEFIT FROM A FIFTY (50) FOOT WIDE ACCESS AND UTILITY EASEMENT OVER LOT G/3A-100 AS DESCRIBED IN S.C.R.D. VOLUME 5064, PAGE 604..

18.) THE PARCEL IS SUBJECT TO FOUR (4) EASEMENTS GRANTED TO THE CITY OF DOVER AS DESCRIBED IN S.C.R.D. VOLUME 5106, PAGE 313.

19.) BUILDING ADDRESSES (INCLUDING APT/UNIT NUMBERS IF APPLICABLE) SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.

20.) WETLANDS ONSITE WERE IDENTIFIED UTILIZING THE 1987 FEDERAL TECHNICAL REPORT. THE DELINEATION WAS PERFORMED ON OCTOBER 30, 2023 BY BAG LAND CONSULTANTS (BRUCE A. GILDAY, CWS); 43 ROCKINGHAM STREET, CONCORD, NH 03301.

21.) GRANITE BOUNDS TO BE SET AT ALL ROADWAY POINTS OF CURVATURE AND POINTS OF TANGENCY.
IRON RODS WITH SURVEY IDENTIFICATION CAPS TO BE SET AT ALL PROPERTY CORNERS.

22.) WETLAND BUFFER PLACECARDS TO BE INSTALLED EVERY 30 FEET ALONG WETLAND BUFFER LINES.

23.) AREA OF PROPOSED RIGHT OF WAYS (WESTFIELD ROAD AND RILEY CONNECTOR = 82,232 S.F. / 1.89 Ac.

OWNER SIGNATURE


* SEE SHEET 3 OF 24 FOR NOTES 1-15, REFERENCE PLANS AND LEGEND.
* SEE SHEET 5 OF 24 FOR LINE AND CURVE METES AND BOUNDS TABLES.


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

STATE OF NEW HAMPSHIRE
No. 661
KEVIN M. McENEANEY
LICENSED LAND SURVEYOR
SIGNATURE



# SUBDIVISION PLAN OF LAND
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

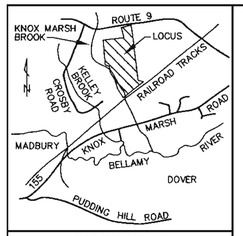
**DOVER PLANNING FILE No.** P 22-23

| | |
|---|---|
| DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1 |
| SCALE: 1" = 100' | DATE: MARCH 15, 2022 |

100 50 0 50 100 200 300 400


McEneaney Survey Associates
of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING – PLANNING – CONSULTING


6/28/2024 13:54:39 File: M:\2210\Dr\swf




LOCATION PLAN
( NO SCALE )

C / 31-1
McGUIRE GROUP, LLC
50 CROSBY ROAD
DOVER, NH 03820
4782 / 706

C / 2-3
LOT 3
1,031,083 S.F.
23.67 Ac.

C / 2-4
LOT 4
1,230,115 S.F.
28.24 Ac.

C / 2-1
DEL SOL DOVER, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NH 03820
5075 / 142

C / 3A-100
RECON REALTY, LLC
80 INDUSTRIAL PARK DRIVE
DOVER, NH 03820
4713 / 625
352,425 S.F. / 8.09 Ac.

C / 3B
85 INDUSTRIAL PARK II LLC
273 CORPORATE DRIVE, SUITE 150
PORTSMOUTH, NH 03801
2390 / 453

C / 3A-101
JUMAJA SEACOAST, LLC
74 INDUSTRIAL PARK ROAD
DOVER, NH 03820
3828 / 796

C / 3C
44 INDUSTRIAL DRIVE OWNER LLC
55 CAMBRIDGE STREET
BURLINGTON, MA 01803
5079 / 6

C / 5
BOSTON & MAINE RR
IRON HORSE PARK
HIGH STREET
NORTH BILLERICA, MA 01862

H / 36B-1
NSA OPTIVEST ACQUISITION HOLDINGS LLC
24901 DANA POINT HARBOUR DRIVE, #200
DANA POINT, CA 92629
4225 / 631

H / 36-C
EVERSOURCE ENERGY
PUBLIC SERVICE COMPANY OF NH
P.O. Box 330
MANCHESTER, NH 03105
789 / 12

H / 36-5
RETROSI PROPERTIES, LLC
318 DOVER POINT ROAD
DOVER, NH 03820
4723 / 735

H / 31
RUTH K. SOUSANE
NANCY K. QUINLAN
30 LITTLEWORTH ROAD
DOVER, NH 03820
3820 / 912

| No. | Bearing | Distance |
|---|---|---|
| L1 | N05°49'11"W | 109.82' |
| L2 | N81°47'48"E | 24.36' |
| L3 | S66°20'12"E | 116.20' |
| L4 | S22°50'53"W | 132.03' |
| L5 | N66°20'12"W | 116.20' |
| L6 | N33°53'16"W | 109.23' |
| L7 | S22°50'53"W | 34.53' |
| L8 | N22°50'53"E | 60.73' |
| L9 | N08°12'12"W | 9.38' |
| L10 | S08°12'12"E | 52.87' |
| L11 | S66°20'12"E | 116.20' |

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|---|---|---|---|---|---|
| C1 | 254°10'24" | 65.00' | 288.35' | 103.70' | S45°17'24"E |
| C2 | 74°10'24" | 45.00' | 58.26' | 54.27' | N44°42'36"E |
| C3 | 34°24'56" | 108.19' | 64.99' | 64.01' | S83°27'10"E |
| C4 | 58°08'00" | 200.00' | 202.92' | 194.33' | S37°16'12"E |
| C5 | 31°03'04" | 125.00' | 67.74' | 66.92' | S07°19'20"W |
| C6 | 86°51'25" | 30.00' | 45.48' | 41.25' | S35°13'31"W |
| C7 | 35°41'14" | 175.00' | 109.00' | 107.25' | S60°48'36"W |
| C8 | 7°42'59" | 175.00' | 23.57' | 23.55' | S64°02'55"W |
| C9 | 103°53'24" | 30.00' | 54.40' | 47.25' | N60°08'54"W |
| C10 | 58°08'00" | 250.00' | 253.66' | 242.91' | N37°16'12"W |
| C11 | 31°52'00" | 158.14' | 87.95' | 86.82' | N82°16'12"W |
| C12 | 254°10'24" | 65.00' | 288.35' | 103.70' | N75°45'40"E |
| C13 | 74°10'24" | 45.00' | 58.26' | 54.27' | N14°14'20"W |
| C14 | 31°03'04" | 175.00' | 94.84' | 93.68' | N07°19'20"E |
| C15 | 82°09'16" | 30.00' | 43.02' | 39.42' | N32°52'26"E |
| C16 | 8°47'49" | 225.00' | 34.55' | 34.51' | N69°33'10"E |

* SEE SHEET 3 OF 24 FOR REFERENCE PLANS AND LEGEND.

** SEE SHEETS 3 & 4 OF 24 FOR NOTES.

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 3 | 11/17/22 | REVISED PER PLANNING BOARD N.O.D. | RJM | KMM |
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| 19-2210 | | SUBDIV | 20-13 | 65-75 |
| PROJECT NO | | TYPE | FIELDBOOK & PAGES | |

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OWNER SIGNATURE

APPROVAL BLOCK

SHEET 5 OF 24

STATE OF NEW HAMPSHIRE
BRUCE A. GILDAY
No. 088
CERTIFIED WETLAND SCIENTIST

# SUBDIVISION PLAN OF LAND
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1
SCALE: 1" = 100' | DATE: MARCH 15, 2022

100 50 0 50 100 200 300 400

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR
No. 661
KEVIN M. McENEANEY
SIGNATURE

McEneaney Survey Associates
of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING – PLANNING – CONSULTING

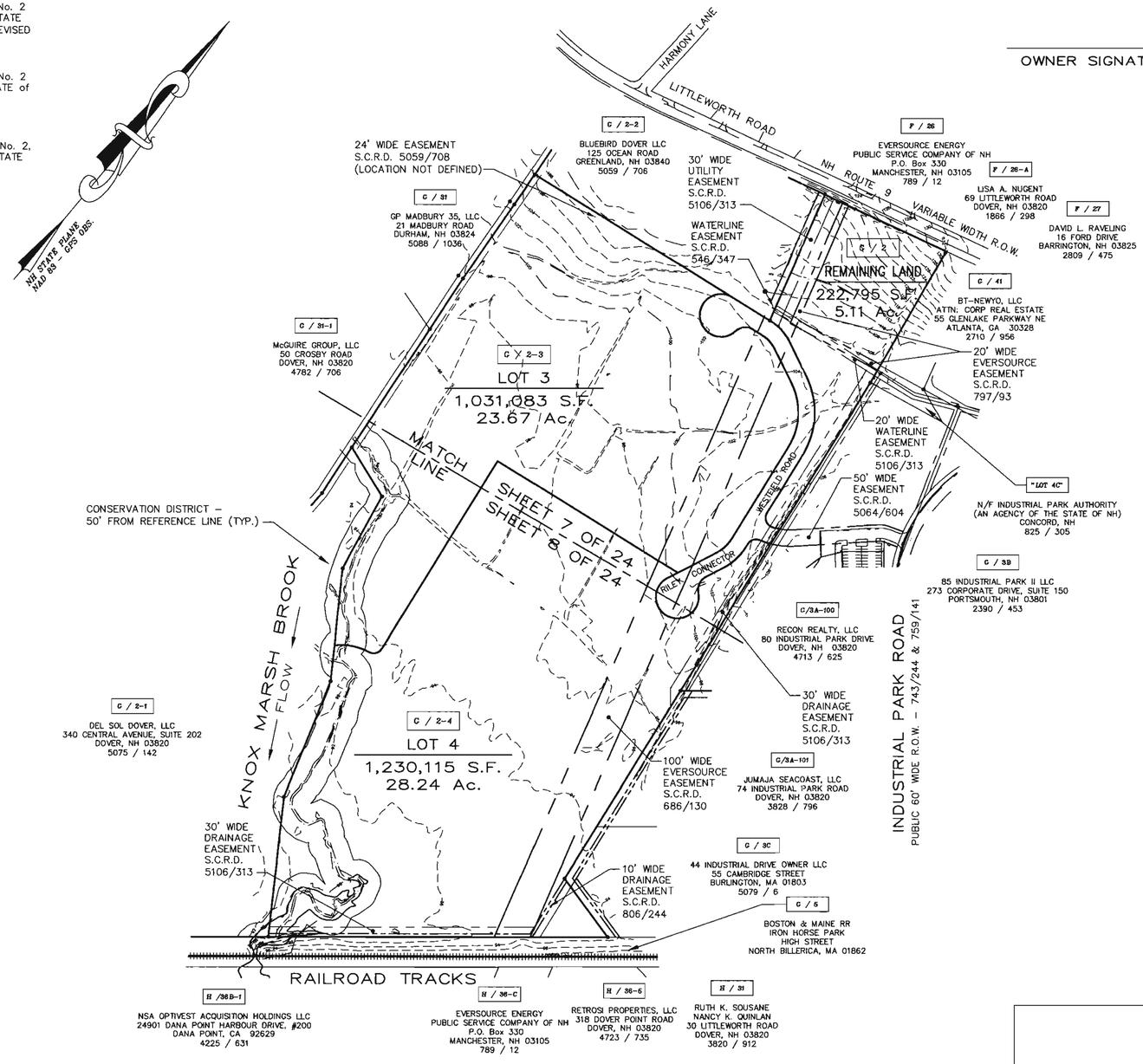
8/28/2024 13:54:32 File: M:\2210\Dwg\

## REFERENCE PLANS:

1.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 LITTLEWORTH ROAD & CROSBY ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 400'; DATED: FEBRUARY 9, 2021, REVISED THROUGH 3/24/21; BY THIS OFFICE. DOVER PLANNING FILE 21-07. RECORDED S.C.R.D. PLANS 12388, 12389, 12390.

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OWNER SIGNATURE

## NOTES:

1.) OWNERS OF RECORD:
WESTFIELD, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 4733, PAGE 471

2.) C / 2 – DENOTES TAX MAP AND PARCEL NUMBER.

3.) PLAN INTENT: TO SUBDIVIDE THE SUBJECT PARCEL INTO THREE (3) LOTS AS SHOWN. LOTS ARE SERVED BY MUNICIPAL SEWER AND WATER SERVICE.

4.) TOTAL PARCEL AREA: 2,566,225 S.F. / 58.91 Ac.

5.) ZONING DISTRICT: COMMERCIAL MANUFACTURING (CM) DISTRICT:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| LOT COVERAGE | = 50 PERCENT |
| MINIMUM FRONTAGE | = 100 FEET |
| FRONT SETBACK | = 35 FEET |
| SIDE SETBACK | = 10 FEET MIN. |
| REAR SETBACK | = 10 FEET MIN. |
| BUILDING HEIGHT | = 50 FEET MAX. |

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED IN THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANELS 0310 & 0320; SUFFIX E; MAP NUMBERS 33017C0310E & 33017C0320E; EFFECTIVE DATE SEPTEMBER 30, 2015, THAT AREA DIRECTLY ADJACENT TO THE RAILROAD TRACKS AT KNOX MARSH BROOK.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JANUARY 22, 2021.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000

9.) THE PARCEL IS SUBJECT TO A TEN (10) FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE CITY OF DOVER, AS DESCRIBED IN S.C.R.D. VOLUME 806, PAGE 244. (SEE REFERENCE PLAN No. 3).

10.) THE PARCEL IS SUBJECT TO RIGHTS OF DOVER TO MAINTAIN A WATER LINE AS DESCRIBED IN S.C.R.D. VOLUME 546, PAGE 347.

11.) THE PARCEL IS SUBJECT TO A 100' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MARCH 12, 1958 AND DESCRIBED IN S.C.R.D. VOLUME 686, PAGE 130.

12.) THE PARCEL IS SUBJECT TO A 20' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MAY 27, 1965 AND DESCRIBED IN S.C.R.D. VOLUME 797, PAGE 93.

13.) HANSON ROAD (A/K/A HANSON WAY) IS AN UNIMPROVED 33'WIDE ROAD. THE CITY OF DOVER DISCONTINUED HANSON ROAD AS A PUBLIC WAY WITH THE 2008 RESOLUTION, R-2008.05.14-80. PER ACCEPTED PRACTICE, TITLE TO THE UNDERLYING LAND OF THE ROAD EXTENDS TO THE CENTERLINE FOR ABUTTING PARCELS. USE RIGHTS OF THE ENTIRE WIDTH OF HANSON ROAD MAY EXIST FOR ABUTTING OWNERS.

14.) SEE SHEETS 7 & 8 OF 24 FOR PARCEL METES AND BOUNDS.

15.) THE PARCELS ARE SUBJECT TO A DOVER CONSERVATION OVERRIDING DISTRICT, 170-27B.(2), AREAS WITHIN FIFTY (50) FEET OF A FRESHWATER BROOK.

SEE NOTES CONTINUED ON SHEET 7 OF 24.

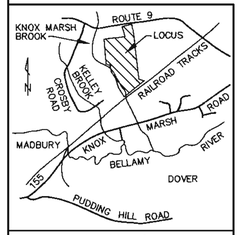


# TOPOGRAPHIC SUBDIVISION PLAN OF LAND
PREPARED FOR
**WESTFIELD, LLC**
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

| | |
|---|---|
| DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1 |
| SCALE: 1" = 200' | DATE: MARCH 15, 2022 |

200 100 0 100 200 400 600 800




LOCATION PLAN
( NO SCALE )

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 3 | 11/17/22 | REVISED PER PLANNING BOARD N.O.D. | RJM | KMM |
| 2 | 8/9/22 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |

CNE 18043A REVISIONS

| | | | |
|---|---|---|---|
| 19-2210 | SUBDIV | 20-13 | 65-75 |
| PROJECT NO | TYPE | FIELDBOOK | & PAGES |

## LEGEND

C.A.R.O.W. – CONTROLLED ACCESS RIGHT OF WAY
S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-o- UP – UTILITY POLE

□ CB – CATCH BASIN
Ⓢ SMH – SEWER MANHOLE
G PP – GAS – PLASTIC PIPE
HDPE – HIGH DENSITY POLYETHYLENE
CMP – CORRUGATED METAL PIPE
RCP – REINFORCED CONCRETE PIPE
PVC – POLYVINYL CHLORIDE

⊙ – IRON ROD WITH IDENTIFICATION CAP TO BET SET AT PROPERTY CORNERS
□ – GRANITE BOUND WITH DRILL HOLE TO BET SET AT RIGHT OF WAY POINTS OF CURVATURE

APPROVAL BLOCK

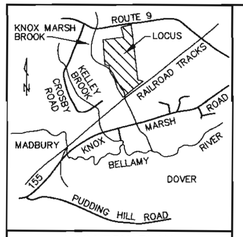
"I HEREBY CERTIFY THAT THIS PLAN IS BASED ON AN ACTUAL GROUND SURVEY PERFORMED WITH A TOTAL STATION, BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, SAID SURVEY MEETS OR EXCEEDS THE MINIMUM PRECISION REQUIREMENTS FOR SURVEY CLASSIFICATION "U" AS SET FORTH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

STATE OF NEW HAMPSHIRE – No. 661 – KEVIN M. MCENEANEY – LICENSED LAND SURVEYOR – SIGNATURE

McEneaney Survey Associates of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING – PLANNING – CONSULTING

File: M:\2210\Drawings\
6/26/2024 13:54:26




LOCATION PLAN
( NO SCALE )

NOTES CONTINUED FROM SHEET 3 OF 24

16.) THE PARCEL IS SUBJECT TO A 24' WIDE EASEMENT BENEFITING PARCEL G/2-2 (LOCATION NOT DEFINED) AS DESCRIBED IN S.C.R.D. VOLUME 5059, PAGE 708. (EMERGENCY ACCESS).

17.) THE PARCELS BENEFIT FROM A FIFTY (50) FOOT WIDE ACCESS AND UTILITY EASEMENT OVER LOT G/3A-100 AS DESCRIBED IN S.C.R.D. VOLUME 5064, PAGE 604..

18.) THE PARCEL IS SUBJECT TO FOUR (4) EASEMENTS GRANTED TO THE CITY OF DOVER AS DESCRIBED IN S.C.R.D. VOLUME 5106, PAGE 313.

19.) BUILDING ADDRESSES (INCLUDING APT/UNIT NUMBERS IF APPLICABLE) SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.

20.) WETLANDS ONSITE WERE IDENTIFIED UTILIZING THE 1987 FEDERAL TECHNICAL REPORT. THE DELINEATION WAS PERFORMED ON OCTOBER 30, 2023 BY BAG LAND CONSULTANTS (BRUCE A. GILDAY, CWS); 43 ROCKINGHAM STREET, CONCORD, NH 03301.

21.) GRANITE BOUNDS TO BE SET AT ALL ROADWAY POINTS OF CURVATURE AND POINTS OF TANGENCY. IRON RODS WITH SURVEY IDENTIFICATION CAPS TO BE SET AT ALL PROPERTY CORNERS.

22.) WETLAND BUFFER PLACECARDS TO BE INSTALLED EVERY 30 FEET ALONG WETLAND BUFFER LINES.

23.) AREA OF PROPOSED RIGHT OF WAYS (WESTFIELD ROAD AND RILEY CONNECTOR = 82,232 S.F. / 1.89 Ac.

STATE OF NEW HAMPSHIRE
BRUCE A. GILDAY
No. 088
CERTIFIED WETLAND SCIENTIST

OWNER SIGNATURE

* SEE SHEET 6 OF 24 FOR NOTES 1-15, REFERENCE PLANS AND LEGEND.

* SEE SHEET 8 OF 24 FOR LINE AND CURVE METES AND BOUNDS TABLES.

SHEET 7 OF 24

# TOPOGRAPHIC SUBDIVISION PLAN OF LAND

PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

| | |
|---|---|
| DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1 |
| SCALE: 1" = 100' | DATE: MARCH 15, 2022 |

100 50 0 50 100 200 300 400

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 3 | 11/17/22 | REVISED PER PLANNING BOARD N.O.D. | RJM | KMM |
| 2 | 8/9/22 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |

CNE 18043A REVISIONS

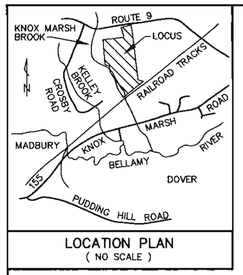
| | | | |
|---|---|---|---|
| 19-2210 | SUBDIV | 20-13 | 65-75 |
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

APPROVAL BLOCK

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

STATE OF NEW HAMPSHIRE
LICENSED LAND SURVEYOR
No. 661
KEVIN M. McENEANEY
SIGNATURE

McEneaney Survey Associates
of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING – PLANNING – CONSULTING




LOCATION PLAN
( NO SCALE )

C / 31-1
McGUIRE GROUP, LLC
50 CROSBY ROAD
DOVER, NH 03820
4782 / 706

C / 2-3
LOT 3
1,031,083 S.F.
23.67 Ac.

C / 2-4
LOT 4
1,230,115 S.F.
28.24 Ac.

C / 2-1
DEL SOL DOVER, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NH 03820
5075 / 142

C/3A-100
RECON REALTY, LLC
80 INDUSTRIAL PARK DRIVE
DOVER, NH 03820
4713 / 625
352,425 S.F. / 8.09 Ac.

C / 3B
85 INDUSTRIAL PARK II LLC
273 CORPORATE DRIVE, SUITE 150
PORTSMOUTH, NH 03801
2390 / 453

C/3A-101
JUMAJA SEACOAST, LLC
74 INDUSTRIAL PARK ROAD
DOVER, NH 03820
3828 / 796

C / 3C
44 INDUSTRIAL DRIVE OWNER LLC
55 CAMBRIDGE STREET
BURLINGTON, MA 01803
5079 / 6

C / 6
BOSTON & MAINE RR
IRON HORSE PARK
HIGH STREET
NORTH BILLERICA, MA 01862

H /36B-1
NSA OPTIVEST ACQUISITION HOLDINGS LLC
24901 DANA POINT HARBOUR DRIVE, #200
DANA POINT, CA 92629
4225 / 631

H / 36-C
EVERSOURCE ENERGY
PUBLIC SERVICE COMPANY OF NH
P.O. Box 330
MANCHESTER, NH 03105
789 / 12

H / 36-5
RETROSI PROPERTIES, LLC
318 DOVER POINT ROAD
DOVER, NH 03820
4723 / 735

H / 31
RUTH K. SOUSANE
NANCY K. QUINLAN
30 LITTLEWORTH ROAD
DOVER, NH 03820
3820 / 912

MATCH LINE SHEET 7 OF 24

KNOX MARSH BROOK FLOW

N32°55'W 67.45'
N71°33'50"W 175.63'
N11°02'19"W 249.86'
S08°12'12"E 670.31'
N33°53'15"W 234.64'
N18°02'44"W 379.68'
N33°34'05"W 427.72'
S49°58'51"W 1032.77'
S81°47'48"W 643.97'
S08°12'12"E 324.38'
N08°12'12"W 203.15'
S08°12'12"E 522.59'
S08°12'12"E 523.88'
S76°21'00"E 220.84'
S08°12'12"E 671.15'

15" PVC CULVERT
INV. IN = 97.1'
INV. OUT = 96.8'

15" PVC CULVERT
INV. IN = 100.5'
INV. OUT= 100.1'

15" PVC CULVERT
INV. IN = 93.6'
INV. OUT = 93.6'

15" PVC TWIN CULVERTS
INV. IN = 93.1' N
INV. IN = 93.0' S
INV. OUT = 92.9' N
INV. OUT = 93.0' S

24" HDPE CULVERT
INV. IN = 102.7'
INV. OUT = 102.6'

SMH
RIM = 102.4'
GROUND = 97.4'
SHELF ⊘ IN = 93.7' (CONCRETE)
SHELF ⊘ OUT = 93.3' (CONCRETE)
INV. IN = 93.2' 12" SDR
INV. OUT = 92.7' 12" SDR

12" CMP CULVERT
INV. IN = 94.8'
INV. OUT = 94.3'

24" HDPE CULVERT
INV. IN = 90.8'
INV. OUT = 90.6'

12" HDPE CULVERT
INV. IN = 89.9'
INV. OUT = 89.3'

12" HDPE CULVERT
INV. IN = 92.0'
INV. OUT = 91.9'

EVERSOURCE (100' WIDE) EASEMENT (SEE NOTE 11)

RILEY CONNECTOR

WESTFIELD ROAD

INDUSTRIAL PARK ROAD
PUBLIC 60' WIDE R.O.W. - 743/244 & 759/141

30' WIDE DRAINAGE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

50' WIDE EASEMENT
S.C.R.D. 5064/604
(SEE NOTE 17)

10' WIDE DRAINAGE EASEMENT
S.C.R.D. 806/244
(SEE NOTE 9)

20' WIDE SEWER EASEMENT SCRD 649 /488

10' WIDE WATER EASEMENT SCRD POCKET 6 FOLDER 2 PLAN 38D

APPROXIMATE WATER MAIN LOCATION

APPROXIMATE WATER MAIN LOCATION

CONSERVATION DISTRICT (50' FROM REFERENCE LINE (TYP.)

CONSERVATION DISTRICT (50' FROM REFERENCE LINE (TYP.)

RAILROAD TRACKS

NH STATE PLANE NAD 83 - GPS OBS

| No. | Bearing | Distance |
|---|---|---|
| L1 | N05°49'11"W | 109.82' |
| L2 | N81°47'48"E | 24.36' |
| L3 | S66°20'12"E | 116.20' |
| L4 | S22°50'53"W | 132.03' |
| L5 | N66°20'12"W | 116.20' |
| L6 | N33°53'16"W | 109.23' |
| L7 | S22°50'53"W | 34.53' |
| L8 | N22°50'53"E | 60.73' |
| L9 | N08°12'12"W | 9.38' |
| L10 | S08°12'12"E | 52.87' |
| L11 | S66°20'12"E | 116.20' |

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|---|---|---|---|---|---|
| C1 | 254°10'24" | 65.00' | 288.35' | 103.70' | S45°17'24"E |
| C2 | 74°10'24" | 45.00' | 58.26' | 54.27' | N44°42'36"E |
| C3 | 34°24'56" | 108.19' | 64.99' | 64.01' | S83°27'10"E |
| C4 | 58°08'00" | 200.00' | 202.92' | 194.33' | S37°16'12"E |
| C5 | 31°03'04" | 125.00' | 67.74' | 66.92' | S07°19'20"W |
| C6 | 86°51'25" | 30.00' | 45.48' | 41.25' | S35°13'31"W |
| C7 | 35°41'14" | 175.00' | 109.00' | 107.25' | S60°48'36"W |
| C8 | 7°42'59" | 175.00' | 23.57' | 23.55' | S64°02'55"W |
| C9 | 103°53'24" | 30.00' | 54.40' | 47.25' | N60°08'54"W |
| C10 | 58°08'00" | 250.00' | 253.66' | 242.91' | N37°16'12"W |
| C11 | 31°52'00" | 158.14' | 87.95' | 86.82' | N82°16'12"W |
| C12 | 254°10'24" | 65.00' | 288.35' | 103.70' | N75°45'40"E |
| C13 | 74°10'24" | 45.00' | 58.26' | 54.27' | N14°14'20"W |
| C14 | 31°03'04" | 175.00' | 94.84' | 93.68' | N07°19'20"E |
| C15 | 82°09'16" | 30.00' | 43.02' | 39.42' | N32°52'26"E |
| C16 | 8°47'49" | 225.00' | 34.55' | 34.51' | N69°33'10"E |

* SEE SHEET 6 OF 24 FOR REFERENCE PLANS AND LEGEND.

** SEE SHEETS 6 & 7 OF 24 FOR NOTES.

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 3 | 11/17/22 | REVISED PER PLANNING BOARD N.O.D. | RJM | KMM |
| 2 | 8/9/22 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |
| CNE 18043A | | REVISIONS | | |
| 19-2210 | | SUBDIV | 20-13 | 65-75 |
| PROJECT NO | | TYPE | FIELDBOOK & PAGES | |

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APPROVAL BLOCK

OWNER SIGNATURE

STATE OF NEW HAMPSHIRE
BRUCE A. GILDAY
No. 088
CERTIFIED WETLAND SCIENTIST

SHEET 8 OF 24

# TOPOGRAPHIC SUBDIVISION PLAN OF LAND
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1
SCALE: 1" = 100' | DATE: MARCH 15, 2022

100 50 0 50 100 200 300 400

STATE OF NEW HAMPSHIRE
No. 661
KEVIN M. McENEANEY
LICENSED LAND SURVEYOR
SIGNATURE

McEneaney Survey Associates
of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING – PLANNING – CONSULTING

File: M:\2210\Dwg\

8/26/2024 13:54:14

# REFERENCE PLANS:

1.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 LITTLEWORTH ROAD & CROSBY ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 400'; DATED: FEBRUARY 9, 2021, REVISED THROUGH 3/24/21; BY THIS OFFICE. DOVER PLANNING FILE 21-07. RECORDED S.C.R.D. PLANS 12388, 12389, 12390.

2.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 NH ROUTE 9 - LITTLEWORTH ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 100'; DATED: JUNE 21, 2021, REVISED THROUGH 9/30/21; BY THIS OFFICE. DOVER PLANNING FILE 21-41. RECORDED S.C.R.D. PLANS 12514, 12515 & 12516.

3.) PROPOSED EASEMENT PLAN PREPARED FOR WESTFIELD, LLC, TAX MAP G, LOT No. 2, NH ROUTE 9 - LITTLEWORTH ROAD, CITY of DOVER, COUNTY of STRAFFORD, STATE of NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: FEBRUARY 1, 2023, REVISED THROUGH 3/23/23; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 12883.

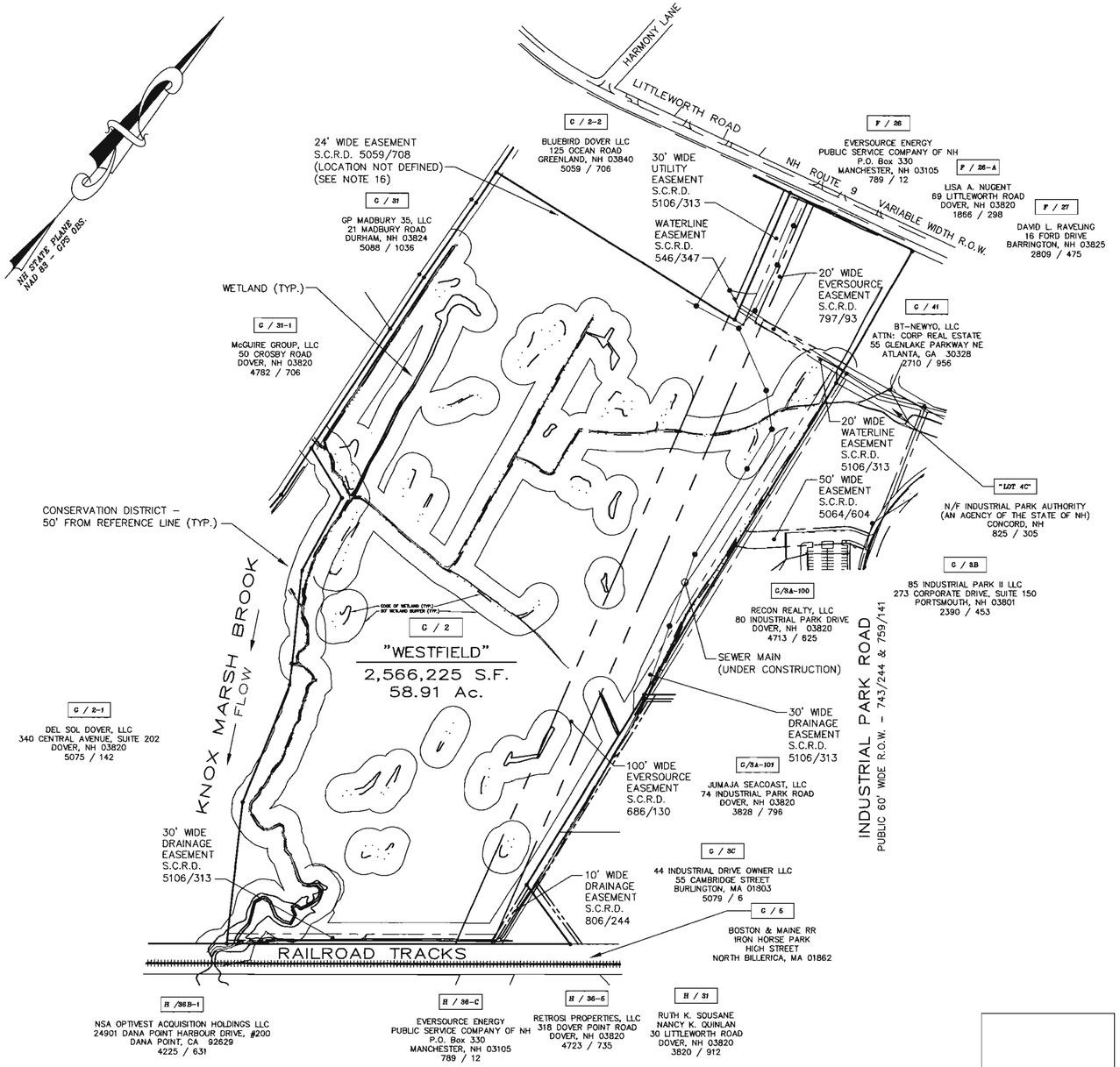
WETLAND CERTIFICATION

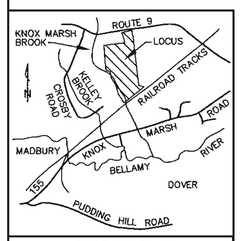
THE WETLANDS ON THIS PROJECT WERE DELINEATED BY BAG LAND CONSULTANTS
43 ROCKINGHAM STREET; CONCORD NH 03301
(BRUCE GILDAY, CWS #88)
FROM OCTOBER 5, 2020, THRU OCTOBER 5, 2023.

WETLAND BOUNDARIES WERE PREPARED UTILIZING THE FOLLOWING STANDARDS AND METHODOLOGIES:

- Corps of Engineers Wetland Delineation Manual and Section 5 of the Regional Supplement to the Wetlands Delineation Manual: Northcentral and Northeast Region, Version 2.0 (January 2012), entitled 'Difficult Wetland Situations in the Northcentral and Northeast Region;
- Regional Supplement to the Corps of Engineers Wetland Delineation Manual: and Northeast Region, Version 2.0 (January 2012);
- Northcentral-Northeast Regional Wetland Plant List published by the USACE;
- Field Indicators of Hydric Soils in the United States, Version 8.2 published by the USDA NRCS;
- Field Indicators for Identifying Hydric Soils in New England, Version 4 published by the NEIWPCC;
- Classification of Wetlands and Deepwater Habitats of the United States (Cowardin et al., 1979, revised 1985);
- Highway Methodology Workbook Supplement (USACE, 1999) for assessing functions and values.

STATE OF NEW HAMPSHIRE — BRUCE A. GILDAY — No. 088 — CERTIFIED WETLAND SCIENTIST




LOCATION PLAN
( NO SCALE )

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 6/14/24 | ADD SEWER CONSTRUCTION INFORMATION | RJM | KMM |
| 3 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 2 | 11/14/23 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |

CNE 18043A REVISIONS

| 19-2210 | EXIST COND | 20-13 | 65-75 |
|---|---|---|---|
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

## LEGEND

C.A.R.O.W. - CONTROLLED ACCESS RIGHT OF WAY
S.F. - SQUARE FEET
Ac. - ACRE
(TYP.) - TYPICAL
± - MORE OR LESS
ø - DIAMETER
S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
-o- UP - UTILITY POLE

CB - CATCH BASIN
SMH - SEWER MANHOLE
G PP - GAS - PLASTIC PIPE
HDPE - HIGH DENSITY POLYETHYLENE
CMP - CORRUGATED METAL PIPE
RCP - REINFORCED CONCRETE PIPE
PVC - POLYVINYL CHLORIDE
SOIL TEST PIT
128 - CONTOUR LINE (2 FOOT INTERVAL)

# NOTES:

1.) OWNERS OF RECORD:
WESTFIELD, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 4733, PAGE 471 (200002182)

2.) C / 2 - DENOTES TAX MAP AND PARCEL NUMBER.

3.) PLAN INTENT: TO SHOW THE EXISTING SITE CONDITIONS. PARCEL IS SERVED BY MUNICIPAL SEWER AND WATER SERVICE.

4.) TOTAL PARCEL AREA: 2,566,225 S.F. / 58.91 Ac.

5.) ZONING DISTRICT: COMMERCIAL MANUFACTURING (CM) DISTRICT:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| LOT COVERAGE | = 50 PERCENT |
| MINIMUM FRONTAGE | = 100 FEET |
| FRONT SETBACK | = 35 FEET |
| SIDE SETBACK | = 10 FEET MIN. |
| REAR SETBACK | = 10 FEET MIN. |
| BUILDING HEIGHT | = 50 FEET MAX. |

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED IN THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANELS 0310 & 0320; SUFFIX E; MAP NUMBERS 33017C0310E & 33017C0320E; EFFECTIVE DATE SEPTEMBER 30, 2015, THAT AREA DIRECTLY ADJACENT TO THE RAILROAD TRACKS AT KNOX MARSH BROOK.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JANUARY 22, 2021.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000

9.) THE PARCEL IS SUBJECT TO A TEN (10) FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE CITY OF DOVER, AS DESCRIBED IN S.C.R.D. VOLUME 806, PAGE 244.

10.) THE PARCEL IS SUBJECT TO RIGHTS OF DOVER TO MAINTAIN A WATER LINE AS DESCRIBED IN S.C.R.D. VOLUME 546, PAGE 347.

11.) THE PARCEL IS SUBJECT TO A 100' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MARCH 12, 1958 AND DESCRIBED IN S.C.R.D. VOLUME 686, PAGE 130.

12.) THE PARCEL IS SUBJECT TO A 20' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MAY 27, 1965 AND DESCRIBED IN S.C.R.D. VOLUME 797, PAGE 93.

13.) HANSON ROAD (A/K/A HANSON WAY) IS AN UNIMPROVED 33' WIDE ROAD. THE CITY OF DOVER DISCONTINUED HANSON ROAD AS A PUBLIC WAY WITH THE 2008 RESOLUTION, R-2008.05.14-80. PER ACCEPTED PRACTICE, TITLE TO THE UNDERLYING LAND OF THE ROAD EXTENDS TO THE CENTERLINE FOR ABUTTING PARCELS. THE USE RIGHTS OF THE ENTIRE WIDTH OF HANSON ROAD MAY EXIST FOR ABUTTING OWNERS.

14.) SEE SHEETS 10 AND 11 OF 24 FOR PARCEL METES AND BOUNDS.

15.) THE PARCEL IS SUBJECT TO A DOVER CONSERVATION OVERRIDING DISTRICT, 170-27B.(2), AREAS WITHIN FIFTY (50) FEET OF A FRESHWATER BROOK. KNOX MARSH BROOK.

16.) THE PARCEL IS SUBJECT TO A 24' WIDE EASEMENT BENEFITING PARCEL G/2-2 (LOCATION NOT DEFINED) AS DESCRIBED IN S.C.R.D. VOLUME 5059, PAGE 708.

17.) THE PARCEL IS BENEFITED BY A 50' WIDE EASEMENT OVER PARCEL G/3A-100, AS DESCRIBED IN S.C.R.D. VOLUME 5064, PAGE 604.

18.) THE PARCEL IS SUBJECT TO FOUR (4) EASEMENTS GRANTED TO THE CITY OF DOVER AS DESCRIBED IN S.C.R.D. VOLUME 5106, PAGE 313.

SEE SHEET 10 OF 24 FOR NOTES 19-21.

SEE SHEETS 10 & 11 OF 24 FOR PARCEL METES AND BOUNDS.



APPROVAL BLOCK

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

# EXISTING CONDITIONS PLAN OF LAND
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 - LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

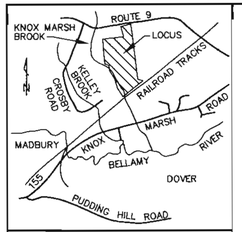
| | |
|---|---|
| DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1 |
| SCALE: 1" = 200' | DATE: FEBRUARY 2, 2022 |

200 100 0 100 200 400 600 800

STATE OF NEW HAMPSHIRE — No. 661 — KEVIN M. McENEANEY — LICENSED LAND SURVEYOR — SIGNATURE

McEneaney Survey Associates of NEW ENGLAND
P.O. Box 681 - 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING - PLANNING - CONSULTING

8/29/2024 13:34:07 File: M:\2210\Dra




LOCATION PLAN
( NO SCALE )

| No. | Bearing | Distance |
|---|---|---|
| L1 | N05°49'11"W | 109.82' |

24' WIDE EASEMENT
S.C.R.D. 5059/708
(SEE NOTE 16)
(LOCATION NOT DEFINED)

NH STATE PLANE
NAD 83 - GPS OBS:

C / 2-2
BLUEBIRD DOVER LLC
125 OCEAN ROAD
GREENLAND, NH 03840
5059 / 706

LIMITS OF FORMER HANSON ROAD RIGHT OF WAY

C / 31
GP MADBURY 35, LLC
21 MADBURY ROAD
DURHAM, NH 03824
5088 / 1036

N05°12'28"W 274.32'

N06°32'55"W 185.10'

FORMER HANSON ROAD
(SEE NOTE 13)

N06°32'55"W 429.88'

S71°33'50"E 175.63'

S71°02'19"E 249.86'

S33°53'16"E 343.87'

KNOX MARSH BROOK FLOW (SEE NOTE 15)

CONSERVATION DISTRICT (50' FROM REFERENCE LINE (TYP.)

C / 31-1
McGUIRE GROUP, LLC
50 CROSBY ROAD
DOVER, NH 03820
4782 / 706

15" PVC TWIN CULVERTS
INV. IN = 93.1' N
INV. IN = 93.0' S
INV. OUT = 92.9' N
INV. OUT = 93.0' S

EDGE OF WETLAND (TYP.)
50' WETLAND BUFFER (TYP.)

C / 2
"WESTFIELD"
2,566,225 S.F.
58.91 Ac.

MATCH LINE SHEET 11 OF 24

18" HDPE CULVERT
INV. IN = 102.7'
INV. OUT = 102.5'

S81°47'48"W 842.67'

PSMH-7

15" PVC CULVERT
INV. IN = 97.1'
INV. OUT = 96.8'

15" PVC CULVERT
INV. IN = 93.6'
INV. OUT = 93.6'

PSMH-6

PSMH-5

PSMH-4

PSMH-3

PSMH-2

PSMH-1

15" PVC CULVERT
INV. IN = 100.5'
INV. OUT = 100.1'

EVERSOURCE EASEMENT (100' WIDE) (SEE NOTE 11)

S08°12'12"E 1059.34'

24" HDPE CULVERT
INV. IN = 102.7'
INV. OUT = 102.6'

APPROXIMATE WATER MAIN LOCATION

30' WIDE DRAINAGE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

SEWER MAIN
(UNDER CONSTRUCTION)

APPROXIMATE WATER MAIN LOCATION

SMH EXIST

50' WIDE EASEMENT
S.C.R.D. 5064/604
(SEE NOTE 17)

INDUSTRIAL PARK ROAD
PUBLIC 60' WIDE R.O.W.
743/244 & 759/141

C / 38
85 INDUSTRIAL PARK II LLC
273 CORPORATE DRIVE, SUITE 150
PORTSMOUTH, NH 03801
2390 / 453

C/3A-100
RECON REALTY, LLC
80 INDUSTRIAL PARK DRIVE
DOVER, NH 03820
4713 / 525
352,425 S.F. / 8.09 Ac.

30' WIDE UTILITY EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

20' WIDE WATERLINE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

WATERLINE EASEMENT
S.C.R.D. 546/347
(SEE NOTE 10)

S16°23'24"E 416.75'

N74°55'12"E 408.04'

N09°56'54"E 461.57'

P / 26
EVERSOURCE ENERGY
PUBLIC SERVICE COMPANY OF NH
P.O. Box 330
MANCHESTER, NH 03105
789 / 12

LITTLEWORTH ROAD
NH ROUTE 9
VARIABLE WIDTH R.O.W.

P / 26-A
LISA A. NUGENT
69 LITTLEWORTH ROAD
DOVER, NH 03820
1866 / 298

P / 27
DAVID L. RAVELING
16 FORD DRIVE
BARRINGTON, NH 03825
2809 / 475

C / 41
BT-NEWYO, LLC
ATTN: CORP REAL ESTATE
55 GLENLAKE PARKWAY NE
ATLANTA, GA 30328
2710 / 956

20' WIDE EVERSOURCE EASEMENT
S.C.R.D. 797/93 (SEE NOTE 12)

18" CMP CULVERT
INV. = 107.9'

"LOT 4C"
N/F INDUSTRIAL PARK AUTHORITY
(AN AGENCY OF THE STATE OF NH)
CONCORD, NH
825 / 305

MON WELL B.A.G. A
MON WELL B.A.G. B
MON WELL B.A.G. C
MON WELL B.A.G. D
MON WELL B.A.G. E
MON WELL B.A.G. F
MON WELL B.A.G. G
MON WELL B.A.G. H
MON WELL B.A.G. I
MON WELL B.A.G. J
MON WELL B.A.G. K
MON WELL B.A.G. L
MON WELL B.A.G. M
MON WELL B.A.G. N
MON WELL B.A.G. O
MON WELL B.A.G. P
MON WELL B.A.G. Q
MON WELL B.A.G. R
MON WELL B.A.G. S
MON WELL B.A.G. T
MON WELL B.A.G. 1
MON WELL B.A.G. 2
MON WELL B.A.G. 3
MON WELL B.A.G. 4
MON WELL B.A.G. 5
MON WELL B.A.G. 6
MON WELL B.A.G. 7
MON WELL B.A.G. 8
MON WELL B.A.G. 9
MON WELL B.A.G. 10
MON WELL B.A.G. 11
MON WELL B.A.G. 12
MON WELL B.A.G. 15
MON WELL B.A.G. 16
MON WELL B.A.G. 17
MON WELL B.A.G. 18
MON WELL B.A.G. 19
MON WELL B.A.G. 20

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 6/14/24 | ADD SEWER CONSTRUCTION INFORMATION | RJM | KMM |
| 3 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 2 | 11/14/23 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |

CNE 18043A REVISIONS

| 19-2210 | EXIST COND | 20-13 | 65-75 |
|---|---|---|---|
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

STATE OF NEW HAMPSHIRE
BRUCE A. GILDAY
No. 088
CERTIFIED WETLAND SCIENTIST

## NOTES CONTINUED FROM SHEET 9 OF 24

19.) BUILDING ADDRESSES (INCLUDING APT/UNIT NUMBERS IF APPLICABLE) SHALL BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.

20.) WETLANDS ONSITE WERE IDENTIFIED UTILIZING THE 1987 FEDERAL TECHNICAL REPORT. THE DELINEATION WAS PERFORMED ON OCTOBER 30, 2023 BY BAG LAND CONSULTANTS (BRUCE A. GILDAY, CWS); 43 ROCKINGHAM STREET, CONCORD, NH 03301.

21.) BAG LAND CONSULTANTS MONITOR WELL LOCATIONS PLACED BY SKETCH (2023-05-24) PROVIDED BY BAG LAND CONSULTANTS (BRUCE A. GILDAY, CWS); 43 ROCKINGHAM STREET, CONCORD, NH 03301.

## SANITARY SEWER STRUCTURE SCHEDULE

| | | | |
|---|---|---|---|
| SMH 'PSMH-C' | | SMH 'PSMH-4' | |
| RIM | = 114.4' | RIM | = 105.4' |
| INV. IN 10" | = 109.8' STUB | INV. IN 10" | = 97.5' |
| INV. OUT 10" | = 109.8' | INV. OUT 10" | = 97.5' |
| SHELF | = 110.5' | SHELF | = 98.3' |
| NEXT | = PSMH-B | NEXT | = PSMH-3 |
| SMH 'PSMH-B' | | SMH 'PSMH-3' | |
| RIM | = 112.1' | RIM | = 104.6' |
| INV. IN 10" | = 104.7' | INV. IN 10" | = 96.7' |
| INV. OUT 10" | = 104.6' | INV. OUT 10" | = 96.6' |
| SHELF | = 105.6' | SHELF | = 97.5' |
| NEXT | = PSMH-A | NEXT | = PSMH-2 |
| SMH 'PSMH-A' | | SMH 'PSMH-2' | |
| RIM | = 107.1' | RIM | = 105.2' |
| INV. IN 10" | = 103.1' | INV. IN 10" | = 95.4' |
| INV. OUT 10" | = 103.1' | INV. OUT 10" | = 95.3' |
| SHELF | = 103.9' | SHELF | = 96.2' |
| NEXT | = PSMH-6 | NEXT | = PSMH-1 |
| SMH 'PSMH-7' | | SMH 'PSMH-1' | |
| RIM | = 107.3' | RIM | = 102.4' |
| INV. IN 8" | = 102.4' BLUEBIRD | INV. IN 10" | = 94.4 |
| INV. IN 10" | = 99.9' STUB | NV. IN 10" | = 94.4' |
| INV. OUT 10" | = 99.8' | INV. OUT 10" | = 94.3' |
| NEXT | = PSMH-6 | SHELF | = 95.1' |
| | | NEXT | = EXIST |
| SMH 'PSMH-6' | | | |
| RIM | = 106.0' | SMH 'EXIST' | |
| INV. IN 10" | = 101.1' VENT | RIM | = 102.1' |
| INV. IN 10" | = 99.1' DROP | INV. IN 10" | = 93.1' |
| INV. IN 10" | = 99.0' BLUEBIRD | NV. IN 10" | = 93.0' |
| INV. OUT 10" | = 99.0' | INV. OUT 10" | = 92.6' |
| SHELF | = 100.0' | SHELF | = 93.2' |
| NEXT | = PSMH-5 | NEXT | = OFFSITE |
| SMH 'PSMH-5' | | | |
| RIM | = 107.1' | | |
| INV. IN 10" | = 98.1' | | |
| INV. OUT 10" | = 98.1' | | |
| SHELF | = 99.0' | | |
| NEXT | = PSMH 4 | | |

* SEE SHEET 9 OF 24 FOR REFERENCE PLANS AND LEGEND.

SHEET 10 OF 24

# EXISTING CONDITIONS PLAN OF LAND
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

| | |
|---|---|
| DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1 |
| SCALE: 1" = 100' | DATE: FEBRUARY 2, 2022 |

100 50 0 50 100 200 300 400

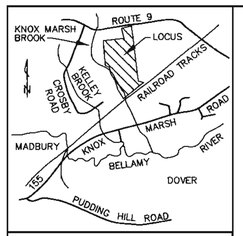
APPROVAL BLOCK

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

STATE OF NEW HAMPSHIRE
No. 661
KEVIN M. McENEANEY
LICENSED LAND SURVEYOR
SIGNATURE

McENEANEY SURVEY ASSOCIATES
of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911
SURVEYING – PLANNING – CONSULTING

File: M:\2210\Dwg
6/28/2024 13:53:58




LOCATION PLAN
( NO SCALE )

C / 31-1
McGUIRE GROUP, LLC
50 CROSBY ROAD
DOVER, NH 03820
4782 / 706

CONSERVATION DISTRICT (50' FROM REFERENCE LINE (TYP.)

S32°55'W 429'
67.45'
S71°33'50"E 175.63'
S11°02'19"E 249.86'
S33°53'16"E 343.87'
S18°02'44"E 379.68'
S33°34'05"E 427.72'
1032.77'
S49°58'51"W

MON WELL B.A.G. 0
MON WELL B.A.G. Q
MON WELL B.A.G. N
MON WELL B.A.G. M
MON WELL B.A.G. 20
MON WELL B.A.G. K
MON WELL B.A.G. 19
MON WELL B.A.G. L
MON WELL B.A.G. 18
MON WELL B.A.G. 17
MON WELL B.A.G. 16
MON WELL B.A.G. 15
MON WELL B.A.G. 14
MON WELL B.A.G. 13
MON WELL B.A.G. 12
MON WELL B.A.G. 11
MON WELL B.A.G. 10
MON WELL B.A.G. 9
MON WELL B.A.G. 8
MON WELL B.A.G. 7
MON WELL B.A.G. J
MON WELL B.A.G. I
MON WELL B.A.G. 5
MON WELL B.A.G. 4
MON WELL B.A.G. 3
MON WELL B.A.G. D
MON WELL B.A.G. C
MON WELL B.A.G. F
MON WELL B.A.G. 2
MON WELL B.A.G. H

15" PVC CULVERT
INV. IN = 93.6'
INV. OUT = 83.6'

15" PVC TWIN CULVERTS
INV. IN = 93.1' N
INV. IN = 93.0' S
INV. OUT = 92.9' N
INV. OUT = 93.0' S

EDGE OF WETLAND (TYP.)
50' WETLAND BUFFER (TYP.)

MATCH LINE SHEET 10 OF 24

C / 2
"WESTFIELD"
2,566,225 S.F.
58.91 Ac.

KNOX MARSH BROOK FLOW

NH STATE PLANE NAD 83 - GPS OBS.

15" PVC CULVERT
INV. IN = 97.1'
INV. OUT = 96.8'

15" PVC CULVERT
INV. IN = 100.5'
INV. OUT = 100.1'

PSMH-4
PSMH-3
PSMH-2
PSMH-1

30' WIDE DRAINAGE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

EVERSOURCE EASEMENT (100' WIDE) (SEE NOTE 11)

24" HDPE CULVERT
INV. IN = 102.7'
INV. OUT = 102.6'

APPROXIMATE WATER MAIN LOCATION

50' WIDE EASEMENT
S.C.R.D.
5064/604

S08°12'12"E 1059.34'

C/3A-100
RECON REALTY, LLC
80 INDUSTRIAL PARK DRIVE
DOVER, NH 03820
4713 / 625
352,425 S.F. / 8.09 Ac.

INDUSTRIAL PARK ROAD
PUBLIC 60' WIDE R.O.W. - 743/244 & 759/141

C / 3B
85 INDUSTRIAL PARK II LLC
273 CORPORATE DRIVE, SUITE 150
PORTSMOUTH, NH 03801
2390 / 453

SEWER MAIN (UNDER CONSTRUCTION)

APPROXIMATE WATER MAIN LOCATION

SMH EXIST

12" CMP CULVERT
INV. IN = 94.8'
INV. OUT = 94.3'

20' WIDE SEWER EASEMENT SCRD 849 / 488
10' WIDE WATER EASEMENT SCRD POCKET 6 FOLDER 2 PLAN 380

C/3A-101
JUMAJA SEACOAST, LLC
74 INDUSTRIAL PARK ROAD
DOVER, NH 03820
3828 / 796

671.15'
S08°12'12"E

CONSERVATION DISTRICT (50' FROM REFERENCE LINE (TYP.)

C / 2-1
DEL SOL DOVER, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NH 03820
5075 / 142

10' WIDE DRAINAGE EASEMENT
S.C.R.D. 806/244
(SEE NOTE 9)

30' WIDE DRAINAGE EASEMENT
S.C.R.D. 5106/313
(SEE NOTE 18)

24" HDPE CULVERT
INV. IN = 90.8'
INV. OUT = 90.6'

C / 3C
44 INDUSTRIAL DRIVE OWNER LLC
55 CAMBRIDGE STREET
BURLINGTON, MA 01803
5079 / 6

S76°21'00"E 220.84'

12" HDPE CULVERT
INV. IN = 89.9'
INV. OUT = 89.3'

12" HDPE CULVERT
INV. IN = 92.0'
INV. OUT = 91.9'

C / 5
BOSTON & MAINE RR
IRON HORSE PARK
HIGH STREET
NORTH BILLERICA, MA 01862

RAILROAD TRACKS

H / 36B-1
NSA OPTIVEST ACQUISITION HOLDINGS LLC
24901 DANA POINT HARBOUR DRIVE, #200
DANA POINT, CA 92629
4225 / 631

H / 36-C
EVERSOURCE ENERGY
PUBLIC SERVICE COMPANY OF NH
P.O. Box 330
MANCHESTER, NH 03105
789 / 12

H / 36-5
RETROSI PROPERTIES, LLC
318 DOVER POINT ROAD
DOVER, NH 03820
4723 / 735

H / 31
RUTH K. SOUSANE
NANCY K. QUINLAN
30 LITTLEWORTH ROAD
DOVER, NH 03820
3820 / 912

APPROVAL BLOCK

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

STATE OF NEW HAMPSHIRE
BRUCE A. GILDAY
No. 088
CERTIFIED WETLAND SCIENTIST

* SEE SHEET 9 OF 24 FOR REFERENCE PLANS, LEGEND AND SEWER STRUCTURE TABLE.

** SEE SHEETS 9 & 10 OF 24 FOR NOTES.

SHEET 11 OF 24

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| 4 | 6/14/24 | ADD SEWER CONSTRUCTION INFORMATION | RJM | KMM |
| 3 | 11/27/23 | AMEND PER NHDES WETLAND BUREAU RFMI 12/2/22 | RJM | KMM |
| 2 | 11/14/23 | AMEND WETLAND & BUFFER PER B.A.GILDAY | RJM | KMM |
| 1 | 4/28/22 | REVISE PER TRC COMMENTS | RJM | KMM |
| CNE 18043A | | REVISIONS | | |
| 19-2210 | | EXIST COND | 20-13 | 65-75 |
| PROJECT NO | | TYPE | FIELDBOOK & PAGES | |

# EXISTING CONDITIONS PLAN OF LAND
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

**DOVER PLANNING FILE No.** P 22-23

DRAWN BY: RJM | FILE: 2210\DWGS\23-2210 EC1
SCALE: 1" = 100' | DATE: FEBRUARY 2, 2022

100 50 0 50 100 200 300 400

STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 661 KEVIN M. McENEANEY SIGNATURE

McEneaney Survey Associates of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING – PLANNING – CONSULTING

File: M:\2210\Draw
6/28/2024 13:53:37

## GENERAL NOTES:

1. OWNERS OF RECORD:

   WESTFIELD LLC.
   340 CENTRAL AVENUE
   SUITE 202
   DOVER, NEW HAMPSHIRE 03820
   S.C.R.D. VOL. 4733, PAGE 471

2. C/2 – DENOTES TAX MAP AND PARCEL NUMBER.
3. ZONING DISTRICT IS COMMERCIAL MANUFACTURING (CM) DISTRICT
4. SEE SUBDIVISION PLAN OF LAND.

## DEMOLITION NOTES:

1. COORDINATE REMOVAL, RELOCATION, DISPOSAL OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
2. ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO MATCH ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
3. THE CONTRACTOR SHALL NOTIFY "DIG SAFE" PRIOR TO ANY DEMOLITION/ CONSTRUCTION ACTIVITIES. (811).
4. THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, UTILITIES AND PAVEMENT ON THE SITE TO THE LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN.
5. IT IS THE CONTRACTORS RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE CONDITIONS OF ALL OF THE PERMIT APPROVALS.
6. THE CONTRACTOR SHALL OBTAIN AND PAY FOR ALL PERMITS NOT ALREADY OBTAINED BY THE OWNER AND ARRANGE AND PAY FOR NECESSARY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEMOLITION AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK, EXCEPT FOR WORK NOTED TO BE COMPLETED BY OTHERS.
8. THE LOCATION OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATION IS NOT GUARANTEED BY THE OWNER OR THE ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES AND RELOCATE EXISTING UTILITIES REQUIRED TO COMPLETE THE WORK.
9. ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS, ORDINANCES, AND CODES.
10. ALL EROSION CONTROL NOTES SHALL INCLUDE PROVISIONS FOR CONSTRUCTION SEQUENCING, TEMPORARY EROSION CONTROL MEASURES, AND PERMANENT STANDARDS SUCH AS LOAM SPREAD RATE FOR DISTURBED AREAS, RATES OF LIME, TYPE AND RATES FOR FERTILIZER, AND SEED AND MULCH MIXTURE WITH RATES OF APPLICATION.

## PERMIT SUMMARY:

1. THE FOLLOWING FEDERAL AND STATE PERMITS HAVE BEEN ISSUED FOR THE SUBJECT PROPERTY:
   N/A
2. LIST ANY VARIANCES OR SPECIAL EXCEPTIONS GRANTED BY THE ZONING BOARD OF ADJUSTMENT OR CONDITIONAL USE PERMITS GRANTED BY THE PLANNING BOARD FOR THE PROPOSED USE OR STRUCTURE, INCLUDING THE CASE NUMBER AND DATE OF DECISION AND ANY CONDITIONS.

   SUBDIVISION: APPROVED MAY 24, 2022
   CONDITIONAL USE PERMIT: APPROVED MAY 24, 2022
   NHDES WETLANDS PERMIT: APPROVED MAY 10, 2024,
   PERMIT # 2022-02955, DATED MAY 10, 2024, EXPIRES MAY 10, 2029

## SITE NOTES

1. PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A PLAN REFERENCED AND PREPARED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND (SEE EXISTING CONDITIONS PLAN IN THIS PLAN SET).
2. THE PURPOSE OF THIS PLAN IS TO DEPICT ROADWAY IMPROVEMENTS ASSOCIATED WITH A 3 LOT SUBDIVISION.
3. LIGHTING SHALL BE CUT-OFF TYPE FIXTURES PER CHAPTER 153-14-E AND SHALL PROVIDE LIGHTING DIRECTED ON-SITE ONLY.
4. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM TO APPLICABLE CITY AND STATE CODES.
5. ON-SITE SNOW STORAGE SHALL OCCUR ALONG THE EDGES OF PROPOSED PAVEMENT.
6. ALL CONSTRUCTION LAYOUT SHALL BE DONE BY A LICENSED SURVEYOR UNDER CONTRACT WITH THE CONTRACTOR.
7. SEE DETAILS FOR SIGN LEGENDS.
8. ALL PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", THE "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS, AND THE AMERICAN WITH DISABILITIES ACT, LATEST EDITIONS.
9. THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE CONSTRUCTION PROCEDURES AND SEQUENCE TO ENSURE THE SAFETY OF THE FACILITIES AND THEIR COMPONENTS DURING DEMOLITION AND CONSTRUCTION UNLESS OTHERWISE DIRECTED BY THE OWNERS REPRESENTATIVE. THIS INCLUDES THE ADDITION OF NECESSARY SHORING, SHEETING, TEMPORARY BRACING, GUYS OR TIE-DOWNS. SUCH MATERIALS SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AT THE COMPLETION OF THE PROJECT.
10. METHODS OF DEMOLITION, CONSTRUCTION AND ERECTION ARE THE CONTRACTOR'S RESPONSIBILITY UNLESS OTHERWISE SPECIFIED. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE AND MAINTAIN ENVIRONMENTAL CONTROLS AS REQUIRED BY FEDERAL, STATE AND MUNICIPAL REGULATIONS AND PERMITS. ENVIRONMENTAL CONTROLS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO DUST CONTROL AND SILT BARRIERS.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE DONE TO STRUCTURES OR UTILITIES OR INJURIES TO THE PUBLIC DURING THE CONSTRUCTION PHASE CAUSED BY HIMSELF, HIS EMPLOYEES, HIS SUBCONTRACTORS OR EMPLOYEES OF SAME. THE CONTRACTOR SHALL FURNISH AND INSTALL ALL TEMPORARY FACILITIES FOR THE PROTECTION OF THE WORK, WORKERS AND PUBLIC SAFETY.
12. BUILDING ADDRESSES TO BE ASSIGNED BY THE BUILDING OFFICIAL AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
13. THE SITE LAYOUT IS DESIGNED IN COMPLIANCE WITH APPLICABLE ACCESSIBILITY REGULATIONS AND NH RSA 155-A:5. THE PROPOSED STRUCTURE WILL ALSO BE DESIGNED IN ACCORDANCE WITH APPLICABLE ACCESSIBILITY REGULATIONS.
14. THE SITE SHALL BE MAINTAINED TO PROVIDE ACCESSIBILITY IN ALL WEATHER CONDITIONS.
15. COMMERCIAL VEHICLE ROUTE DURING CONSTRUCTION SHALL CONFORM WITH DOVER CITY CODE OR BE COORDINATED WITH THE COMMUNITY SERVICES DIRECTOR.
16. THE SUBJECT PARCEL(S) IS (ARE) SERVED BY MUNICIPAL WATER AND SEWER.
17. THE LIMITS OF CONSTRUCTION DISTURBANCE THAT ARE LOCATED IN OR WITHIN THE 50 FT. OF CONSERVATION AND WETLAND DISTRICTS SHALL BE STAKED, FLAGGED AND CLEARLY IDENTIFIED PRIOR TO ANY EARTH DISTURBANCE ACTIVITY OCCURRING.
18. AS-BUILT PLANS OF THE SITE SHALL BE SUBMITTED ON PAPER AND IN A DIGITAL FORMAT IN PDF AND AUTOCAD DWG, AUTOCAD DXF OR AN ESRI FORMAT TO THE CITY OF DOVER ENGINEER'S OFFICE UPON COMPLETION OF PROJECT. AS-BUILT PLANS SHALL BE PREPARED AND CERTIFIED CORRECT BY A L.L.S. OR P.E. DIGITAL FILES SHALL BE GEO-REFERENCED TO NEW HAMPSHIRE STATE PLANE COORDINATES NAD83 AND SHALL BE EXPRESSED IN FEET.
19. SITE CONSTRUCTION HOURS SHALL BE LIMITED TO MONDAY-FRIDAY 7 AM-6 PM, SATURDAY 9 AM-4 PM. NO CONSTRUCTION SHALL OCCUR ON SUNDAY OR DURING FEDERAL HOLIDAY HOURS. HOURS OF CONSTRUCTION MUST BE DOCUMENTED ON A SITE CONSTRUCTION SIGN ALONG WITH THE CONTACT INFORMATION FOR THE GENERAL CONTRACTOR AND THE SIGN SHALL NOTE THE THE ROADWAY IS PRIVATE. SAID SIGNAGE MUST BE LOCATED AND APPROVED BY THE DIRECTOR OF PLANNING.
20. A PRE-CONSTRUCTION CONFERENCE WITH THE DEVELOPER, THE DESIGN ENGINEER, THE EARTHWORK CONTRACTOR AND THE CITY ENGINEER SHALL OCCUR PRIOR TO ANY EARTH DISTURBING ACTIVITY.
21. ALL CONSTRUCTION SHALL CONFORM WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION" AND WITH THE CITY OF DOVER COMMUNITY SERVICES REGULATIONS AND STANDARD SPECIFICATION FOR CONSTRUCTION. THE MORE STRINGENT SPECIFICATION SHALL APPLY.
22. ANY RETAINING WALL TALLER THAN FOUR FEET (4') REQUIRES ISSUANCE OF A BUILDING PERMIT FROM INSPECTION SERVICES.
23. ANY FENCE TALLER THAN SEVEN FEET (7') REQUIRES THE ISSUANCE OF A BUILDING PERMIT FROM INSPECTION SERVICES.
24. APPLICANT SHALL COMPLETE LAND USE DEVELOPMENT TRACKING FORM, MOST RECENTLY REVISED VERSION, UTILIZING THE ONLINE POLLUTION TRACKING AND ACCOUNTING PILOT PROJECT (PTAPP) PORTAL.
    HTTP://WWW.UNH.EDU/UNHSC/PTAPP.
25. A LETTER OF CREDIT FOR THE COST OF REVEGETATING ALL DISTURBED AREAS ON THE SITE SHALL BE SUBMITTED PRIOR TO ANY EARTH DISTURBING ACTIVITY OCCURS.
26. THE OWNER OF RECORD SHALL RECORD AT THE REGISTRY OF DEEDS DOCUMENTATION SUFFICIENT TO PROVIDE NOTICE TO ALL PERSONS/ENTITIES THAT MAY ACQUIRE ANY PROPERTY SUBJECT TO THE REQUIREMENTS AND RESPONSIBILITIES DESCRIBED IN THE APPROVED STORMWATER MANAGEMENT PLAN, THE NOTICE SHALL COMPLY WITH THE APPLICABLE REQUIREMENTS FOR RECORDING CONTAINED IN RSA 477 AND 478. THE NOTICE NEED NOT SET FORTH THE REQUIREMENTS AT LENGTH, SO LONG AS IT IS SUFFICIENT TO PROVIDE NOTICE TO PROSPECTIVE PURCHASERS TO THE REQUIREMENTS FOR MAINTENANCE AND REPORTING.
27. FIRE DEPARTMENT ACCESS SHALL BE INSTALLED AND MAINTAINED TO SUPPORT THE IMPOSED LOADS OF FIRE APPARATUS IN ALL WEATHER CONDITIONS AT ALL TIMES.
28. THE CITY OF DOVER PLANNING BOARD FOUND THAT THE CRITERIA OF CHAPTER 153-21.A HAS BEEN MET.

## UTILITY NOTES

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES, AND RELOCATE EXISTING UTILITIES REQUIRED TO COMPLETE THE WORK AT NO ADDITIONAL COST TO THE OWNER.
2. SEE EXISTING CONDITIONS PLAN FOR BENCHMARK INFORMATION.
3. THE INSTALLATION OF ELECTRIC POWER, CABLE TELEVISION AND TELEPHONE LINES SHALL BE UNDERGROUND THROUGHOUT THE SITE FOR WHICH DEVELOPMENT IS PROPOSED. SITE PLANS SHALL SHOW ANY EASEMENTS FOR THESE SERVICES.
4. ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING CABLES.
5. THE SUBJECT PARCEL(S) IS (ARE) SERVED BY MUNICIPAL WATER AND SEWER.
6. SEE GRADING, DRAINAGE & EROSION CONTROL PLAN FOR PROPOSED GRADING AND EROSION CONTROL MEASURES.
7. ALL WATER MAIN INSTALLATIONS SHALL BE CLASS 52, DOUBLE CEMENT LINED DUCTILE IRON PIPE OR TYPE "K" COPPER, OR CITY APPROVED MATERIAL.
8. ALL WATER MAIN INSTALLATIONS SHALL BE PRESSURE TESTED AND CHLORINATED AFTER CONSTRUCTION PRIOR TO ACTIVATING THE SYSTEM. CONTRACTOR SHALL COORDINATE CHLORINATION AND TESTING WITH THE CITY OF DOVER WATER DEPARTMENT.
9. ALL GRAVITY SEWER PIPE SHALL BE PVC SDR 35 UNLESS OTHERWISE NOTED AND CONFORM TO THE REQUIREMENTS OF THE CITY OF DOVER SEWER DEPARTMENT STANDARDS.
10. EXISTING UTILITIES TO BE REMOVED SHALL BE CAPPED AT THE MAIN AND MEET THE CITY OF DOVER COMMUNITY SERVICES DEPARTMENT STANDARDS FOR CAPPING OF WATER AND SEWER SERVICES.
11. ALL ELECTRICAL MATERIAL WORKMANSHIP SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION, AND ALL APPLICABLE STATE AND LOCAL CODES.
12. THE EXACT LOCATION OF NEW UTILITY SERVICES AND CONNECTIONS SHALL BE COORDINATED WITH THE BUILDING DRAWINGS AND THE UTILITY COMPANIES.
13. ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
14. THE CONTRACTOR SHALL OBTAIN, PAY FOR, AND COMPLY WITH ALL REQUIRED PERMITS, ARRANGE FOR ALL INSPECTIONS, AND SUBMIT COPIES OF ACCEPTANCE CERTIFICATES TO THE OWNER PRIOR TO THE COMPLETION OF THIS PROJECT.
15. THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL MANHOLES, BOXES, FITTINGS, CONNECTORS, COVER PLATES, AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED ON THESE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL.
16. CONTRACTOR SHALL PROVIDE EXCAVATION, BEDDING, BACKFILL AND COMPACTION FOR NATURAL GAS SERVICES. COORDINATE WITH GAS COMPANY.
17. A 10-FOOT MINIMUM EDGE TO EDGE HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN ALL WATER AND SANITARY SEWER LINES. AN 18-INCH MINIMUM OUTSIDE TO OUTSIDE VERTICAL SEPARATION SHALL BE PROVIDED AT ALL WATER/SANITARY SEWER CROSSINGS.
18. THE CONTRACTOR SHALL CONTACT "DIG-SAFE" 72 HOURS PRIOR TO COMMENCING CONSTRUCTION. THE CONTRACTOR SHALL HAVE THE "DIG-SAFE" NUMBER ON SITE AT ALL TIMES.
19. SAWCUT AND REMOVE PAVEMENT AND CONSTRUCT PAVEMENT TRENCH PATCH FOR ALL PROPOSED UTILITIES LOCATED IN EXISTING PAVEMENT AREAS TO REMAIN
20. GATE VALVES, FITTINGS, ETC. SHALL MEET THE REQUIREMENTS OF THE CITY OF DOVER.
21. COORDINATE TESTING OF SEWER CONSTRUCTION WITH THE CITY OF DOVER.
22. CONTRACTOR SHALL COORDINATE ALL ELECTRIC WORK INCLUDING BUT NOT LIMITED TO: CONDUIT CONSTRUCTION, MANHOLE CONSTRUCTION, UTILITY POLE CONSTRUCTION, OVERHEAD WIRE RELOCATION, AND TRANSFORMER CONSTRUCTION WITH POWER COMPANY.
23. CONTRACTOR SHALL PHASE UTILITY CONSTRUCTION, PARTICULARLY WATER MAIN AND GAS MAIN CONSTRUCTION AS TO MAINTAIN CONTINUOUS SERVICE TO ABUTTING PROPERTIES. CONTRACTOR SHALL COORDINATE TEMPORARY SERVICES TO ABUTTERS WITH THE UTILITY COMPANY AND AFFECTED ABUTTER.
24. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE CITY AND STATE CODES.
25. COORDINATE ALL UTILITY WORK WITH APPROPRIATE UTILITY COMPANY.
26. NO ROADWAY WITH PRIVATE UTILITY EASEMENTS SHALL BE ACCEPTED AS A PUBLIC ROAD BY THE CITY UNLESS THE EASEMENTS ARE EXPUNGED PRIOR TO TRANSFER OF LAND TO THE CITY. LICENSE AGREEMENTS FOR ANY AND ALL PRIVATE UTILITIES WITHIN THE RIGHT OF WAY MAY BE GRANTED BY THE CITY UPON ACCEPTANCE OF THE UNENCUMBERED ROADWAY CONSISTENT WITH APPLICABLE STATE LAW.

## GRADING NOTES:

1. ALL ROAD DRAINAGE WORK SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS FOR CONSTRUCTION OF THE CITY OF DOVER, N.H. AND "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, STATE OF NEW HAMPSHIRE, DEPARTMENT OF TRANSPORTATION", LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL APPLY.
2. CONTRACTOR SHALL RETAIN A GEOTECHNICAL ENGINEERING CONSULTANT APPROVED BY THE OWNER, TO CONDUCT COMPACTION TESTING AND FILL GRADATION MONITORING PER THE ABOVE REFERENCED "STANDARD SPECIFICATIONS".
3. SEE EROSION CONTROL NOTES & DETAIL SHEET FOR TEMPORARY AND PERMANENT EROSION CONTROL MEASURES.
4. ALL DRAINAGE PIPES SHALL BE HDPE OR APPROVED EQUAL UNLESS OTHERWISE NOTED.
5. ALL DISTURBED AREAS NOT OTHERWISE CALLED FOR SURFACE TREATMENT SHALL RECEIVE 6" OF HIGH QUALITY LOAM AND SHALL BE SEEDED WITH GRASS.
6. ALL SITEWORK CONSTRUCTION SHALL BE ADVANCED USING "BEST MANAGEMENT PRACTICES" SANCTIONED BY THE USDA SCS AND NHDES.
7. TEMPORARY CONSTRUCTION ENTRANCE SHALL BE INSTALLED, UTILIZED AND MAINTAINED UNTIL BASE MATERIALS ARE CONSTRUCTED.
8. CONTRACTOR SHALL PROVIDE A FINISH GRADED SURFACE FREE OF LOW SPOTS AND PONDING AREAS. CRITICAL AREAS INCLUDE BUILDING ENTRANCE AND UNDER RAISED STRUCTURES.
9. DENSITY REQUIREMENTS:

| LOCATION | MINIMUM DENSITY |
|---|---|
| BELOW PAVED OR CONCRETE AREAS | 95% |
| TRENCH BEDDING MATERIAL AND SAND BLANKET BACKFILL | 95% |
| BELOW LOAM AND SEED AREA | 90% |

   *ALL PERCENTAGES SHALL BE OF THE MAXIMUM DRY DENSITY AT THE OPTIMUM MOISTURE CONTENT AS DETERMINED AND CONTROLLED IN ACCORDANCE WITH AASHTO STANDARD 180, METHOD C. FIELD DENSITY TESTS SHALL BE MADE IN ACCORDANCE WITH AASHTO STANDARD T-191, T-204, OR T-238 AND T-239.

10. SEE GENERAL EROSION CONTROL NOTES ON DETAIL SHEET.
11. PROVIDE INLET PROTECTION BARRIERS AROUND ALL EXISTING AND PROPOSED STORM DRAINAGE INLETS WITHIN THE WORK LIMITS AND AS SHOWN ON PLAN. MAINTAIN FOR THE DURATION OF THE PROJECT UNTIL PAVEMENT HAS BEEN INSTALLED AND UPSTREAM AREAS HAVE BEEN STABILIZED.
12. INSPECT SILT BARRIERS AFTER EACH RAIN STORM OF 1/4 INCH OR GREATER. REPAIR/MODIFY PROTECTION AS NECESSARY TO MAXIMIZE EFFICIENCY FILTER. REPLACE ALL FILTERS WHEN SEDIMENT IS 1/3 THE STRUCTURE HEIGHT.
13. A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IS REQUIRED FOR THIS PROJECT. THE SWPPP MUST INCLUDE THE APPROPRIATE BEST MANAGEMENT PRACTICES (BMP'S) TO MINIMIZE THE DISCHARGE OF POLLUTANTS FROM THE SITE. PARTIES RESPONSIBLE FOR DEVELOPING THE SWPPP SHOULD REFER TO THE EPA NPDES CONSTRUCTION GENERAL PERMITS NOTICE OF INTENT FOR A COMPLETE OUTLINE OR REQUIRED ELEMENTS. THESE PLANS AND THE STORMWATER MANAGEMENT SYSTEM INSPECTION & MAINTENANCE PLAN PREPARED FOR THIS PROJECT MAY BE UTILIZED IN FULFILLING THE REQUIREMENTS.
14. ALL TREATMENT SWALES TO BE CONSTRUCTED SHALL HAVE SOD BOTTOMS.
15. LIMIT TREE CLEARING TO ONLY THE EXTENT NECESSARY FOR CONSTRUCTION.
16. PLACARDS SHALL BE INSTALLED ALONG THE EDGE OF WETLAND PRIOR TO CONSTRUCTION.
17. THE LIMITS OF CONSTRUCTION THAT AE LOCATED IN OR WITHIN THE 50 FOOT CONSERVATION AND WETLANDS DISTRICT SHALL BE STAKED, FLAGGED AND CLEARLY IDENTIFIED PRIOR TO ANY EARTH DISTURBING ACTIVITY OCCURS.

## LEGEND

| | |
|---|---|
| I.R. (set) o | – IRON ROD W/ I.D. CAP (SET) |
| I.P. | – IRON PIPE |
| G.B. | – GRANITE BOUND |
| I.R. | – IRON ROD |
| I.R.(fnd) | – IRON ROD (FOUND) |
| D.H. | – DRILL HOLE |
| S.F. | – SQUARE FEET |
| Ac. | – ACRE |
| (TYP.) | – TYPICAL |
| ± | – MORE OR LESS |
| ø | – DIAMETER |
| S.C.R.D. | – STRAFFORD COUNTY REGISTRY OF DEEDS |
| UP | – UTILITY POLE |
| ——— | – EDGE OF WETLAND |
| O.A. | – OVERALL |
| TBR | – TO BE REMOVED |
| R.O.W. | – RIGHT OF WAY |
| DMH | – DRAIN MANHOLE |
| CB | – CATCH BASIN |
| SMH | – SEWER MANHOLE |
| HYD. | – FIRE HYDRANT |
| WV | – WATER GATE VALVE |
| | – TREE |
| GV | – GAS VALVE |
| 5'R | – PROPOSED PAVEMENT RADIUS |
| PW | – PROPOSED WATER |
| PE | – PROPOSED ELECTRIC |
| PS | – PROPOSED SEWER |
| PD | – PROPOSED DRAINAGE |
| PG | – PROPOSED GAS |
| 55 | – PROPOSED FINISH GRADE |
| x 55 | – PROPOSED SPOT GRADE |

## UTILITY CONTACTS

NATURAL GAS: – UNITIL CORPORATION
CONTACT: DAVID BEAULIEU
325 WEST ROAD
PORTSMOUTH, NH 03801
TEL: (603)-294-5144

WATER & SEWER: – CITY OF DOVER COMMUNITY SERVICES DEPARTMENT – PUBLIC WORKS & UTILITIES
CONTACT: BILL BOULANGER
271 MAST ROAD
DOVER, NH 03820
TEL: (603)-516-6450

ELECTRIC: – EVERSOURCE
CONTACT: PIERRE BOUGIE
4 OLD DOVER ROAD
ROCHESTER, NH 03867
TEL: (603)-332-4227

TELEPHONE: – FAIRPOINT COMMUNICATIONS, INC.
CONTACT: ED LANAGAN
HIGHWAY 33, BOX 307
1575 GREENLAND ROAD
GREENLAND, NH 03804
TEL (603)-528-7335

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|
| 6 | ADDED APPROVALS | SJH | 6-18-2024 |
| 6 | RESPOND TO WETLANDS RFMI | SJH | 11-27-2023 |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 3 | REVISED PER PB NOD | SJH | 7-12-2022 |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| 1 | PER TRC COMMENTS | SJH | 4-29-2022 |

DATE: 3-25-22
SCALE: 1" = 200'
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY: SJH
PROJECT NO: 1804.3
FILE: 1804.3-SITE SUBDIVISION

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1168
Dover, New Hampshire 03821
603.749.0443

STATE OF NEW HAMPSHIRE – STEPHEN J HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER

NOTE SHEET

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

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NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 |
| 6 | REVISED ROAD AND SEWER | SJH | 8-22-2023 |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 3 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| 1 | PER TRC COMMENTS | SJH | 4-29-2022 |

DATE: 3-25-22
SCALE: 1"=50'
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY:SJH
PROJECT NO:18043
FILE:18043-SITE SUBDIVISION

STEPHEN J HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

G/3A-1 50' ACCESS & UTILITY EASEMENT 2022-02-18
19,471 S.F.
0.45 Ac.

PROPOSED UNDERGROUND UTILITIES VERIFY W/ UTILITY

PROPOSED ELECTRIC STUB

PROPOSED GAS STUB

PROP. (2) 24" HDPE
L=40', S=0.01 FT/FT
STA 4+22.57
INV. IN=104.40
INV. OU =103.60
W/FLARED ENDS

TAP EXISTING 12" WATER

PROPOSED 8" GATE VALVE

PROPOSED THRUST BLOCK (TYP)

SMH
RIM=116.31'

0+00
1+00
2+00
3+00
4+00

18" CMP CULVERT
INV.=107.9'

TREE CHERRY 36D

PSMH-4
SEWER STA: 49+00
RD. STA=23+38.57
RIM:105.4
INV. IN: 97.5
INV. OUT: 97.46

APPROXIMATE WATER MAIN LOCATION

24" HDPE CULVERT
INV.IN=102.7'
INV.OUT=102.6'

SMH-1
SEWER STA: 2+30.50
RIM:103.0
INV.S IN(2): 94.46
INV. OUT: 94.36

APPROXIMATE WATER MAIN LOCATION

PSMH-5
ROAD STA: 24+57.13
RIM: 107.86
INV. IN: 98.17
INV. OUT: 98.07

PSMH-5
RD STA.=24+59.05
RIM: 107.3
INV. IN: 98.1
INV. OUT: 98.1

PSMH-3
SEWER STA: 47+61
RD. STA. 22+00
RIM:104.6
INV. IN: 96.7
INV. OUT: 97.5

PROP. 24" HDPE
L=40', S=0.005
INV. IN=102.20
INV. OUT=102.00
W/HEADWALLS

15" PVC CULVERT
INV.IN=100.5'
INV.OUT=100.1'

SMH-2
SEWER STA: 44+61
RD STA. 18+98.29
R1. 2.52'
RIM: 105.2
INV. IN: 95.4
INV, OUT: 95.3

PROPOSED HYDRANT W/ 8" GATE VALVE

CAP 8" CLDI 40' OFF PL

PROPOSED 30' UTILITY EASEMENT IN FAVOR OF THE CITY OF DOVER

CAP 10" SEWER @ PL
SEWER STA. 64+49.28
MARK W/4" PVC
INV. IN: 110.97

PSMH-A
RIM: 107.1
INV. IN: 103.1
INV. OUT: 103.1

(15') 6" STUB
STA. 62+40INV. IN 105.60
SLOPE = 0.01 FT/FT

PROPOSED STAINLESS STEEL TAPPING SLEEVE AND GATE

LITTLEWORTH ROAD

60' WIDE UTILITY EASEMENT

PSMH-C
RIM: 114.4
INV. IN: 109.8
INV. OUT: 109.8

PSMH-B
RIM: 112.1
INV. IN: 104.7
INV. OUT: 104.6

PROPOSED HYDRANT W/ 8" GATE VALVE

PROP. GAS

SMH-6
RIM: 106.0
RD. STA.=26+57.39
SEWER STA: 52+16.73
10" INV. IN: 99.1
INV. OUT: 99.0

SMH-7; STA. 27+98.46
RIM:107.84
INV. IN: (10 IN):99.87
INV. OUT: 99.77
INV. IN (10 IN):102.38

8" PVC 30' STUB TO PL LINE
MARK W/ 4" PVC WITNESS

CAP 10" SEWER
STA. 28+67.70 MARK W/4" PVC
INV. IN: 99.78
REQUIRES FUTURE SEWER CONNECTION PERMIT

TRANSFORMER PAD (TYP)

15" PVC CULVERT
INV.IN=97.1'
INV.OUT=96.8'

CAP 10" SEWER
STA. 23+08.4 MARK W/4" PVC
INV. 95.80 REQUIRES FUTURE SEWER CONNECTION PERMIT

PSMH-8
SEWER STA: 22+08.44
RIM:102.90
INV. IN: 95.40
INV. OUT: 95.30

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)

ROAD & UTILITY PLAN

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

13

NH STATE PLANE, NAD 83 - GRID BEAR.

INDUSTRIAL PARK DRIVE

SIGN

G/3A–1 50' ACCESS & UTILITY EASEMENT 2022–02–18
19,471 S.F.
0.45 Ac.

BEGIN WORK ROAD#1 2+75

PROP. SILTFENCE

PROP. SILTFENCE

PROP. (2) 24" HDPE
L=40', S=0.01 FT/FT
STA 4+22.57
INV. IN=104.40
INV. OU =103.60
W/FLARED ENDS

ROAD#1

AREA WETLAND IMPACT: 345 S.F.

AREA WETLAND IMPACT: 362 S.F.

PSMH–4
SEWER STA: 49+00
RD. STA=23+38.57
RIM:105.4
INV. IN: 97.5
INV. OUT: 97.46

SMH–1
SEWER STA: 2+30.50
RIM:103.0
INV.S IN(2): 94.46
INV. OUT: 94.36

PSMH–5
RD STA.=24+59.05
RIM: 107.3
INV. IN: 98.1
INV. OUT: 98.1

PSMH–3
SEWER STA: 47+61
RD. STA. 22+00
RIM:104.6
INV. IN: 96.7
INV. OUT: 97.5

PROP. SILT BARRIER (TYP.)

50' ROW
30' WIDE ROAD

EQUATION STATION
RD1=5+00.886
RD2=20+00

ROAD#2

PROP. SILT BARRIER (TYP.)

SMH–2
SEWER STA: 44+61
RD STA. 18+98.29
RT. 2.52'
RIM: 105.2
INV. IN: 95.4
INV, OUT: 95.3

CAP 10" SEWER @ PL
SEWER STA. 64+49.28
MARK W/4" PVC
INV. IN: 110.97

(15') 6" STUB
STA. 62+40INV. IN 105.60
SLOPE = 0.01 FT/FT

PSMH–A
RIM: 107.1
INV. IN: 103.1
INV. OUT: 103.1

PSMH–C
RIM: 114.4
INV. IN: 109.8
INV. OUT: 109.8

PSMH–B
RIM: 112.1
INV. IN: 104.7
INV. OUT: 104.6

LITTLEWORTH ROAD

SMH–6
RIM: 106.0
RD. STA.=26+57.39
SEWER STA: 52+16.73
10" INV. IN: 99.1
INV. OUT: 99.0

SMH–7; STA. 27+98.46
RIM: 107.84
INV. IN: (10 IN): 99.87
INV. OUT: 99.77
INV. IN (10 IN): 102.38

PROP. SILT BARRIER (TYP.)

100' PSNH EASEMENT

WETLAND (TYP.)

WETLAND (TYP.)

CAP 10" SEWER
STA. 23+08.4 MARK W/4" PVC
INV. 95.80 REQUIRES FUTURE
SEWER CONNECTION PERMIT

PSMH–8
SEWER STA: 22+08.44
RIM: 102.90
INV. IN: 95.40
INV. OUT: 95.30

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)

WETLAND IMPACT AREA TABLE

| DESCRIPTION | AREA(SF) |
|---|---|
| A | 362 S.F. |
| B | 345 S.F. |
| TOTAL | 707 S.F. |

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22–23

| NO. | REVISION | DATE | APP'D |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | 6–27–2024 | SJH |
| 6 | REVISED ROAD AND SEWER | 8–22–2023 | SJH |
| 5 | NHDES WASTEWATER SUBMITTAL | 8–25–2022 | SJH |
| 4 | NHDES WETLANDS SUBMITTAL | 8–12–2022 | SJH |
| 3 | NHDES WETLANDS SUBMITTAL | 8–12–2022 | SJH |
| 2 | PER SEWER DISCHARGE COMMENTS | 6–8–2022 | SJH |
| 1 | PER TRC COMMENTS | 4–29–2022 | SJH |

DATE: 3–25–22
SCALE: 1"=50'
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY:SJH
PROJECT NO:18043
FILE:18043-SITE SUBDIVISION

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

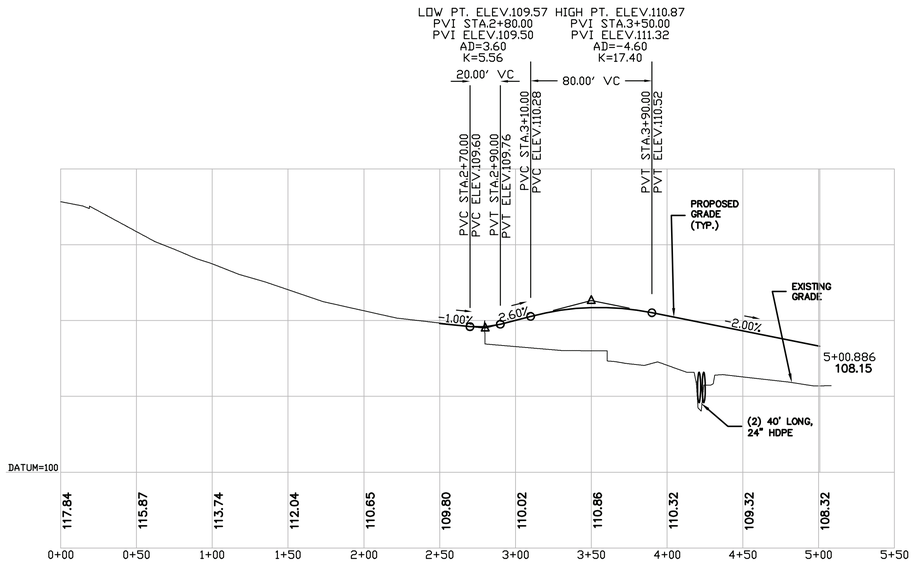
STATE OF NEW HAMPSHIRE – STEPHEN J. HAIGHT No. 7978 – LICENSED PROFESSIONAL ENGINEER

GRADING & EROSION CONTROL PLAN

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

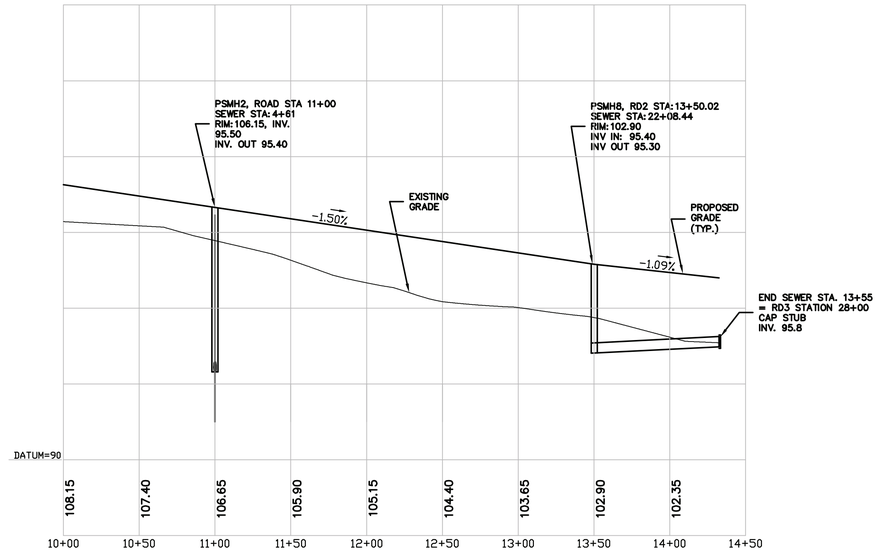
WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

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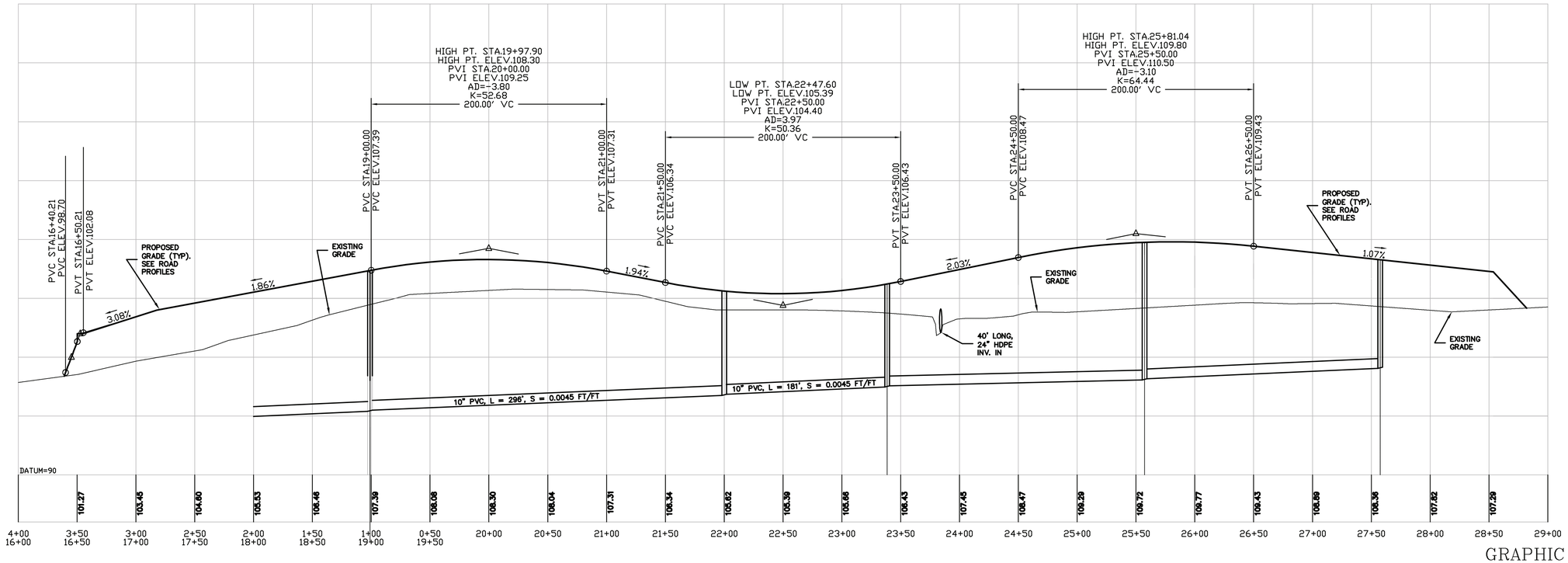

## ROAD 1 PROFILE

HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=5'




## ROAD 2 PROFILE

HORIZONTAL SCALE: 1"=50'
VERTICAL SCALE: 1"=5'




HORIZONTAL SCALE: 1"=50
VERTICAL SCALE: 1"=5

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 |
| 6 | REVISED ROAD AND SEWER | SJH | 8-22-2023 |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 3 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| 1 | PER TRC COMMENTS | SJH | 4-29-2022 |

DATE: 3-25-22
SCALE: PROFILES
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY:SJH
PROJECT NO:1804.3
FILE:1804.3-SITE SUBDIVISION

STEPHEN J. HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

ROAD PROFILES

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

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WETLAND IMPACT AREA TABLE

| DESCRIPTION | AREA(SF) |
|---|---|
| A | 362 S.F. |
| B | 345 S.F. |
| TOTAL | 707 S.F. |

SMH RIM=115.0'

8" PVC CULVERT INV.=112.1'

NH STATE PLANE NAD 83 - GRID OBS.

INDUSTRIAL PARK DRIVE

PROPOSED NO OUTLET SIGN

SMH D RIM=115.03'

SMH C RIM=114.63'

SMH RIM=116.31'

G/3A-1 50' ACCESS & UTILITY EASEMENT 2022-02-18
19,471 S.F.
0.45 Ac.

SMH RIM=104.3'

36" CULVERT INV.=97.05'

18" CMP CULVERT INV.=107.9'

BEGIN WORK RD#1 2+75

ROAD#1

B AREA WETLAND IMPACT: 345 S.F.

APPROXIMATE WATER MAIN LOCATION

PROP. (2) 24" HDPE
L=40', S=0.01 FT/FT
STA 4+22.57
INV. IN=104.40
INV. OU =103.60
W/FLARED ENDS

24" HDPE CULVERT
INV.IN=102.7'
INV.OUT=102.6'

A AREA WETLAND IMPACT: 362 S.F.

ROAD#2

50' ROW
30' WIDE ROAD

EQUATION STATION
RD1=5+00.886
RD2=20+00

15" PVC CULVERT
INV.IN=100.5'
INV.OUT=100.1'

100' PSNH EASEMENT

WETLAND (TYP.)

8" PVC 30' STUB TO PL LINE
MARK W/ 4" PVC WITNESS

CAP 10" SEWER STA. 28+67.70 MARK W/4" PVC
INV. IN: 99.78
REQUIRES FUTURE SEWER CONNECTION PERMIT

15" PVC CULVERT

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)

| NO. | REVISION | DATE | APP'D |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | 6-27-2024 | SJH |
| 6 | REVISED ROAD AND SEWER | 8-22-2023 | SJH |
| 5 | NHDES WASTEWATER SUBMITTAL | 8-25-2022 | SJH |
| 4 | NHDES WETLANDS SUBMITTAL | 8-12-2022 | SJH |
| 3 | NHDES WETLANDS SUBMITTAL | 8-12-2022 | SJH |
| 2 | PER SEWER DISCHARGE COMMENTS | 6-8-2022 | SJH |
| 1 | PER TRC COMMENTS | 5-29-2022 | SJH |

DATE: 3-23-22
SCALE: AS NOTED
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY:SJH
PROJECT NO:18043
FILE:18043-SITE SUBDIVISION

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23


CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443


STEPHEN J HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

# 3 LOT SUBDIVISION – CONDITIONAL USE PLAN

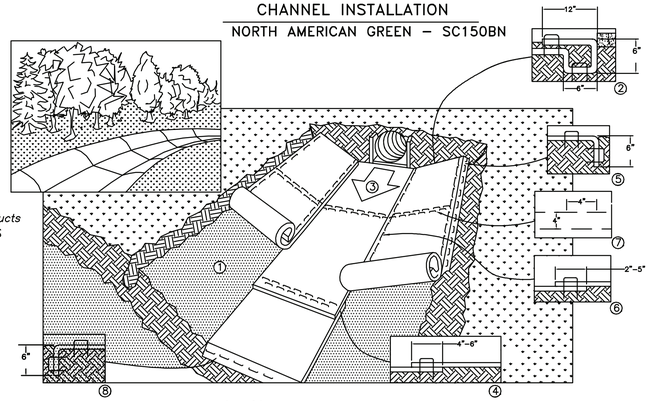
WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

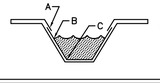
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## CHANNEL INSTALLATION
### NORTH AMERICAN GREEN – SC150BN

NORTH AMERICAN GREEN
EROSION CONTROL *Products Guaranteed* SOLUTIONS




1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECP's), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL–O–SEED DO NOT SEED PREPARED AREA. CELL–O–SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE CHANNEL BY ANCHORING THE RECP's IN A 6" DEEP X 6" WIDE TRENCH WITH APPROXIMATELY 12" OF RECP's EXTENDED BEYOND THE UP–SLOPE PORTION OF THE TRENCH. ANCHOR THE RECP's WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" PORTION OF RECP's BACK OVER SEED AND COMPACTED SOIL. SECURE RECP's OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" ACROSS THE WIDTH OF THE RECP's.
3. ROLL CENTER RECP's IN DIRECTION OF WATER FLOW IN BOTTOM OF CHANNEL. RECP's WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECP's MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING THE DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. PLACE CONSECUTIVE RECP's END OVER END (SHINGLE STYLE) WITH A 4" – 6" OVERLAP. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER TO SECURE RECP's.
5. FULL LENGTH EDGE OF RECP's AT TOP OF SIDE SLOPES MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING.
6. ADJACENT RECP's MUST BE OVERLAPPED APPROXIMATELY 2" – 5" (DEPENDING ON RECP's TYPE) AND STAPLED.
7. IN HIGH FLOW CHANNEL APPLICATIONS, A STAPLE CHECK SLOT IS RECOMMENDED AT 30 TO 40 FOOT INTERVALS. USE A DOUBLE ROW OF STAPLES STAGGERED 4" APART AND 4" ON CENTER OVER ENTIRE WIDTH OF THE CHANNEL.
8. THE TERMINAL END OF THE RECP's MUST BE ANCHORED WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" APART IN A 6" DEEP X 6" WIDE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. NOTE: * IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" MAY BE NECESSARY TO PROPERLY ANCHOR THE RECP's.



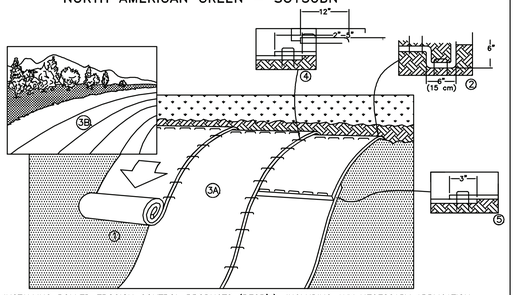

CRITICAL POINTS
A. OVERLAPS AND SEAMS
B. PROJECTED WATER LINE
C. CHANNEL BOTTOM/SIDE SLOPE VERTICES

NOTE:
* HORIZONTAL STAPLE SPACING SHOULD BE ALTERED IF NECESSARY TO ALLOW STAPLES TO SECURE THE CRITICAL POINTS ALONG THE CHANNEL SURFACE.

** IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" MAY BE NECESSARY TO PROPERLY ANCHOR THE RECP's.

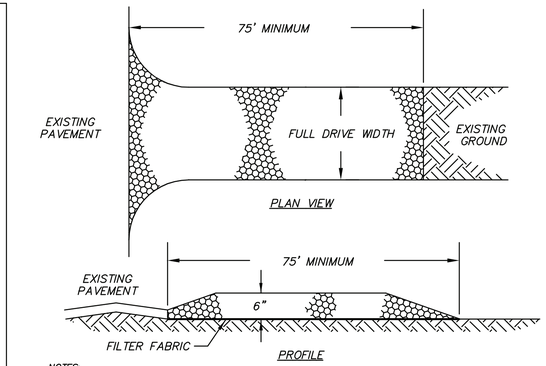
## SLOPE INSTALLATION
### NORTH AMERICAN GREEN – SC150BN

NORTH AMERICAN GREEN
EROSION CONTROL *Products Guaranteed* SOLUTIONS




1. PREPARE SOIL BEFORE INSTALLING ROLLED EROSION CONTROL PRODUCTS (RECP's), INCLUDING ANY NECESSARY APPLICATION OF LIME, FERTILIZER, AND SEED. NOTE: WHEN USING CELL–O–SEED DO NOT SEED PREPARED AREA. CELL–O–SEED MUST BE INSTALLED WITH PAPER SIDE DOWN.
2. BEGIN AT THE TOP OF THE SLOPE BY ANCHORING THE RECP's IN A 6" (15 CM) DEEP X 6" (15 CM) WIDE TRENCH WITH APPROXIMATELY 12" (30cm) OF RECP's EXTENDED BEYOND THE UP–SLOPE PORTION OF THE TRENCH. ANCHOR THE RECP's WITH A ROW OF STAPLES/STAKES APPROXIMATELY 12" (30 CM) APART IN THE BOTTOM OF THE TRENCH. BACKFILL AND COMPACT THE TRENCH AFTER STAPLING. APPLY SEED TO COMPACTED SOIL AND FOLD REMAINING 12" (30 CM) PORTION OF RECP's BACK OVER SEED AND COMPACTED SOIL. SECURE RECP's OVER COMPACTED SOIL WITH A ROW OF STAPLES/STAKES SPACED APPROXIMATELY 12" (30 CM) APART ACROSS THE WIDTH OF THE RECP's.
3. ROLL THE RECP's (A.) DOWN OR (B.) HORIZONTALLY ACROSS THE SLOPE. RECP's WILL UNROLL WITH APPROPRIATE SIDE AGAINST THE SOIL SURFACE. ALL RECP's MUST BE SECURELY FASTENED TO SOIL SURFACE BY PLACING STAPLES/STAKES IN APPROPRIATE LOCATIONS AS SHOWN IN THE STAPLE PATTERN GUIDE. WHEN USING THE DOT SYSTEM, STAPLES/STAKES SHOULD BE PLACED THROUGH EACH OF THE COLORED DOTS CORRESPONDING TO THE APPROPRIATE STAPLE PATTERN.
4. THE EDGES OF PARALLEL RECP's MUST BE STAPLED WITH APPROXIMATELY 2" – 5" (5 CM – 12.5 CM) OVERLAP DEPENDING ON RECP's TYPE.
5. CONSECUTIVE RECP's SPLICED DOWN THE SLOPE MUST BE PLACED END OVER END (SHINGLE STYLE) WITH AN APPROXIMATE 3" (7.5 CM) OVERLAP. STAPLE THROUGH OVERLAPPED AREA, APPROXIMATELY 12" (30 CM) APART ACROSS ENTIRE RECP's WIDTH.
   NOTE:
   *IN LOOSE SOIL CONDITIONS, THE USE OF STAPLE OR STAKE LENGTHS GREATER THAN 6" (15 CM) MAY BE NECESSARY TO PROPERLY SECURE THE RECP's.

NOTE: THE USE OF WELDED PLASTIC OR BIODEGRADABLE PLASTIC NETTING OR THREAD IN EROSION CONTROL MATTING IS PROHIBITED. THE USE OF WILDLIFE FRIENDLY ORGANIC MATERIALS IS RECOMMENDED.

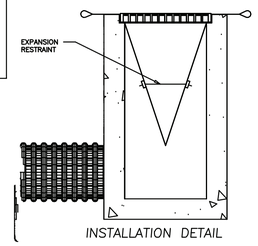



*NOTES:*
1. *SEE EROSION CONTROL NOTES BELOW FOR MATERIAL, INSTALLATION AND MAINTENANCE REQUIREMENTS.*
2. *TO BE INSTALLED AT EACH POINT OF EGRESS FROM THE WORK AREA.*

STABILIZED CONSTRUCTION ENTRANCE

1. SPECIFICATIONS
   A. AGGREGATE SIZE: USE THREE (3) INCHES STONE, OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
   B. AGGREGATE THICKNESS: NOT LESS THAN SIX (6) INCHES.
   C. WIDTH TEN (10) FOOT MINIMUM, BUT NOT LESS THAN THE FULL WIDTH OF POINTS WHERE INGRESS OR EGRESS OCCURS.
   D. LENGTH: AS REQUIRED, BUT NOT LESS THAN SEVENTY–FIVE (75) FEET. PIPING OF SURFACE WATER UNDER ENTRANCE SHALL BE PROVIDED AS REQUIRED.
   E. GEOTEXTILE: TO BE PLACED OVER THE ENTIRE AREA TO BE COVERED WITH AGGREGATE.
   F. CRITERIA FOR GEOTEXTILE: THE FABRICS SHALL BE TREVIA SPUNBOND 1135, MIRAFI 600X OR EQUAL.
2. MAINTENANCE
   THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHT–OF–WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH AGGREGATE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERWAYS.

## STABILIZED CONSTRUCTION ENTRANCE
*NOT TO SCALE*




INSTALLATION DETAIL

### SILTSACK®
SPECIFICATIONS

NOTE: THE SILTSACK WILL BE MANUFACTURED FROM A WOVEN POLYPROPYLENE FABRIC THAT MEETS OR EXCEEDS THE FOLLOWING SPECIFICATIONS. AS SUPPLIED BY AH HARRIS OF PORTSMOUTH OR APPROVED EQUAL

REGULAR FLOW SILTSACK®
(FOR AREAS OF LOW TO MODERATE PRECIPITATION AND RUN–OFF)

| PROPERTIES | TEST METHOD | UNITS |
|---|---|---|
| GRAB TENSILE STRENGTH | ASTM D–4632 | 300 LBS |
| GRAB TENSILE ELONGATION | ASTM D–4632 | 20 % |
| PUNCTURE | ASTM D–4833 | 120 LBS |
| MULLEN BURST | ASTM D–3786 | 800 PSI |
| TRAPEZOID TEAR | ASTM D–4533 | 120 LBS |
| UV RESISTANCE | ASTM D–4355 | 80 % |
| APPARENT OPENING SIZE | ASTM D–4751 | 40 US SIEVE |
| FLOW RATE | ASTM D–4491 | 40 GAL/MIN/SQ FT |
| PERMITTIVITY | ASTM D–4491 | 0.55 SEC –1 |

HI–FLOW SILTSACK®
(FOR AREAS OF MODERATE TO HEAVY PRECIPITATION AND RUN–OFF)

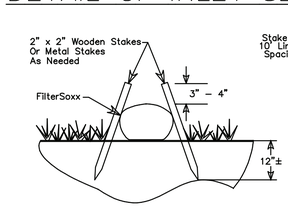
| PROPERTIES | TEST METHOD | UNITS |
|---|---|---|
| GRAB TENSILE STRENGTH | ASTM D–4632 | 265 LBS |
| GRAB TENSILE ELONGATION | ASTM D–4632 | 20 % |
| PUNCTURE | ASTM D–4833 | 135 LBS |
| MULLEN BURST | ASTM D–3786 | 420 PSI |
| TRAPEZOID TEAR | ASTM D–4533 | 45 LBS |
| UV RESISTANCE | ASTM D–4355 | 90 % |
| APPARENT OPENING SIZE | ASTM D–4751 | 20 US SIEVE |
| FLOW RATE | ASTM D–4491 | 200 GAL/MIN/SQ FT |
| PERMITTIVITY | ASTM D–4491 | 1.5 SEC –1 |

### OIL–ABSORBANT SILTSACK®

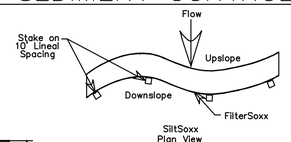
(FOR AREAS WHERE THERE IS A CONCERN FOR OIL RUN–OFF OR SPILLS)

DEPENDING ON YOUR PARTICULAR APPLICATION, THE SILTSACK® CAN BE MADE FROM EITHER ONE OF THE ABOVE FABRICS WITH AN OIL–ABSORBANT PILLOW INSERT OR, MADE COMPLETELY FROM AN OIL–ABSORBANT SILTSACK®, WITH A WOVEN PILLOW INSERT.

## DETAIL OF INLET SEDIMENT CONTROL DEVICE



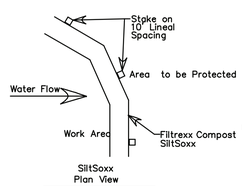

FilterSoxx Section
At Ends of Run
Cross Stakes



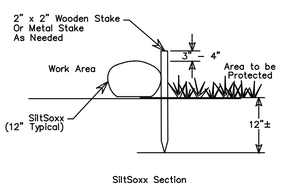

SiltSoxx
Plan View

Notes:
1. All material to meet Filtrexx specifications
2. FilterSoxx compost/soil/rock/seed fill to meet application requirements.
3. Compost material to be dispersed on site, as determined by Engineer.

FilterSoxx Staking Details




SiltSoxx
Plan View




SiltSoxx Section

Notes:
1. All material to meet Filtrexx specifications
2. SiltSoxx compost/soil/rock/seed fill to meet application requirements.
3. SiltSoxx depicted is for minimum slopes. Greater slopes may require larger socks per the Engineer.
4. Compost material to be dispersed on site, as determined by Engineer.

## SILTSOXX DETAILS

## SEEKING REPORTS OF RARE TURTLES

***The NH Fish & Game Department is collecting observations of four turtle species:***



**Blanding's turtle** (state endangered)
- Large, dark/black domed shell with lighter speckles
- Distinct yellow throat/chin
- Aquatic but often moves on land



**Wood turtle** (special concern)
- Sculpted, pyramidal brownish shell
- Orange around neck and limbs
- River/stream turtle spending many months on land



**Eastern box turtle** (state endangered)
- Small terrestrial turtle with highly domed shell
- Irregular yellow or orange markings over brown/black base



**Spotted turtle** (state threatened)
- Small, mostly aquatic with black or dark brown with yellow spots.
- Fairly flat shell compared to Blanding's turtle

**Report sightings to RAARP@wildlife.nh.gov or 603-271-2461** *Please report promptly, noting specific location and date – Photographs strongly encouraged*

*NOTES:*
1. *ALL OUTSIDE CONSTRUCTION PERSONNEL SHALL RECEIVE TRAINING IN THE IDENTIFICATION OF RARE TURTLE SPECIES AND MADE AWARE OF THEIR PROTECTED STATUS.*
2. *THE USE OF WELDED PLASTIC OR 'BIODEGRADABLE PLASTIC' NETTING OR THREAD IN EROSION CONTROL MATTING IS PROHIBITED*
3. *THE USE OF EROSION CONTROL BERM, WHITE FILTREXX DEGRADABLE WOVEN SILT SOCK, OR 'WILDLIFE FRIENDLY' WOVEN ORGANIC MATERIAL (E.G. COCO OR JUTE MATTING SUCH AS NORTH AMERICAN GREEN SC150BN OR EQUIVALENT) ARE ACCEPTABLE FOR USE*
4. *IF WOOD, SPOTTED, OR BLANDING'S TURTLES ARE FOUND LAYING EGGS IN THE WORK AREA, PLEASE CONTACT MELISSA DOPERALSKI AT 271–1738 or JOSH MEGYESY AT 271–1125 FOR FURTHER INSTRUCTIONS.*

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22–23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

| NO. | REVISION | DATE | APP'D |
|---|---|---|---|
| 1 | PER TRC COMMENTS | 4–29–2022 | SJH |
| 2 | PER SEWER DISCHARGE COMMENTS | 6–8–2022 | SJH |
| 3 | NHDES WETLANDS SUBMITTAL | 8–12–2022 | SJH |
| 4 | NHDES WETLANDS SUBMITTAL | 8–12–2022 | SJH |
| 5 | NHDES WASTEWATER SUBMITTAL | 8–25–2022 | SJH |
| 6 | REVISED ROAD AND SEWER | 8–22–2023 | SJH |
| 7 | REV. ROAD, LOTS, ADDED PERMITS | 6–27–2024 | SJH |

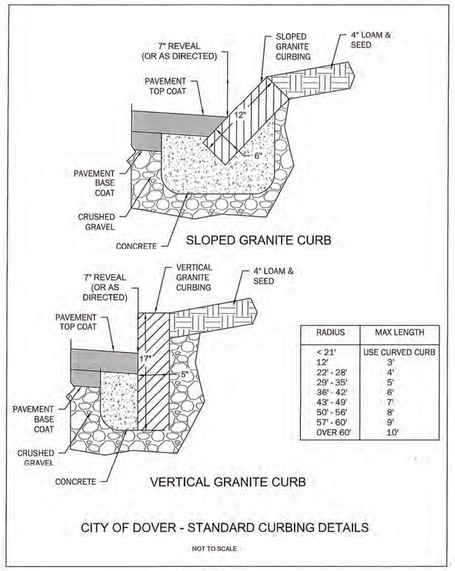
DATE: 3–23–22
SCALE: NOTED
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY: SJH
PROJECT NO: 18043
FILE: 18043–SITE

STATE OF NEW HAMPSHIRE — STEPHEN J. HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER

*EROSION CONTROL DETAIL SHEET*

*WESTFIELD, LLC.*
*340 CENTRAL AVENUE*
*SUITE 202*
*DOVER, NH, 03820*

*WESTFIELD, LLC*
*3 LOT SUBDIVISION*
*64 LITTLEWORTH ROAD*
*DOVER, NEW HAMPSHIRE*

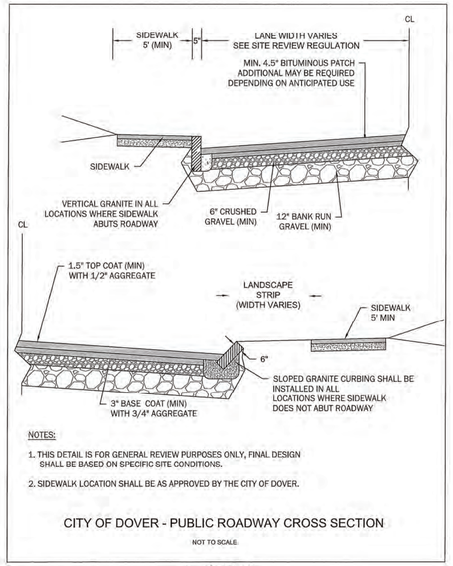



| RADIUS | MAX LENGTH |
|---|---|
| < 21' | USE CURVED CURB |
| 12' | 3' |
| 22' - 28' | 4' |
| 29' - 35' | 5' |
| 36' - 42' | 6' |
| 43' - 49' | 7' |
| 50' - 56' | 8' |
| 57' - 60' | 9' |
| OVER 60' | 10' |

CITY OF DOVER - STANDARD CURBING DETAILS

NOT TO SCALE

Appendix B Page 6



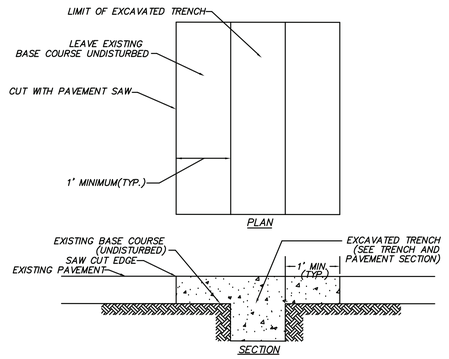

NOTES:

1. THIS DETAIL IS FOR GENERAL REVIEW PURPOSES ONLY, FINAL DESIGN SHALL BE BASED ON SPECIFIC SITE CONDITIONS.
2. SIDEWALK LOCATION SHALL BE AS APPROVED BY THE CITY OF DOVER.

CITY OF DOVER - PUBLIC ROADWAY CROSS SECTION

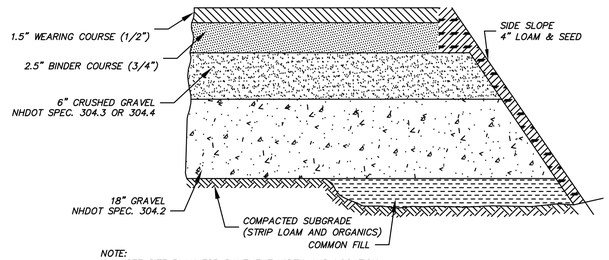
NOT TO SCALE

Appendix B Page 4




TRENCH PATCH

NOT TO SCALE

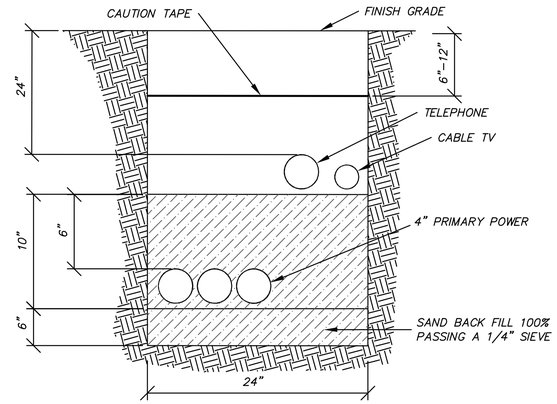



NOTE:

1. SEE SITE PLAN FOR PAVEMENT WIDTH AND LOCATION.
2. SEE GRADING, DRAINAGE AND EROSION CONTROL PLAN FOR PAVEMENT SLOPE AND CROSS-SLOPE.
3. GEOTEXTILE FABRIC MAYBE REQUIRED UNDER THE ROADWAY AND /OR THE PARKING AREAS AS REQUIRED BY THE ENGINEER BASED UPON SITE CONDITIONS.

HEAVY DUTY TYPICAL PAVEMENT SECTION

NOT TO SCALE




1. TELEPHONE CONDUIT SHALL BE 3" SCHEDULE 40 PVC, WITH STEEL SWEEPS AT RISER POLE, 90° BENDS AND AT BUILDING.
2. LEAVE PULL ROPE IN ALL CONDUITS FOR CABLE INSTALLATION.
3. FOR COMPLETE SPECIFICATIONS SEE "PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE CONSTRUCTION SPECIFICATIONS FOR UNDERGROUND CONDUIT SYSTEMS".
4. CONTRACTOR SHOULD VERIFY THE NUMBER & SIZE OF CONDUIT WITH THE APPROPRIATE UTILITIES.

UTILITY TRENCH

NOT TO SCALE




NOTE:

1. ALL SIGNS TO BE INSTALLED AS INDICATED IN THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.

LENGTH: AS REQUIRED

WEIGHT PER LINEAR FOOT: 2.50 LBS (MIN.)

HOLES: 3/8" DIAMETER, 1" C-C FULL LENGTH

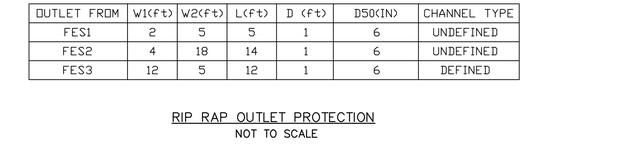
STEEL: SHALL CONFORM TO ASTM A-499 (GRADE 60) OR ASTM A-576 (GRADE 1070 - 1080)

FINISH: SHALL BE PAINTED WITH TWO COATS OF AN APPROVED MEDIUM GREEN

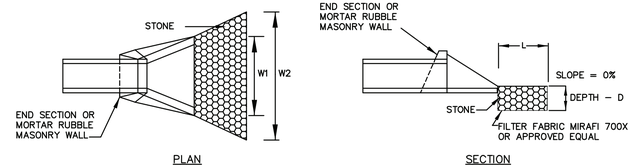
BAKED ON OR AIR DRIED, PAINT OF WEATHER RESISTANT QUALITY. ALL FABRICATION SHALL BE COMPLETE BEFORE PAINTING.

SIGN LEGEND & SIGN POST

NOT TO SCALE




STONE APRON OUTLET PROTECTION DETAIL
OUTLET TO DEFINED CHANNEL




STONE APRON OUTLET PROTECTION DETAIL
OUTLET TO FLAT AREA, NON DEFINED CHANNEL

MAINTENANCE

THE OUTLET PROTECTION SHOULD BE CHECKED AT LEAST ANNUALLY AND AFTER EVERY MAJOR STORM. IF THE RIPRAP HAS BEEN DISPLACED, UNDERMINED OR DAMAGED, IT SHOULD BE REPAIRED IMMEDIATELY. THE CHANNEL IMMEDIATELY BELOW THE OUTLET SHOULD BE CHECKED TO SEE THAT EROSION IS NOT OCCURRING. THE DOWNSTREAM CHANNEL SHOULD BE KEPT CLEAR OF OBSTRUCTIONS SUCH AS FALLEN TREES, DEBRIS, AND SEDIMENT THAT COULD CHANGE FLOW PATTERNS AND/OR TAILWATER DEPTHS ON THE PIPES. REPAIRS MUST BE CARRIED OUT IMMEDIATELY TO AVOID ADDITIONAL DAMAGE TO THE OUTLET PROTECTION APRON.

STONE GRADATION

| % OF WEIGHT SMALLER THAN THE GIVEN SIZE | SIZE OF STONE |
|---|---|
| 100 | 1.5 TO 2.0 D50 |
| 85 | 1.3 TO 1.8 D50 |
| 50 | 1.0 TO 1.5 D50 |
| 15 | 0.3 TO 0.5 D50 |

CONSTRUCTION SPECIFICATIONS

1. THE SUBGRADE FOR THE FILTER MATERIAL, GEOTEXTILE FABRIC, AND RIPRAP SHALL BE PREPARED TO THE LINES AND GRADES SHOWN ON THE PLANS.
2. THE ROCK OR GRAVEL USED FOR FILTER OR RIPRAP SHALL CONFORM TO THE SPECIFIED GRADATION.
3. GEOTEXTILE FABRICS SHALL BE PROTECTED FROM PUNCTURE OR TEARING DURING THE PLACEMENT OF THE ROCK RIPRAP. DAMAGED AREAS IN THE FABRIC SHALL BE REPAIRED BY PLACING A PIECE OF FABRIC OVER THE DAMAGED AREA OR BY COMPLETE REPLACEMENT OF THE FABRIC. ALL OVERLAPS REQUIRED FOR JOINING TWO PIECES OF FABRIC SHALL BE A MINIMUM OF 12 INCHES.
4. STONE FOR THE RIP RAP MAY BE PLACED BY EQUIPMENT AND SHALL BE CONSTRUCTED TO THE FULL LAYER THICKNESS IN ONE OPERATION AND IN SUCH A MANNER AS TO PREVENT SEGREGATION OF THE STONE SIZES.

| OUTLET FROM | W1(ft) | W2(ft) | L(ft) | D (ft) | D50(IN) | CHANNEL TYPE |
|---|---|---|---|---|---|---|
| FES1 | 2 | 5 | 5 | 1 | 6 | UNDEFINED |
| FES2 | 4 | 18 | 14 | 1 | 6 | UNDEFINED |
| FES3 | 12 | 5 | 12 | 1 | 6 | DEFINED |

RIP RAP OUTLET PROTECTION

NOT TO SCALE

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 |
| 6 | REVISED ROAD AND SEWER | SJH | 8-22-2023 |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 3 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| 1 | PER TRC COMMENTS | SJH | 5-23-20222 |

DATE: 3-23-22
SCALE: NOTES
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY:SJH
PROJECT NO:1804.3
FILE:1804-SITE SUBDIVISION

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

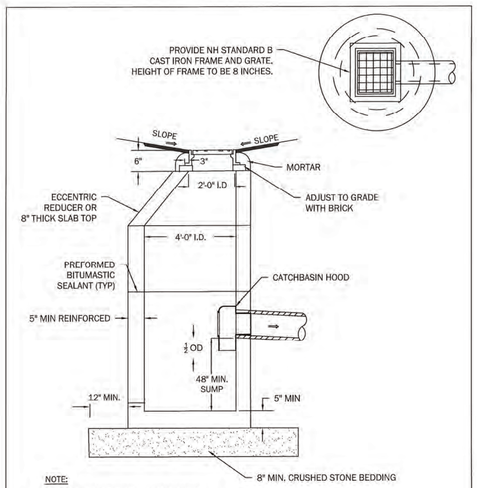
STATE OF NEW HAMPSHIRE
STEPHEN J HAIGHT No. 7978
LICENSED PROFESSIONAL ENGINEER

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVSION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

DETAIL SHEET 1

19

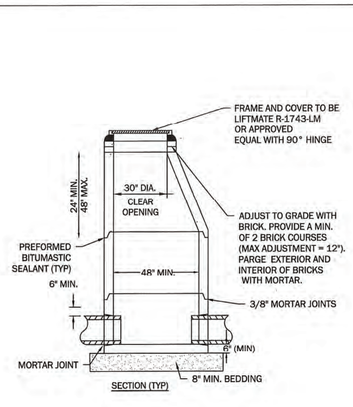



NOTE:
ENTIRE STRUCTURE SHALL BE CAPABLE OF WITHSTANDING AN H - 20 LOAD
DETAILS OF REINFORCEMENT TO BE FURNISHED BY MANUFACTURER

CITY OF DOVER - CATCHBASIN

NOT TO SCALE






SECTION (TYP)

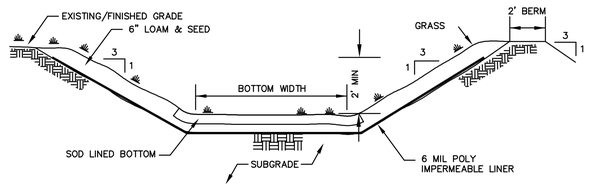
CITY OF DOVER - DRAIN MANHOLE

NOT TO SCALE



SPECIFICATIONS

1. All construction shall conform with the State of New Hampshire Department of Transportation (NHDOT), "Standard Specifications for Road and Bridge Construction"; hereinafter referred to as the "Standard Specifications".
2. Storm drains shall be ADS N12 or approved equal, and shall be jointed with neoprene "O" rings.
3. Catch basins and manholes shall be pre-cast reinforced concrete designed by an engineer registered in New Hampshire, and able to withstand loadings of 8 tons (H20 Loading).
4. Manholes shall have cast iron frames and covers with 30" inside diameter openings. A 3-inch (minimum) letter "D" for drain shall be plainly cast into the center of each cover.
5. Catch basins and manholes shall be adjusted to grade with courses of brick. Maximum adjustment to grade shall be 12 inches. Frames shall be set on a full bed of mortar, true to grade and concentric with the masonry. All voids between the top of the structure and the bottom flange of the frame shall be completely filled to make a watertight fit. A ring of mortar at least one inch thick and pitched to shed water away from the frame, shall be placed over and around the outside of the bottom flange. The mortar shall extend to the outer edge of the masonry all around its circumference and shall be finished smooth. No visible leakage will be permitted.
6. Invert channels of sewer manholes shall be formed smoothly to the largest pipe radius. Changes in grade shall be formed smoothly and evenly. The floor of the structure outside the channels shall be sloped towards the channels at approximately 1/2 inch per foot. The floor at the channel shall match the crown of the largest pipe.
7. Trench construction will conform with Section 603.3.1 of the Standard Specifications (1974).
8. Wood sheeting or a suitable trench box shall be used to support the trench as necessary. If wood sheeting is used, it shall be driven at a distance of 1 foot from the outside diameter of the pipe to a depth 6 inches below the invert of the pipe. Wood sheeting shall be cut off and left in place to an elevation not less than 1 foot above the top of the pipe, but not greater than 3 feet below the finished grade.
9. Bedding shall conform with Section 603.3.2 of the Standard Specifications (1974).
10. Backfill material will conform with Section 603.3.5 of the Standard Specifications (1974) and, in addition, shall exclude debris, pieces of pavement, organic matter, top soil, all wet or soft muck, peat or clay, all excavated ledge material, frozen material, all rocks over 6 inches in largest dimension, or any material which, as determined by the Engineer, will not provide sufficient support or maintain the completed construction in a stable condition. Backfill shall not be placed on frozen or previously frozen material.
11. All backfill and bedding compaction shall meet the requirements of AASHO T 99 Method C. Density shall be 95 percent. Compaction shall be 6 inch lifts for bedding and backfill to a plane 1 foot above the pipe and in 12 inch lifts thereafter by an approved mechanical compactor.
12. Should frozen material be encountered, it shall not be placed in the backfill nor shall backfill be placed upon frozen material. Previously frozen material shall be removed as required before new backfill is placed.
13. The Contractor shall be responsible for any damage to frames and grates during and from the time of removal from the existing structure to and during the time of resetting, and shall replace in kind any damaged frames or grates at no additional compensation.
14. All trenches will be covered and debris, including any rejected materials, shall be removed daily. Strict safety precautions shall be maintained at all times.
15. Location of utilities shown on the plans are approximate.
    a) The Contractor shall, 48 hours prior to construction, notify the utility companies and have all utilities in the vicinity of the construction marked in the field.
    b) After the utilities have been located and prior to construction, the Contractor with the Engineer, shall layout the proposed drainage system in the field and rectify any utility conflicts which may be found.
    c) Any conflicts with utilities found during construction by the Contractor shall be immediately brought to the attention of the Engineer and the Utility Company and properly rectified.
    d) The Contractor is responsible for the cost of repair for any utilities damaged during construction. The Contractor shall contact the Utility Company to repair any damages, however, the Contractor may make appropriate repairs with the Utility Company's permission.
16. Complete shop drawings for pipe, manholes, catch basins, frames, grates and covers shall be submitted in triplicate for approval by the Engineer prior to the start of construction. Each shop drawing shall be checked and initialized by the Contractor to indicate approval before it is submitted to the Engineer.
17. Shop drawings for flat concrete covers shall be stamped prior to submission for approval by a New Hampshire Registered Professional Engineer.
18. Brick masonry for setting frames and brick and mortar plugs shall conform to the Standard Specification Section 604.2.4.




NOTES:

GRASSED TREATMENT SWALE

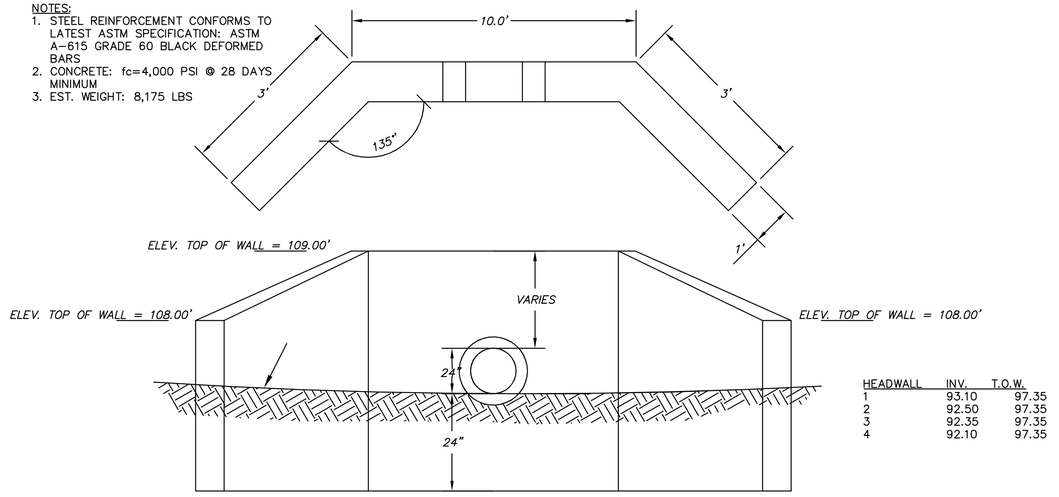
1. THE FOUNDATION AREA OF THE WATERWAY SHALL BE CLEARED AND GRUBBED OF ALL TREES, BRUSH, STUMPS, AND OTHER OBJECTIONABLE MATERIAL. MATERIALS REMOVED SHALL BE DISPOSED OF SO THEY WILL NOT INTERFERE WITH THE CONSTRUCTION OR PROPER FUNCTIONING OF THE WATERWAY.
2. THE WATERWAY SHALL BE EXCAVATED OR SHAPED TO LINE, GRADE AND CROSS SECTION AS REQUIRED TO MEET THE DESIGN CRITERIA. THE WATERWAY SHALL BE FREE OF IRREGULARITIES WHICH WILL IMPEDE NORMAL FLOW.
3. EARTH FILLS REQUIRED TO MEET SUBGRADE REQUIREMENTS BECAUSE OF OVER EXCAVATION OR TOPOGRAPHY SHALL BE COMPACTED TO THE SAME DENSITY AS THE SURROUNDING SOIL TO PREVENT UNEQUAL SETTLEMENT THAT COULD CAUSE DAMAGE TO THE COMPLETED WATERWAY. EARTH REMOVED AND NOT NEEDED IN CONSTRUCTION SHALL BE SPREAD OR DISPOSED OF SO IT WILL NOT INTERFERE WITH THE FUNCTIONING OF THE WATERWAY.
4. CONSTRUCTION OPERATIONS SHALL BE CARRIED OUT IN SUCH A MANNER AS TO MINIMIZE EROSION AND AIR AND WATER POLLUTION. ALL APPROPRIATE STATE AND LOCAL LAWS AND REGULATIONS SHALL BE COMPLIED WITH FOR INSTALLATION.
5. VEGETATION SHALL BE ESTABLISHED IN THE SWALE PRIOR TO ALLOWING STORMWATER RUNOFF TO FLOW THROUGH THE SWALE.
6. MAINTENANCE OF THE VEGETATION IN THE GRASSED WATERWAY IS EXTREMELY IMPORTANT IN ORDER TO PREVENT RILLING, EROSION, AND FAILURE OF THE WATERWAY. MOWING SHOULD BE DONE FREQUENTLY ENOUGH TO CONTROL ENCROACHMENT OF WEEDS AND WOODY VEGETATION AND TO KEEP THE GRASSES IN A VIGOROUS CONDITION. THE VEGETATION SHOULD NOT BE MOWED TOO CLOSELY SO AS TO REDUCE THE EROSION RESISTANCE IN THE WATERWAY.
7. THE WATERWAY SHOULD BE INSPECTED PERIODICALLY AND AFTER EVERY MAJOR STORM TO DETERMINE THE CONDITION OF THE WATERWAY. RILLS AND DAMAGED AREAS SHOULD BE PROMPTLY REPAIRED AND REVEGETATED AS NECESSARY TO PREVENT FURTHER DETERIORATION.
8. PERIODIC APPLICATIONS OF LIME AND FERTILIZER MAY BE NEEDED TO MAINTAIN VIGOROUS GROWTH.

## GRASSED TREATMENT SWALE

NOT TO SCALE

| STRUCTURE | WIDTH (ft) | LENGTH (ft) | SLOPE (ft/ft) |
|---|---|---|---|
| TS 1 | . | . | . |

NOTES:
1. STEEL REINFORCEMENT CONFORMS TO LATEST ASTM SPECIFICATION: ASTM A-615 GRADE 60 BLACK DEFORMED BARS
2. CONCRETE: fc=4,000 PSI @ 28 DAYS MINIMUM
3. EST. WEIGHT: 8,175 LBS




| HEADWALL | INV. | T.O.W. |
|---|---|---|
| 1 | 93.10 | 97.35 |
| 2 | 92.50 | 97.35 |
| 3 | 92.35 | 97.35 |
| 4 | 92.10 | 97.35 |

## HEADWALL DETAIL

NOT TO SCALE

| | | | | |
|---|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 | NOT FOR CONSTRUCTION FOR PERMIT USE ONLY |
| 6 | REVISED ROAD AND SEWER | SJH | 8-22-2023 | |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 | PLANNING FILE NO.: P22-23 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 | |
| 3 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 | |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 | |
| 1 | PER TRC COMMENTS | SJH | 4-29-2022 | |
| NO. | REVISION | APP'D | DATE | |

DATE: 3-23-22
SCALE: NOTES
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY: SJH
PROJECT NO: 18043
FILE: 18043-SITE SUBDIVISION

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

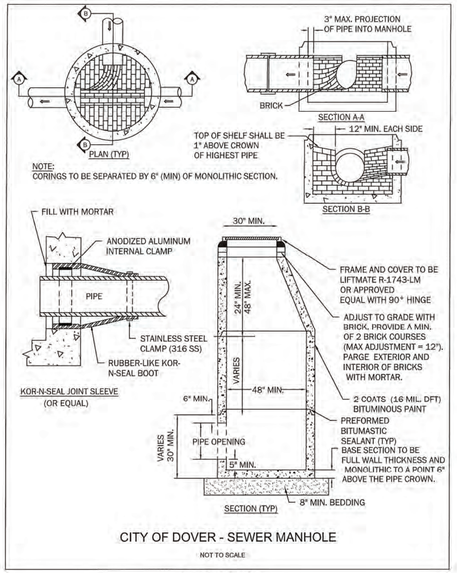
STEPHEN J. HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

DETAIL SHEET 2

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

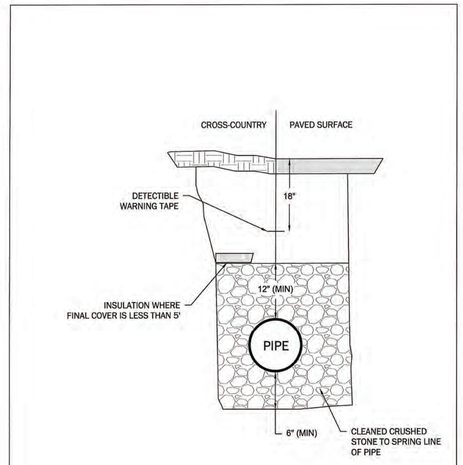
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## CITY OF DOVER - SEWER MANHOLE

NOT TO SCALE

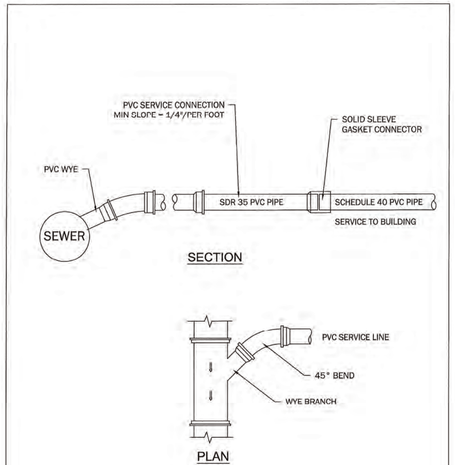
Appendix B Page 12




## CITY OF DOVER- TYPICAL SEWER/DRAINLINE TRENCH

NOT TO SCALE

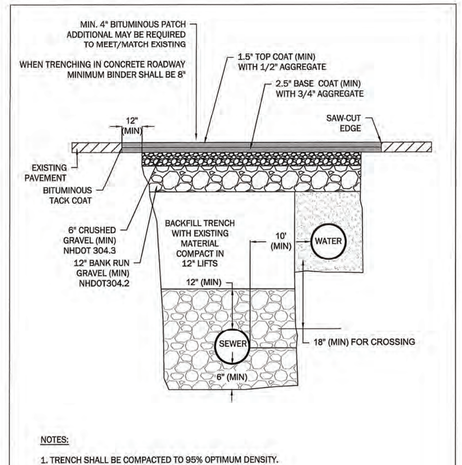
Appendix B Page 13




## CITY OF DOVER - SEWER SERVICE

NOT TO SCALE

Appendix B Page 15



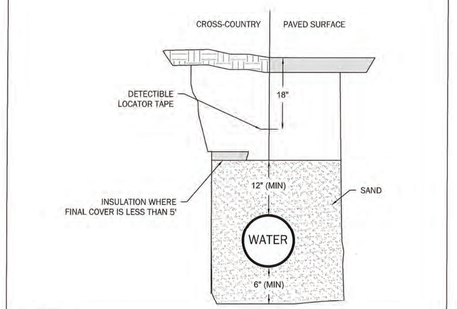

NOTES:

1. TRENCH SHALL BE COMPACTED TO 95% OPTIMUM DENSITY.
2. ALL WORK SHALL COMPLY WITH THE CITY OF DOVER CONSTRUCTION GUIDELINES AND PROCEDURES

## CITY OF DOVER - TYPICAL TRENCH DETAIL

NOT TO SCALE

Appendix B Page 3

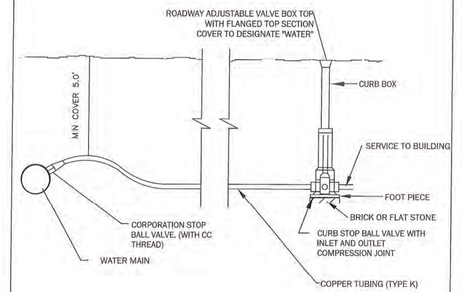



NOTE:

1. ALL WATER LINES 4" OR GREATER SHALL BE DUCTILE IRON WITH AN 8 MIL POLYETHYLENE WRAP. CONTRACTOR MAY FORGO WRAPPING PIPE IF THE DUCTILE IRON PIPE IS ZINC-COATED, TEES AND OTHER CONNECTIONS WILL STILL NEED TO BE WRAPPED.

## CITY OF DOVER - WATERLINE TRENCH

NOT TO SCALE

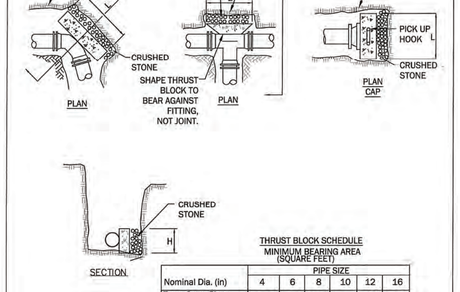



NOTE:

1. ALL WATER LINES 4" OR GREATER SHALL BE DUCTILE IRON WITH AN 8 MIL POLYETHYLENE WRAP. CONTRACTOR MAY FORGO WRAPPING PIPE IF THE DUCTILE IRON PIPE IS ZINC-COATED, TEES AND OTHER CONNECTIONS WILL STILL NEED TO BE WRAPPED.
2. WATER SERVICE LINES SHALL BE COPPER TUBING (TYPE K) BETWEEN MAIN AND CURB STOP.
3. SERVICE BETWEEN CURB STOP AND BUILDING MAY BE SDR 9 CTS (BLUE) PLASTIC POLYETHYLENE RATED FOR 250 psi.

## CITY OF DOVER - WATER SERVICE CONNECTION

NOT TO SCALE




THRUST BLOCK SCHEDULE
MINIMUM BEARING AREA (SQUARE FEET)

| | PIPE SIZE | | | | | |
|---|---|---|---|---|---|---|
| Nominal Dia. (in) | 4 | 6 | 8 | 10 | 12 | 16 |
| Tees, Caps, Plugs, & Tapping Sleeves | 1.05 | 2.32 | 4.15 | 6.37 | 9.15 | 16.23 |
| 90 Degree Bends | 1.48 | 3.29 | 5.86 | 9.01 | 12.93 | 22.96 |
| 45 Degree Bends | 0.80 | 1.78 | 3.17 | 4.88 | 7.00 | 12.42 |
| 22-1/2 Degree Bends | 0.41 | 0.91 | 1.62 | 2.49 | 3.57 | 6.33 |
| 11-1/4 Degree Bends | 0.21 | 0.46 | 0.81 | 1.25 | 1.79 | 3.18 |

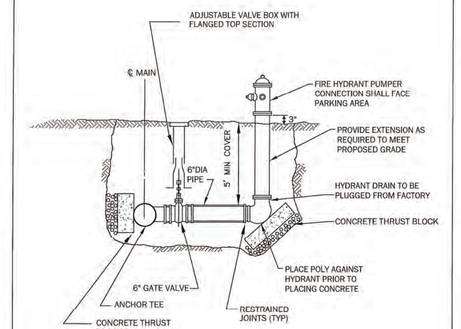
System Pressure: 100 psi
Safety Factor: 1.5
Soil Bearing Capacity: 2,000 psf

THE MINIMUM BEARING AREAS SHOWN IN THE THRUST BLOCK SCHEDULE ARE BASED ON A SYSTEM PRESSURE OF 100 PSI. IF THE SYSTEM PRESSURE IS ABOVE 100 PSI, INCREASE THE NOTED AREAS PROPORTIONAL TO THE ACTUAL SYSTEM PRESSURE. FOR EXAMPLE, IF THE ACTUAL SYSTEM PRESSURE IS 160 PSI, MULTIPLY THE ABOVE VALUES BY 160%.

## CITY OF DOVER - PRECAST CONCRETE THRUST BLOCK & ANCHOR

NOT TO SCALE

Appendix B Page 11




NOTES:

1. FIRE HYDRANT TO BE EDDY 2641.
2. HYDRANT TO BE PAINTED RED.
3. HYDRANT SHALL OPEN LEFT.

## CITY OF DOVER - HYDRANT

NOT TO SCALE

Appendix B Page 10

| NO. | REVISION | DATE | APP'D |
|---|---|---|---|
| 7 | REV. ROAD, LOTS, ADDED PERMITS | 6-27-2024 | SJH |
| 6 | REVISED ROAD AND SEWER | 8-22-2023 | SJH |
| 5 | NHDES WASTEWATER SUBMITTAL | 8-25-2022 | SJH |
| 4 | NHDES WETLANDS SUBMITTAL | 8-12-2022 | SJH |
| 3 | NHDES WETLANDS SUBMITTAL | 8-12-2022 | SJH |
| 2 | PER SEWER DISCHARGE COMMENTS | 6-8-2022 | SJH |
| 1 | PER TRC COMMENTS | 4-29-2022 | SJH |

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

DATE: 3-23-22
SCALE: NOTED
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY: SJH
PROJECT NO: 1804.3
FILE: 1804.3-SITE SUBDIVISION

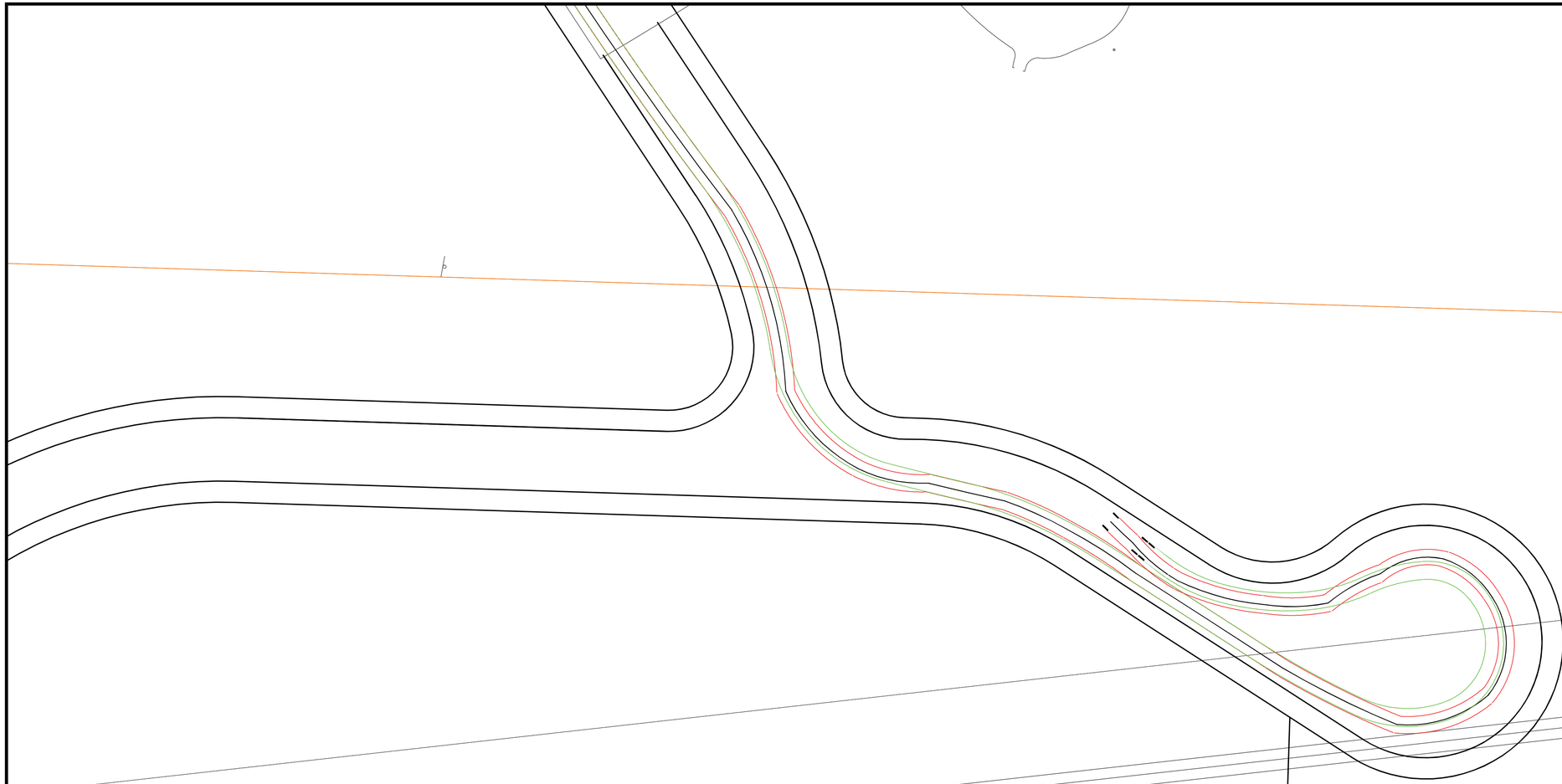
STEPHEN J. HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

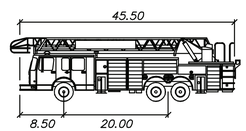
DETAIL SHEET 3

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

21






| Dover Idder | feet |
|---|---|
| Width | : 8.50 |
| Track | : 8.50 |
| Lock to Lock Time | : 6.0 |
| Steering Angle | : 44.0 |

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)

| NO. | REVISION | APP'D | DATE |
|---|---|---|---|
| 6 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 |
| 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| 4 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 3 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| 1 | PER TRC COMMENTS | SJH | 4-29-2022 |

DATE: 3-23-22
SCALE: 1"=30'
DRAWN BY: MJM
DESIGN BY: DJL
APPROVED BY: SJH
PROJECT NO: 18043
FILE: 18043-SITE SUBDIVISION

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443

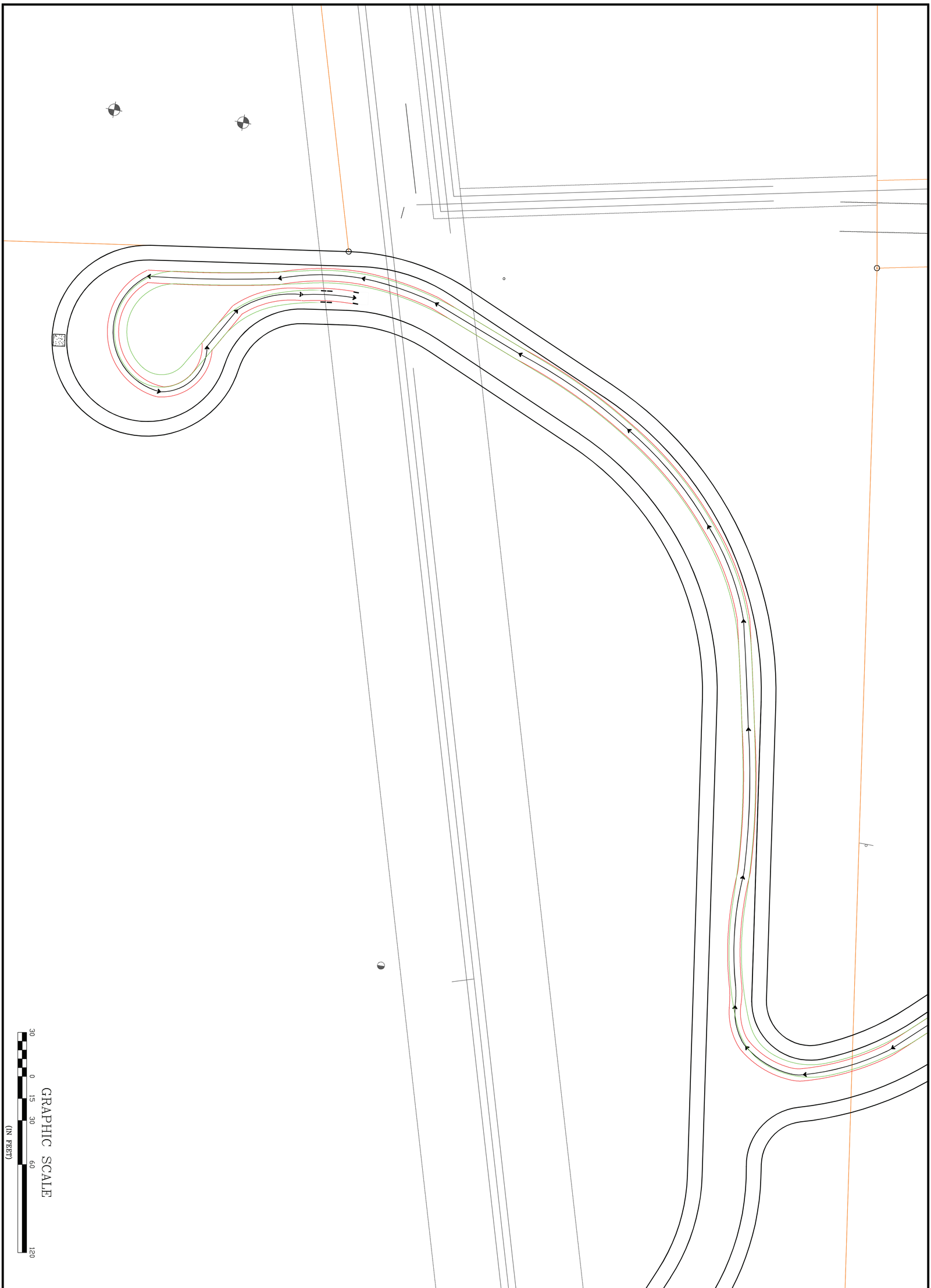
STEPHEN J. HAIGHT No. 7978 LICENSED PROFESSIONAL ENGINEER STATE OF NEW HAMPSHIRE

CUL DE SAC ENLARGED ROAD 2 – EXHIBIT

WESTFIELD, LLC
3 LOT SUBDIVISION
64 LITTLEWORTH ROAD
DOVER, NEW HAMPSHIRE

WESTFIELD, LLC.
340 CENTRAL AVENUE
SUITE 202
DOVER, NH, 03820

22




## CUL DE SAC ENLARGED ROAD 3 – EXHIBIT

23

**WESTFIELD, LLC**
**3 LOT SUBDIVSION**
**64 LITTLEWORTH ROAD**
**DOVER, NEW HAMPSHIRE**

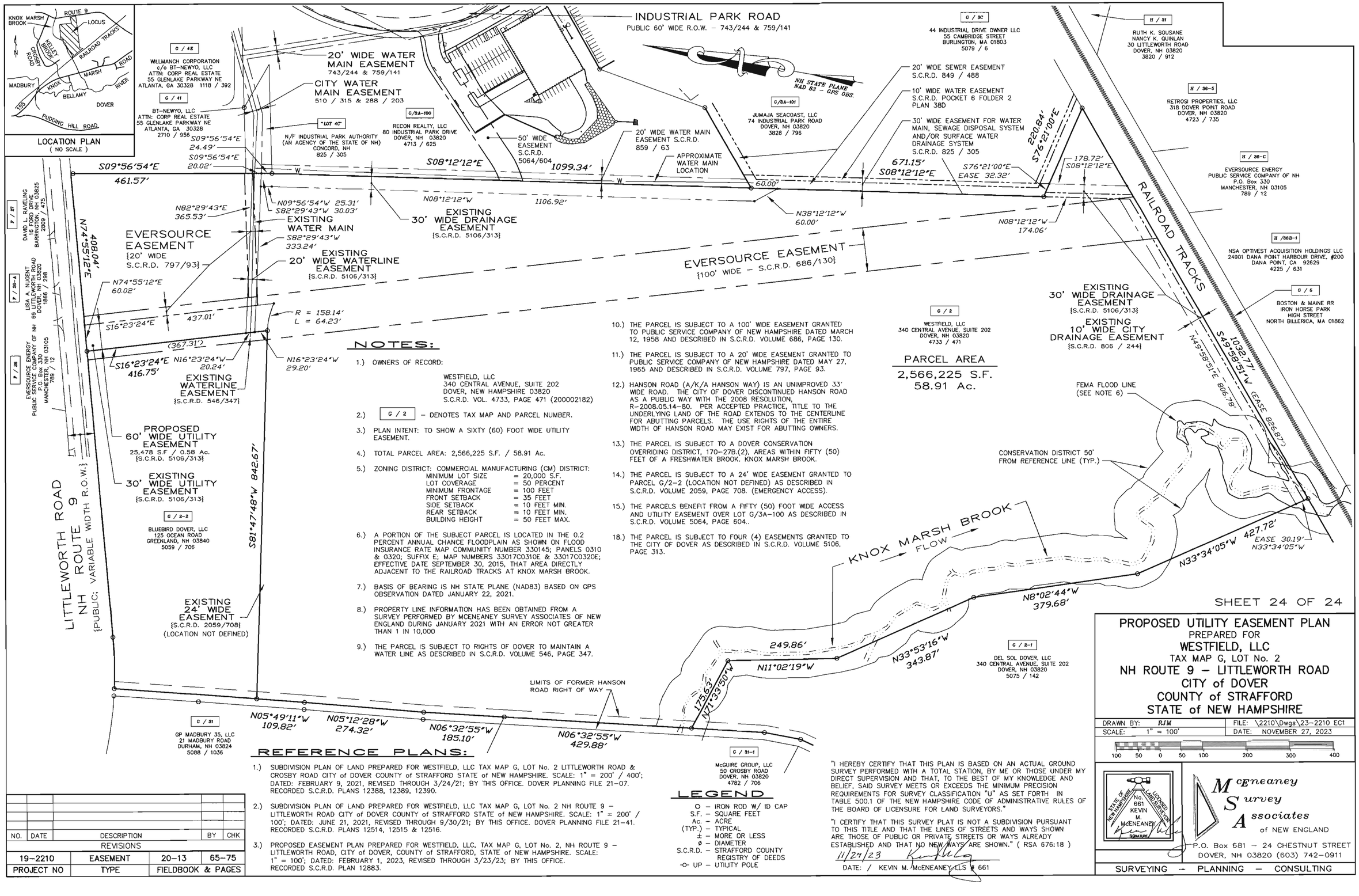
**WESTFIELD, LLC.**
**340 CENTRAL AVENUE**
**SUITE 202**
**DOVER, NH, 03820**

| | | | | |
|---|---|---|---|---|
| DATE: 3-23-22 | 6 | REV. ROAD, LOTS, ADDED PERMITS | SJH | 6-27-2024 |
| SCALE: NOTES | 5 | NHDES WASTEWATER SUBMITTAL | SJH | 8-25-2022 |
| DRAWN BY: MJM | 4 | NHDES WETLANDS SUBMITTAL | | 8-12-2022 |
| DESIGN BY: DJL | 3 | NHDES WETLANDS SUBMITTAL | SJH | 8-12-2022 |
| APPROVED BY:SJH | 2 | PER SEWER DISCHARGE COMMENTS | SJH | 6-8-2022 |
| PROJECT NO:18043 | 1 | PER TRC COMMENTS | SJH | 4-29-2022 |
| FILE:18043-SITE SUBDIVISION | NO. | REVISION | APP'D | DATE |

NOT FOR CONSTRUCTION FOR PERMIT USE ONLY

PLANNING FILE
NO.: P22-23

CIVILWORKS NEW ENGLAND
CIVIL & WATERFRONT ENGINEERING
181 Watson Road, PO Box 1166
Dover, New Hampshire 03821
603.749.0443




## NOTES:

1.) OWNERS OF RECORD:
WESTFIELD, LLC
340 CENTRAL AVENUE, SUITE 202
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 4733, PAGE 471 (200002182)

2.) C / 2 – DENOTES TAX MAP AND PARCEL NUMBER.

3.) PLAN INTENT: TO SHOW A SIXTY (60) FOOT WIDE UTILITY EASEMENT.

4.) TOTAL PARCEL AREA: 2,566,225 S.F. / 58.91 Ac.

5.) ZONING DISTRICT: COMMERCIAL MANUFACTURING (CM) DISTRICT:

| | |
|---|---|
| MINIMUM LOT SIZE | = 20,000 S.F. |
| LOT COVERAGE | = 50 PERCENT |
| MINIMUM FRONTAGE | = 100 FEET |
| FRONT SETBACK | = 35 FEET |
| SIDE SETBACK | = 10 FEET MIN. |
| REAR SETBACK | = 10 FEET MIN. |
| BUILDING HEIGHT | = 50 FEET MAX. |

6.) A PORTION OF THE SUBJECT PARCEL IS LOCATED IN THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANELS 0310 & 0320; SUFFIX E; MAP NUMBERS 33017C0310E & 33017C0320E; EFFECTIVE DATE SEPTEMBER 30, 2015, THAT AREA DIRECTLY ADJACENT TO THE RAILROAD TRACKS AT KNOX MARSH BROOK.

7.) BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED JANUARY 22, 2021.

8.) PROPERTY LINE INFORMATION HAS BEEN OBTAINED FROM A SURVEY PERFORMED BY MCENEANEY SURVEY ASSOCIATES OF NEW ENGLAND DURING JANUARY 2021 WITH AN ERROR NOT GREATER THAN 1 IN 10,000

9.) THE PARCEL IS SUBJECT TO RIGHTS OF DOVER TO MAINTAIN A WATER LINE AS DESCRIBED IN S.C.R.D. VOLUME 546, PAGE 347.

10.) THE PARCEL IS SUBJECT TO A 100' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MAY 12, 1958 AND DESCRIBED IN S.C.R.D. VOLUME 686, PAGE 130.

11.) THE PARCEL IS SUBJECT TO A 20' WIDE EASEMENT GRANTED TO PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE DATED MAY 27, 1965 AND DESCRIBED IN S.C.R.D. VOLUME 797, PAGE 93.

12.) HANSON ROAD (A/K/A HANSON WAY) IS AN UNIMPROVED 33' WIDE ROAD. THE CITY OF DOVER DISCONTINUED HANSON ROAD AS A PUBLIC WAY WITH THE 2008 RESOLUTION, R-2008.05.14-80. PER ACCEPTED PRACTICE, TITLE TO THE UNDERLYING LAND OF THE ROAD EXTENDS TO THE CENTERLINE FOR ABUTTING PARCELS. THE USE RIGHTS OF THE ENTIRE WIDTH OF HANSON ROAD MAY EXIST FOR ABUTTING OWNERS.

13.) THE PARCEL IS SUBJECT TO A DOVER CONSERVATION OVERRIDING DISTRICT, 170-27B.(2), AREAS WITHIN FIFTY (50) FEET OF A FRESHWATER BROOK. KNOX MARSH BROOK.

14.) THE PARCEL IS SUBJECT TO A 24' WIDE EASEMENT GRANTED TO PARCEL G/2-2 (LOCATION NOT DEFINED) AS DESCRIBED IN S.C.R.D. VOLUME 2059, PAGE 708. (EMERGENCY ACCESS).

15.) THE PARCELS BENEFIT FROM A FIFTY (50) FOOT WIDE ACCESS AND UTILITY EASEMENT OVER LOT G/3A-100 AS DESCRIBED IN S.C.R.D. VOLUME 5064, PAGE 604..

18.) THE PARCEL IS SUBJECT TO FOUR (4) EASEMENTS GRANTED TO THE CITY OF DOVER AS DESCRIBED IN S.C.R.D. VOLUME 5106, PAGE 313.

## REFERENCE PLANS:

1.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 LITTLEWORTH ROAD & CROSBY ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 400'; DATED: FEBRUARY 9, 2021, REVISED THROUGH 3/24/21; BY THIS OFFICE. DOVER PLANNING FILE 21-07. RECORDED S.C.R.D. PLANS 12388, 12389, 12390.

2.) SUBDIVISION PLAN OF LAND PREPARED FOR WESTFIELD, LLC TAX MAP G, LOT No. 2 NH ROUTE 9 – LITTLEWORTH ROAD CITY of DOVER COUNTY of STRAFFORD STATE of NEW HAMPSHIRE. SCALE: 1" = 200' / 100'; DATED: JUNE 21, 2021, REVISED THROUGH 9/30/21; BY THIS OFFICE. DOVER PLANNING FILE 21-41. RECORDED S.C.R.D. PLANS 12514, 12515 & 12516.

3.) PROPOSED EASEMENT PLAN PREPARED FOR WESTFIELD, LLC, TAX MAP G, LOT No. 2, NH ROUTE 9 – LITTLEWORTH ROAD, CITY of DOVER, COUNTY of STRAFFORD, STATE of NEW HAMPSHIRE. SCALE: 1" = 100'; DATED: FEBRUARY 1, 2023, REVISED THROUGH 3/23/23; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 12883.

## LEGEND

O – IRON ROD W/ ID CAP
S.F. – SQUARE FEET
Ac. – ACRE
(TYP.) – TYPICAL
± – MORE OR LESS
ø – DIAMETER
S.C.R.D. – STRAFFORD COUNTY REGISTRY OF DEEDS
-o- UP – UTILITY POLE

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

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

11/27/23 Kevin M. McEneaney
DATE: / KEVIN M. McENEANEY, LLS # 661

| NO. | DATE | DESCRIPTION | BY | CHK |
|---|---|---|---|---|
| | | REVISIONS | | |

| | | | |
|---|---|---|---|
| 19-2210 | EASEMENT | 20-13 | 65-75 |
| PROJECT NO | TYPE | FIELDBOOK & PAGES | |

SHEET 24 OF 24

# PROPOSED UTILITY EASEMENT PLAN
PREPARED FOR
WESTFIELD, LLC
TAX MAP G, LOT No. 2
NH ROUTE 9 – LITTLEWORTH ROAD
CITY of DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

| | |
|---|---|
| DRAWN BY: RJM | FILE: \2210\Dwgs\23-2210 EC1 |
| SCALE: 1" = 100' | DATE: NOVEMBER 27, 2023 |

100 50 0 50 100 200 300 400

STATE OF NEW HAMPSHIRE No. 661 KEVIN M. McENEANEY LICENSED LAND SURVEYOR SIGNATURE

McEneaney Survey Associates of NEW ENGLAND
P.O. Box 681 – 24 CHESTNUT STREET
DOVER, NH 03820 (603) 742-0911

SURVEYING – PLANNING – CONSULTING

7/2/2024 10:30:59 File: M:\2210\Dwgs\23-2210 EC1.dwg

| CITY OF DOVER | CITY OF DOVER - ORDINANCE | |
|---|---|---|
| | | **Agenda Item#:** |
| | Ordinance Number: | **O – 2024.07.10** |
| | 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<br>Finance Director | Sponsored by: | Mayor Robert Carrier<br>By Request |
| Approved as to Legal Form and Compliance: | Joshua M. Wyatt<br>City Attorney | | |
| Recorded by: | Jerrica Vansylyvong-Bizier<br>City Clerk | | |

**DOCUMENT HISTORY:**

| CITY OF DOVER | CITY OF DOVER - ORDINANCE |
|---|---|
| | **Agenda Item#:** |
| | Ordinance Number: **O – 2024.07.10** |
| | 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#:** |
| | Ordinance Number: | **O – 2024.07.10** |
| | 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


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**General Provisions**

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**§ 170-2. Authority.**
**§ 170-3. Purpose.**
**§ 170-4. Interpretation.**
**§ 170-5. Applicability.**

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**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.**
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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.**

ARTICLE VIII
**Overriding Districts**

**§ 170-26. Additional regulations.**
**§ 170-27. Conservation District.**
**§ 170-28. Wetland Protection District.**
**§ 170-29. Transfer of development rights.**
**§ 170-30. Urban Renewal District.**
**§ 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.

ARTICLE IX
Excavations

§ 170-36. Authority.
§ 170-37. Purpose and intent.
§ 170-38. Applicability.
§ 170-39. Abandoned excavations.
§ 170-40. Prohibited projects.
§ 170-41. Criteria for nonconforming expansions.
§ 170-42. Operational 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.

ARTICLE X
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§ 170-50. Sign review and regulations.
§ 170-51. Fence review and regulations.

ARTICLE XI
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§ 170-52. Nonconforming uses of land.
§ 170-53. Nonconforming structures.
§ 170-54. Repairs and maintenance.
§ 170-55. Uses permitted by special exception.

ARTICLE XII
Off-Street Parking and Loading

§ 170-56. Applicability.

ARTICLE XIII
Administration

§ 170-57. Administrative officer.
§ 170-58. Violations and penalties.
§ 170-59. Zoning Board of Adjustment.
§ 170-60. Amendment procedure.

Rural Residential (R-40) District
Low-Density Residential (R-20) District
Medium-Density Residential (R-12) District
Suburban Density Multi-Residential (RM-SU) District
Urban Density Multi-Residential (RM-U) District
Heritage Residential (HR) District
Commercial (C) District
Commercial Manufacturing (CM) District
Innovative Technology (IT) District
Gateway (G) District
Hospital (H) District
Little Bay Waterfront (LBW) District
Office (O) District
CBD Transit-Oriented Development Sub-District
CBD Mixed-Use Sub-District
CBD Residential Sub-District
CBD General Sub-District
Cochecho Waterfront District (CWD)
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.]**

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# 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]

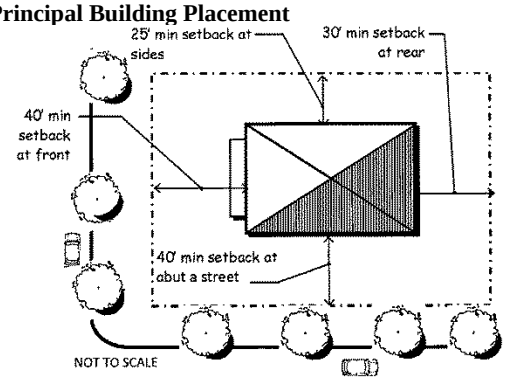
**Uses Permitted by Special Exception**

- 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<br><br>(customary home occupation sign 2 sf max, development identification sign 20 sf max) |
| **Type** | |
| Freestanding | Permitted<br>(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**

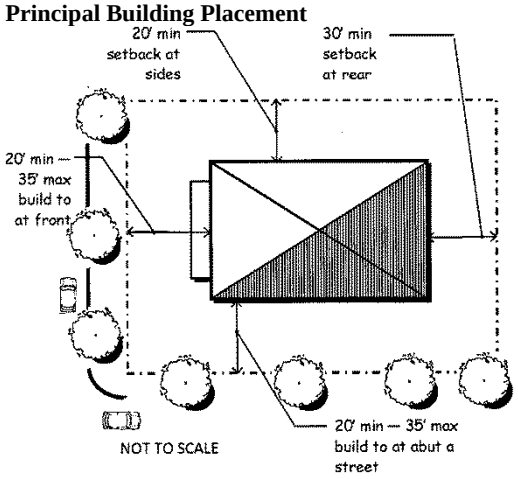
| Size | R-20 District |
|---|---|
| Total signs permitted | 1 |
| Total area permitted | 16 sf (customary home occupation sign 2 sf max, development identification sign 20 sf max) |
| **Type** | |
| Freestanding | Permitted (10 ft setback required) |
| Projecting | Permitted |
| Wall/awning | Not permitted |
| 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

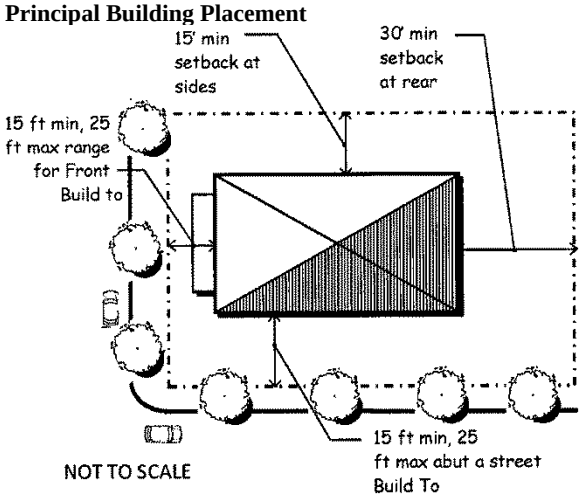
**Sign Regulations**

| 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

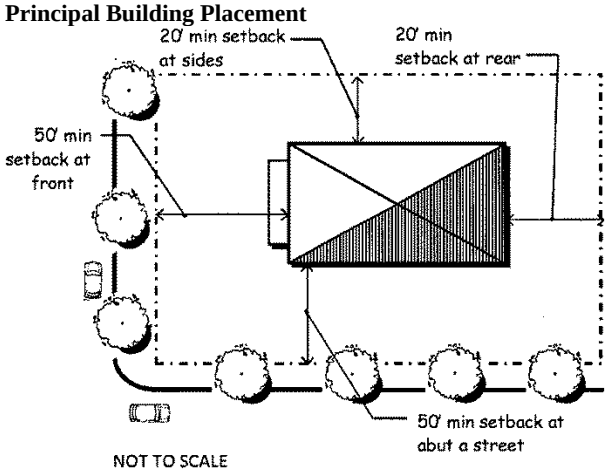
**Sign Regulations**

| 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

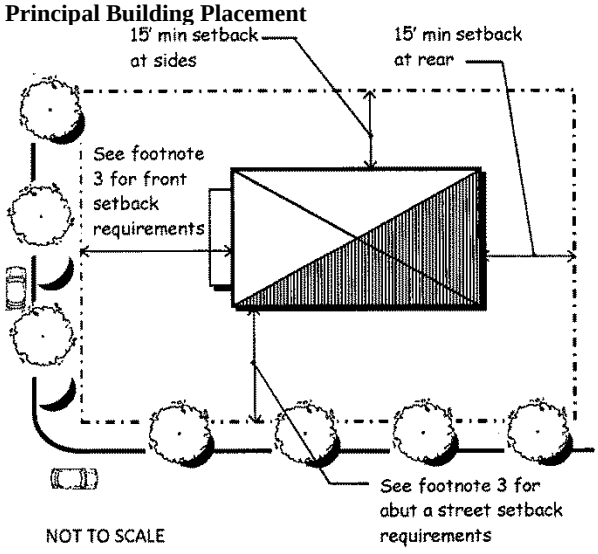
**Sign Regulations**

| **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]**

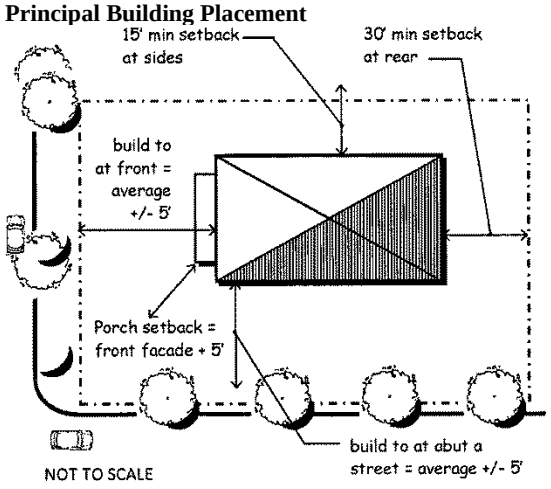
| | |
|---|---|
| **Lot** | |
| Minimum lot size | 10,000 sf |
| Maximum lot coverage | 40% |
| Minimum frontage | 80 ft |
| **Principal Building*****| |
| Front build-to line | [3] |
| Abut a street build-to line | [3] |
| Side setback | 15 ft |
| Rear setback | 30 ft |
| **Outbuilding/Accessory Use***** | |
| 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**

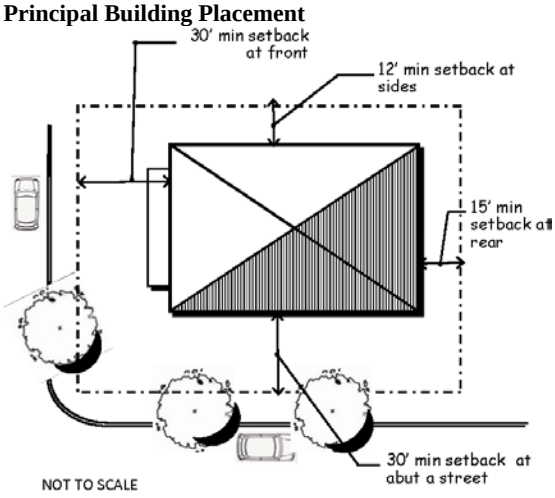
| Size | C District |
|---|---|
| Total signs permitted | 2 [per tenancy, and is for lot (excluding development identification signs)] |
| Total area permitted | 2 sf for each linear foot of business frontage (see § 170-50 for regulations for businesses bordering the Spaulding Turnpike) |
| **Type** | |
| 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

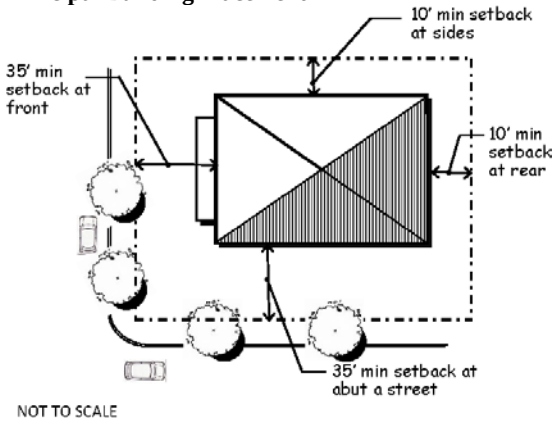
**Uses Permitted by Conditional Use**

- 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]**

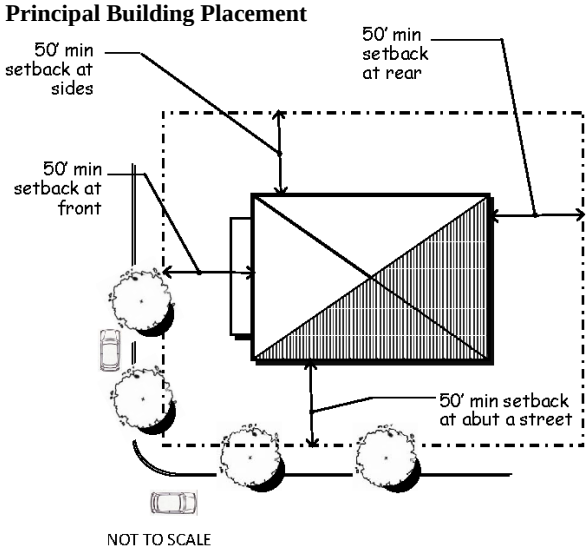
| | |
|---|---|
| **Lot** | |
| Minimum lot size [3] | 2 acres |
| Maximum lot coverage [4] | 33% |
| Minimum frontage | 200 ft [3] |
| **Principal Building** | |
| Front setback [5] | 50 ft |
| Abut a street setback | 50 ft |
| Side setback | 50 ft |
| Rear setback | 50 ft |
| **Outbuilding/Accessory 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]**

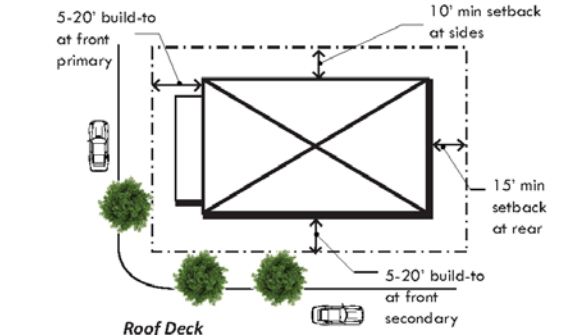
| **Use** | |
|---|---|
| Residential | Permitted; density: 4,000 sf. per unit**# |
| Lodging | Permitted, up to 12 rooms. Must be 150 ft. from residential. 13 or more rooms are permitted with CUP. |
| Day care | Adult and child permitted, institutional not permitted. |
| Professional services and offices | 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 |

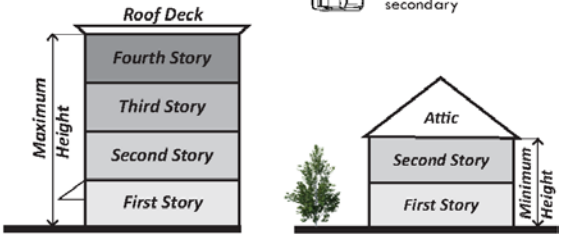
* CUP (§ 170-20B) may be used to adjust standards.

**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.

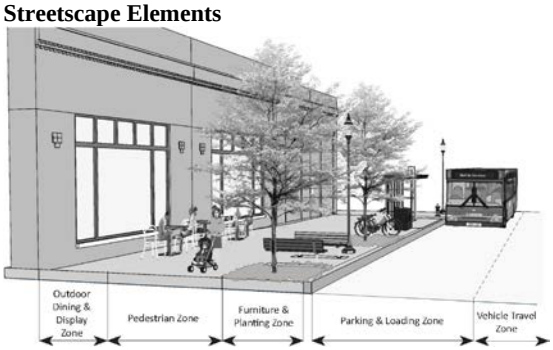
**Streetscape Standards**

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

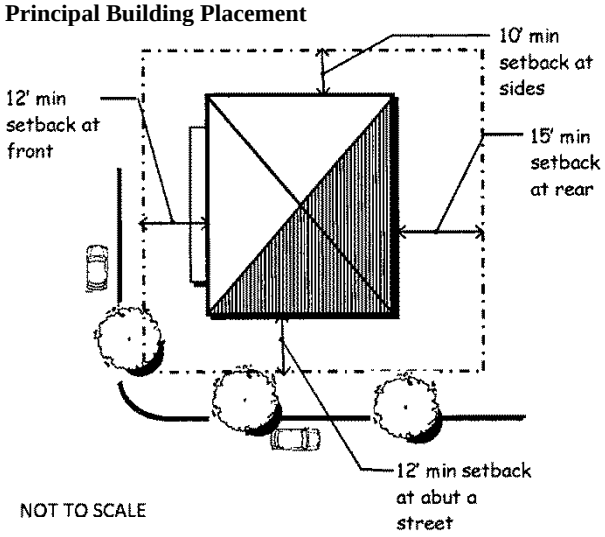
**Sign Regulations**

| 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

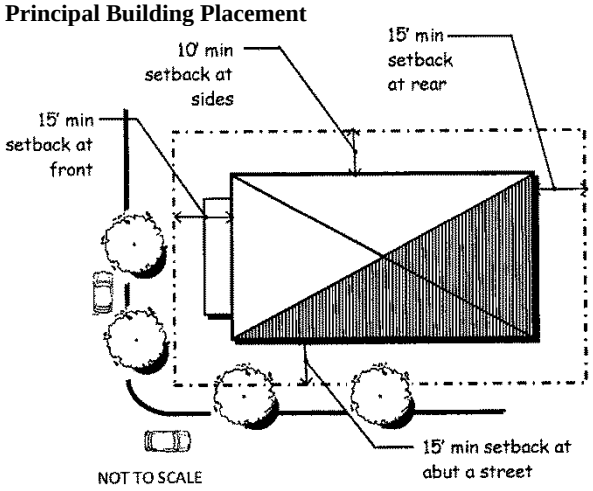
**Sign Regulations**

| 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

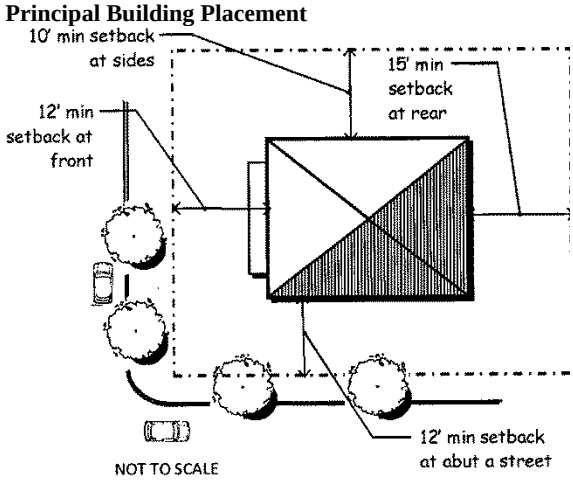
**Sign Regulations**

| 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.

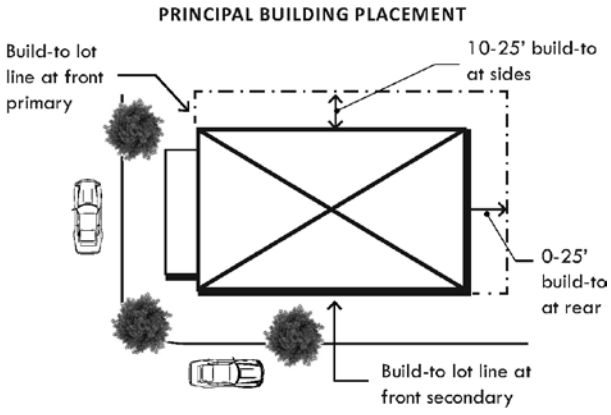
**Parking Location Standards (See § 153-14)**

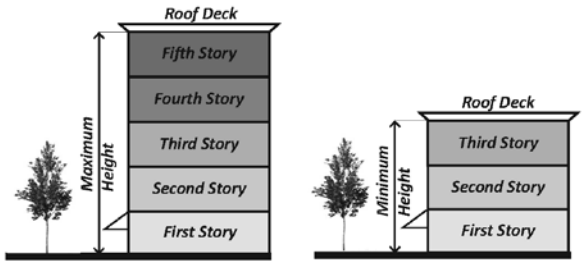
New construction resulting in additional square footage, or an increase in residential units, must comply with parking standards for the new portion of the building only.

**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**

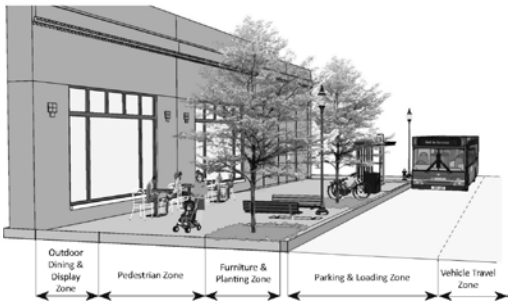
Streetscape standards were crafted to ensure streets in transportation-oriented, mixed-use areas of the CBD accommodate pedestrians and bicyclists and facilitate alternative transportation travel. All street elements must be consistent with Dover streetscape and landscape standards. For more information 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 |

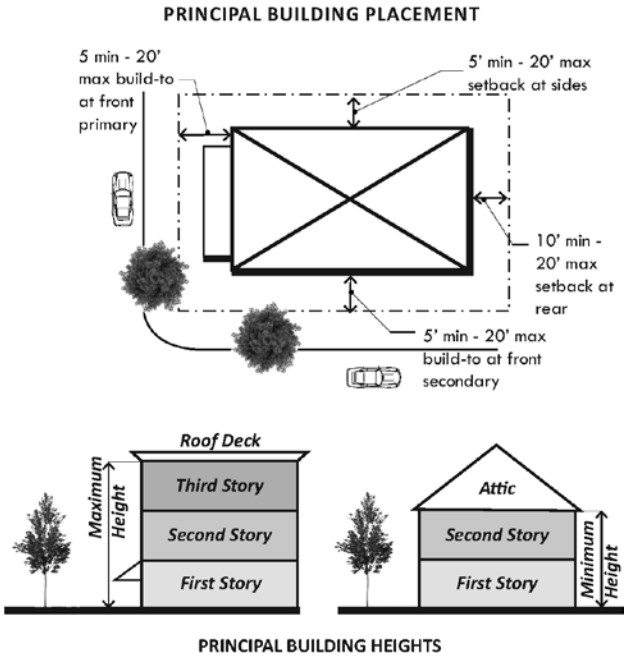
**Parking Location Standards (See § 153-14)**

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**

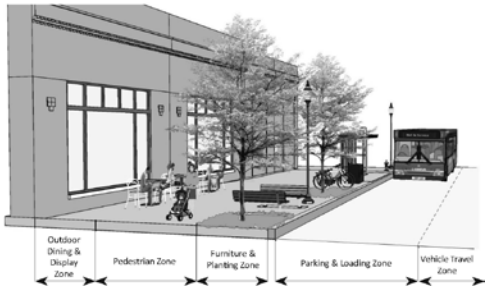
Streetscape standards were crafted to ensure streets in mixed-use areas of the CBD have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover streetscape and landscape 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.

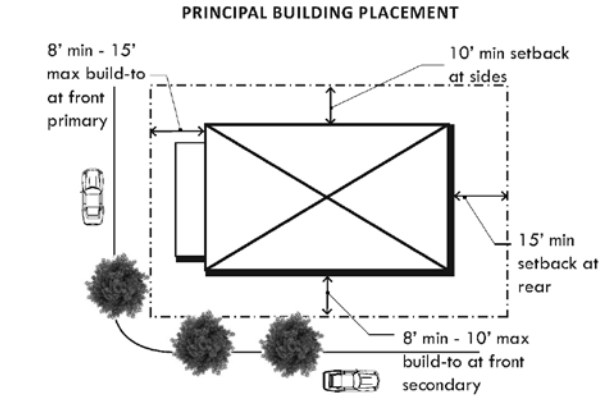
**Parking Location Standards (See § 153-14)**

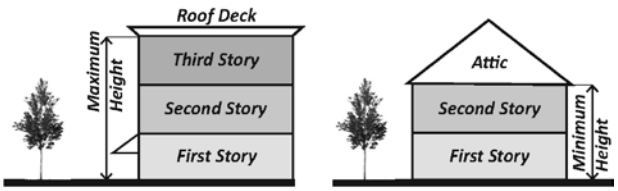
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

**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.

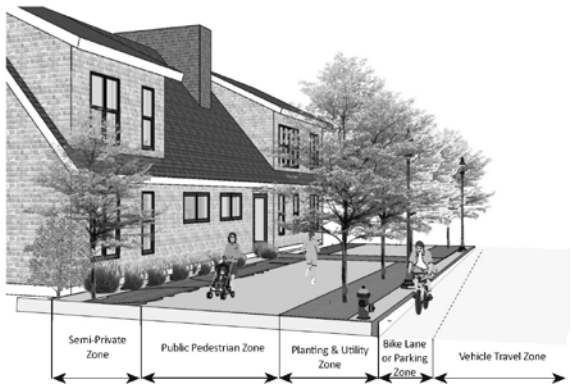
**Streetscape Standards**

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.

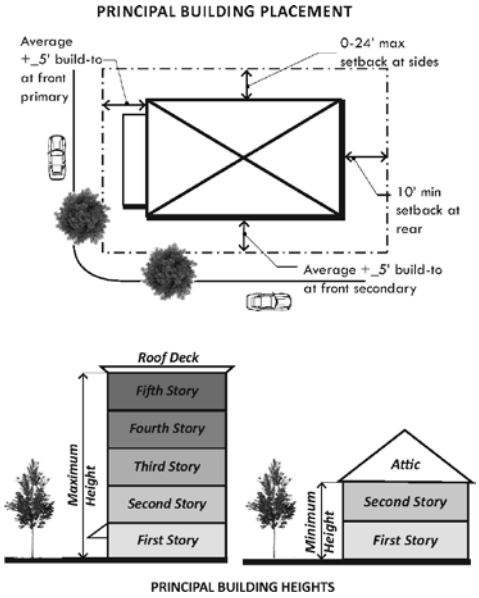
**Parking Location Standards (See § 153-14)**

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**

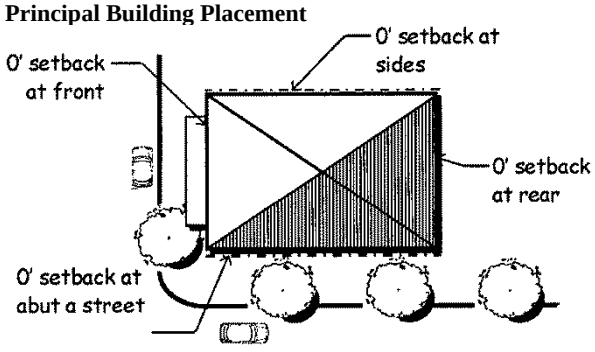
| Size | CWD District |
|---|---|
| Total signs permitted | 2 [per tenancy, and is for lot (excluding development identification signs)] |
| Total area permitted | 1 sf for each linear foot of business frontage |
| **Type** | |
| Freestanding | Permitted, provided that the principal building is set back 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**

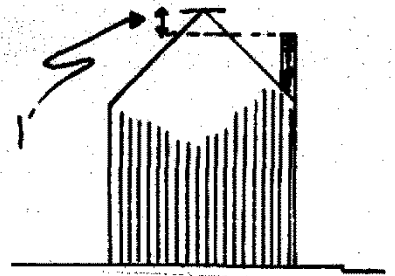


Figure 1

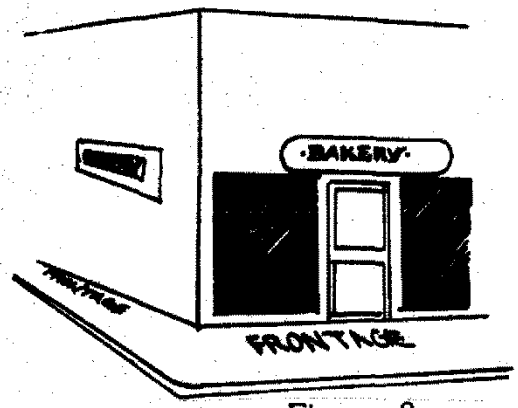



Figure 3

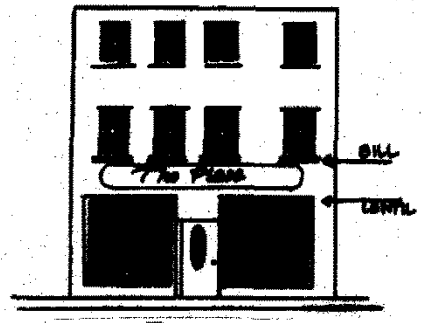


Figure 2

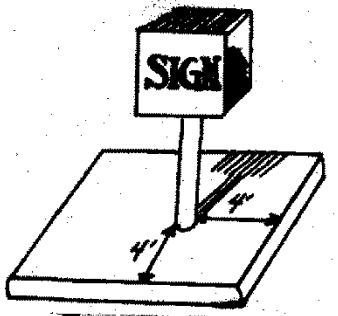



Figure 4

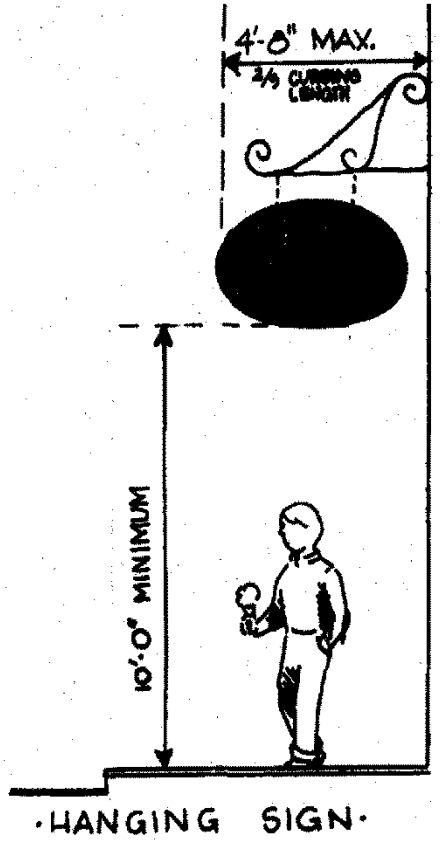



Figure 5

**City of Dover**

**Sign Diagrams**
**Part II**

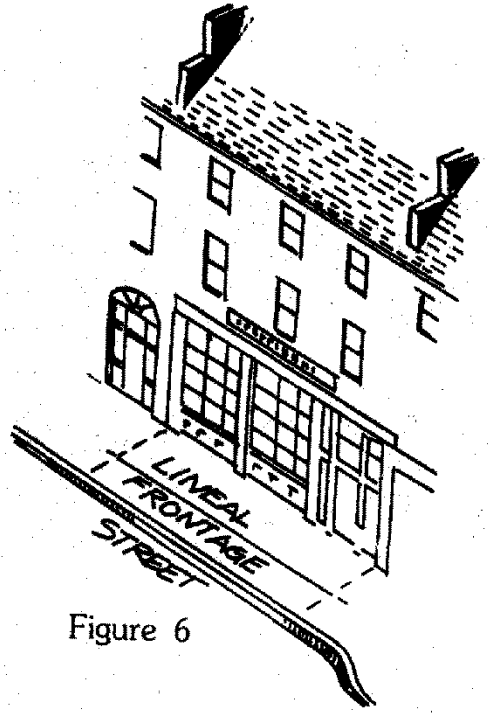



Figure 6

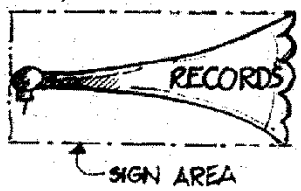



Figure 9

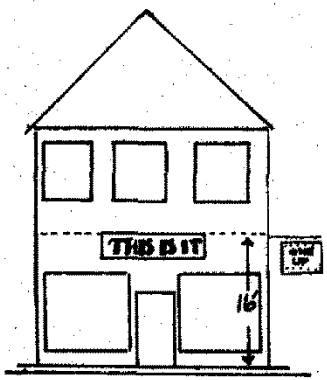



Figure 7

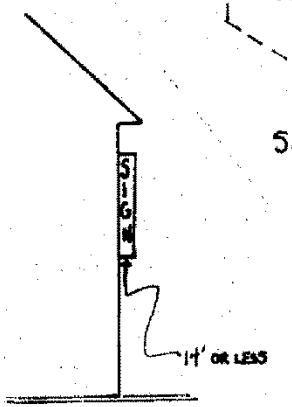



Figure 10

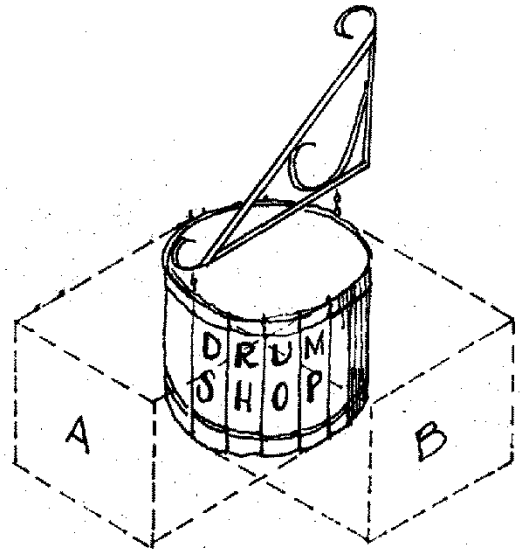



Figure 8

**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.

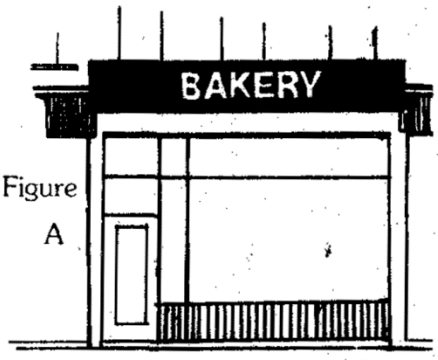


Figure A

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.

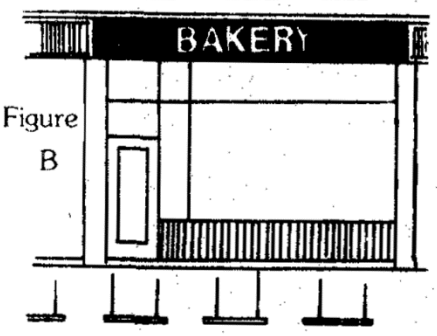


Figure B

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.

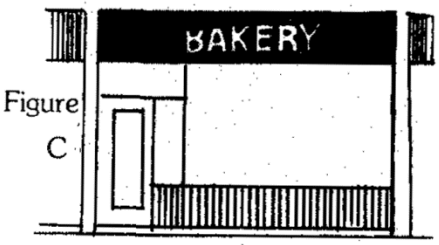


Figure C

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.

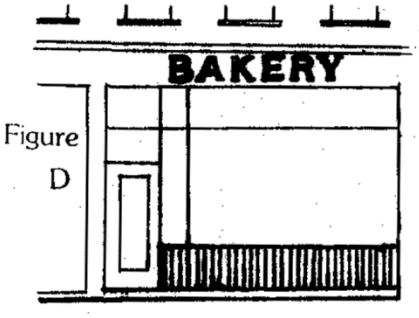


Figure D

**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

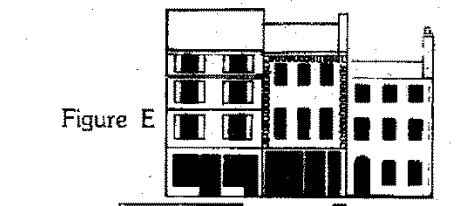


Figure F

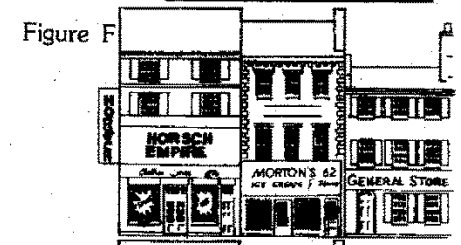
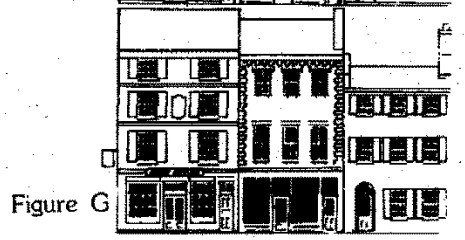



Figure G



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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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.

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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.

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§ 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 ~~Fee Ordinance~~.
§ 170-24. Accessory dwelling units.

ARTICLE VII
Floodplain Development

§ 170-25. General provisions.

ARTICLE VIII
Overriding Districts

§ 170-26. Additional regulations.
§ 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.

ARTICLE IX
Excavations

§ ~~170-29.~~ 170-36. Authority.
§ ~~170-29.1.~~ 170-37. Purpose and intent.
~~§ 170-29.2. Reserved.~~
§ ~~170-29.3.~~ 170-38. Applicability.
§ ~~170-29.4.~~ 170-39. Abandoned excavations.
§ ~~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.
§ ~~170-30.4.~~ 170-49. Administration and enforcement.
~~§ 170-31. Reserved.~~

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Signs and Fences

§ ~~170-32.~~ 170-50. Sign review and regulations.
§ ~~170-33.~~ 170-51. Fence review and regulations.
~~§§ 170-34 to 170-38 (Reserved)~~

ARTICLE XI
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.~~

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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.~~

~~170-24. ACCESSORY DWELLING UNITs.~~

~~ARTICLE VII~~

~~FLOODPLAIN DEVELOPMENT~~

~~170-25. General Provisions.~~

~~ARTICLE V~~

~~DIMENSIONAL REGULATIONS~~

~~170-13. Availability of Utilities and Services.~~

~~170-14. Nonconforming LOTs.~~

~~170-15. OPEN SPACE requirements.~~

~~170-16. Swimming Pools.~~

~~170-17. Removal of Barriers to Access.~~

Uses; Tables

§ 170-11. Use regulations.

§ 170-12. Applicability of Tables of Use

§ 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 V

Dimensional Regulations

§ 170-18. Customary home occupations.

§ 170-19. Reserved.

§ 170-20. Central Business District Regulations.

§ 170-21. Alternative energy system.

§ 170-22. Telecommunications facilities.

§ 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~~

ARTICLE VIII
Overriding Districts


§ 170-26. Additional regulations.

§ 170-27. Conservation District.

§ 170-28. Wetland Protection District.

§ 170-29. Transfer of development rights.

§ 170-30. Urban Renewal District.

§ 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, 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~~
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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.

(f) m a

(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 |
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(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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~~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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**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~~*

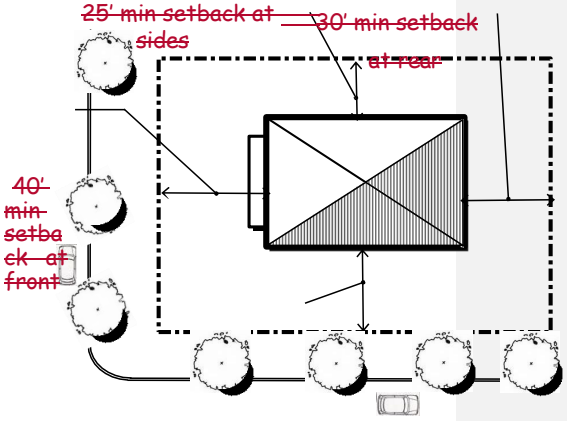
## ~~Permitted Uses~~

- ~~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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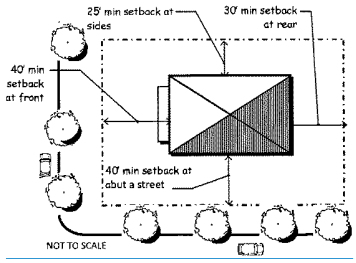
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**Dimensional Regulations [1] [2]**

| | |
|---|---|
| **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<br><br>(customary home occupation sign 2 sf max, development identification sign 20 sf max) |
| **Type** | |
| Freestanding | Permitted<br>(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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~~*Rural*~~

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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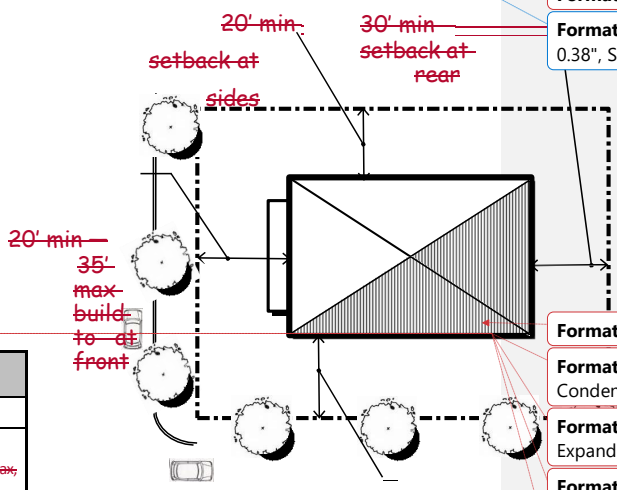
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**Principal Building Placement**




**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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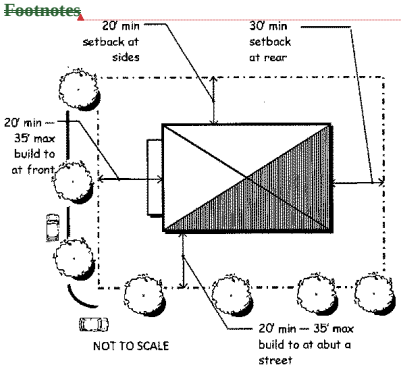
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# ~~Low Density Residential (R-20) District~~

~~*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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**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

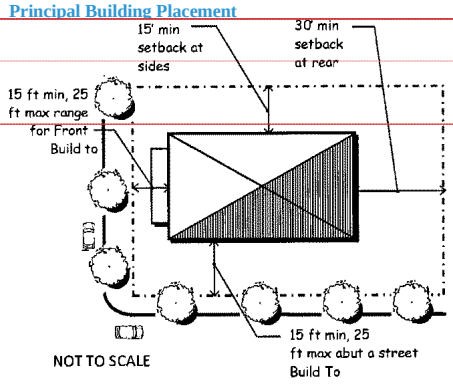
**Sign Regulations**

| 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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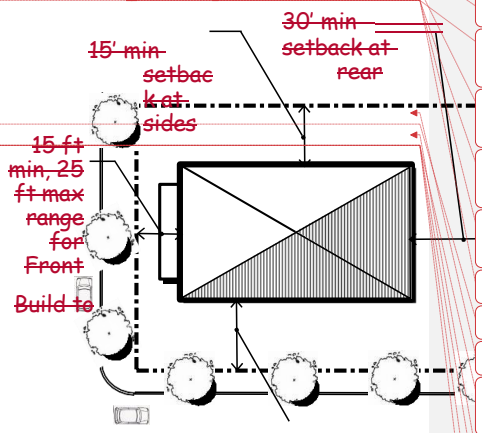
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Footnotes

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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~~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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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]

**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 |

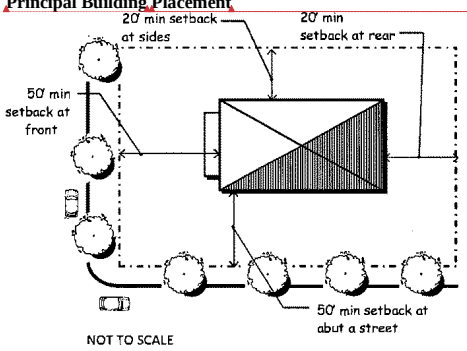
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## ~~Dimensional Regulations~~ ~~[1] [2]~~

| ~~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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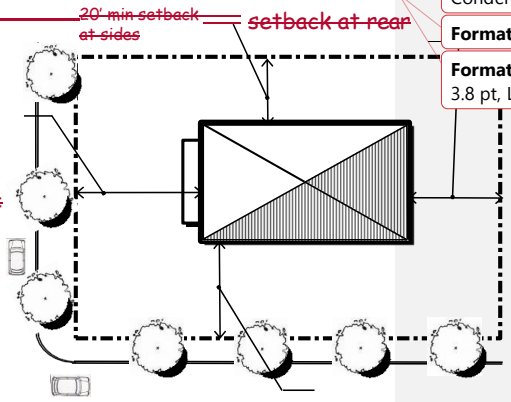
Footnotes

## 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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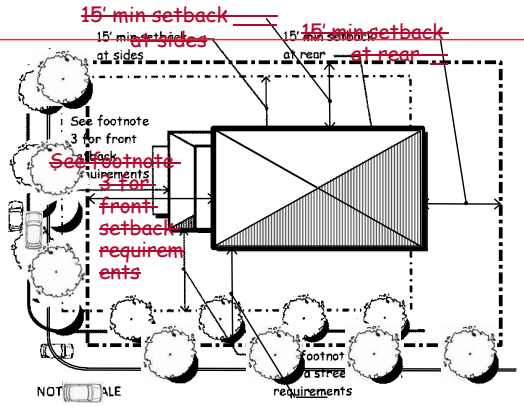
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**Dimensional Regulations [1] [2]**

| | |
|---|---|
| ~~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.

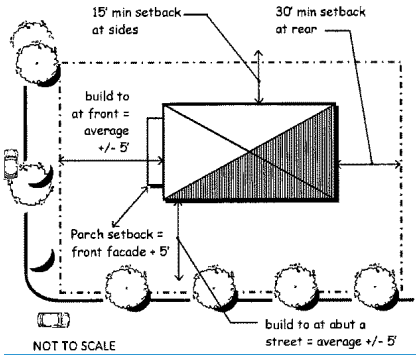
** The minimum principal building height shall not apply to additions constructed onto the rear of the ~~PRINCIPAL BUILDING~~principal building, provided that where the addition will be closer to either side lot line than the existing ~~PRINCIPAL BUILDING~~principal building, the addition shall be located 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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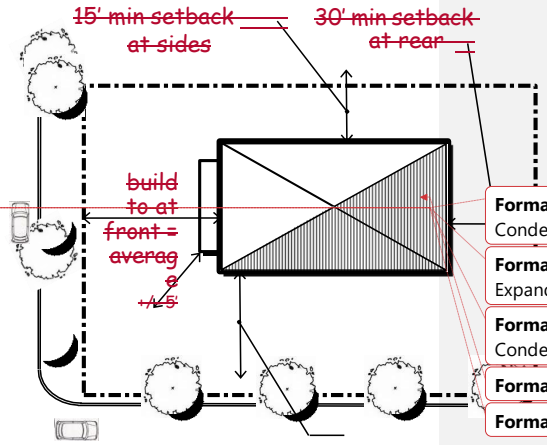



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Sign Regulations

| 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 |
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| 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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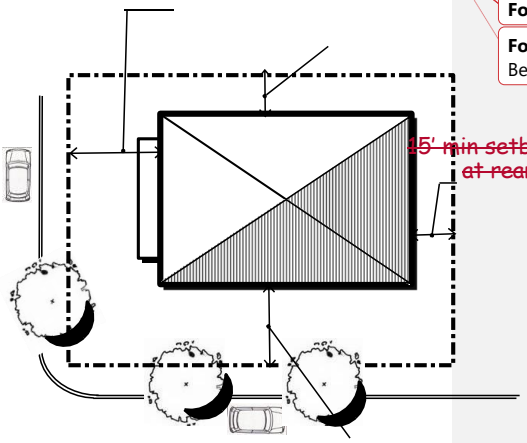
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**Principal Building Placement**

~~30' min setback at front~~

~~min setback at sides~~

~~15' min setback at rear~~

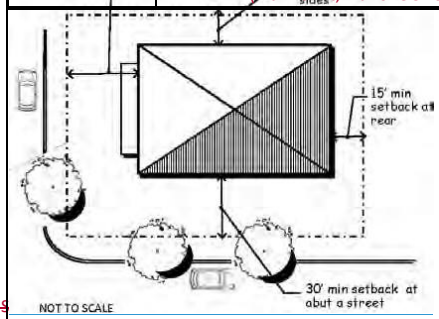


~~30' min setback at abut a street~~

~~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**

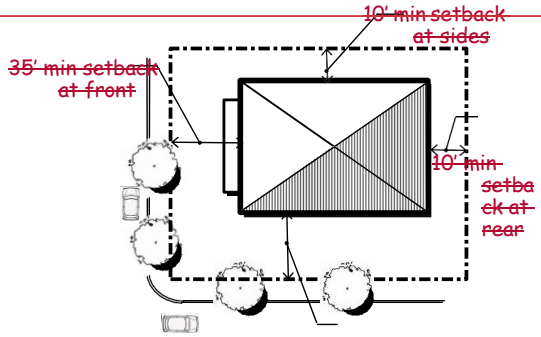
- Alternative treatment center
- Self-service storage facility

- ~~Alternative Treatment Center~~
- ~~SELF-SERVICE STORAGE FACILITY~~

**Dimensional Regulations [1] [2]**

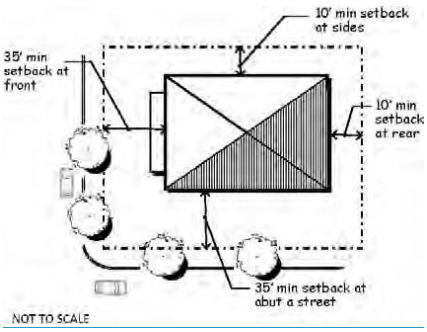
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|---|---|
| ~~LOT~~Lot | |
| Minimum ~~LOT Size~~lot size | 20,000 sf |
| Maximum ~~LOT COVERAGE~~lot coverage | 50% |
| Minimum ~~FRONTAGE~~frontage | 100 ft |
| ~~PRINCIPAL BUILDING~~Principal Building | |
| Front ~~SETBACK~~setback [3] | 35 ft |
| 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~~

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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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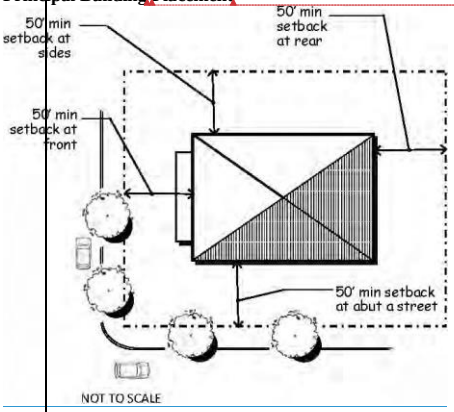
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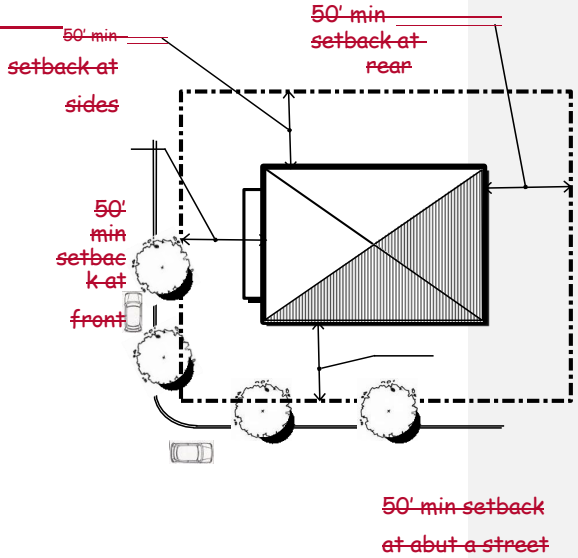
**Principal Building Placement**




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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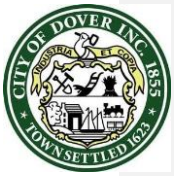
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# City of Dover Gateway District

**[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*

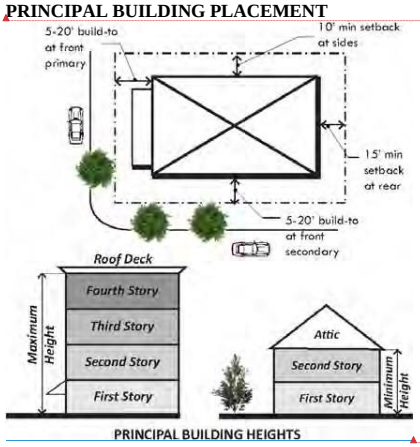
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|---|---|
| **Principal Building** | |
| Lot Size | N/A |
| Lot Coverage | 50% max |
| Frontage Build-Out | 60% min. |
| Front Primary BUILD TO LINE | 5 ft. min - 20 ft. max |
| Front Secondary BUILD TO LINE | 5 ft. min - 20 ft. max |
| Side Setback | 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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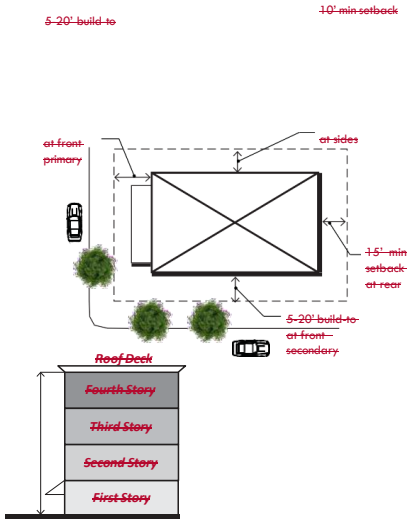
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PRINCIPAL BUILDING HEIGHTS

## 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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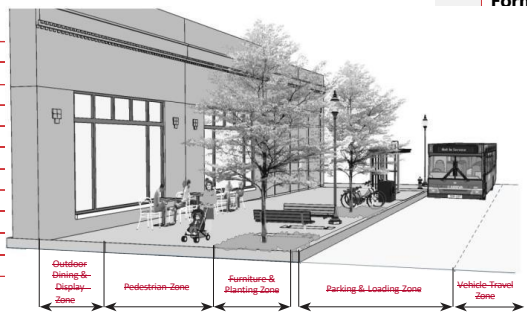
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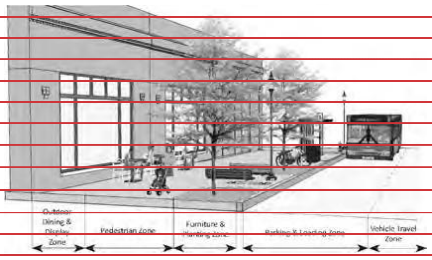
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## Streetscape Standards

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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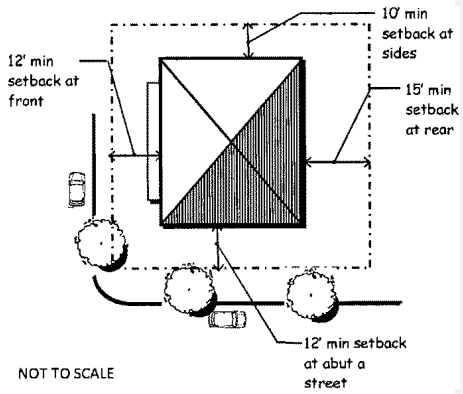
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| Temporary | Permitted |

- Retail store
- Group home for minors

**Sign Regulations**

**Principal Building Placement**




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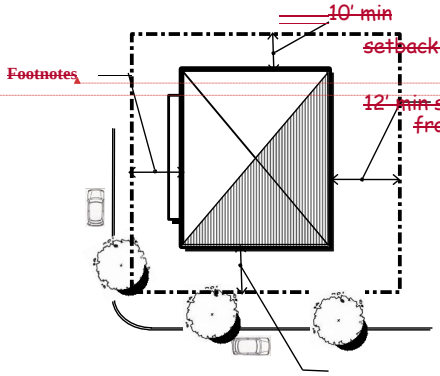
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Dimensional Regulations [1] [2]

## Principal Building Placement




Footnotes

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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~~ |

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~~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

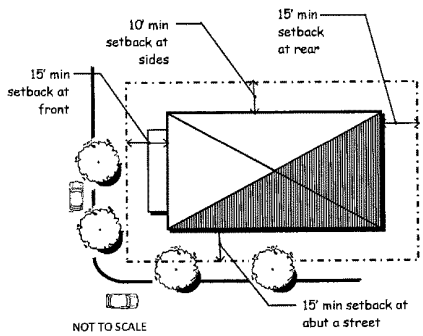
**Dimensional Regulations [1][2]**

| | |
|---|---|
| **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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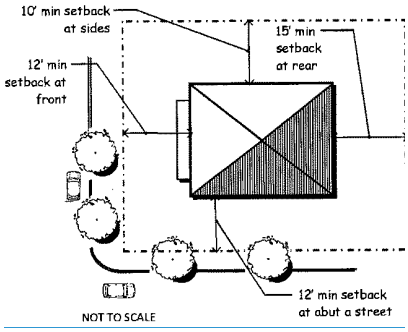
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## Principal Building Placement

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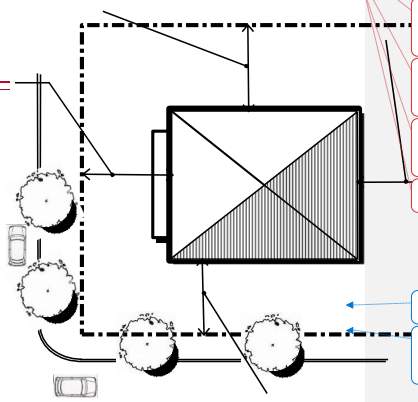


**Principal Building Placement**

~~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.

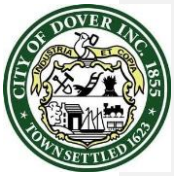
~~GROUP HOME FOR MINORS: GROUP HOME FOR MINORS~~**Group Home for Minors:** Group home for minors shall be subject to the following conditions:

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**
**[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 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.

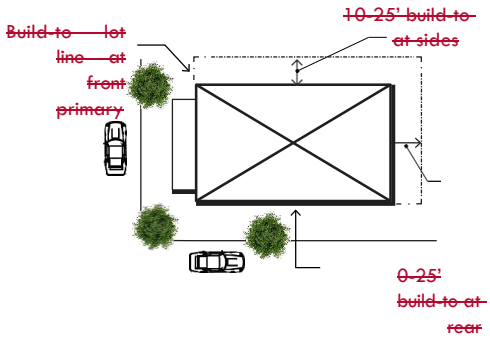
## PERMITTED USES*

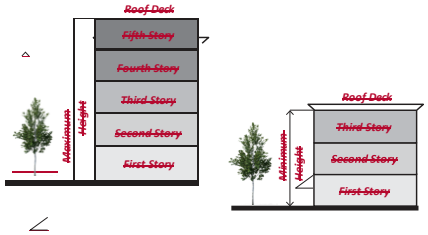
| Use | |
|---|---|
| Residential | Permitted but not on Ground Floor, except as existing use |
| Lodging | Permitted |
| Professional Services & Offices | Permitted |
| Eating & Drinking Establishments | Permitted |
| Retail/Personal Services | Permitted |
| Industrial | Not permitted |
| Civic | Permitted |
| 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 |

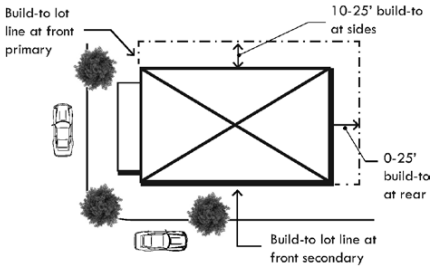
*CUP (§ 170-20B) may be used to adjust standards.

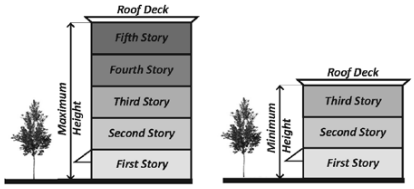
**Dimensional Regulations***

| **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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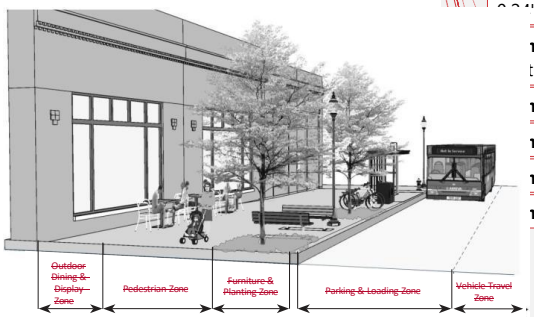
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- Lighting and mechanical equipment standards per § 170-~~20(E)~~(20E(3) ()(d).

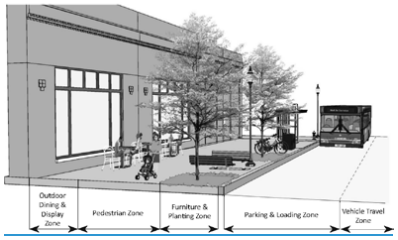
*CUP ( (§ 170-20B) may be used to adjust standards.

~~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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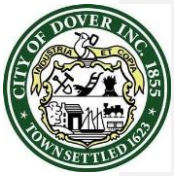
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**CBD Mixed Use Sub-District**

**[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*

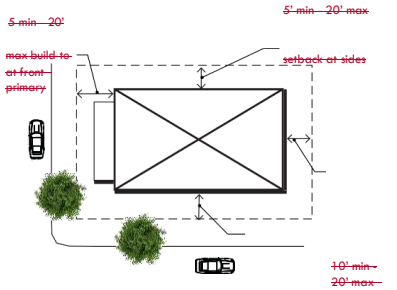
| Use | |
|---|---|
| Residential | Permitted, but not on GROUND FLOOR except in existing STRUCTURES; density allowed at 5,000 sf. per unit, 10 units max |
| Lodging | Permitted, up to 12 rooms w/ stays up to 14 days |
| Professional Services & Offices | Permitted |
| Eating & Drinking Establishments | 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*

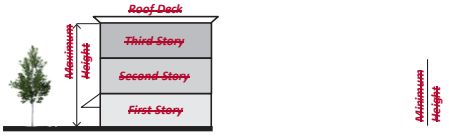
| Principal Building | |
|---|---|
| Lot Size | N/A |
| Minimum Lot Coverage | 50% |
| Frontage Build-Out | 60% min. |
| Front Primary BUILD TO LINE | 5 ft. min - 20 ft. max |
| Front Secondary BUILD TO LINE | 5 ft. min - 20 ft. max |
| Side Setback | 5 ft. min - 20 ft. max |
| Rear Setback | 10 ft. 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)**

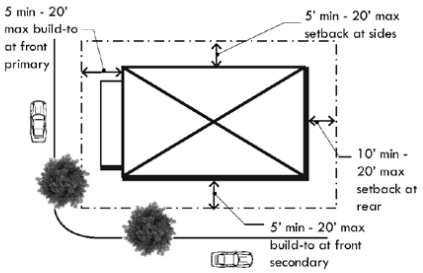
New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

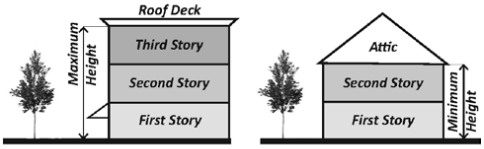
**Permitted Uses***

| **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.~~

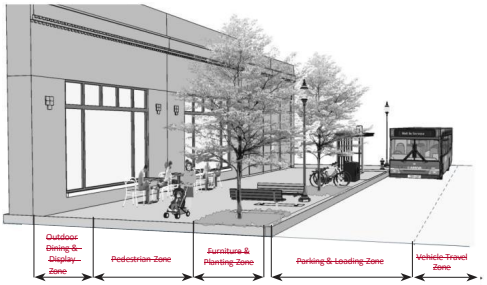
- Sidewalks shall be brick and a minimum of 5 feet wide.
- ~~Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.~~
- ~~Unpaved ground area 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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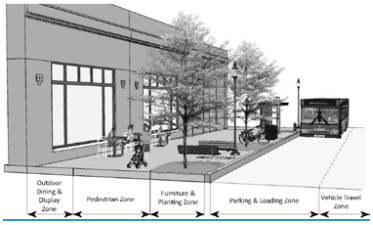
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**STREETSCAPE ELEMENTS**



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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.

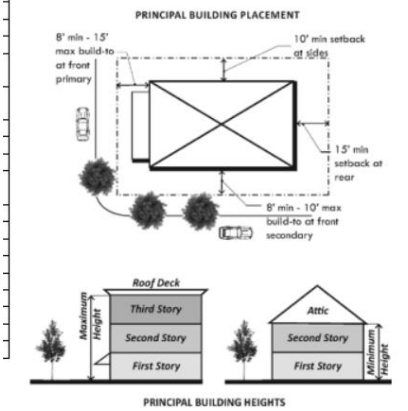
**~~PARKING LOCATION STANDARDS (SEE 149-14)~~Parking Location Standards (See § 153-14)**

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*

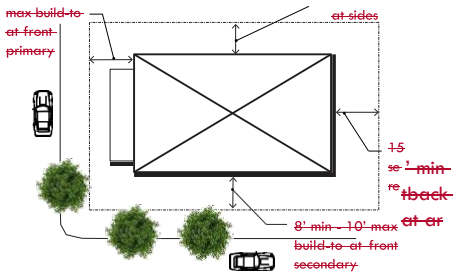
| Use | |
|---|---|
| Residential | Permitted |
| Lodging | Permitted, up to 12 rooms w/ stays up to 14 days |
| Professional Services & Offices | Via Conditional Use Permit |
| Eating & Drinking Establishments | Not permitted |
| Retail/Personal Services | Via Conditional Use Permit |
| Industrial | Not permitted |
| Civic | Permitted |
| Other | Via Conditional Use Permit |

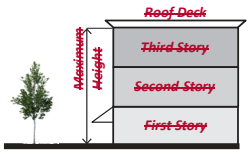
*CUP (170-20B) may be used to adjust standards.

PRINCIPAL BUILDING PLACEMENT

8' min - 15'

setback




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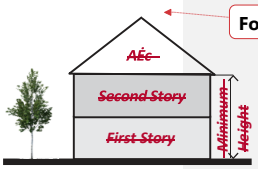
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PRINCIPAL BUILDING HEIGHTS

**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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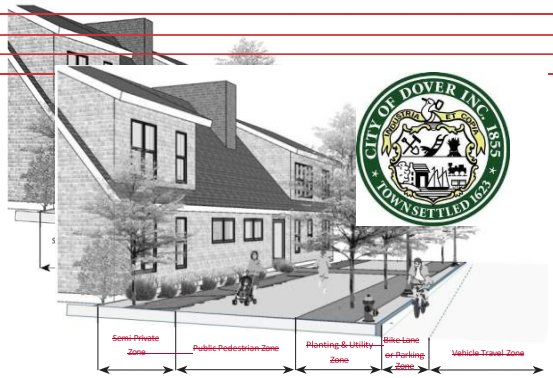
## Streetscape Standards

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~~ |

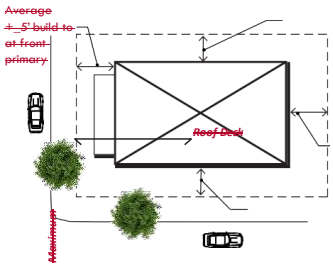
| Use | |
|---|---|
| Residential | Permitted, but not on GROUND FLOOR except in an existing use |
| Lodging | Permitted |
| Professional Services & Offices | Permitted |
| Eating & Drinking Establishments | Permitted |
| Retail/Personal Services | Permitted |
| Industrial | Not permitted |
| Civic | 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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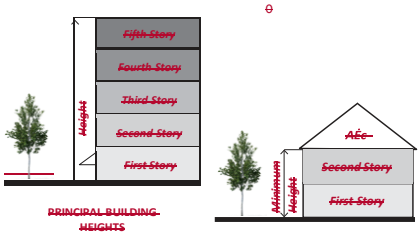
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0' 24' max setback at sides

' min. setback at rear

Average +_5' build-to plt front secondary

0




## 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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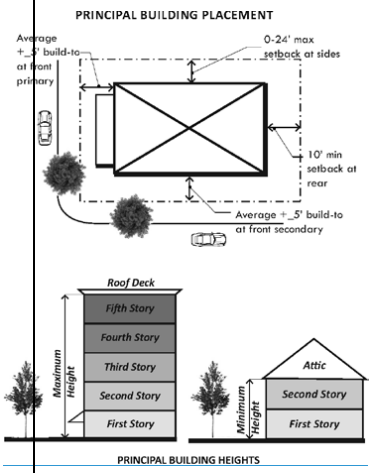
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**Sign Regulations**

| | |
|---|---|
| **Sign Size & Quantity** | |
| Total signs permitted | 2 |
| Total area of all signs | 1 sf per lf of frontage<br>, 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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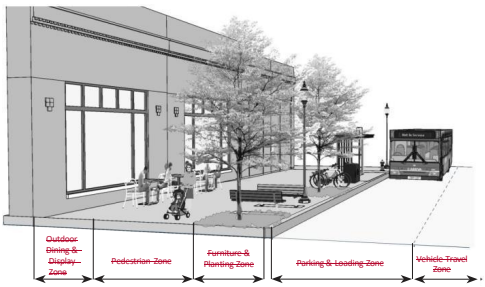
## Streetscape Standards

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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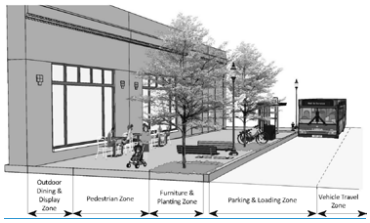
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**STREETSCAPE ELEMENTS**



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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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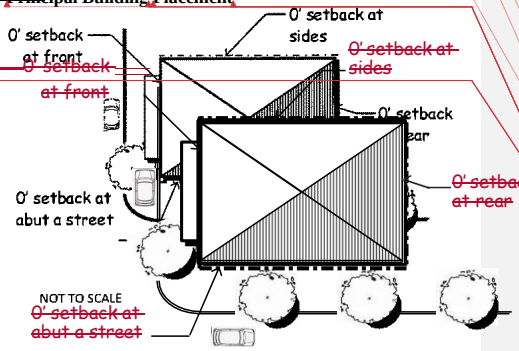
**Dimensional Regulations [1]**

| | |
|---|---|
| **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 Permit conditional use permit subject to the requirements of Section § 170- 20.B 20B(1), where applicable.

**Principal Building Placement**




NOT TO SCALE

**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**

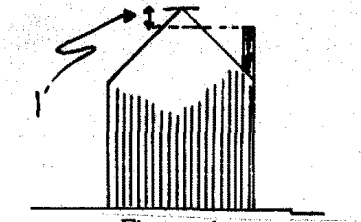


Figure 1

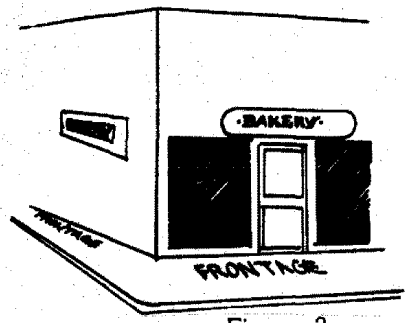



Figure 3

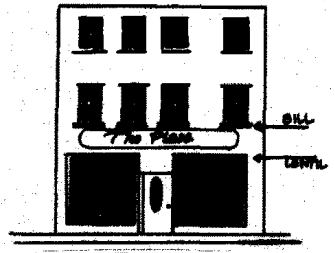


Figure 2

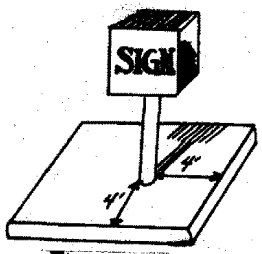



Figure 4

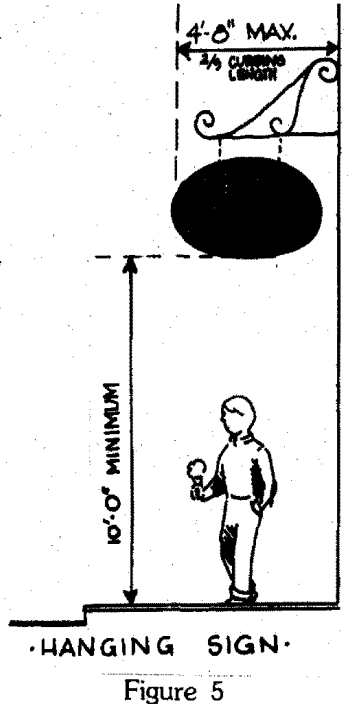



Figure 5



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**City of Dover**

**Sign Diagrams**
**Part II**

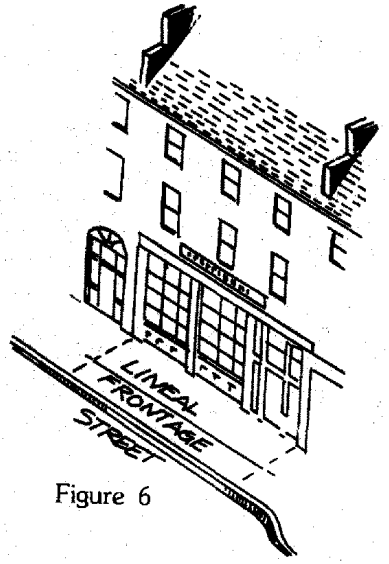


Figure 6

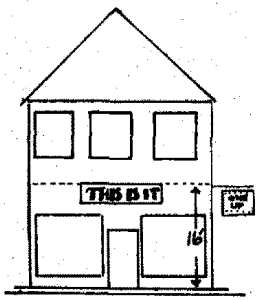
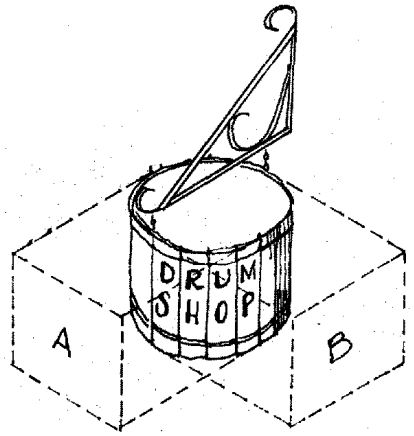


Figure 7



SIGN AREA = $\frac{A+B}{2}$
Figure 8



Figure 9

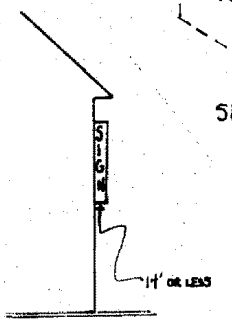


Figure 10



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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.

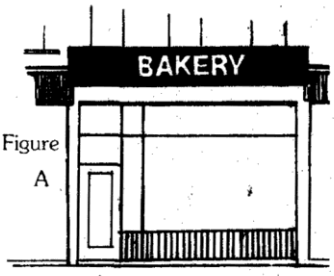


Figure A

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.

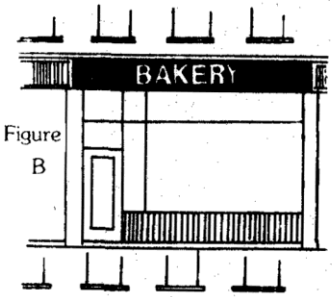


Figure B

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.

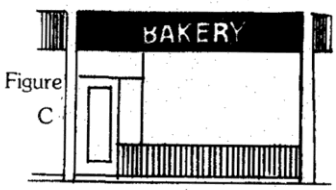


Figure C

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.

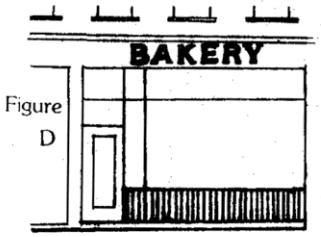


Figure D



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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

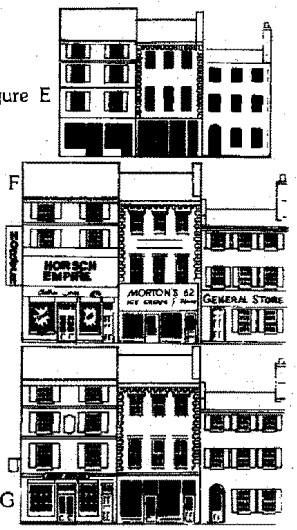



Figure F

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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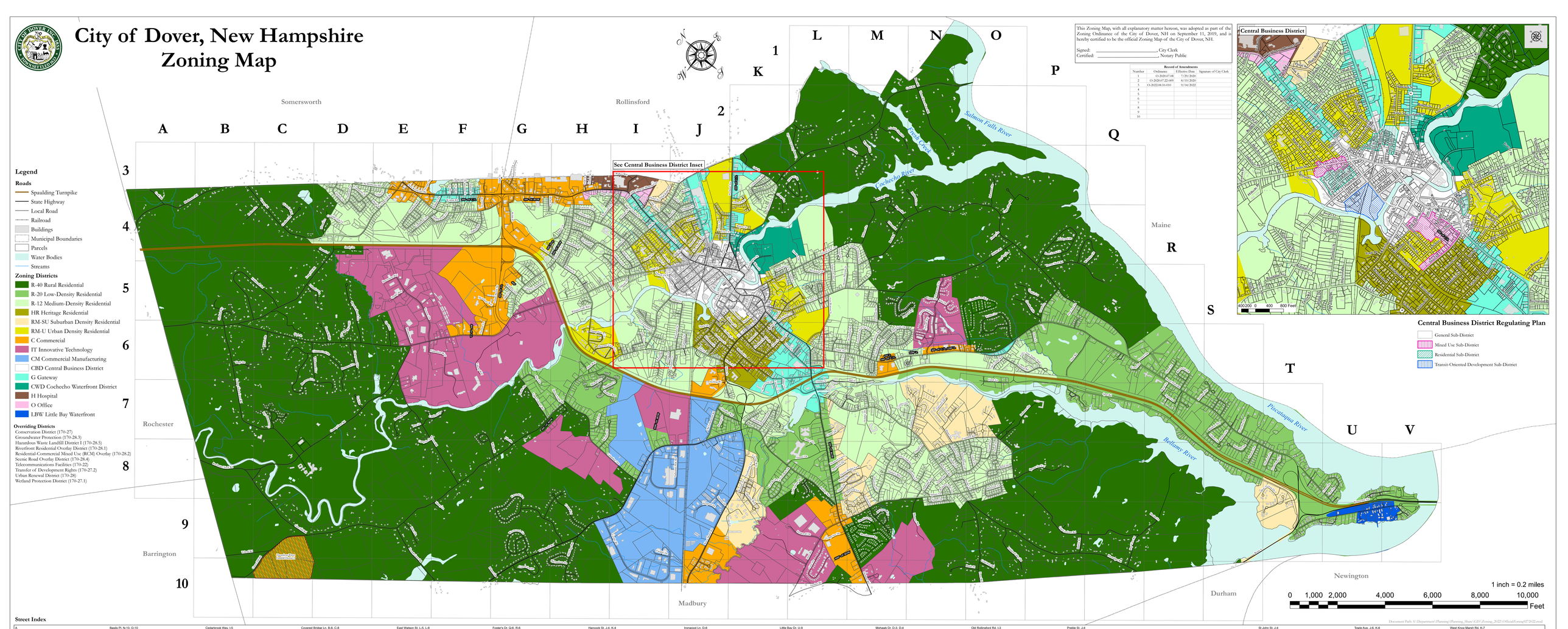
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# City of Dover, New Hampshire
# Zoning Map




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 | | | |
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**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**
Conservation District (170-27)
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)
Transfer of Development Rights (170-27.2)
Urban Renewal District (170-29)
Wetland Protection District (170-27.1)

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Cornerstone Dr, C-7
Cote Dr, L-6
Cottage Park Dr, D-6
Cottonwood Dr, C-6, D-6, D-7
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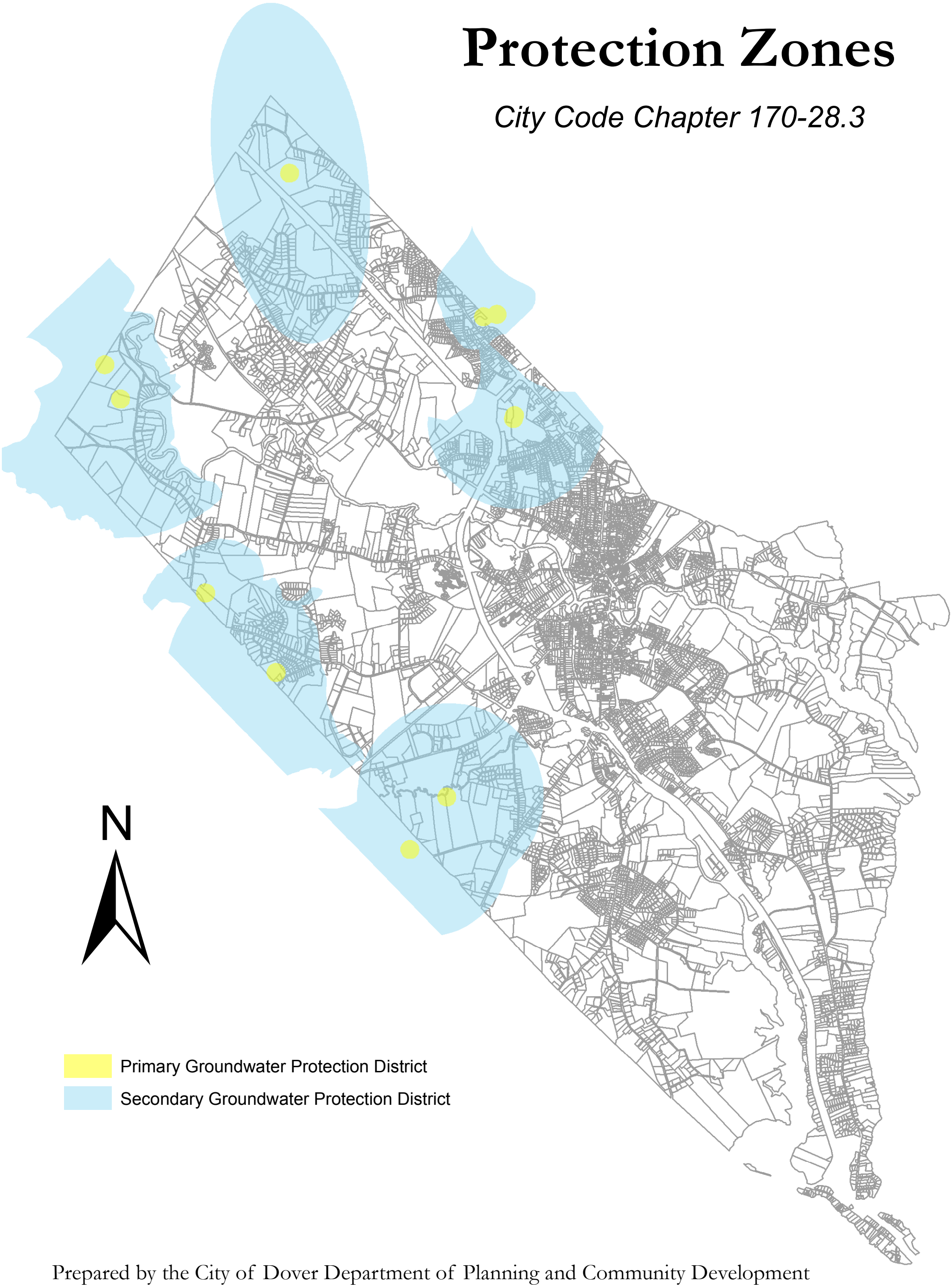
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# Groundwater Protection Zones

*City Code Chapter 170-28.3*




Prepared by the City of Dover Department of Planning and Community Development

April 15, 2015

# City of Dover, New Hampshire

# Capital Facility Impact Fee Update

# Draft for Review

## December 18, 2023



Prepared for:

Dover Department of Planning and Community Development

Prepared by:

Fougere Planning & Development, Inc. and Jeffrey Donohoe Associates, LLC

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# A. Impact Fee Update 2023

Fougere Planning & Development, Inc. (Mark Fougere, AICP) and Jeffrey Donohoe Associates, LLC (Jeff Donohoe), the Project Team, was engaged by the City of Dover to update the Impact Fee Update 2018 for Public Schools, Public Safety (Police/Fire) and Recreation Facilities, prepared January 31, 2018 by BCM Planning, LLC. BCM Planning also completed similar work for the City in 2002 and 2008.

From a practical perspective, impact fees are assessed to support the expansion of capital facilities in order to meet increased demands for public services generated by new residential and non-residential development. Typically, residential development results in impacts on schools as well as other public services. Non-residential development generates additional demands for public safety services, including police, fire and emergency medical services. Typically, impact fees are "passed through" by developers/owners to end users, meaning that developers recover the amount of the impact fees through property sales prices or through rent levels. The impact fee "charge" is treated as any other cost of development such land, engineering, construction and other related necessary expenses incurred to complete the development of a housing unit or non-residential space.

In order to maintain as much consistency in impact fee calculation methodology as possible between the 2018 Report and this Update, the Project Team has attempted to carry forward metric approaches used by BCM Planning to the maximum extent possible. The most up to date data has been incorporated into the Update from City, State and Federal sources. The Project Team also reached out to key City Department heads over the course of this assignment, including: Director of Planning & Community Development Ms. Donna Benton; City Assessor Donna Langley; Finance Director Daniel Lynch; Fire Chief Michael McShane; Police Captain David Terlemezian; Recreation Director Gary Bannon and School Business Administrator Michael Limanni and High School Principal Peter Driscoll.

## Statutory Authorization

Since 1991 New Hampshire communities have been authorized to charge impact fees under the provisions of RSA 674:21 V which details the legal parameters that must be followed if such fees are assessed. An impact fee means *"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 municipality*[1]*…".* Included in the list of capital facilities that impact fees can be charged for are schools, public safety facilities and public recreation facilities.

Supporting documents necessary to charge impact fees include an adopted Master Plan and a Capital Improvement Plan. The City of Dover has an adopted a Master Plan and an active Capital Improvement Plan program which is updated on an annual basis. In addition, a legally adopted Impact Fee Ordinance, Section 170-23, has been in place for over 20 years.

[1] RSA 674:21,V

The amount of any impact fee must be a propositional share of the capital improvement needs related to the demands of growth. Furthermore, there must be a reasonable relationship (*rational nexus)* between the fee being charged and the demands placed on capital facility capacity by the new development being assessed a fee. The cost of correcting existing deficiencies cannot be charged to new development in the form of an impact fee. Only costs attributable to growth, as it relates to the consumption or expansion of capital facilities by new development, can be assessed. The operating and maintenance costs of providing municipal services and upgrading of existing facilities and infrastructures, the need for which in not created by new development, shall not be paid for through impact fees.[2]

[2] Impact Fee Development for NH Communities, SNHPC

# B. Socioeconomic Characteristics, History and Projections

## Populations, Households and Housing

Despite data collection being completed in 2020, detailed data from the 2020 Decennial Census had not been released when the demographic analysis for this project was completed. As such, data from the 2000 and 2010 Decennial Census are augmented with data from the American Community Survey (ACS) from 2015 and 2021.

The City's population has grown steadily since 2000. Between 2000 and 2021, the City's population increased from 26,884 to 32,599. This is an increase of more than 21% over the period. For reference, subsequent to the completion of the analysis for the report, the US Census Bureau indicated that the City's 2020 Census population was 32,741.

**Dover Demographic Indicators 2000 - 2021**

| | 2000 | 2010 | 2015 ACS | 2021 ACS |
|---|---|---|---|---|
| **Population** | | | | |
| Total | 26,884 | 29,987 | 30,524 | 32,599 |
| In Group Quarters | 757 | 896 | 892 | 1,473 |
| In Households | 26,127 | 29,091 | 29,632 | 31,126 |
| Population Age < 5 | 1,527 | 1,805 | 1,770 | 1,967 |
| Population Age 5 - 17 (School Age) | 4,075 | 4,271 | 4,212 | 3,351 |
| Population Under 18 | 562 | 6,076 | 5,983 | 5,681 |
| % of Population | 20.8% | 20.3% | 19.6% | 17.4% |
| Population < 5 per household | 0.13 | 0.14 | 0.14 | 0.13 |
| School Age (5 - 17) per Household | 0.35 | 0.33 | 0.33 | 0.23 |
| School Age (5 - 17) per Household < Age 55 | 0.5 | 0.51 | 0.53 | 0.36 |
| **Total Housing Units** | 11,924 | 13,685 | 13,589 | 15,142 |
| **Households (Ocucpied Units)** | 11,573 | 12,827 | 12,668 | 14,707 |
| Owner Occupied | 5,920 | 6,970 | 6,521 | 7,610 |
| Renter Occupied | 5,653 | 6,037 | 6,147 | 7,097 |
| Homeownership Rate | 51.2% | 54.3% | 51.5% | 51.7% |
| **Occupied Housing Units by Age of Head of Household** | | | | |
| Under 25 | 1,032 | 1,046 | 974 | 1,501 |
| 25 to 34 | 2,467 | 2,484 | 2,595 | 3,047 |
| 35 to 44 | 2,616 | 2,344 | 2,052 | 2,627 |
| 45 to 54 | 2,014 | 2,576 | 2,286 | 2,061 |
| 55 to 64 | 1,247 | 1,934 | 2,120 | 2,280 |
| 65 to 74 | 1,090 | 1,133 | 1,257 | 1,853 |
| 75 and Older | 1,107 | 1,310 | 1,384 | 1,338 |
| Total Households | 11,573 | 12,827 | 12,668 | 14,707 |
| Percent of Households age 55+ | 29.8% | 34.1% | 37.6% | 37.2% |
| **Average Household Size** | 2.36 | 2.26 | 2.27 | 2.16 |
| **Total Housing Units** | 11,924 | 13,685 | 13,589 | 15,142 |
| Occupied Units | 11,573 | 12,827 | 12,668 | 14,404 |
| Vacant Units | 351 | 858 | 921 | 735 |
| Percent Vacant | 2.9% | 6.3% | 6.8% | 4.9% |

**Sources: Census 2021 ACS Data, City of Dover Impact Fee Analysis 2018**

While the population has increased, the number of school-aged children has fallen. The number of school-aged children peaked in 2010 at 4,271 but has decreased to an estimated 3,351 by 2021, a loss of almost 18%. However, the number of younger residents (under age 5) increased by more than 28% between 2000 and 2021.

The number of occupied housing units in Dover increased from 11,573 in 2000 to an estimated 14,707 in 2021, an increase of more than 28% over the period. Since the number of occupied housing units increased (28%) at a faster rate than the population (21%), the average household size fell from 2.36 in 2000 to 2.16 in 2021.

As Dover's population ages, the number of households headed by older residents has increased. Between 2000 and 2021, the number of households headed by residents 55 years old and older increased by 59%. There was also growth in the number of younger households (age 34 and under), which increased by 30% between 2000 and 2021.

## Average Household Size

The Project Team reviewed data from the US Census Bureau's American Community Survey (ACS), as well as data from the City's 2018 Impact Fee Update.[3] The 2021 ACS indicates that the average household size in Dover was 2.16 persons in 2021.

**Estimated Average Household Size 2021**

| Structure Type | Persons per Occupied Unit |
|---|---|
| Single Family Detached | 2.41 |
| SF Attached or Townhouse | 2.07 |
| Two or Three Family | 2.10 |
| Four or More Family | 1.60 |
| Mobile Home | 2.23 |
| **Average Household Size** | **2.16** |

**Sources: Census 2021 ACS Data, City of Dover Impact Fee Analysis 2018**

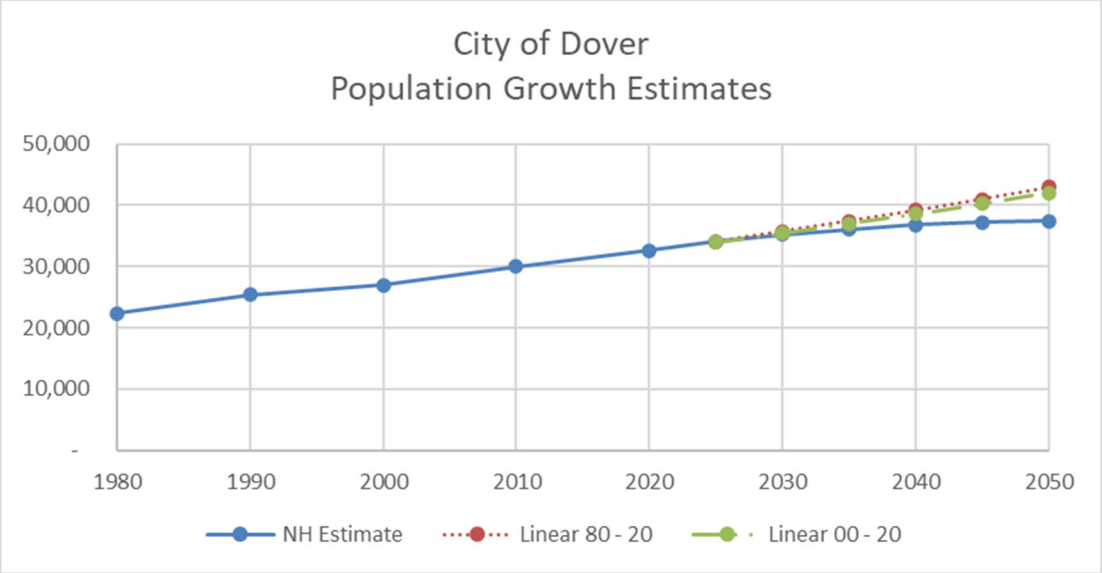
Despite being conducted in 2020, detailed data on the average household size by unit type is not available for the Decennial US Census. As such, the Project Team utilized ratios used in the 2018 Study to estimate occupancy by unit type for single-family detached, single family attached, two- and three-family, four-family or larger properties and mobile homes. The ACS estimates that the average household size in Dover was 2.16 in 2021. This is slightly lower than the average size of 2.24 in the 2018 analysis.

Detached single-family homes have the highest average occupancy at 2.41, followed by mobile homes at 2.23. Attached single-family homes had an estimated average household size of 2.07. Larger rental properties had the lowest estimated average household size at 1.60.

[3] BCM Planning, January 31, 2018

## Population Growth

In considering future population growth in Dover, several approaches were utilized. First, the State of New Hampshire's September 2022 population projections were reviewed.[4] In addition, two linear projections were developed, the first of which considered the population trend from 1980 through 2020, while the second projection considered population growth between 2000 and 2020.




The State's projection for population growth is somewhat lower than the projections generated using recent population growth. The State forecast anticipates slowing population growth rates over the next twenty-five years. While population growth averaged approximately 1% annually between 2000 and 2020, the State's forecast anticipates population growth totaling just 1.8% between 2040 and 2050. In contrast, the trendline population estimates are higher, since recent population growth in Dover has been strong, increasing by more than 11% between 2000 and 2010 and almost 9% between 2010 and 2020.

[4] State, County and Municipal Population Projections: 2020 – 2050, Prepared by Robert Scardamalia, RLS Demographics

## Building Permit Trends

In terms of developing new housing units, Dover has seen significant building permit activity. Although current building permit levels are much lower than the 1980s (when almost 2,600 units were permitted), more than 3,000 new housing units have been permitted in Dover since 2000. A total of 1,426 housing units were permitted in the 2000s, while 1,336 housing units were permitted in the 2010s.

| New Housing Units Authorized by Building Permits<br>Total Housing Units Authorized | | | | |
|---|---|---|---|---|
| Period | Single Family | 2+ Family | Manuf. Housing | Total |
| 1970 - 79 | 428 | 1,191 | 89 | 1,708 |
| 1980 - 89 | 1,561 | 941 | 86 | 2,588 |
| 1990 - 99 | 597 | 212 | 48 | 857 |
| 2000 - 2009 | 775 | 617 | 34 | 1,426 |
| 2010 - 2019 | 614 | 704 | 18 | 1,336 |
| 2020 - 2022 | 123 | 174 | 3 | 300 |
| **Average Annual Unts Authorized** | | | | |
| Period | Single Family | 2+ Family | Manuf. Housing | Total |
| 1970 - 79 | 43 | 119 | 9 | 171 |
| 1980 - 89 | 156 | 94 | 9 | 259 |
| 1990 - 99 | 60 | 21 | 5 | 86 |
| 2000 - 2009 | 78 | 62 | 3 | 143 |
| 2010 - 2019 | 61 | 70 | 2 | 134 |
| 2020 - 2022 | 41 | 58 | 1 | 100 |

Source: City of Dover

The average annual number of permits has fallen slightly since 2000. In the 2000s, an average of 143 new units were permitted in Dover annually. This fell to 134 units per year in the 2010s and fell further to an average of just 100 units annually since 2000.

Beginning in the 2010s, construction of multi-family units surpassed construction of single-family units in Dover. The average number of single-family units permitted annually was 61 in the 2010s, while the average number of multi-family units permitted was 70 annually. This trend has continued in the 2020s, with an average of 41 single-family homes permitted annually as compared to 58 multi-family units permitted annually.

## School Enrollments

The Dover School District operates five schools, including the Garrison Elementary School, the Frances G. Hopkins Elementary School, the Woodman Park Elementary School, Dover Middle School and Dover High School. In addition, Dover is host to several private schools.

The Project Team obtained historic enrollment data from the Dover School District. In addition, the District provided their internal enrollment estimates for the 2023 – 2024 school year. Since the Dover School District did not have forward-looking projections for enrollments, the Project Team utilized this information to project enrollments by grade level through 2030. The enrollment projections utilize estimated population increases (approximately 0.7% annually), as well as the prior four-year average progression rates from one grade level to the next (for example from the first grade to the second grade) to create a multiplier for each grade level each year. This multiplier was used to project the enrollment for each grade level annually, and this data was rolled up into the forecasts for K – 4, 5 – 8, and 9 – 12 for each year. The Appendix includes the year-by-year forecast for each grade level.

The City's total enrollment peaked at 3,961 in 2017. Since that time, the City has seen declining enrollments. In 2022, total enrollment was just under 3,700, representing a decline of almost 7% since the 2017 peak. Between 2016 and 2022, K – 4 enrollments declined from 1,436 to

1180 (-17.8%); 5 – 8 enrollments decline from 1,178 to 1,015 (-13.8%); and the high school experienced increased enrollment from 1,336 to 1,500 (+12.3%). The increased enrollment at the high school level is attributable to the opening of a new facility as well as the fact that the Dover School District "tuitions-in" approximately 300 students to the high school from Barrington and Nottingham.

The enrollment projections utilize population growth estimates prepared by the State of New Hampshire, as discussed earlier in this report. The State's population estimates are lower than historic growth rates. If population growth in Dover exceeds the estimates used in forecasting enrollments, enrollment growth would likely be higher than the projections summarized below.

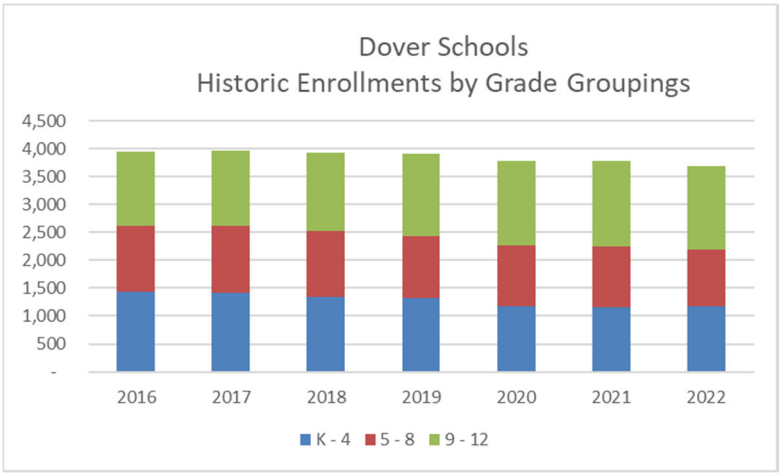
The Dover School District's total enrollment has been in decline since 2017. The District's enrollment projections for the 2023 – 2024 school year anticipate a slight recovery in total enrollment, which is projected to increase by approximately 2% over 2022.

Going forward, the Project Team estimates that enrollments will decline to 3,619 by 2027 before beginning to increase again. By 2030, total enrollments are expected to be 3,678, slightly below 2022 enrollments (17 students). The District does have the option of accepting more tuition students at the high school from Barrington and Nottingham if there is sufficient demand among high school students in those communities.

**Dover Schools**
**Historic and Projected Enrollments**

| Year | K - 4 | 5 - 8 | 9 - 12 | Total |
|---|---|---|---|---|
| 2016 | 1,436 | 1,178 | 1,336 | 3,950 |
| 2017 | 1,408 | 1,209 | 1,344 | 3,961 |
| 2018 | 1,340 | 1,175 | 1,415 | 3,930 |
| 2019 | 1,327 | 1,110 | 1,472 | 3,909 |
| 2020 | 1,177 | 1,085 | 1,524 | 3,786 |
| 2021 | 1,165 | 1,073 | 1,548 | 3,786 |
| 2022 | 1,180 | 1,015 | 1,500 | 3,695 |
| 2023 | 1,215 | 1,079 | 1,468 | 3,762 |
| 2024 | 1,210 | 1,054 | 1,466 | 3,731 |
| 2025 | 1,215 | 1,031 | 1,453 | 3,698 |
| 2026 | 1,221 | 1,033 | 1,400 | 3,655 |
| 2027 | 1,236 | 1,002 | 1,381 | 3,619 |
| 2028 | 1,246 | 1,007 | 1,373 | 3,627 |
| 2029 | 1,247 | 1,038 | 1,353 | 3,639 |
| 2030 | 1,249 | 1,062 | 1,366 | 3,678 |

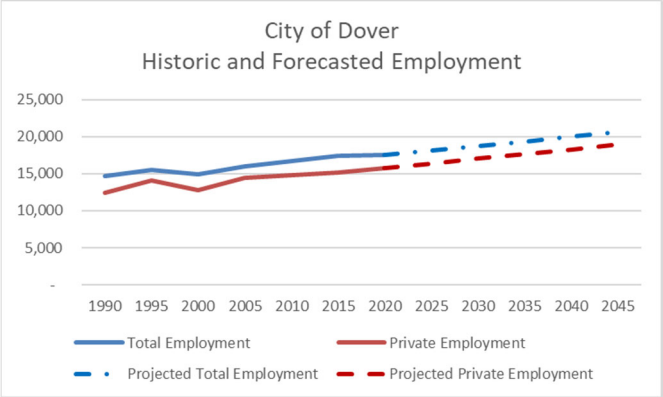
Source: Dover School District 2023 - 2024 Projected Enrollment and Jeffrey Donohoe Associates



## Employment in Dover

The City of Dover has a strong economy and vibrant employment base. Reported total employment was 17,537 in 2021, with private sector employment accounting for almost 15,800 jobs, or 90% of total employment.

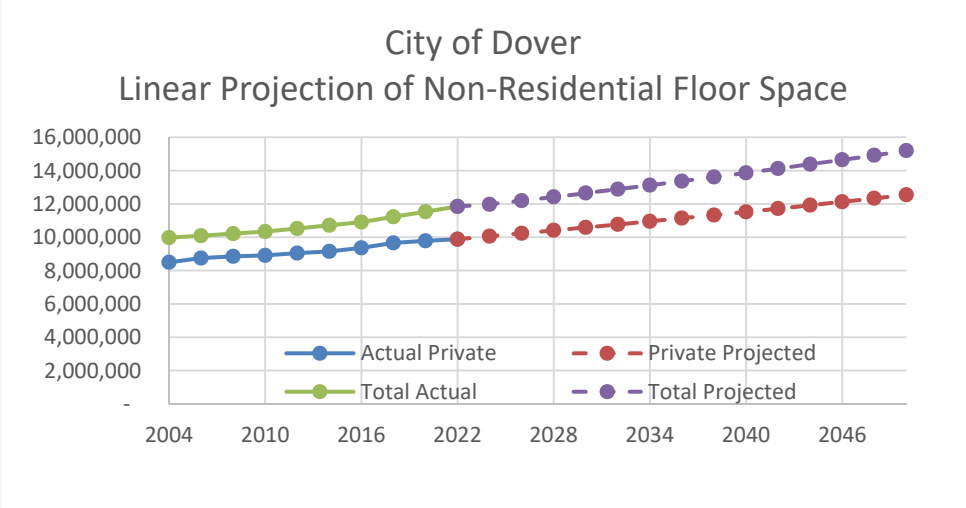
According to the State's Economic and Labor Market Information (ELMI) Bureau, the City had an unemployment rate of just 3.3% at the end of 2021, despite the COVID-19 pandemic. At the beginning of 2023, ELMI reported an unemployment rate of 2.3% for Dover, which had fallen to just 1.6% when the June 2023 rate was published.




A trendline analysis was used to estimate future total and private sector employment in Dover. The estimates indicate that by 2045, total employment in Dover will be almost 20,700, an increase of 18% over 2020 employment. Private sector employment is expected to increase to almost 19,000, an increase of 20%.

## Non-Residential Floor Space

The amount of non-residential floor space in a community typically supports both private employment and governmental functions. Dover has floor space occupied by the City, as well as the County, the State pf New Hampshire and the Federal government.




A linear project for the anticipated growth in total square footage and privately owned square footage was developed based on historical data provided by the City Assessor's Office. At the end of 2022, it is estimated that Dover had more than 11.8 million square feet of non-

residential floor space, including almost 9.9 million square feet of privately owned non-residential floor space.

By 2050, it is estimated that the City will surpass 15 million total square feet of non-residential floor space. This represents an increase of 3.3 million square feet over the current total square footage. The private sector is expected to account for almost 2.7 million square feet of this increase, bringing the estimated total private square footage to more than 12.5 million square feet.

## Floor Area Relationships

The City's non-residential floor space supports both governmental activities and private commercial enterprises, including office uses, retail and restaurant uses, and service businesses, among others. The chart below provides an understanding of the relationship between non-residential floor space and population, housing units and jobs over time.

It is notable that despite very low unemployment in Dover, total employment fell from 17,400 in 2016 to 16,600 in 2022, likely as a result of people leaving the workforce in part due to the COVID-19 pandemic. Over the same period, Dover's population increased from 30,700 to 33,000, resulting in the ratio of employment to total population declining from 57% in 2016 to 51% in 2022.

Over the same period, total non-residential floor space increased by more than 900,000 square feet. This resulted in the total non-residential square footage per employee increasing from 627 square feet in 2016 to 715 square feet in 2022, an increase of 14% over the period. In terms of per capita non-residential floor space, the amount increased slightly from 355 square feet per person in 2016 to 364 square feet per person in 2022, an increase of 2.5%. The total non-residential square footage per housing unit increased from 744 square feet per housing unit in 2016 to 768 square feet per housing unit in 2022, an increase of 3.2%.

| EMPLOYMENT, POPUATION AND NON-RESIDENTIAL FLOOR AREA RELATIONSHIPS - CITY OF DOVER, 2000 - 2022 | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Year | SF Non-Residential | Housing Units | | Population Census and NHOEP | | Employment (Jobs in the City) - NH Employment Security | Employment Ratios | | Non-Residential Floor Area Ratios (SF) | | |
| | | Assessment Data | Census and NHOEP | Total | In Group Quarters | | Non-Residential SF Per Employee | Ratio Employment to Total Population | Per Capita (Total Population) | Per Housing Unit (Assessment Data) | Per Housing Unit (Census & NHOEP) |
| **Floor Area of All Non-Residential Uses Relative to Housing, Population and Employment** | | | | | | | | | | | |
| 2000 | 9,118,791 | 12,361 | 11,924 | 26,884 | 757 | 14,807 | 616 | 55% | 339 | 738 | 965 |
| 2010 | 10,338,493 | 14,001 | 13,685 | 29,987 | 896 | 16,402 | 630 | 55% | 345 | 738 | 755 |
| 2016 | 10,905,019 | 14,663 | 14,176 | 30,683 | 959 | 17,406 | 627 | 57% | 355 | 744 | 769 |
| 2022 | 11,853,608 | 15,430 | 15,353 | 32,599 | 1,473 | 16,586 | 715 | 51% | 364 | 768 | 772 |
| **Floor Area of Non-Residential Uses (Excluding Government Uses)Relative to Population, Housing and Employment** | | | | | | | | | | | |
| 2000 | 7,940,701 | 12,361 | 11,924 | 26,884 | 757 | 12,838 | 619 | 48% | 295 | 642 | 666 |
| 2010 | 8,909,875 | 14,001 | 13,685 | 29,987 | 896 | 14,574 | 611 | 49% | 297 | 636 | 651 |
| 2016 | 9,360,866 | 14,663 | 14,176 | 30,683 | 959 | 15,575 | 601 | 51% | 305 | 638 | 660 |
| 2022 | 9,878,842 | 15,430 | 15,353 | 32,599 | 1,473 | 14,809 | 667 | 45% | 303 | 640 | 643 |

Total private non-residential floor space, which does not include government-owned properties, increased by more than 500,000 square feet between 2016 and 2022. Total private non-residential square footage per employee increasing from 601 square feet in 2016 to 667 square

feet in 2022, an increase of 11% over the period. In terms of per capita private non-residential floor space, the amount decreased slightly from 305 square feet per person in 2016 to 303 square feet per person in 2022, a decline of less than 1%. The total non-residential square footage per housing unit increased from 744 square feet per housing unit in 2016 to 768 square feet per housing unit in 2022, an increase of 3.2%.

The 2018 Impact Fee Update assumed that "the City's 2016 ratio of total employment to population will remain at 0.57 and that the 2016 ratio of 627 square feet of non-residential floor area per employee will be constant." While these assumptions were reasonable at the time the 2018 Impact Fee Update was developed, these ratios changed significantly, primarily as a result of the COVID-19 pandemic. The number of jobs in Dover fell from 15,575 in 2016 to 14,809 in 2022. The jobs to population ratio declined from 0.51 to 0.45, and the amount to total non-residential floor space per employee increased from 627 to 715.

# C. Impact Fee Methodologies

## School Impact Fees

This section provides an update of the public schools impact fees, last updated by the City of Dover in 2018. This update considers a variety of factors, including:

- Public school enrollment per housing unit;
- School floor area per pupil;
- Cost of School facilities per square foot; and
- Credit allowances for pre-existing assessments and capacity deficits.

### Enrollment per Housing Unit

The Project Team utilized student enrollment address data and matched the addresses against the Dover Assessor's database to determine the type of structure where students live. It should be noted that only those students with Dover addresses were considered. As shown in the Table below, approximately 62% of Dover students reside in single family homes, while large multi-family homes of four or more units account for 23% of students.

In terms of average enrollment per unit, single family homes have the highest average at 0.32 total students per housing unit, while condominiums[5] average just 0.13 students per unit. Multi-family properties, including two-family, three-family and four+ family all average 0.18 student per unit.

**Dover Enrollment by Housing Type Excluding Age-Restricted and Mixed-Use Properties**

| | Enrollment by Structure Type | | | | | Average Enrollment per Unit | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Structure Type | Elementary | Middle | High | Total | Living Units | Elementary | Middle | High | Total | Average Living Area (SF) |
| Single Family | 723 | 577 | 726 | 2,026 | 6,367 | 0.11 | 0.09 | 0.11 | 0.32 | 1,836 |
| Condominium | 78 | 58 | 85 | 221 | 1,676 | 0.05 | 0.03 | 0.05 | 0.13 | 1,322 |
| Two to Three Family | 95 | 93 | 82 | 270 | 1,530 | 0.06 | 0.06 | 0.05 | 0.18 | 1,141 |
| Four or More Family | 301 | 221 | 218 | 740 | 4,125 | 0.07 | 0.05 | 0.05 | 0.18 | 944 |
| *Subtotal - DHA Only* | *32* | *21* | *19* | *72* | *464* | *0.07* | *0.05* | *0.04* | *0.16* | *1,029* |
| *Subtotal - Private Ownership* | *269* | *200* | *199* | *668* | *3,661* | *0.07* | *0.05* | *0.05* | *0.18* | *939* |
| Manufactured Housing | 12 | 10 | 5 | 27 | 372 | 0.03 | 0.03 | 0.01 | 0.07 | 1,083 |
| Total | 1,209 | 959 | 1,116 | 3,284 | 14,070 | 0.09 | 0.07 | 0.08 | 0.23 | 1,419 |

*Source: Dover Assessor's Database and Dover Schools Address Data, SF for Four or more family units from 2018 Impact Fee Update*

### Floor Area per Pupil

In order to estimate the floor area per enrolled student, square footage and capacity estimates from the City's 2022 Annual Comprehensive Financial Report (CAFR) was used, together with current (October 2023) enrollment data. It should be noted that although the CAFR indicates that the capacity at Dover High School is 1,550, the Dover School District indicates that the capacity of the high school is 1,650. These estimates are both lower than the reported capacity

[5] The term "condominium" is used to reference garden flats, multi-story townhouses and other types of housing products, consistent with the Assessor's land use code 102 – condo.

of the high school prior to the 2017 building project, when the capacity of the high school was reported to be 1,760.

| INVENTORY OF DOVER PUBLIC SCHOOLS, FLOOR AREA AND PUPIL CAPACITY - 2023 | | | | | | |
|---|---|---|---|---|---|---|
| School Facilities | Year Built and Expansion Dates | Floor Area | Estimated Capacity | Gross SF per Student | October 2023 Enrollment | Enrollment as a % of Capacity |
| **Elementary Schools** | | | | | | |
| Garrison Elementary | 1962, 1967, 1969, 1999, 2005, 2006 | 65,938 | 494 | 133 | 364 | 74% |
| Hopkins Elementary | 1957, 1993, 1999, 2002, 2008 | 58,223 | 620 | 94 | 414 | 67% |
| Woodman Elementary | 1950, 1999, 2007 | 105,178 | 594 | 177 | 392 | 66% |
| **Total Elementary** | | **229,339** | **1,886** | **122** | **1,170** | **62%** |
| **Middle School** | | | | | | |
| Dover Middle School | 1998, 2003 | 175,020 | 1,380 | 127 | 967 | 70% |
| **Total Elementary and Middle Schools** | | **404,359** | **3,266** | **124** | **2,137** | **65%** |
| **High School** | | | | | | |
| Dover High School | 2017 | 301,484 | 1,650 | 183 | 1,417 | 86% |
| **Total School System** | | **705,843** | **4,916** | **144** | **3,554** | **72%** |

In total, total enrollments at the schools are estimated to be at 65% of capacity. Enrollment at the middle school is estimated to be 70% of capacity and enrollments at the high school are estimated to be 86% of capacity, though this enrollment percentage is affected by students from other communities being tuitioned-in to the high school.

## Bonded Indebtedness

The Dover School District, through the City of Dover, has a number of outstanding bonds associated with school-related projects. Many of these bonds were used for ongoing maintenance projects such as roof replacements and boiler replacements. Other projects were focused on facility renovations which did not create additional capacity at the schools. In general, impact fees can be charged only for projects which create additional capacity to support new growth.

It should be noted that the construction of the new Dover High School actually decreased the total capacity at the high school. According to the City's Annual Comprehensive Financial Reports (ACFR), created for each fiscal year ending June 30th, the high school capacity was reported as 1,760 students at the end of fiscal year 2018, but was reduced to 1,560 students in the report for fiscal year 2019.

In terms of projects eligible to be included in a school impact fee, only two bonded projects were used to create additional capacity at Dover Schools. A 2003 bond issue included $783,900 for an expansion of the Garrison Elementary School. The facility was expanded from a capacity of 612 to a capacity of 672, an increase in the school's capacity of 10%. In addition, a 2006/2007 bond issue included $2.4 million to expand the Woodman Park Elementary School. The school's capacity was increased from 477 to 594, an increase in the school's capacity of 25%. In terms of impact fees, inclusion of 10% of the debt service for the Garrison expansion project and 25% of the debt service for the Woodman expansion project is appropriate. In

essence, using 10% of the debt service for the Garrison expansion project and 25% of the debt service for the Woodman expansion project is equivalent to a 90% credit for the Garrison expansion project's debt service and a 75% credit for the Woodman expansion project's debt service.

| Debt Service Allocable to Impact Fee | | | |
|---|---|---|---|
| | Garrison | Woodman | Total |
| **Bond Amount** | $783,900 | $2,434,231 | $3,218,131 |
| **Total Debt Service** | | | |
| **FY 23** | $44,127 | $268,311 | $312,438 |
| **FY 24** | $40,451 | $256,919 | $297,369 |
| **FY 25** | $23,365 | $246,880 | $270,245 |
| **FY 26** | | $236,173 | $236,173 |
| **FY 27** | | $218,256 | $218,256 |
| **Total** | $107,943 | $1,226,539 | $1,334,481 |
| **Allocable Debt Service** | 10% | 25% | |
| **FY 23** | $4,413 | $67,078 | $71,490 |
| **FY 24** | $4,045 | $64,230 | $68,275 |
| **FY 25** | $2,336 | $61,720 | $64,057 |
| **FY 26** | | $59,043 | $59,043 |
| **FY 27** | | $54,564 | $54,564 |
| Total | $10,794 | $306,635 | $317,429 |
| **Average per Year** | **$3,598** | **$61,327** | **$63,486** |

The Garrison expansion bond is scheduled to be paid off in FY 25, and the Woodman expansion bond is scheduled to be repaid in FY 27. Thus, unless additional school expansion projects are undertaken before FY 27, the school impact fee based on bonded indebtedness associated with projects at the Woodman Park and Garrison elementary schools would be eliminated at that time.

## Summary Schedule for School Impact Fees

Given Dover's student enrollment per housing unit type, as well as the limitations of allocable debt service to impact fees, the recommended school impact fees are summarized below. The impact fee calculations consider the number of students typically enrolled for each housing type, the square footage per pupil capacity, and the average number of newly permitted dwelling units by structure type. The City's actual remaining debt service for school expansion projects is used as the basis for estimating the school impact fee.

In addition, the average number of building permits by structure type was used to project impact fees for each structure type. From 2018 through 2022, Dover permitted an annual average of 45 single family and condominium units; 15 units in two- and three-unit buildings; 98-units in multi-family (four- or more unit) buildings and two manufactured homes.

| 2023 Impact Fee Per Housing Unit By Structure Type | | | |
|---|---|---|---|
| | Enrollment per Unit | | |
| Structure Type | Elementary & Middle | High School | Total Public Schools |
| Single Family Detached | 0.20 | 0.11 | 0.32 |
| Condominium | 0.08 | 0.05 | 0.13 |
| Two and Three Unit Structures | 0.12 | 0.05 | 0.18 |
| Four or More Unit Structures | 0.13 | 0.05 | 0.18 |
| Manufactured Housing | 0.06 | 0.07 | 0.13 |
| | | | |
| Structure Type | Existing Facilities SF Per Pupil Capacity | | |
| | Elementary & Middle | High School | Overall Average |
| Single Family Detached | **124** | **183** | **144** |
| Condominium | **124** | **183** | **144** |
| Two and Three Unit Structures | **124** | **183** | **144** |
| Four or More Unit Structures | **124** | **183** | **144** |
| Manufactured Housing | **124** | **183** | **144** |
| | | | |
| | Average Annual Debt Service | | |
| | $63,486 | $0 | |
| | Impact Fee Per Dwelling Unit | | |
| Structure Type | Elementary & Middle | High School | Total |
| Single Family Detached | $571 | $0 | $571 |
| Condominium | $227 | $0 | $227 |
| Two and Three Unit Structures | $344 | $0 | $344 |
| Four or More Unit Structures | $354 | $0 | $354 |
| Manufactured Housing | $165 | $0 | $165 |

As shown in the Table above, single-family homes have the highest school impact fee at $571 per unit, based on the average remaining debt service over the next five years. The school impact fee for condominiums is lower at $227 per unit, based on the lower number of students generated for each unit. The school impact fee for units two- and three-unit buildings is $344 per unit, while the impact fee for larger multi-family buildings (for or more units) is $354 per unit.

# Public Safety Impact Fees

## Proportionate Demand Factors

Public safety services are provided to all persons in the community, as well as property. As such, impact fees for public safety facilities must recognize demand from residential and non-residential uses in the community. In order to update the City's Public Safety Impact Fees, the consulting team reviewed proportionate demand measures by property use type.

| Dover Fire Department Incident Reports January 2022 through May 2023 | | |
|---|---|---|
| **Property Classification** | **Incidents Assignanable to Developed Property Class** | |
| | **Number** | **% of Total** |
| One and Two Family Dwellings | 2,222 | 42.6% |
| Multi-Family Residential (3+ Units) | 1,377 | 26.4% |
| Restaurant, Retail, Lodging, Entertainment | 362 | 6.9% |
| Office Buildings | 181 | 3.5% |
| Commercial Services | 148 | 2.8% |
| Industrial, Transportation, Storage, Utilities | 120 | 2.3% |
| Institutional - Non-Public | 320 | 6.1% |
| Institutional - Public and Government | 485 | 9.3% |
| **Total Assignable to Developed Property** | **5,215** | **100.0%** |
| | | |
| **Residential** | **3,599** | **69.0%** |
| **Non-Residential** | **1,616** | **31.0%** |

The largest percentage of Fire/EMS calls were associated with single family, two-family and multi-family (3+units). Collectively, these uses accounted for almost 70% of the Fire/EMS calls attributed to developed properties.

Residential vs. Non-Residential Demand Measures

Recognizing that public safety services provide protection for Dover's resident and employee population, as well as personal and business property, it is important that impact fees for public safety facilities be based on proportionate demand from both residential and non-residential uses in the community.

| Proportionate Demand Measures for Public Safety Facilities | | | | | |
|---|---|---|---|---|---|
| **Demand Sector** | **Assessed Valuation (2022 $billions)** | **Square Feet of Building Area 2022 (Millions)** | **Population and Employment 2022** | **Police Calls Assignable by Address (1/22 - 5/23)** | **Fire Calls Assignable by Address (1/22 - 5/23)** |
| Residential Uses | $4.02 | 21.16 | 32,599 | 6,903 | 3,617 |
| Non-Residential Uses | $1.48 | 11.85 | 17,537 | 5,793 | 1,851 |
| City Total | $5.50 | 33.02 | 50,136 | 12,696 | 5,468 |
| | | | | | |
| Residential Share | 73% | 64% | 65% | 54% | 66% |
| Non-Residential Share | 27% | 36% | 35% | 46% | 34% |

The Table above summarizes and compares proportionate demand ratios for services generated by residential and non-residential properties. The Dover Police and Fire Departments provided call data for the period from January 1st of 2022 through May 31st of 2023.

While each department provided a significantly higher number of calls, the Table includes only those calls for addresses that were matched to the Dover Assessor's parcel address database.

The Police call data was split approximately equally between residential and non-residential locations, while Fire/EMS call data reflected two-thirds residential calls and one-third non-residential calls. Dover's Police and Fire/EMS call data were compared against the Dover Assessor's assessment database to determine whether a particular call was for a residential or non-residential property.

| Analysis of Public Safety Calls with Specific Residential Locations | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| Structure Type | Calls - Residential Property | | Housing Characteristics | | | Annualized Calls Per Dwelling Unit | | Annualized Calls per 1,000 Square Feet | |
| | Police | Fire/EMS | Living Area | Dwelling Units | Average Living Area per Unit | Police | Fire/EMS | Police | Fire/EMS |
| Single Family | 3,499 | 1,675 | 11,791,708 | 6,433 | 1,833 | 0.38 | 0.18 | 0.21 | 0.10 |
| Condominium | 418 | 226 | 2,215,125 | 1,676 | 1,322 | 0.18 | 0.10 | 0.13 | 0.07 |
| Two and Three Family | 658 | 254 | 1,746,285 | 1,530 | 1,141 | 0.30 | 0.12 | 0.27 | 0.10 |
| Four or More Family | 1,910 | 1,347 | 6,193,868 | 4,059 | 1,526 | 0.33 | 0.23 | 0.22 | 0.15 |
| *Excluding Dover Housing Authority* | *1,619* | *1,064* | *6,149,656* | *3,776* | *1,629* | 0.30 | 0.20 | 0.19 | 0.12 |
| Manufactured Housing | 418 | 154 | 402,753 | 372 | 1,083 | 0.79 | 0.29 | 0.73 | 0.27 |
| **Total** | **6,903** | **3,656** | **22,349,739** | **14,070** | **1,588** | **0.35** | **0.18** | **0.22** | **0.12** |
| Age 55+ (SF, Condo and MF) | 102 | 262 | 327,829 | 286 | 1,146 | 0.25 | 0.65 | 0.22 | 0.56 |
| Total All SF, Condo and MF Units | 6,194 | 3,219 | 21,902,774 | 13,415 | 1,633 | 0.33 | 0.17 | 0.20 | 0.10 |
| ***Ratio of 55+ to All SF, Condo and MF*** | | | | | | ***0.77*** | ***3.82*** | ***1.10*** | ***5.44*** |
| age 62+ and Congregate/Ind. Living | 166 | 1,109 | **427,534** | 591 | 723 | 0.20 | 1.32 | 0.27 | 1.83 |
| All Multifamily Housing | 2,836 | 2,972 | **8,770,440** | 6,466 | 1,356 | 0.31 | 0.32 | 0.23 | 0.24 |
| ***Ratio of 62+m to All Multifamily*** | | | | | | ***0.64*** | ***4.08*** | ***1.20*** | ***7.65*** |

In total, the Table above includes more than 6,900 Police calls and more than 3,650 Fire/EMS calls to residential properties. Across all residential property types, the City had an average of 0.35 Police calls per dwelling unit and 0.18 Fire/EMS calls per dwelling unit. While 55+ and 62+ communities had lower per dwelling Police calls, the number of Fire/EMS calls in these groups was significantly higher per dwelling unit (3.82 and 4.08 times higher) than the Citywide average. The number of annualized calls per 1,000 square feet was even higher.

## Relative Calls by Land Use Categories

A similar approach was used to evaluate Police and Fire/EMS calls for non-residential locations. Call locations were matched to the Dover Assessor's database. In addition, land use codes from the Assessor's database were used to allocate calls to specific groups of land uses as shown in the Table below.

| Analysis of Public Safety Calls to Non-Residential Property | | | | | | | |
|---|---|---|---|---|---|---|---|
| Structure Type | Calls - 17 Months, Non-Residential Properties | | Square Feet - Floor Area | Annualized Calls per 1,000 Square Feet | | Index to Non-Residential Average | |
| | Police | Fire/EMS | | Police | Fire/EMS | Police | Fire/EMS |
| Retail, Food, Entertainment, Lodging | 3,331 | 293 | 1,414,138 | 1.66 | 0.21 | 3.23 | 0.98 |
| Offices and Commercial Services | 983 | 131 | 1,500,505 | 0.46 | 0.09 | 0.90 | 0.41 |
| Industrial, Transportation and Storage | 1,232 | 131 | 3,438,555 | 0.25 | 0.04 | 0.49 | 0.18 |
| Nursing Homes and Assisted Living | 166 | 1,109 | 503,287 | 0.23 | 2.20 | 0.45 | 10.44 |
| Mixed Use | 81 | 13 | 1,087,451 | 0.05 | 0.01 | 0.10 | 0.06 |
| **Total/Average Private Commercial Uses** | **5,793** | **1,677** | **7,943,936** | **0.51** | **0.21** | **1.00** | **1.00** |
| Public Institutional Uses | **5,661** | **474** | **1,025,462** | **3.90** | **0.46** | **7.57** | **2.19** |
| **Total Non-Residential Uses** | **11,454** | **2,151** | **8,969,398** | **0.90** | **0.24** | **1.75** | **1.14** |

Among the land use groupings shown in the Table above, Nursing Homes and Assisted Living Facilities had an extremely high rate of Fire/EMS calls, more than ten times that of the average number of Fire/EMS calls for non-residential properties as a whole. In contrast, the Retail land

uses had a substantially higher ratio of Police calls (1.66) as compared to the average across all non-residential land uses. Higher call rates are typical for these types of land uses.

The Index to Non-Residential Average is used to determine impact fees for various land use categories. The City has the option to develop fees that are more general in nature by combining land uses categories into fewer groups. For example, rather than having different impact fees for five different categories of residential development, the City could use just two categories – single unit (single family, condominium and manufactured housing) and multi-family (two or more units).

### Police Department Impact Fee

In order to develop an updated Police Impact fee, it was necessary to determine the department's service capacity and cost allocation basis for the incremental cost of the expanded Police station intended to support Dover's growth. For this analysis, the City's total population and employment at the time the station was constructed are compared against the projected capacity of the station to determine the incremental supportable growth through the bond repayment in May of 2034. Key assumptions include:

The City has 54 sworn officers (1.66 per 1,000 population) and 84 total personnel including officers (2.58 per 1,000 population). This analysis assumes that these ratios will continue into the future.

The Dover Police Department constructed a new central police station in 2016. The new station is 29,837 square feet in size. The prior police station included 15,859 square feet according to the 2018 Impact Fee Update, which also identified a space deficiency in the Police Department of 8,262 square feet. This means that of the 29,837 square feet of space in the new station, 24,121 square feet were to meet existing requirements at that time, while the remaining 5,716 square feet was available to meet the needs of Dover's expanding residential and business community into the future.

| Police Department Proportionate Demand and Facility Standard | | | | |
|---|---|---|---|---|
| **Service Demand Factor** | **Base Year of Fee Calculation (2018)** | **Current Conditions (2023)** | **Supportable Service Base @ Design Population (35,000)** | **Change from Base Year** |
| **Residential Sector** | | | | |
| Popuation (Residential Demand) | | | | |
| Total Persons | 30,683 | 32,599 | 35,000 | 4,317 |
| Group Quarters Population | 959 | 1,473 | 1,094 | 135 |
| Household Population | 29,754 | 31,126 | 33,906 | 4,152 |
| Households (Occupied Units) | 13,255 | 14,707 | 16,082 | 2,827 |
| Average Household Size | 2.24 | 2.16 | 2.11 | (0.13) |
| Total Housing Units | 14,176 | 15,142 | 17,200 | 3,024 |
| **Non-Residential Sector** | | | | |
| Employment (Total Including Government) | 17,406 | 16,586 | 19,855 | 2,449 |
| Employment to Total Population Ratio | 0.57 | 0.51 | 0.51 | (0.06) |
| Non-Residential Floor Area | 10,905,000 | 11,853,608 | 12,439,299 | 1,534,299 |
| Non-Residential Floor Area Per Employee | 627 | 715 | 627 | (0) |
| **Police Department Staffing** | | | | |
| Full Time Sworn Officers | 50.5 | 54 | 58.0 | 7 |
| Total Full Time Staff Including Officers | 79.5 | 84 | 90.2 | 11 |
| Full Time Officers per 1,000 Population | 1.65 | 1.66 | 1.66 | 0.01 |
| Full Time Staff per 1,000 Population | 2.59 | 2.58 | 2.58 | (0.01) |
| **Floor Area of Facilities** | **2018 Conditions** | **2023 Conditions** | **Supportable SF** | **Change from Base Year** |
| Actual Floor Area of PD Buildings (Gross SF) | 29,837 | 29,837 | 29,837 | - |
| Actual Floor Area per FT Officer (SF) | 591 | 553 | 515 | (76) |
| Actual Floor Area per FT Staff (SF) | 375 | 355 | 331 | (44) |
| Minimum Space Needed @ 2035 Staff Ratio | 331 | | | |
| Minimum Base Year Space Needed at 2035 Standard | 29,837 | | | |

Using the estimated Police Department staffing levels and the police station design capacity of 35,000 population, the average square footage per Police Department employee is 331 square feet per full-time employee. Holding this ratio constant, it is anticipated that the City could have total employment of almost 19,900 at the design capacity of the Police station.

The cost of the new station, in terms of the total cost of debt service, will be $10,972,300 at bond maturity in 2034, or almost $368 per square foot. This indicates that the cost for incremental expansion to support growth is approximately $2,102,011 (5,716 SF x $367.74 per SF).

Remaining debt service for the new Police station (2023 through bond maturity) is just over $5.1 million, as shown in the Table below. This equates to remaining debt service of $171 per square foot for the 29,837 square foot station, and just under $980,000 of this amount is allocated to the portion of the station to support new growth.

| Capital Cost Allocation and Impact Fee | | |
|---|---|---|
| New Police Station Remaining Total Debt Service | $ | 5,115,154 |
| Total Square Footage Developed | | 29,837 |
| Less SF of Old Station and Space Deficiency | | 24,121 |
| Net SF to Support Growth | | 5,716 |
| Remaining Debt Service per Square Foot | $ | 171.44 |
| Total Remaining Debt Service to Support New Growth | $ | 979,932 |
| | | |
| Police Demand by Sector | | |
| Residential Share of Demand | | 54.4% |
| Non-Residential Share of Demand | | 45.6% |
| Apportioned to Residential Development | $ | 532,803 |
| Apportioned to Non-Residential Development | $ | 447,129 |
| Residential Cost per Capita | $ | 221.91 |
| Non-Residential Cost per Square Foot | $ | 0.20 |

Based on call activity for the Police department, 54.4% of the demand (and therefore the remaining debt service to support new growth of $532,803) is allocated to residential uses and 46.5% of allocable debt service ($447,129) is allocated to non-residential uses. Based on the station's design capacity to support a projected population of 35,000 and non-residential floor space of 12.4 million square feet, the remaining design capacity equates to 2,401 residents and non-residential floor area of approximately 2.3 million square feet of floor space. These factors equate to a base capital cost for the Police station of $221.91 per capita for residential uses and $0.20 per square foot for non-residential uses.

Using these base capital cost impact fees, more refined fees can be developed for specific uses. Impact fees for various classes of residential uses are estimated using the average household size for each product type as detailed in the Table below. Impact fees for non-residential uses are estimated using the ratio of calls for groups of land uses (for example, office and commercial services uses) against the overall non-residential average.

| Public Safety Cost per Dwelling Unit - Police | | |
|---|---|---|
| **Residential Capital Cost per Dwelling Unit** | **Average Household Size** | **Capital Cost Impact per Unit** |
| Average Dwelling Unit | 2.16 | $ 479.32 |
| Single Family Detached | 2.41 | $ 534.80 |
| Condominium/Attached | 2.07 | $ 459.35 |
| Two- and Three-Family Strucure | 2.10 | $ 466.01 |
| Four or More Unit Stucture | 1.60 | $ 355.05 |
| Manufactured Housing | 2.23 | $ 494.86 |
| | | |
| **Non-Residential Cost per Square Foot** | **Non-Residential Fire/EMS Multiplier** | **Capital Cost per Square Foot** |
| Average Non-Residential | 1.00 | $ 0.20 |
| Retail, Food, Entertainment and Lodging | 3.23 | $ 0.63 |
| Offices and Commercial Services | 0.90 | $ 0.18 |
| Industrial, Transportation, Warehouses and Storage | 0.49 | $ 0.10 |
| Nursing Homes and Assisted Living | 0.45 | $ 0.09 |
| Mixed Use | 0.10 | $ 0.02 |

## Fire Department Impact Fee

In order to develop an updated Fire/EMS Impact fee, it is necessary to determine the department's service capacity and cost allocation basis for the incremental cost of the expanded Fire station intended to support Dover's growth. For this analysis, the City's current total population and employment compared against the projected capacity of the station to determine the incremental supportable growth through the bond repayment in June of 2027. Key assumptions include:

The City's North End Fire Station was developed in 2006 and included 14,845 square feet of new space. An estimated 9,565 square feet of this space was to address space deficiencies existing at that time, indicating that 5,280 square feet was expected to support growth. Overall, the City has a total of 29,345 square feet of Fire/EMS space. This analysis assumes that this square footage will be sufficient to support a population of 35,000.

The City's population is currently estimated to be 32,599, indicating the ability to support population growth of an additional 2,401 residents to reach the design capacity of 35,000. The City's non-residential floor space is currently estimated to be 11.85 million square feet, indicating the ability to support almost 600,000 square feet of additional space before the station reaches its design capacity.

| Fire Department Proportionate Demand and Facility Standard | | | | |
|---|---|---|---|---|
| **Service Demand Factor** | **Base Year of Fee Calculation (2018)** | **Current Conditions (2023)** | **Supportable Service Base @ Design Population (35,000)** | **Change from Base Year** |
| **Residential Sector** | | | | |
| Popuation (Residential Demand) | | | | |
| Total Persons | 30,683 | 32,599 | 35,000 | 4,317 |
| Group Quarters Population | 959 | 1,473 | 1,094 | 135 |
| Household Population | 29,754 | 31,126 | 33,906 | 4,152 |
| Households (Occupied Units) | 13,255 | 14,707 | 16,082 | 2,827 |
| Average Household Size | 2.24 | 2.16 | 2.11 | (0.13) |
| Total Housing Units | 14,176 | 15,142 | 17,200 | 3,024 |
| | | | | |
| **Non-Residential Sector** | | | | |
| Employment (Total Including Government) | 17,406 | 16,586 | 19,855 | 2,449 |
| Employment to Total Population Ratio | 0.57 | 0.51 | 0.51 | (0.06) |
| Non-Residential Floor Area | 10,905,000 | 11,853,608 | 12,439,299 | 1,534,299 |
| Non-Residential Floor Area Per Employee | 627 | 715 | 715 | 88 |
| | | | | |
| **Floor Area of Facilities** | **2018 Conditions** | **2023 Conditions** | **Supportable SF** | **Change from Base Year** |
| Actual Floor Area of FD Buildings (Gross SF) | 29,345 | 29,345 | 29,345 | - |
| Station Space Required Per Capita | 0.84 | 0.84 | 0.84 | - |
| Total SF Required | 25,774 | 27,383 | 29,400 | 3,626 |
| Available Capacity to Support Growth | 3,571 | 1,962 | (55) | (3,626) |

The total bonded debt cost for the fire station is $4,349,948, resulting in a total cost per square foot of $293. Based on call activity for the Fire/EMS, 68.6% of the demand (and therefore the remaining debt service related to supporting new growth of $100,086) is allocated to residential uses and 31.4% of allocable debt service ($45,909) is allocated to non-residential uses. Based on the station's design capacity to support a projected population of 35,000 and non-residential

floor space of 12.4 million square feet, the remaining design capacity equates to 2,401 residents and non-residential floor area of approximately 600,000 million square feet of floor space. These factors equate to a base capital cost for the Police station of $41.69 per capita for residential uses and $0.08 per square foot for non-residential uses.

Remaining debt service for the new Fire station (2023 through bond maturity) is just over $811,000 million. This equates to remaining debt service of $28 per square foot for the 14,500 square foot station, and just under $146,000 of this amount is allocated to the portion of the station to support new growth.

| Capital Cost Allocation and Fire Impact Fee | | |
|---|---|---|
| New Fire Station Remaining Total Debt Service | $ | 811,409 |
| Total Square Footage Developed | | 29,345 |
| Less SF of Old Station and Space Deficiency | | 24,065 |
| Net SF to Support Growth | | 5,280 |
| Debt Service per SF for New Capacity | $ | 27.65 |
| Total Remaining Debt Service to Support New Growth | $ | 145,996 |
| | | |
| **Fire Demand by Sector** | | |
| Residential Share of Demand | | 68.6% |
| Non-Residential Share of Demand | | 31.4% |
| Apportioned to Residential Development | $ | 100,086 |
| Apportioned to Non-Residential Development | $ | 45,909 |
| Residential Cost per Capita | $ | 41.69 |
| Non-Residential Cost per Square Foot | $ | 0.08 |

Using these base capital cost impact fees, more refined fees can be developed for specific uses. Impact fees for various classes of residential use are estimated using the average household size for each product type. Impact fees for non-residential uses are estimated using the ratio of calls for groups of land uses (for example, office and commercial services uses) against the overall non-residential average.

| Public Safety Cost per Dwelling Unit - Fire/EMS | | |
|---|---|---|
| **Residential Capital Cost per Dwelling Unit** | **Average Household Size** | **Capital Cost Impact per Unit** |
| Average Dwelling Unit | 2.16 | $ 90.04 |
| Single Family Detached | 2.41 | $ 100.46 |
| Condominium/Attached | 2.07 | $ 86.29 |
| Two- and Three-Family Strucure | 2.10 | $ 87.54 |
| Four or More Unit Stucture | 1.60 | $ 66.70 |
| Manufactured Housing | 2.23 | $ 92.96 |
| | | |
| **Non-Residential Cost per Square Foot** | **Non-Residential Fire/EMS Multiplier** | **Capital Cost per Square Foot** |
| Average Non-Residential | 1.00 | $ 0.08 |
| Retail, Food, Entertainment and Lodging | 0.98 | $ 0.08 |
| Offices and Commercial Services | 0.41 | $ 0.03 |
| Industrial, Transportation, Warehouses and Storage | 0.18 | $ 0.01 |
| Nursing Homes and Assisted Living | 10.44 | $ 0.82 |
| Mixed Use | 0.06 | $ 0.00 |

It should be noted that since the bond for the Fire station will be paid off in 2027, the City of Dover should discontinue this impact fee at that time.

# D. Conclusions

## Recommended Impact Fee Schedule

Based on the above analysis of the City of Dover's Police, Fire/EMS, Elementary Schools, Middle School, and High School , existing debt service associated with prior projects to expand service capacity, a recommended impact fee schedule has been developed. This fee schedule includes an evaluation of remaining debt service for capital improvement projects and uses only a portion of this remaining debt service (related to remaining capacity) to estimate the impact fee. This approach, which amounts to a credit against the total debt service for the project, provides a realistic and consistent basis for estimating costs associated with population growth in Dover.

## Accessory Dwelling Units (ADU)

In Dover, an ADU is allowed only in association with a single family detached home. Dover zoning standards require that an ADU shall have an area of no less than 300 square feet and no more than 800 square feet. The living area of the ADU can be no more than 30% of the combined living area of the ADU and the principal unit, and the property owner must live in either the ADU or the principal unit.

The consulting team was not able to compute a direct enrollment ratio for accessory units, as no property tax assessment designation was available to identify single family homes with apartments or ADUs. From a practical perspective, most ADUs are either studios or one-bedroom units. The Dover Impact Fee Update 2018 utilized an impact fee for ADUs computed at 30% of the rate for a single-family home, which is also used for this impact fee update.

## 55+ Communities

Enrollment data from the Dover School District was reviewed and compared to address listings for age-restricted (55+) communities in Dover. The age-restricted properties include 286 total units. Only two students were identified as living in the age-restricted properties. This equates to an average enrollment of just 0.007 students per unit. Due to this limited enrollment level (less than 1%), no schools impact fee has been included for age-restricted (55+) communities.

In terms of police calls, 55+ communities generate slightly fewer calls on average than the typical apartment community in Dover. Age-restricted communities (55+) generate an average of 0.25 police calls per unit per year, while four-plus unit apartments generate 0.33 calls per unit. As such, the recommended police fee is approximately 76% of the police fee for four-plus apartment properties ($355 x 76% = $269).

In contrast, 55+ communities generate a significantly higher number of fire/EMS calls as compared to four-unit apartments. While large apartments generate an average of 0.23 fire/EMS calls per unit, 55+ communities generate 0.65 fire/EMS calls per unit on average. Thus, the recommended fire/EMS fee is $188 per unit ($67 x 2.83 = $188).

The Table below summarizes the recommended impact fees for the next five years.

| Recommended Dover Impact Fee Schedule | | | | | |
|---|---|---|---|---|---|
| **Residential Capital Cost per Dwelling Unit** | **Fire/EMS Fee per Unit** | **Police Fee per Unit** | **Elementary & Middle School Impact Fee per Dwelling Unit** | **High School Impact Fee per Dwelling Unit** | **Recreation Impact Fee per Dwelling Unit** |
| Single Family Detached | $ 100 | $ 535 | $571 | $0 | $0 |
| Condominium/Attached | $ 86 | $ 459 | $227 | $0 | $0 |
| Two- and Three-Family Strucure | $ 88 | $ 466 | $344 | $0 | $0 |
| Four or More Unit Stucture | $ 67 | $ 355 | $354 | $0 | $0 |
| 55+ Developments | $ 188 | $ 269 | $0 | $0 | $0 |
| Manufactured Housing | $ 93 | $ 495 | $165 | $0 | $0 |
| Accessory Dwelling Units (ADUs) | $ 30 | $ 160 | $171 | $0 | $0 |
| **Non-Residential Cost per Square Foot** | **Fire/EMS Fee per Square Foot** | **Police Fee per Square Foot** | **Elementary & Middle School Impact Fee per Square Foot** | **High School Impact Fee per Square Foot** | **Recreation Impact Fee per Dwelling Unit** |
| Retail, Food, Entertainment and Lodging | $ 0.08 | $ 0.63 | $0 | $0 | $0 |
| Offices and Commercial Services | $ 0.03 | $ 0.18 | $0 | $0 | $0 |
| Industrial, Transportation, Warehouses and Storage | $ 0.01 | $ 0.10 | $0 | $0 | $0 |
| Nursing Homes and Assisted Living (62+) | $ 0.82 | $ 0.09 | $0 | $0 | $0 |
| Mixed Use | $ 0.00 | $ 0.02 | $0 | $0 | $0 |

As indicated in the body of this report, some debt service is expected to be eliminated over the next five years. Notably, the debt service for the North Fire Station and the debt service for the Elementary School expansions are scheduled to be fully paid. Once these bonds have been repaid, the impact fees for these facilities should be stopped. Beyond the next five years, only the debt service for the Police Headquarters is projected to be allowable as an impact fee.

Recreation facilities were reviewed as part of this analysis and based upon projects proposed within the CIP, none met the statutory requirements needed to be included within this update. As such, no impact fees are included for recreation facilities.

## APPENDIX – SCHOOL ENROLLMENTS

| | K | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | Tuition | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 2018 | 285 | 285 | 308 | 287 | 296 | 286 | 311 | 329 | 315 | 272 | 264 | 275 | 276 | 255 | 4,044 |
| 2019 | 233 | 288 | 282 | 293 | 291 | 310 | 275 | 314 | 319 | 329 | 273 | 261 | 293 | 236 | 3,997 |
| 2020 | 264 | 239 | 270 | 284 | 294 | 274 | 301 | 266 | 318 | 328 | 322 | 273 | 281 | 302 | 4,016 |
| 2021 | 193 | 272 | 233 | 265 | 267 | 298 | 270 | 299 | 265 | 326 | 324 | 307 | 287 | 308 | 3,914 |
| 2022 | 247 | 221 | 263 | 228 | 254 | 272 | 291 | 267 | 297 | 277 | 323 | 301 | 341 | 304 | 3,886 |
| 2023 | 230 | 239 | 252 | 240 | 254 | 287 | 254 | 263 | 275 | 360 | 386 | 348 | 374 | | 3,762 |
| 2024 | 242 | 240 | 240 | 246 | 241 | 262 | 279 | 246 | 267 | 298 | 390 | 385 | 394 | | 3,731 |
| 2025 | 235 | 254 | 246 | 233 | 248 | 254 | 255 | 271 | 250 | 293 | 331 | 388 | 440 | | 3,698 |
| 2026 | 235 | 247 | 263 | 237 | 239 | 264 | 247 | 246 | 277 | 280 | 335 | 333 | 452 | | 3,655 |
| 2027 | 230 | 243 | 261 | 253 | 248 | 257 | 256 | 237 | 252 | 315 | 331 | 343 | 391 | | 3,619 |
| 2028 | 237 | 242 | 253 | 255 | 260 | 264 | 252 | 249 | 243 | 282 | 357 | 335 | 398 | | 3,627 |
| 2029 | 235 | 249 | 254 | 246 | 263 | 279 | 259 | 245 | 256 | 274 | 324 | 363 | 392 | | 3,639 |
| 2030 | 236 | 248 | 262 | 248 | 256 | 284 | 274 | 252 | 253 | 291 | 317 | 331 | 427 | | 3,678 |