

2025 NH Proposed Legislation of Interest

[HB 631](#) (Senate – ought to pass – 5/8/25), as amended **permits residential building in commercial zones by right**, pushing for mixed-use developments. While promoting urban density, it may lead to conflicts over land use priorities and contradicts one of the key purposes of zoning in RSA 674:17: to “consider the character of the area involved and its peculiar suitability for particular uses.”

[SB 174](#) (Committee Report: Ought to Pass, 5/08/25) **prohibits planning boards from considering the number of bedrooms a given unit or development has during the hearing and approval process.** Will directly affect the TDR process by removing PB discretion to diversify units’ bedroom counts, especially in larger residential projects.

[SB 188](#) (House Executive Session: 5/6/25), as amended, the bill allows property owners or developers to use licensed, insured private providers for building code plan reviews and inspections related to the state building code and any local technical amendments, excluding fire prevention and fire safety codes, and requires a municipal regulatory body to review and approve, or provide written notice to the independent provider of any specific deficiencies or compliance issues, within a required number of days (3 days or 5 days for code inspections depending on the type of building and **8 days** for reviews of development documents and permits). **Approvals will be considered granted as a matter of law if the municipal regulatory body fails to respond within the mandated time limit.**

[SB 170](#) (House Executive Session: 5/6/25), as amended (2025-0807s) limits various development and related requirements in cities, towns, and municipalities. Disables imposition of stricter well siting and test pitting requirements than what NHDES imposes, imposes an ambiguous 3-day time period to accept PB-directed changes to plans, limits “road frontage requirements and setbacks for lot lines to no more than **50 feet...**”

[HB 382](#) (Senate hearing 4/15/25), as amended, would restrict the ability of municipalities to require more than one parking space per residential unit in a development removing.

[HB 410](#) (Senate hearing 4/10/25), as amended, prohibits municipalities from enforcing or adopting any “extraordinary restriction of residential property” unless the ordinance is directly necessary for the health or safety of the community, based on empirical evidence published by a non-partisan source. Essentially eliminates the power to zone residential uses.

[SB 84](#) (House Executive Session: 5/6/25), mandates zoning ordinances to allow smaller lot sizes for single-family homes, overriding current zoning regulations. The bill also requires municipalities to provide empirical evidence that the sewer system cannot support the lots, which adds a layer of complexity and burden on local governments. 88,000 s.f., 44,000 s.f., or 22,000 s.f. maximum lot size depending on utility availability. Significantly detrimental to the character of the R-40.

[SB 163](#) (House Executive Session: 5/6/25) prohibits local moratoria and limitations on building permits. In rare circumstances, municipalities need to delay or restrict the issuance of permits. Municipalities do this when they have infrastructure failures, typically water and sewer systems, and can no longer sustain increased development. These municipalities must do several things to abide by RSA 674:23, which permits these ordinances and requires providing information, in writing to the state. This is a comprehensive and last resort option for municipalities struggling with failing or already failed infrastructure that cannot support new development.

[HB 685](#) (Committee Report: Ought to Pass, 5/08/25), mandating manufactured housing by right in residentially zoned areas. Conflicts with manufactured housing bill passed just last summer.

PLAN #	DATE	ADDRESS	MAP	LOT	PID	PB DATE	Status (Approved, Denied, Pending)	Total Fees collected	Link to Treeno
P18-07	01/18/18	99 Sixth Street/Carmens Way	35	57	35057-000000	5/8/2017 & 06/12/18	Approved	\$40,206.00	https://publicrecords.dover.nh.gov/Tabs/Index/5473/public/0/deptnum/6/cab/Property_Information
P18-11	02/05/18	58 New Rochester	40	43	40043-000000	4/10/2018	Approved	\$80,412.00	https://publicrecords.dover.nh.gov/Tabs/Index/298/public/0/deptnum/6/cab/Property_Information
P18-14	04/09/18	146 Dover Point Road/Beaumont	M	61	M0061-000000	8/28/2018	Approved	88950	https://publicrecords.dover.nh.gov/Tabs/Index/6183/public/0/deptnum/6/cab/Property_Information
P18-37	07/30/18	Pointe Place	K	19-4	K0019-010000	9/25/2018	Approved	210450	https://publicrecords.dover.nh.gov/Tabs/Index/11974/public/0/deptnum/6/cab/Property_Information
P18-41	08/21/18	421, 423, 425, & 427 Dover Point	F	8	08009-000000	9/11/2018	Approved	\$107,216.00	https://publicrecords.dover.nh.gov/Tabs/Index/9980/public/0/deptnum/6/cab/Property_Information
P18-45	09/19/18	56-58 Dover Point Road/Cottage	F	6	M0006-0000PN	12/11/2018	Approved	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/1556/public/0/deptnum/6/cab/Property_Information
P18-48	10/02/18	Prospect Street	10	2B	10002-B00000	10/23/2018	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/9747/public/0/deptnum/6/cab/Property_Information
P18-60	11/08/18	44 Maple Street	30	19	30019-000000	4/9/2019	Approved	\$93,814.00	https://publicrecords.dover.nh.gov/Tabs/Index/3525/public/0/deptnum/6/cab/Property_Information
P19-07	01/22/19	96 Portland Avenue	24	75	24075-000000	2/12/2019	Approved	26804	https://publicrecords.dover.nh.gov/Tabs/Index/11361/public/0/deptnum/6/cab/Property_Information
P19-19	02/26/19	32 Old Stage Road/Lundy Pointe	D	35E	G0035-E00000	4/9/2019	Approved	67,009	https://publicrecords.dover.nh.gov/Tabs/Index/11494/public/0/deptnum/6/cab/Property_Information
P19-45	03/20/19	306 Plaza Drive	D	79-1 & 81	D0079-001000	6/25/2019	Approved	\$321,648.00	https://publicrecords.dover.nh.gov/Tabs/Index/11518/public/0/deptnum/6/cab/Property_Information
P19-37	04/23/19	Catacart Avenue/Porchlight Drive	14	10-G	14010-G00000	WITHDRAWN	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/11597/public/0/deptnum/6/cab/Property_Information
P19-41	05/29/19	55 Durham Road	H	10	H0010-000000	6/11/2019	Approved	26804	https://publicrecords.dover.nh.gov/Tabs/Index/9922/public/0/deptnum/6/cab/Property_Information
P19-54	07/02/19	1-4 Waverly Drive	24	2A-1 & 2A-2	24002-A00001	7/23/2019	Approved	26804	https://publicrecords.dover.nh.gov/Tabs/Index/794/public/0/deptnum/6/cab/Property_Information
P19-50	07/02/19	Snows Court	32	35A	32035-A00000	N/A	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/9811/public/0/deptnum/6/cab/Property_Information
P18-41A	09/17/19	421,423,425,&427 Dover Point Ro	8	9,10,11&12	08009-000000	10/8/2019	Approved	\$26,804.00	https://publicrecords.dover.nh.gov/Tabs/Index/9980/public/0/deptnum/6/cab/Property_Information
P19-74	10/23/19	Leathers Lane	I	4-A	I0004-A00000	11/12/2019 & 01/28/20	Approved (12 TDR for a total of 45)	107,216	https://publicrecords.dover.nh.gov/Tabs/Index/5799/public/0/deptnum/6/cab/Property_Information
P19-80	11/04/19	Catacart Avenue/Porchlight Drive	14	10-G	14010-G00000	2/25/2020	Approved	13,402	https://publicrecords.dover.nh.gov/Tabs/Index/11597/public/0/deptnum/6/cab/Property_Information
P19-04A	01/07/20	Dover Point Road	8	9,10,11, & 12	08009-000000	2/25/2020	Approved	\$26,804	https://publicrecords.dover.nh.gov/Tabs/Index/9980/public/0/deptnum/6/cab/Property_Information
P20-13	01/31/20	Hill Street	27	165	27165-A00001	2/25/2020	Approved but not finalized	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/8503/public/0/deptnum/6/cab/Property_Information
P20-35	05/19/20	144 Mast Road/Rupert Court	I	30	I0030-000000	6/9/2020 & 6/23/20	Approved	26805	https://publicrecords.dover.nh.gov/Tabs/Index/9960/public/0/deptnum/6/cab/Property_Information
P18-45A	07/10/20	56-58 Dover Point Road	M	6	M0006-000000	7/28/2020	Approved	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/1556/public/0/deptnum/6/cab/Property_Information
P20-35A	07/27/20	144 Mast Road	I	30	I0030-000000	8/25/2020	Approved	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/9960/public/0/deptnum/6/cab/Property_Information
P20-61	09/17/20	54 Back River Road	I	6	I0006-000000	2/23/2021 & 3/9/21	Approved	0	https://publicrecords.dover.nh.gov/Tabs/Index/10818/public/0/deptnum/6/cab/Property_Information
P20-64	09/22/20	4, 6 Ash Street (f/k/a 2 Ash Street)	30	141B	30141-B00000	10/13/2020	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/8407/public/0/deptnum/6/cab/Property_Information
P20-65	09/22/20	239 Washington	10	32	10032-000000	10/13/2020	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/10026/public/0/deptnum/6/cab/Property_Information
P20-35B	09/22/20	144 Mast Road	I	30	I0030-000000	10/13/2020	Approved	8935	https://publicrecords.dover.nh.gov/Tabs/Index/9960/public/0/deptnum/6/cab/Property_Information
P20-73	11/23/20	537 Sixth Street	A	58	A0058-000000	12/15/2020	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/10623/public/0/deptnum/6/cab/Property_Information
P20-76	11/24/20	26-32 Maple Street	30	15	30015-000000	12/15/2020	Approved	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/11419/public/0/deptnum/6/cab/Property_Information
P21-02	01/05/21	23 Everett Street	27	90-A	27090-A00000	1/26/2021	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/212/public/0/deptnum/6/cab/Property_Information
P21-10	02/16/21	51 Bellamy Road	H	46	H0046-000000	3/9/2021	Approved	17870	https://publicrecords.dover.nh.gov/Tabs/Index/9918/public/0/deptnum/6/cab/Property_Information
P21-14	03/02/21	44 Cushing Street	10	86	10086-000000	TBD	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/10837/public/0/deptnum/6/cab/Property_Information
P21-26	04/05/21	26 1/2 Bellamy Road	H	14D	H0014-D00000	6/22/2021	Approved	26804	https://publicrecords.dover.nh.gov/Tabs/Index/10604/public/0/deptnum/6/cab/Property_Information
P21-37	05/13/21	48 Whittier Street	33	1-A	33001-A00000	6/28/2022	Approved	0	https://publicrecords.dover.nh.gov/Tabs/Index/8770/public/1/deptnum/6/cab/Property_Information
P21-43	07/15/21	Sixth Street	B	5	B0005-000DRV	11/9/2021	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/12091/public/0/deptnum/6/cab/Property_Information
P21-54	08/24/21	725 Central Avenue & 4 & 10 Brick	28	13 & 14	28013-000000	11/9/2021	Approved	160,824.00	https://publicrecords.dover.nh.gov/Tabs/Index/7761/public/0/deptnum/6/cab/Property_Information
P21-66	09/17/21	51-65 Bellamy Road	H	46 & 50	H0050-000000	11/11/2022	Approved	89,350	https://publicrecords.dover.nh.gov/Tabs/Index/9918/public/0/deptnum/6/cab/Property_Information
P19-80B	02/15/22	Porch Light Drive	14	10-G	14010-G00000	3/8/2022	Approved	26,804	https://publicrecords.dover.nh.gov/Tabs/Index/11597/public/0/deptnum/6/cab/Property_Information
P22-16	02/24/22	757 Central Ave	28	7	28027-000000	7/26/2022	Approved	40,206	https://publicrecords.dover.nh.gov/Tabs/Index/11155/public/0/deptnum/6/cab/Property_Information
P06-25F	04/11/22	Cielo Drive	H	4	H0004-004000	9/13/2022	Approved	0,000 (invoiced)	https://publicrecords.dover.nh.gov/Tabs/Index/134/public/0/deptnum/6/cab/Property_Information
P22-37	05/03/22	3 Wentworth Terrace, unit 2	8	32-2	08032-000000	5/24/2022	Approved	13402	https://publicrecords.dover.nh.gov/Tabs/Index/1069/public/0/deptnum/6/cab/Property_Information
P22-40/TRAN-26	05/20/22	16 Prospect Street	32	21	32021-000000	6/28/2022	Approved	13,402	https://publicrecords.dover.nh.gov/Tabs/Index/280/public/0/deptnum/6/cab/Property_Information
P22-52/TRAN-26	06/27/22	77 Sixth Street	35	1	35001-000000	TBD	Pending	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/8252/public/0/deptnum/6/cab/Property_Information
P19-04C/TRAN-26	10/18/22	Little Bay Road	8	9	08009-000000	11/8/2022	Approved	15,000	https://publicrecords.dover.nh.gov/Tabs/Index/9980/public/0/deptnum/6/cab/Property_Information
P22-77/TRAN-26	12/20/22	100 Education Way	E	27-B	E0027-B00000	N/A	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/100/public/0/deptnum/6/cab/Property_Information
P22-79 /TRAN-26	12/22/22	53 & 65 Tolend Road & 22 Sun Ha	E	65-1 & A	E0065-001000	N/A	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/11367/public/0/deptnum/6/cab/Property_Information
TRAN-2023-000	03/08/23	42 Long Hill Road	D	10	D0010-000000	3/28/2023	TDR Approved	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/11679/public/0/deptnum/6/cab/Property_Information
TRAN-2023-000	06/26/23	36 Olive Meadow Lane	A	45-A-2	A0045-A00002	Withdrawn	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/99/public/0/deptnum/6/cab/Property_Information
TRAN-2023-000	06/30/23	5 Glenwood Avenue	38	32-F	38032-F00000	7/25/2023	Approved	15,000	https://publicrecords.dover.nh.gov/Tabs/Index/11369/public/0/deptnum/6/cab/Property_Information
TRAN-2023-000	10/27/23	Cielo Drive	H	4	H0004-000000	11/14/2023	Approved	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/134/public/0/deptnum/6/cab/Property_Information
TRAN-2023-000	11/21/23	306 Dover Point Road	L	111	L0111-000000	12/12/2023 & 01/09/2024 & 01/23/2024	Approved	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/11157/public/0/deptnum/6/cab/Property_Information
TRAN-2023-000	12/23/23	105 Durham Road	H	6-4	H0006-004000	1/23/2024	Approved	\$0	https://publicrecords.dover.nh.gov/Tabs/Index/5473/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	03/25/24	48 Whittier Street	33	1-A	33001-A00000	N/A	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/8770/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	03/26/24	30 Grapevine Drive	H	4-3	H0004-003000	N/A	Approved	42218	https://publicrecords.dover.nh.gov/Tabs/Index/112/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	04/02/24	210 Tolend Road	F	3	F0003-000000	5/28/2024 & 06/25/2024	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/3485/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	04/09/24	210 Tolend Road	F	3	F0003-000000	N/A	Withdrawn	Withdrawn	https://publicrecords.dover.nh.gov/Tabs/Index/3485/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	05/02/24	512 Sixth Street	B	2	B0002-000000	6/11/2024	TDR approved	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/1079/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	05/15/24	566 Sixth Street	B	4-F	B0004-F00000	Withdrawn	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/9855/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	05/22/24	131 Littleworth Road	F	21	F0021-000000	6/11/2024	Withdrawn staff's recommendation/PB meeting	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/10940/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	06/04/24	101 Back Road	K	6-A	K0006-A00000	TBD	Submitted but never went through to TRC or PB	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/1021/public/0/deptnum/6/cab/Property_Information
TRAN-2024-000	06/06/24	566 Sixth Street	B	4-F	B0004-F00000	Withdrawn	Withdrawn	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/9855/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	07/15/24	52 Old Rochester Road	40	25	40025-000000	TBD	Pending	Pending	https://publicrecords.dover.nh.gov/Tabs/Index/1418/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	08/15/24	103 Court Street	19	8	19008-000000	12/10/2024, 1/28/2025	Pending	Pending	https://publicrecords.dover.nh.gov/Tabs/Index/9833/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	09/23/24	1 Cold Springs Road	H	47-A	H0047-A00000	TBD	Pending	Pending	https://publicrecords.dover.nh.gov/Tabs/Index/10006/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	10/01/24	566 Sixth Street	B	4-F	B0004-F00000	10/22/2024	Denied	N/A	https://publicrecords.dover.nh.gov/Tabs/Index/9855/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	10/01/24	35 Boston Harbor Road	7	14	07014-000000	10/22/2024 & 11/12/2024	Approved	TBD	https://publicrecords.dover.nh.gov/Tabs/Index/9798/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	11/19/24	566 Sixth Street	B	4-F	B0004-F00000	12/10/2024	Approved	Pending	https://publicrecords.dover.nh.gov/Tabs/Index/9855/public/0/deptnum/6/cab/Property_Information
TRAN-2024-001	12/12/24	239 Knox Marsh Road	H	37-A	H0037-A00000	TDR	Pending	Pending	https://publicrecords.dover.nh.gov/Tabs/Index/10117/public/0/deptnum/6/cab/Property_Information

§ 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.¹

1. 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.

Caitlin Wilkie
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caitlin.ver@gmail.com
603.568.6613
February 21, 2025

Dear Madam Chairwoman, Planning Board and Planning Department,

I am writing to formally express my interest in being considered for the special subcommittee regarding the Transfer of Development Rights (TDR) in Dover. Given my longstanding engagement with this topic and my commitment to responsible and balanced growth in our community, I believe I could offer a valuable perspective to the committee's discussions.

IF APPOINTED, I WOULD:

As you may be aware, I have been vocal about the TDR program in the past, advocating for smart growth, and transparency for this whole process end-to-end. While I appreciate the opportunity to speak during the public forum, I find that the five-minute limit does not allow sufficient time to fairly and comprehensively address the complexities of the TDR. Due to the limited time provided, my focus has had to be strictly on my concerns and areas that the current TDR code could be improved. Sadly, that has caused some members of the board to view us as not in my back yard (NIMBY) people - this is simply not true.

As I've shared during prior meetings, I am not opposed to the TDR program or to growth in Dover. I believe the intent behind it was good and I fully recognize the need for responsible development to support our community's future. However, I believe it is essential that growth is managed in a balanced and strategic way—one that carefully considers infrastructure capacity, environmental impact, and the long-term character of our city. My goal is to ensure that development aligns with smart planning principles that benefit both current and future residents.

My goal is to also bring forward all the knowledge gained through months of Right to Know requests (RTK) and time spent digging into the current language, as well as my experience of being an abutter to a TDR development. Many of the items that the Director of the Planning Department included in her presentation on February 11th, were issues that I had brought to light either through my public forum speeches, or multiple communications with the Planning Department and City. While my engagement

has been passionate, my ultimate goal has always been to contribute constructively to the planning process and to ensure that all perspectives are carefully considered. Serving on this subcommittee would allow me to bring that same level of dedication in a collaborative and solution-oriented manner.

MY BACKGROUND OR INTERESTS:

When I'm not attending public meetings, I am a wife and mother of two young children. I am fulltime in the workforce and in my professional space, act as a strategic advisor and efficiency expert specializing in customer relationship management software (Salesforce), customer success, and organizational agility. I have extensive experience in business process strategy, program management, and operations. I'm highly adaptable, seek stakeholder collaboration, excel at aligning business goals to deliver scalable, impactful solutions. Additionally, I volunteer as a patient advocate for those with complex medical issues and disabilities. As someone who has lived with chronic pain for over three decades, and with invisible disabilities myself, I believe creating a more inclusive community is critical. Outside of that, I enjoy the outdoors, gardening, and cooking.

I appreciate the board's efforts in forming this subcommittee and recognize the importance of assembling a diverse group of individuals who bring a range of expertise and viewpoints. If given the opportunity, I would approach this role with an open mind, a willingness to listen, and a commitment to working toward outcomes that best serve the interests of Dover's residents.

Sincerely,



Caitlin Wilkie
568 6th Street
Dover, NH 03820

To the Selection Committee:

I expect many people connected to City Planning at this point have heard my name because of Transfer of Development Rights (TDR). I have invested an enormous amount of my time into learning about TDR and spoke at six Planning Board meetings and City Council since the initial TDR project at 103 Court St came to light next to me. I am writing to explain my position and express my greatest desire to contribute to Dover by participating in the TDR subcommittee. There is nothing that I am more prepared for to serve Dover than this exact subcommittee. The single best thing about this TDR process has been raising my awareness of City government and the importance of volunteer boards, and I hope to find a long-term role with the City in the future. This is my community, my patients whom I serve every day, my friends, my neighbors, and my family.

Unfortunately, a strict 5-minute time limit as a member of the public means that I have had to make focused, specific statements to raise concerns. You can review my written submissions to see the level of detail I have dedicated to this, albeit formatted in opposition. I have opposed the TDR at 103 Court St in the 9-unit and 7-unit format, and for full transparency I still find the 5-unit plan that was approved problematic because it provides for no guarantee of a buffer. Since day one, my concern at 103 Court St was a road being built 20-feet from our bedroom and nursery serving this volume of activity. As a healthcare provider and former research scientist, I find a road with increased noise, light, and pollution is unacceptable 20-feet from us, and it was nothing my husband and I could have ever anticipated when we moved here. I only wish the Planning Board had included a conditional approval clause guaranteeing us a buffer and that the road wouldn't come back 20-feet from us with 103 Court St's approval, which is not what happened.

I want to express that I am in no way against all of TDR across Dover. However, I find that TDR needs significant revisions. My goal for TDR would be to avoid future residents having to live through rounds and rounds of TDR review where projects are proposed and then cut back and cut back again before parties are satisfied. Having lived through this myself, it is an incredibly frustrating and upsetting process for neighbors, I expect incredibly wasteful for developers, and a waste of time for City staff and the Planning Board.

Specifically, the two recent best examples are indeed 566 Sixth St and 103 Court St. Both projects started with significantly denser designs, were cut back, and then were cut back again before receiving Planning Board approval. If the TDR rules were more specific and clearer from the start, I believe we could have avoided the initial plans that have caused such distress across our city including a legal appeal and gone straight to what the Planning Board ultimately approved.

I see three main issues for the subcommittee to discuss. First, there is a difference between large TDR lots and small ones. The Back River Road project is enormously dense to provide workforce housing, but the lot is nearly 8 acres. This allowed for significant insulation for neighbors. Geographically, it is isolated by a ravine, river and a wood line. There are other similar examples of large, underused lots like old farms that have been developed under TDR very successfully. The development of a large lot is very different from the development of a small lot. I would need to discuss with a larger group, but I thoroughly believe that there should be different guidelines for

large lots than a small ones between existing neighbors in old, well-established neighborhoods, like 103 Court St and 566 Sixth St.

Second and related is the issue of buffers. The purpose of a buffer is to insulate neighbors from increased activity under TDR. The amount of buffer or insulation should be directly tied to the amount of increased activity and what would be reasonable in the zone normally. Knox Marsh Brook is another contentious TDR project. It is a larger lot, but the amount of increased density is enormous involving multiple four-story buildings, yet it offers about 30-feet of buffer to the neighbors. I have no solution here, but I find it understandable that a 30-foot buffer would not feel sufficient to the neighbors for this amount of increased activity.

The Planning Board discussed buffers for small lots in the context of 103 Court St on January 28th. They recognized that they have the right to require buffers under TDRs. Unfortunately, the current TDR language only specifies a 30-foot no-cut buffer. There is nothing that legally ensures any buffer is created otherwise, and the way 103 Court St was approved with a concept sketch and nothing in the conditional approvals, there remains nothing legally to hold the applicant to providing a good, vegetative buffer. There should be requirements per zoning district on exactly what a buffer means so that neighbors like me do not need to fight for protection from increased TDR activity. A 30-foot no-cut buffer obviously makes more sense in rural R-40 than in medium density R-12, but there needs to then be a clear expectation for abutters and developers on what needs to be provided for R-12, and further maybe that needs to vary based on the existing context even within a zone. I would need to discuss this with a group due to the complexity.

Finally, the third issue I see is the relative amount of density asked for in TDR on small lots. Here is an example of my research and thinking process:

At **306 Dover Point Rd** (R-20, approved TDR) units/lot for neighbors are: 302 1/1.90acres, 304 1/0.31, 306A 1/0.48, 306C 2units/0.38, 308 3/1.04, 306 1/1.60 = average **1.57 units/acre**

At **77-79 6th St** (RMU zone, with R-12 across the street, proposed project): 87-89 4units/0.29 acre, 81 1/0.14, 77-79 2/0.26, 6Horen 1/0.19, 7Horne 1/0.17, 1-3Horne 2/0.22, 20-22Horne 8/0.21, 78 2/0.15, 80 2/0.14, 82 1/0.16, 84 1/1.68, 86 1/0.14 = average **6.9 units/acre** (without 84 6th as an oddly large lot = **12.1 units/acre**)

At **566 Sixth St**, (R-40, all single-family houses, so all are 1 unit/lot): Lot sizes 566 1.37acre, 562 1.32, 568 0.92, 570 0.92, 571 1.00, 569 1.29, 565 0.84, 563 0.95, 561 0.95, 560 1.23 = average **0.93 units/acre**

At **103 Court St** (R-12, all single-family houses, so all are 1 unit/lot): Lot sizes 89 0.90acre, 91 0.86, 92 0.70, 100 0.38, 102 0.31, 104 0.32, 106 0.33, 108 0.37, Tranquility Way St 0.39, Tranquility Way St 0.41, Tranquility Way 0.36, 109 0.44, 103 1.25 = average **1.85 units/acre**

For the TDR proposals:

306 Dover Point: Final approval was 5 units, **200%** higher than the existing average density
77-79 6th: Not approved yet, proposal to double the lot is a **127%** increase versus the existing density

566 6th: First proposal was a **550%** increase, second proposal was **400%** increase, the final approved proposal was **235%** increase. Obviously, the 550 and 400% increases are above some threshold for R-40. The Board had no concerns with the final plan that was a 235% increase.

103 Court: First proposal was a **390%** increase, second proposal was a **300%** increase, final proposal was a **227%** increase.

One possible way to look at TDR proposals on small lots is by this type of relative density increase. This avoids the need for a subjective narrative at how a TDR might fit into a neighborhood, which I find incredibly problematic lately when narratives use false and misleading information. Perhaps a threshold for reasonable TDR development is somewhere around 200-250% increase versus the existing density, as this seems to be what the Planning Board has approved. I will need more information and discussion.

In conclusion, I understand that my position may seem overly opposed to TDR. However, I hope that the committee can see the value in the research I have already done and my perspective. Development is incredibly complicated to balance. I am a newcomer to the thought process, but I am eager and interested in participating. I want housing available for those like my grandparents who are very likely to downsize and move to Dover where their two sons live. I want housing available for my coworker, who was forced out of her apartment in Dover by a landlord who bought her building and decided to change the rules for her pets and forced her out, where she now commutes from Wolfeboro. Development needs to balance these needs with current residents' desires however, such as not wanting a road 20-feet from our bedrooms.

Sincerely,

A handwritten signature in black ink, appearing to read "Helen Peters" followed by a stylized flourish or initials.

April 9, 2025

To the TDR Workshop Committee ~

After reviewing the TDR portion of the zoning regulations and attending planning board meetings involving TDR projects, I have a few suggestions to try to make TDR fairer for abutters and neighbors and perhaps a little easier for citizens to understand.

- It should not matter if a development has lot lines or not. If it looks like a subdivision or open space subdivision and fits all other requirements for an open space subdivision, then it should be treated as a subdivision. Developers are using this now to get in under site plan rules when their intention is to sell off the units.
- A clear distinction between when to use a site plan versus a subdivision plan would be appreciated. Perhaps by type of development. For example, if you are adding x amount of single housing/ single-multi-housing on a lot, then it requires a subdivision plan regardless of method used to determine TDR units.
- The definition of Unsuitable Development Area should be expanded to include land that cannot be developed, due to some type of easement and law required buffer. Some lots have a considerable amount of land that can't be developed for reasons other than wetlands or steep grades, for example, utility easements or a law required buffer such as a cemetery buffers.
- What method is used to determine the number of TDR units should be immaterial. All TDR residential projects should follow the same regulations! The same is true for all TDR commercial projects.
- Since the 30' buffer seems to be a problem, then something else that is reasonable should be developed. Perhaps the buffer should be based on the type of development, amount of land to be disturbed, or the number of single standing units being proposed or if a project adds units in excess of the TDR units allowed then the buffer applies. At a bare minimum, I would suggest varying the width of the buffer so there is some buffer.
- It would be nice to have a question and answer period for abutters and citizens during the public hearing to make the process fairer. From what I have seen, the

concerns and questions from citizens and abutters are often overlooked when asked in the current format.

- Although the State of NH requires 10-days notice to abutters and neighbors, there is no reason that Dover can't do better and increase it to 14 days or more. As it is now, abutters and neighbors receive notices on a Saturday and can't ask any questions to better understand what is happening for a few days. TDR projects are major changes and neighbors need more time to understand what it all means.
- Developers should be required to provide a yield plan/ sketch or a plan/ sketch that follows regular zoning as well as the proposed TDR plan so the differences can clearly be seen. These plans should be made in good faith and not an exaggeration that would never seriously be considered.
- It would be nice if there was a way for TDR decisions to be appealed within the city.
- No funds from TDR units should go into the General Fund. All money raised through the purchase of TDR units should go directly to an account held for Conservation.

Thank you for your time.

Sincerely,

Dorna Hamer

18 Tuttle Lane