

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
 Meeting Location: City Hall, Council Chambers
 Meeting Date: **Tuesday, March 10, 2015**
 Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- February 24, 2015 Regular Meeting Minutes.

3. OLD BUSINESS

- A. Amendment to the conditions for a previously approved Site Plan (02/10/2015) for H53 Mast Road, LLC, Assessor's Map H, Lot 53, zoned I-4 & R-40, located on Mast Road. (Proposed 275,000 sq. ft. industrial warehousing/manufacturing building with 183 parking spaces). (P15-04A)
- B. Discussion and possible vote on Community Development Grant (CDBG) funding requests for Fiscal Year 2015/2016.
- C. Discussion of previously posted amendments regarding:
 - Heritage Zoning Project
 - Alternative Treatment Center Ordinance
- D. Discussion and possible posting of the Sign Ordinance Amendments.

4. NEW BUSINESS

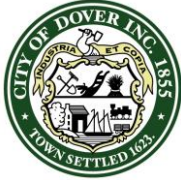
5. STAFF COMMENTS

6. MEMBER COMMENTS

7. ADJOURNMENT

*Indicates that if the application is accepted for discussion, the public hearing will be held the same evening, at which time any interested party may offer comment to the Planning Board. 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.

You may also view materials at www.dover.nh.gov, a map showing project locations can be found at <http://www.dover.nh.gov/government/city-operations/planning/index>. Follow us on Twitter [@DoverNHPlanning](https://twitter.com/DoverNHPlanning) and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, February 24, 2015**
Meeting Time: **7:00 pm**

Members Present: Frank Torr (Acting Chair), Lee Skinner (Acting Vice Chair), William Garrison (Councilor), Dave White, Catherine Plante, Christopher Lawrence (Alternate), Maggie Fogarty (Alternate), Gina Cruikshank (Alternate)

Members Not Present: Dennis Ciotti (Chair), Kirt Schuman (Vice Chair), Tom Clark

Staff Present: Steve Bird, City Planner, Tracy Smith (Recording Secretary)

The Chair called the meeting to order at 7:01 p.m.

1. CITIZENS' FORUM

Citizens Forum Open. Nobody Spoke. Citizens Forum Closed

APPROVAL OF THE PRIOR MINUTES

- February 10, 2015 Regular Meeting Minutes.

Motion: C.Plante made a motion to approve the February 10, 2015 Regular Meeting Minutes. Seconded by B.Garrison.
Vote: U/A

2. OLD BUSINESS

None.

3. NEW BUSINESS

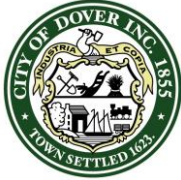
- Pursuant to NH RSA 674:4 & 675:6, a public hearing on the 2015 Land Use Analysis Chapter of the Master Plan. The chapter is available for viewing on the City's web site under City Services/Planning/Master Plan/Land Use Analysis.

Public Hearing Open. Nobody Spoke. Public Hearing Closed

S.Bird clarified the procedure of the Master Plan stating that the Public Hearing was held, and no one spoke; therefore the Board could consider a motion to adopt the plan. C.Plante confirmed with S.Bird that discussion regarding the plan does not preclude a vote.

C.Plante addressed the cost difference of putting in a regular street as opposed to a complete street. Marcia Gasses of 114 Garrison Road and Land Use Analysis Chapter Steering Committee member clarified that the Board is not considering the cost, but the picture of the development. She added that the City of Dover has already established a pedestrian friendly community with complete streets, and strongly urged the Board to continue with the plan.

Discussion continued with the cost of a regular mile of road as compared to a mile with the additions. S.Bird clarified that this is a policy document, not a mandate. He added that the cost would be analyzed by engineers and the City Council.



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C.Plante stated the changes made in 2007 with setbacks changed to the build to line, adding that this has had an impact on other projects. S.Bird clarified the difference between policy and mandates adding the vetting process of policies before implemented by the City Council. He further clarified that this policy is not law. B.Garrison confirmed the process, stating that the Master Plan is an overall view of the whole city which is vetted by the Planning Board prior to implementation by the City Council. He further added that the complete streets is part of the design that Dover is looking for in the community.

S.Bird clarified the options to the Board stating they could proceed with discussion or make a motion to adopt or table the item.

L.Skinner requested clarification on the development of educational materials to advocate regional housing issues. S.Bird stated that the Assistant City Manager is involved with regional groups who advocate for affordable and diversity housing. He further stated that housing is a regional issue for Dover involvement.

Discussion ensued regarding the possibility of tabling the item to the next meeting to have those members who are absent have the opportunity to participate in discussion.

C.Lawrence made a motion to table the item to the next meeting. Seconded by B.Garrison, to discuss. F.Torr stated that there is no discussion on a motion to table. B.Garrison withdrew his second. F.Torr stated that the motion fails due to the lack of a second.

G.Cruikshank stated that she is a Land Use Analysis Chapter Steering Committee member, and that she has been present at the hearings. She further stated there has been no concerns at the hearings, and that she is comfortable with going forward.

Motion: G.Cruikshank made a motion to adopt the 2015 Land Use Analysis Chapter of the Master Plan. Seconded by B.Garrison. Vote U/A

- B. Public hearing to hear Community Development Grant (CDBG) funding requests for Fiscal Year 2015/2016. All applicants for CDBG funding will be given the opportunity to present their application to the Board.

F.Torr asked those presenting to make their comments brief adding that the Board has already reviewed the documentation and are aware of the situations.

Public Hearing Open.

Dover Welfare: \$9,000 Request

Lena Nichols, Director of Dover Welfare spoke. Needs of organization: Continued funding of Dover Welfare's Security Deposit Assistance Program, which aids people who cannot afford the down payment for rental housing in the City.

Community Partners: \$11,620 Request

David Cutts spoke. Needs of organization: Funding for Homeless Assistance Program security deposits and rental assistance for Behavioral Health clientele who are mentally ill and cannot afford security deposits and rental housing.

Cross Roads House: \$12,000 Request



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Jessica Parker spoke. Needs of organization: Funding for the homeless center's operations which serves Dover residents.

AIDS Response: \$15,000 Request

Richard Wagner, Executive Director of AIDS Response spoke. Needs of organization: Grant to assist in case management and support services of ARS. AIDS Response provides vital emotional and practical support for people living with AIDS, their families and friends.

A Safe Place/SASS: \$5,000 Request

Kathy Beebe, Executive Director of A Safe Place spoke. Needs of organization: Grant for Shelter and services of abused spouses and their children and victims of sexual assault.

Homeless Center For Strafford County: \$8,500 Request

Susan Ford, Executive Director of Homeless Center for Strafford County spoke. Needs of organization: Funding for operations at the overflow shelter in Rochester for homeless families.

M.Fogarty asked if the shelter residents go camping when the shelter closes in May and returns when it opens in November. S.Ford stated she has not witnessed that. She added that there is an evaluation to determine which residents will be there in May, and by April there is a plan in place to coordinate moving them to either another shelter or an apartment.

My Friend's Place: \$12,000 Request

Robert O'Connell, Executive Director spoke. Needs of organization: Funding for operations and repairs at the City's homeless shelter.

My Friend's Place Transitional Housing: \$3,000 Request

Robert O'Connell, Executive Director, spoke. Needs of organization: Funding for operations and repairs at My Friend's Place transitional housing units.

Southeastern Services: \$40,000 Request

Heidi Moran, Executive Director and Clinical Administrator spoke. Needs of organization: Funding for drug and alcohol networking outreach and education for Dover residents.

L.Skinner asked the reason for not spending previous granted funds in the amount of \$17,500. H.Moran stated that this was because they are located in a historical building, and that they are waiting for approval from the historical society to put in an ADA ramp.

C.Plante asked why they are asking 300% more than the other applicants. H.Moran stated she wasn't sure what dollar amount to ask for on the application, adding the money is needed to pay for salaries, materials, and cell phones. She added that she would be happy to receive a fraction of the amount she asked for.

C.Lawrence asked why there was \$90,176 surplus in the budget. H.Moran stated that it is anticipated money, but if they do not perform the service, they do not get the money.

Strafford County CAP: \$25,000 Request



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Quinn Slayton, Community Services & Housing Director spoke. Needs of organization: Funding for CAP's Weatherization and property rehabilitation program serving very low income Dover residents with housing needs.

C.Plante asked why the funding request is the same as last year, yet they are only projecting to help half the number of people. Q.Slayton stated that this was due to the 24 multi-family unit renovation completed at Niles Park on Union Street last year. She added that the number of units they typically assist on an annual basis is 12.

G.Cruikshank asked why there is a zero amount listed for salary expense. Q.Slayton stated that was for this funding only.

Dover Children's Center: \$66,500 Request

Melissa Fischetto, Executive Director spoke. Needs of organization: Funding for facility improvements on Back River Road and the McConnell Center. Including insulation, dropped ceiling to retain heat, paving and kitchen equipment.

Gary Bannon, Director at the McConnell Center explained the details for renovation to the facility to provide adequate heating. B.Garrison confirmed with G.Bannon that the lease payment includes heat and that the City, as one of the larger tenants, is paying a higher cost for heat, as well as the other tenants.

Community Partners: \$30,402 Request

David Cutts spoke. Needs of organization: Funding for an elevator/lift at their Crosby Road facility.

L.Skinner clarified with D.Cutts that it is a lift and not an elevator that is needed. D.Cutts clarified that it is an open shaft way for staff, customers, and their families to wheel on and off accessibly.

My Friend's Place: \$15,300 Request

Robert O'Connell, Executive Director, spoke. Needs of organization: Funding facility improvements and repairs including an emergency generator and gutter replacement.

Triangle Club: \$39,500 Request

Michael Kimball, Executive Director spoke. Needs of organization: Funding for exterior paving improvements and bathroom improvements.

Program Administration: \$72,099 Request

Rick Jones, Community Development Coordinator gave a summary of the administration of the CDBG program including program costs. He added that the Planning Department will provide recommendations regarding the applications.

Economic Development Income to Loan Pool: \$74,990 Request

Needs of organization: Loan payments returned to loan pool for future lending.

Economic Development Program Administration: \$30,063 Request

Needs of organization: Funds to administer City's Economic Loan Program.

S.Bird stated the Staff in the Planning Department will review the applications and put together recommendations which will be provided for the next meeting on March 10, 2015. He suggested the Board members take time to review the applications and be prepared to ask questions if needed at the next meeting.



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Public Hearing Closed.

4. STAFF COMMENTS

S.Bird reviewed the documents provided to the Board at the meeting. He stated that there will be a City Council Workshop meeting on March 4, 2015. The two topics will be Climate Change in Dover, and the Assistant City Manager will be providing the annual Master Plan Status update. He added that the Assistant City Manager hopes to see the Planning Board members at the meeting.

He stated that there was a Planning Board Workshop meeting scheduled for March 3, 2015 that has been cancelled. He added that there were no applications received for the next meeting; therefore, the workshop items will be discussed at the next regular meeting on March 10, 2015. He further stated that the letter received from Tony McManus is in regards to the heritage district and will be discussed at that meeting. He added that there will be an Executive Session meeting regarding discussion on zoning amendments issues with legal counsel that will be held at 6 p.m. before the next regular Planning meeting.

S.Bird extended an invitation to the Board members to attend the Climate Change Workshop on February 25, 2015.

Discussion ensued regarding the Chamber Sponsored Event on Economic Development and that the details have been provided in an email sent to the Board.

Discussion ensued regarding the comparison of the Land Use Analysis Chapter and the letter received from Tony McManus, and how these items will be discussed at the next meeting.

5. MEMBER COMMENTS

None.

6. ADJOURNMENT

Motion: B.Garrison made a motion to adjourn at 8:19 p.m. Seconded by D.White. Vote: U/A

P15-04A



City of Dover, New Hampshire
APPLICATION FOR EXTENSIONS OF/ AMENDMENTS
TO/ WAIVERS FOR AN APPROVED PLAN

[Creation Date: April 23, 2013]

Office Use Only

Amount Paid:

150 ✓
CR# 0133

Date/Time Received:

RECEIVED
FEB 25 2015
BY:

APPLICANT INFORMATION

Name of Applicant: Summit Land Development Telephone # 749-2800
Address of Applicant: 340 Centre Ave # 202 Dover, NH E-Mail chad@summitlanddev.com
Project Name: STONEWALL Project Location: MART RD
Planning File Number: P15-04 Date of Original Approval 2-24-15
File Type: Conditional Use Site Plan Review Subdivision

EXTENSION INFORMATION (Note: notification of abutters required for first time extensions only)

Current deadline date: Number of Extensions Previously granted by Board
Reason(s) for extension/comments (attach additional sheets as needed):

AMENDMENT INFORMATION

Condition(s) or portion of plan to be amended: cond, fm # 11 P-15-04

Reason(s) for amendment/comments (attach additional sheets as needed): requesting amending condition # 11 on P-15-04 as approved on 2/24/15. From restricting the developer on the R-40 portion of the property to negotiate a Conservation Easement with the City of Dover prior to building occupying certificate.

WAIVER INFORMATION

Site Review/Subdivision Regulations section(s) to be waived:
Justification for waiver request(s) (attach additional sheets as needed):

SIGNATURES

I/We hereby submit this application to the City of Dover Planning Board and attest that to the best of my knowledge all of the information on this application form and in the accompanying application materials and documentation is true and accurate. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

Signature of Property Owner: [Signature] Date: 2/25/15
Signature of Applicant (if different from owner): Date:
Signature of Agent: Date:

February 23, 2015

Dover NH Planning Board
Dover Municipal Building
288 Central Avenue
Dover NH 03820

I am writing this letter concerning changes to the approved site plan for Summit Land Development on Mast Road in Dover. After the Planning Board meeting on February 10, it was agreed upon by all parties to meet and clarify the conditions of approval agreed upon by that night. Below please find the language that needs to be added to the conditions of approval already on the plan.

The developer and his engineer will move the proposed Rain Garden #2 (RG2) upslope to a point that is shown on the newest plan for the development.

The construction trench of the 18" diameter outlet pipe from RG2 will be revegetated with like kind trees that may have to be removed from the trench area in order to install said 18" pipe.

Additional tree plantings will be placed (by the developer) near the 18" pipe outfall in order to screen same from the Dupont's view.

The northerly rim of RG2 will be planted with appropriate tree screenings in order to obscure the Dupont's view from any of the tree clearing that is necessary for the construction of RG2.

The bottom of RG2 will be under drained to prevent any standing water to remain in RG2 after it has drained itself following any rainfall event.

The approximate size of RG2 is 160' wide by 200' long.

The 24" RG2 inflow pipe will require a significant (30' deep x 60' wide) excavation cut in order to be built. The developer will restore the existing and natural grade of the cut area to elevations and form that presently exist.

The developer agrees to place the R40 land restricted to "no further development" in the original conditions of approval from "no further development" to "conservation easement" Prior to and pursuant to the city issuing an occupancy permit.

These conditions have been approved by Chad Kagelery

Sincerely,
David P Dupont

MAR 04 2015

Dover, New Hampshire



March 4, 2015

Mr. Dennis Ciotti, Chairman
Dover Planning Board
City of Dover
288 Central Avenue
Dover, NH 03820

RE: Waiver for Blasting Procedure, H-53 Mast Road

Dear Dennis,

As part of the development of the recently approved site plan for Stonewall Kitchen at Lot H-53, a certain amount of ledge blasting is required.

Per Dover site review regulation 149-10F, prior to blasting the applicant shall prepare a pre-blast survey of all structures within 500' of the external boundaries of the parcel to be developed and; the applicant shall notify, via certified mail, all abutters within 1,000' of the external boundaries of the parcel to be developed and hold a neighborhood meeting.

It should be noted that per State law, a private project must only conduct a pre-blast survey in structures within 100' of the blast zone. The municipal regulation greatly exceeds the State requirement.

H-53 Mast Road, LLC (applicant and owner) requests a waiver for this requirement for the following reasons:

- The existing regulation was written without consideration of lot size. My subject lot is nearly 50 acres and over 2,500' long. The outward 500' radius of our blasting zone does not even extend beyond our property, let alone include any structures (see attached Exhibit 1). It makes no sense that we be required to survey structures that are within 500' of the property line, when in fact they could be up to 2,000' away from the blast. It would appear that the intent of the regulation is to survey structures that are within 500' of the blast because there could be some impact to those structures. If the intent were to survey structures within 2,000' of the blast, the regulation should state so.

- Similarly, notifying abutters within 1,000' of the boundary is excessive (see Exhibit 2). Example; if a property within 1,000' of the subject boundary is say, 500 acres, such that a structure there could be 1 ½ miles from the blast, a notice to them is unnecessary.

We seek relief from regulation 149-10F because the language holds our parcel to an inequitable standard simply due to its size.

Rather, we propose to: 1) perform pre-blast surveys on any structure within 500' of the blast zone and 2) notify any owners of structures within 1,000' of the blast zone. This would address the intent of the regulation: to notify owner and protect structures within the risk zone to the blast.

Thank you for your consideration.

Sincerely,



Chad Kageleiry

Attachments



1000' NOTIFICATION RADIUS

500' PREBLAST RADIUS

BLASTING AREA

Gold Springs Rd

Bellamy Rd

Mast Rd

108

REV	DATE	DESCRIPTION

PROPOSED INDUSTRIAL DEVELOPMENT
 MAST ROAD
 DOVER, NH

LOCATION
 DRAWING

Maine Drilling
 & Blasting

DRAWN: MSJ
 DATE: 3/2/16
 SCALE: 1" = 120'

EXHIBIT 1

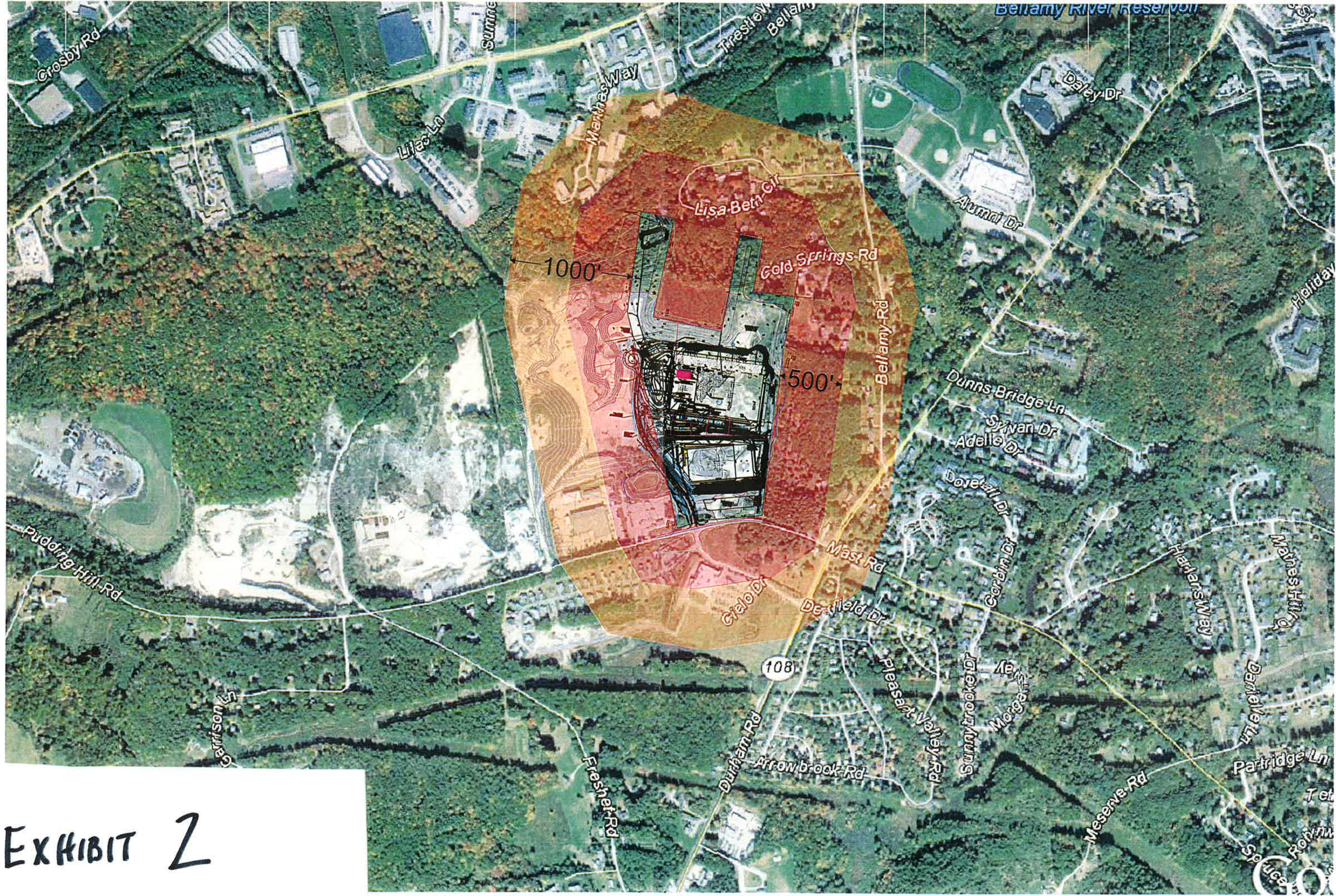


EXHIBIT 2

INCOME

Source	Amount
Federal Grant	\$280,168
Economic Loan Program	\$74,990
School St Parking Lot	\$3,240
Housing Partnership Loan	\$2,100
Total income	\$360,498

ALLOCATION

Public Services					
15% of previous year's income					\$84,060
Organization	Priority Ranking	Amount Requested	Previous Funding	Recommended Funding	
Welfare Security Deposit	H	\$9,000	\$8,000	\$9,000	
Community Partners	H	\$11,620	\$8,000	\$9,000	
Cross Roads House	H	\$12,000	\$5,200	\$12,000	
AIDS Response	H	\$15,000	\$8,000	\$15,000	
A Safe Place	H	\$5,000	\$3,000	\$5,000	
Homeless Cntr for St Cty	H	\$8,500	\$6,200	\$8,500	
My Friends Place (MFP)	H	\$12,000	\$7,000	\$12,000	
MFO Transitional Housing	H	\$3,000	\$3,000	\$3,000	
Southeastern Services	H	\$40,000	\$0	\$10,000	
total		\$116,120	\$48,400	\$83,500	
Administration					
20% of ALL income					\$72,099.6
Administration		\$72,099	\$83,135	\$72,099	
total		\$72,099	\$83,135	\$72,099	
Public Facilities/Economic Development					
Remainder of income					\$204,339
Organization					
CAP Weatherization	H-M	\$25,000	\$25,000	\$23,346	
Dover Children's Center	M	\$66,500	\$33,500	\$66,500	
Community Partners	M	\$30,402	\$0	\$0	
My Friends Place	M	\$15,300	\$0	\$0	
Triangle Club	M	\$39,500	\$0	\$0	
New DELP Funding	H	\$10,000	\$61,327	\$10,000	
Economic Loan Pool		\$74,990	\$39,305	\$74,990	
Economic Loan Admin		\$30,063	\$30,063	\$30,063	
total		\$291,755		\$204,899	

Total Request of CDBG Funds	\$479,974
Total Allocation of CDBG Funds	\$360,498
Total Recommendation of Fund Allocation	\$360,498



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted September 23, 2014

Adopted _____, 2014

Ordinance Number: **O – 2014.____**

Ordinance Title: **Updating the Dover Zoning Ordinance**

Chapter: **170**

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to create a new zoning district for one of the City’s oldest residential neighborhoods which has a unique architectural heritage. The regulations are tailored to provide dimensional and use regulations that are consistent with the neighborhood’s existing conditions, and to provide design standards for new construction to support the neighborhood’s heritage.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the official Zoning Map of the City of Dover, referred to in Section 170-8 of said Chapter as follows:

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Urban Density Multi-Residential (RM-U) District to Heritage Residential (HR) District an area of approximately 70.9 acres located along Silver Street, Summer Street, Fisher Street, Elm Street, Locust Street, Spring Street, Trakey Street, Hamilton Street, Belknap Street, Cushing Street, Lexington Street, West Concord Street, Richmond Street, Washington Street, and Trask Drive, consisting of lots 10-22, 10-23, 10-24, 10-25, 10-26, 10-27, 10-28, 10-29, 10-29A, 10-30, 10-31, 10-32, 10-33, 10-35, 10-35A, 10-36, 10-37, 10-38, 10-39, 10-57, 10-58, 10-59, 10-60, 10-78, 10-79, 10-80, 10-81, 10-82, 10-83, 10-84, 10-85, 10-86, 10-86A, 10-87, 10-88, 10-104, 10-105, 10-106, 10-107, 10-108, 10-109, 10-110, 10-111, 10-112, 10-113, 10-114, 10-115, 10-116, 10-117, 10-118, 10-118A, 10-119, 10-120, 10-121, 10-122, 10-123, 10-124, 10-125, 10-126, 10-127, 10-128, 10-129, 10-130, 10-131, 10-132, 10-133, 10-134, 10-135, 10-136, 10-137, 10-138, 10-139, 10-140, 10-141, 10-142, 10-143, 10-144, 10-145, 10-146, 10-147, 10-147A, 10-148, 10-149, 10-149A, 10-150, 10-158, 10-159, 10-160, 10-165, 10-166, 10-167, 10-168, 10-169, 10-169A, 10-170, 10-172, 10-173, 10-174, 10-175, 10-176, 10-177, 10-178, 10-179, 10-180, 11-5, 11-6, 11-7, 11-8, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-15, 12-16, 12-17, 12-17A, 12-18, 12-19, 12-22, 12-23, 12-24, 12-31, 12-32, 12-33, 12-35, 12-36, 12-37, 12-38, 12-39, 12-40, 12-41, 12-42, 12-43, 12-44, 12-45, 12-46, 12-47, 12-48, 12-49, 12-50, 12-51, 12-52, 12-53, 12-54, 12-55, 12-56, 12-57, 12-58, 12-59, 12-60, 12-61, 12-62, 12-63, 12-64, 12-65, 12-66, 12-67, 12-68, 12-69, 12-70, 12-71, 12-72, 12-73, 12-74, 12-75, 12-76, 12-77, 12-78, 12-79, 12-80, 12-82, 12-83, 12-84, 12-84A, 12-85, 12-86, 12-87, 12-88, 12-89, 12-89A, 12-90, 12-91, 12-92, 12-93, 12-94, 12-95, 12-96, 12-97, 12-98, 12-99, 12-100, 12-101, 12-102, 12-103, 12-104, 12-105, 12-106, 12-107, 12-108, 12-108A, 12-109, 12-110, 12-111, 12-



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted September 23, 2014

Adopted _____, 2014

Ordinance Number: **O – 2014. . . .**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

112, 12-112A, 12-112B, 12-113, 12-114, 12-114A, 12-115, 12-116, 12-117, 12-118, 12-119, 12-120, 12-121, 12-122, 12-123, 12-124, 12-125, 15-40A*, 15-44, 15-45, 15-46, 15-46A, 15-47, 15-48, 15-49, 15-50, 15-51*, 15-52, 15-108, 15-109, and 15-110”

* = only that portion of the lot within the RM-U District will be affected.

AND

“The official Zoning Map of the City of Dover, New Hampshire, dated December 9, 2009, is amended by changing from Medium Density Residential (R-12) District to Heritage Residential (HR) District an area of approximately 22.1 acres located along Silver Street, Towle Avenue, Clifford Street, Fisher Street, Parker Street, Woodman Park Drive, Rutland Street, and West Concord Street, consisting of lots 10-161, 12-127, 12-128, 12-129, 12-130, 12-130A, 12-131, 12-131A, 12-132, 12-133, 12-134, 12-135, 12-136, 12-137, 12-138, 12-139, 12-140, 12-140A, 12-140B, 12-141, 12-141A, 12-141B, 12-141C, 12-142, 12-143, 12-144, 12-144A, 12-145, 12-146, 12-147, 12-147A, 12-148, 12-149, 12-151, 12-152, 12-153, 12-154, 12-155, 12-156, 12-157, 12-158, 12-159, 12-160, 13-1, 13-2, 13-3, 13-30, 13-31, 13-32, 13-33, and 13-3A.”

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts”, subsection A. “Districts”, by adding “Heritage Residential District (HR)” to the list of Residential Districts.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts”, by revising subsection B. “District Purpose Statements,” subsection (1) “Residential Districts”, by adding the following new subsection:

(f) Heritage Residential District (HR)

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.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted September 23, 2014
Adopted _____, 2014

Ordinance Number: **O – 2014.__.__**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

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.

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by adding a new Heritage Residential District Table that reads as follows:

[SEE TABLE AT END OF DOCUMENT]

5. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch
Finance Director

Sponsored by: Councilor William Garrison
City Council Planning Board
Representative, and Councilor
Deborah Thibodeaux

Approved as to Legal Form: Anthony Blenkinsop
City Attorney

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD

Date of Vote:	YES	NO
Mayor Karen Weston		



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted September 23, 2014
Adopted _____, 2014

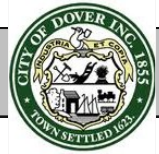
Ordinance Number: **O – 2014. . . .**
Ordinance Title: **Updating the Dover Zoning Ordinance**
Chapter: **170**

Deputy Mayor Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Anthony MacManus, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

The City of Dover was awarded \$10,000 by New Hampshire Housing through a competitive grant process to examine the zoning regulations for the residential neighborhoods surrounding Silver Street. The project was an offshoot of the 2013 Gateway Rezoning Study which resulted in the rezoning of portions of Broadway, Portland Avenue, and Central Avenue to the Central Business District. As part of the Gateway Rezoning Study, the Planning Board considered rezoning Silver Street, however, residents at the public hearing on the amendments expressed concern that this would detract from the residential character of Silver Street, rather than enhancing it. Instead, it was suggested that the City take a broader view and examine not just the zoning along Silver Street, but to also consider the surrounding neighborhoods.

Based on this feedback, the Planning Department and the City's consultant, Jeffrey H. Taylor and Associates, worked over the course of several months to identify the areas around Silver Street which share a common heritage and which could benefit from a single zoning district designed to support and enhance their character. Based on data obtained from on the ground inventories, staff prepared draft zoning regulations specifically tailored for these neighborhoods. In order to engage residents and property owners in the preparation of the draft regulations, staff undertook substantial public outreach including mailings to all residents and business owners within the study area, and conducted three neighborhood meetings in April, June, and July to review and revise the draft zoning regulations and to develop consensus.



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]

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 SETBACK	[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 Section 170-20.B(1).

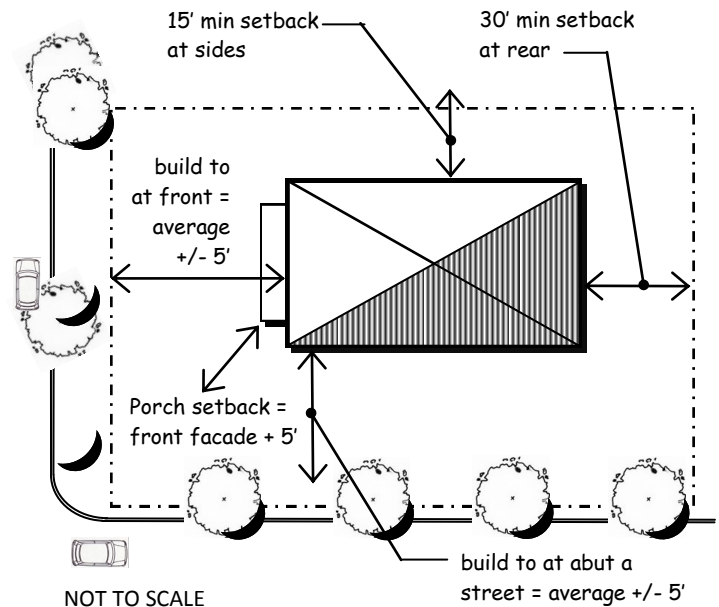
**The minimum principal building height shall not apply to additions constructed onto the rear of the PRINCIPAL BUILDING, provided that where the addition will be closer to either side lot line than the existing PRINCIPAL BUILDING, the addition shall be located no closer than 45 ft from the front lot line.

***See reverse side for architectural considerations.

Uses Permitted by Conditional Use Permit***

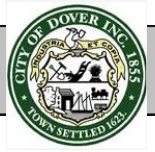
- BED AND BREAKFAST (permitted on Silver Street only)
- CHILD CARE FACILITY
- Conversion of Existing Dwelling to Accommodate not more than 4 units
- Dwelling, 3 to 4 Family
- ELDERLY ASSISTED CARE HOME
- GROUP HOME FOR MINORS
- OFFICE

Principal Building Placement



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



Footnotes

- [1] Refer to 170-13 and 170-14 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 NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. Wetland buffers shall only be allowed to count for 40% of the min 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 ft 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 plus or minus of the average. Porches or steps may be located an additional five (5) ft beyond the front façade of the structure. Expansions to existing structures shall be subject to a minimum setback equal to the calculated average setback minus five (5) feet.
- [4] Accessory structures must be setback 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 family dwellings shall be designed to look like SINGLE FAMILY DWELLINGS (i.e. the 2 family dwelling should not look like it was designed to occupy more than one family). At a minimum, this shall mean that only one entrance shall be visible from a public street. Notwithstanding any other provision of Chapter 170, a legal or legal non-conforming 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 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 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] 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 associated with the 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 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 Department webpage and at the offices of the Planning Department and Inspection Services, and is intended to serve as a guide to help encourage and inspire thoughtful and attractive development.

Conditional Use Permit Criteria

The requirements of 170-20.B(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, Chapter 170-6.

Conversion to, or creation of Dwelling, 3-4 Family: Three- or four-family 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.
- B. Off-street parking, in accordance with Chapter 149, Site Review, 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 (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 (15) from a side 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. At a minimum, this shall mean that only one entrance shall be visible from a public street. For conversions, the building must retain its appearance as a SINGLE FAMILY DWELLING or a 2 family dwelling, whichever is the current use. Notwithstanding any other provision of Chapter 170, a legal or legal non-conforming accessory structure existing as of the effective date of these regulations may be converted into one 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.

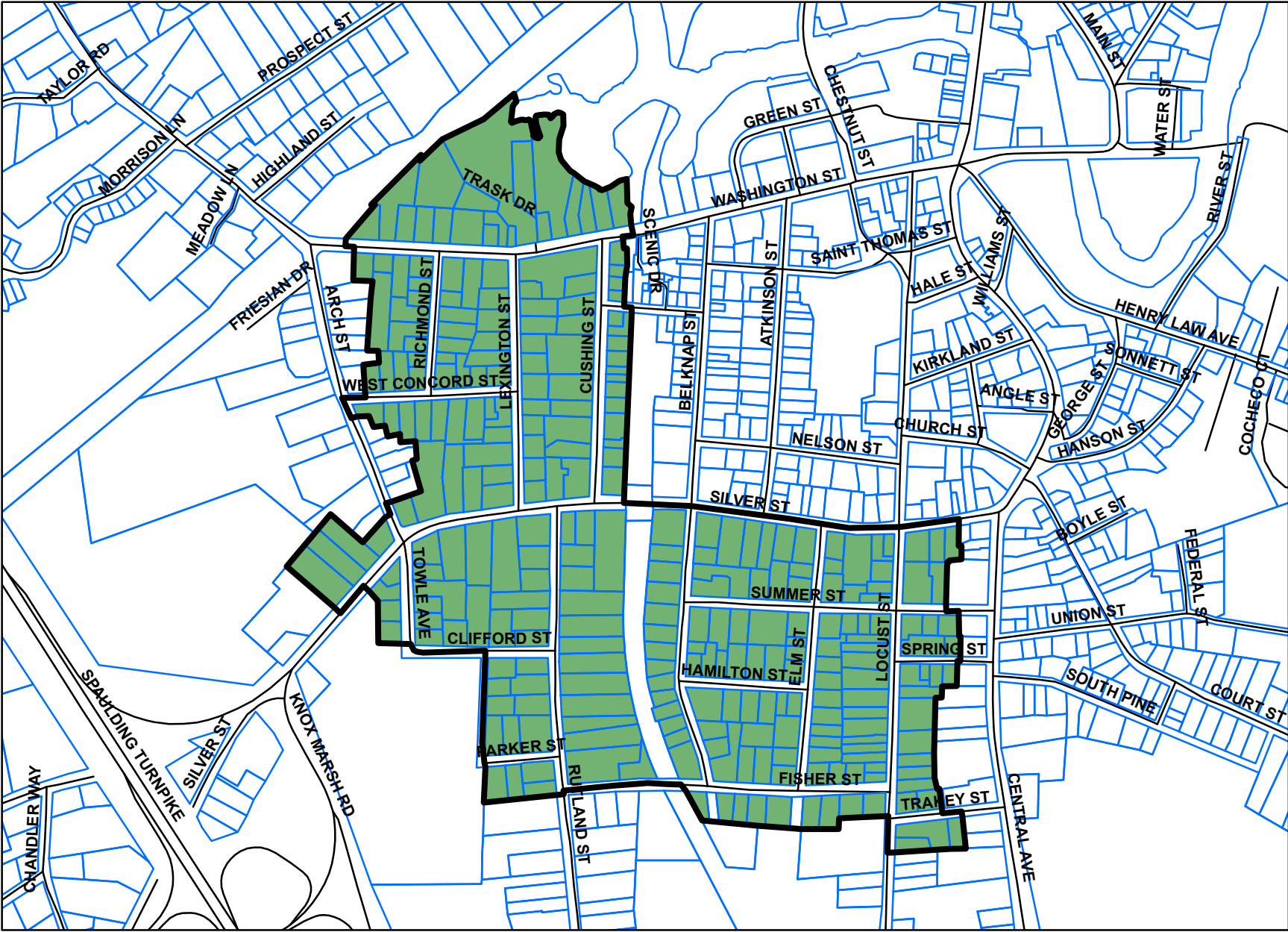
ELDERLY ASSISTED CARE HOME: ELDERLY ASSISTED CARE HOME is allowed in accordance with the densities and provisions stated below:

- A. ELDERLY ASSISTED CARE HOMES larger than 6 bedrooms are permitted at a density of one 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 Chapter 170-44 (Off Street Parking). 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 am to 9 pm Sunday – Thursday, and 6 am to 10 pm Friday and Saturday.

Heritage Residential District



Prepared by the Department of Planning and Community Services

August 26, 2014

To: Planning Board
From: Christopher Parker, AICP
Date: December 9, 2014
Re: Heritage District Zoning Amendments

ISSUE:

None

INTENT:

This memo will briefly respond to suggestions made by members of the public to the Planning Board that the proposed Heritage District be expanded to encompass properties along Central Avenue to the south of Tuttle Square.

GOALS:

As part of Dover's responsive government model, we rely on public feedback when drafting the community's regulations.

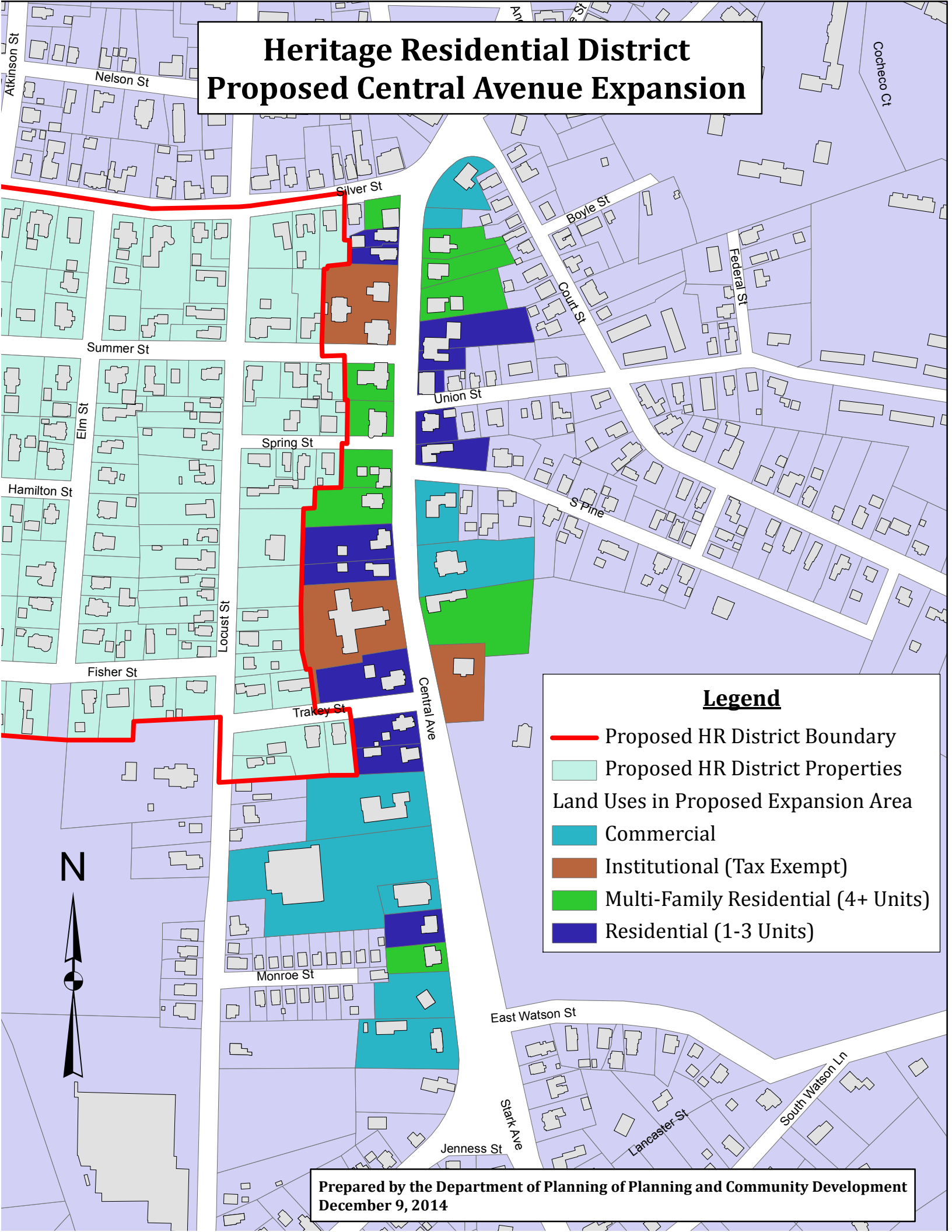
PROCESS:

On September 23, 2014 the Planning Board posted amendments to the Zoning Chapter. Public hearings were held on October 14, 2014 and October 28, 2014. This memo outlines staff's response to the suggestions made at the hearings regarding expansion of the proposed Heritage District.

The draft regulations were created to reflect the unique characteristics of the Silver Street neighborhoods and were vetted through a series of three (3) neighborhood meetings, all of which were well attended by residents and property owners. At the public hearings on the amendments, the Board heard requests to expand the boundaries of the proposed district to include properties along Central Avenue. While we appreciate and value our citizens' input, staff respectfully recommends that the boundaries of the proposed district remain unaltered for the following reasons:

- The Heritage Residential (HR) District project originated from concerns expressed by residents during the 2013-2014 Gateway Rezoning project. As part of that project, staff had proposed that Silver Street be rezoned to the Central Business District – Residential sub-district. At the Gateway hearings and in subsequent meetings with staff, however, residents felt that the areas on and off Silver Street are primarily residential and that this primarily residential character should be supported and encouraged by the applicable zoning regulations. Staff took this as our charge in moving forward with this project. Although the sentiment is understandable, including Central Avenue properties would in fact defeat the intent of the proposed district which is to support the primarily residential use of the subject areas (indeed, the HR District is proposed to be included in the list of *Residential* Districts set forth in Chapter 170-7 of the Zoning Ordinance). It is not a mixed use or commercial district. The inclusion of Central Avenue would be inappropriate given its abundance of non-residential and dense multi-family residential uses (see attached map).
- The proposed zoning regulations set forth in the draft HR District Table of Use were calculated based on a detailed on-the-ground survey which measured primary and outbuilding setbacks, lot frontages, lot area, building heights, unit counts, and existing uses. Without conducting additional technical analysis and surveys of the Central Avenue properties, staff will be unable to represent that the proposed regulations are based on actual conditions. Moreover, the entire process was fundamentally guided by citizen input. Over the course of three very well attended meetings, a consensus formed regarding the proposed regulations and the boundaries of the district. Including Central Avenue would be a substantial change to the proposed regulations not vetted through the neighborhood meeting process and therefore could not be said to reflect the desires of the property owners and residents of this area.
- Finally, the west side of Central Avenue in this area was just rezoned to the CBD-Downtown Gateway sub-district earlier this year. In that respect, it is important to not rezone again in order to respect the process and decisions that were made as part of the Gateway Rezoning project. Just as importantly, it would be unfair to any property owner in this area to change the zoning again in such a short timeframe, recognizing that it's likely that investments and decisions have been made by some of these owners based on the most recent rezoning. Moreover, it is important for our property owners to understand that although planning is an ongoing process, they can expect some stability and longevity once zoning regulations are adopted and that the zoning will not, in fact, change every year or so.

Heritage Residential District Proposed Central Avenue Expansion



Legend

- Proposed HR District Boundary
- Proposed HR District Properties
- Land Uses in Proposed Expansion Area
 - Commercial
 - Institutional (Tax Exempt)
 - Multi-Family Residential (4+ Units)
 - Residential (1-3 Units)

RECEIVED
Planning Office

FEB 24 2015

Dover, New Hampshire

To: Planning Board
From: Tony McManus

While you are still contemplating the Heritage District I thought I'd make one more pitch for including Central Avenue.

I'm looking at the language you have in the proposal as justification for including Silver Street and surrounding areas: "one of the city's oldest residential neighborhoods which has a unique architectural heritage"

"...colonial buildings....original occupants community leaders...."

All reasons why Central Avenue should be included; in fact, I might suggest why Central Avenue should have been your starting point.

Most of the buildings in the Central Ave corridor are 50 to 125 years older than the houses within the proposed district. That's where the "community leaders" built the first substantial homes along with the stretch on Silver from Central Ave to Elm St., and then only in the late 80s extending further out Silver and into the surrounding neighborhoods.

Please take a few minutes and review the material I've given you previously about the history of this area. That and the language quoted above is all good reason for preserving the heritage of the contemplated Silver Street area, but should be the same or more compelling reason for not abandoning the greater historical significance of the Central Avenue properties.

Thanks again.....

OCT 27 2014

Dover, New Hampshire

To: Dover Planning Board

We, the undersigned, urge the continuation of Heritage District all along Central Ave to protect the character and quality of life there for all.

1. Barbara Sturrock (attender Quaker Meeting)
245 Shaws Lane
Dover, N.H.
2. Nancy Tubus Member, Friends Meeting, 141 Central Ave.
6 Cote Dr., Dover NH 03820
3. Cheech Cox (Member of Dover Friends Meeting)
36 Capt. Smith Emerson Rd
Lee NH 03861
4. Evalyn Sorrentino, 45 Manson Ave, Kittery, ME
I attend Quaker Meeting here in Dover
5. Verdene H. Johnson, 25 Benjamin Lane, Dover
Member Quaker Meeting.
6. ~~Elizabeth [unclear]~~ attender Dover Friends Meeting
7. Jason Reed (attends Quaker Meeting)
212 FRANKLIN ST.
ROCHESTER, NH

8. Andrew Purran
47 Atkinson Street Apt C
Dover NH 03820
603-568-2470
9. Tom Jackson (member of Dover Friends Meeting)
PO Box 22164
Portsmouth, NH 03802
10. Thomas Sorrentino
45 MANSON AVE
Kittery ME 03904
11. Debra Austin Member of Dover Friends Meeting
967 OAKWOODS ROAD
NORTH BERWICK ME 03906
12. Sophie L. Michelewicz, attendee of Dover Friends Meeting
322 Great Bay Woods
Newmarket, NH 03857
Sophie L. Michelewicz
13. Virginia S. Cole Member of Dover Friends Meeting since 1992
169 Blackwater Rd
Somersworth, NH 03878
14. MARRION HERMAN member of Dover Friends Meeting
46 Hansonville Rd
Rochester NH 03839
15. Nell & Chip Neal members Dover Friends Meeting
11 Riverview Rd.
Durham, NH 03824
16. David Herman member of Dover Friends Meeting
46 HANSONVILLE RD
ROCHESTER NH 03839

Carolyn Thomas
Member of Dover Meeting

Robin Willits
Member of Dover Friends Meeting

Brenda Mitchell member of Dover Friends Mtg.
967 Oakwoods Rd
No. Berwick, ME 03906

Phyllis Kellan Abree member of Dover Friends Meeting
18 White Oak Drive
Exeter, N.H.

Margot Doering member of Dover Friends Mtg
323 Union St
Portsmouth NH

Alicia Johnson-Grafe Member of Dover Friends Mtg
581 Halsey Rd
Kittuy Pt ME 03905

Sandy Hargy member of Dover Friends Mtg
97 Middleton Rd
Wolfeboro NH 03894

Swan Mast member of Dover Friends
97 Spinnaker Way
Portsmouth

Nina Jordan attend Dover Friends
2 Carlsbad Rd
Lee NH 03861

Pam Lessard member of Dover Friends
62 Glenwood Ave.
Dover, NH 03820



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: O -2015---
Ordinance Title: Zoning
Chapter: 170
Section: 12

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to create regulations for “alternative treatment centers.” NH RSA 126:X, adopted in 2013 by House Bill 573, establishes a statutory framework for the allowance and regulation of “alternative treatment centers” in order to facilitate the use of cannabis for therapeutic purposes.

2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Hotel/Retail (B-4) District Table and the Rural Restricted Industrial (I-2) District Table by adding a new table and set of criteria that reads as follows:

<u>Uses Allowed By Conditional Use Permit</u>
<u>Alternative Treatment Center</u>

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 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 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 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.
- D. The alternative treatment center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts 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 by the City of Dover Police Department.
- F. The use of cannabis on the premises is prohibited.



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: O -2015---
Ordinance Title: Zoning
Chapter: 170
Section: 12

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.

3. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding: Daniel R. Lynch Sponsored by: William Garrison, City Council Planning Board Representative
Finance Director

Approved as to Legal Form and Compliance: Anthony Blenkinsop
City Attorney

Recorded by: Karen Lavertu
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor Karen Weston		
Deputy Mayor Robert Carrier		
Councilor John O'Connor, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Dorothea Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Jason Gagnon, Ward 6		
Councilor Anthony MacManus, At Large		
Total Votes:		



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Agenda Item#:

Ordinance Number: O -2015---
Ordinance Title: Zoning
Chapter: 170
Section: 12

Resolution does | does not pass.

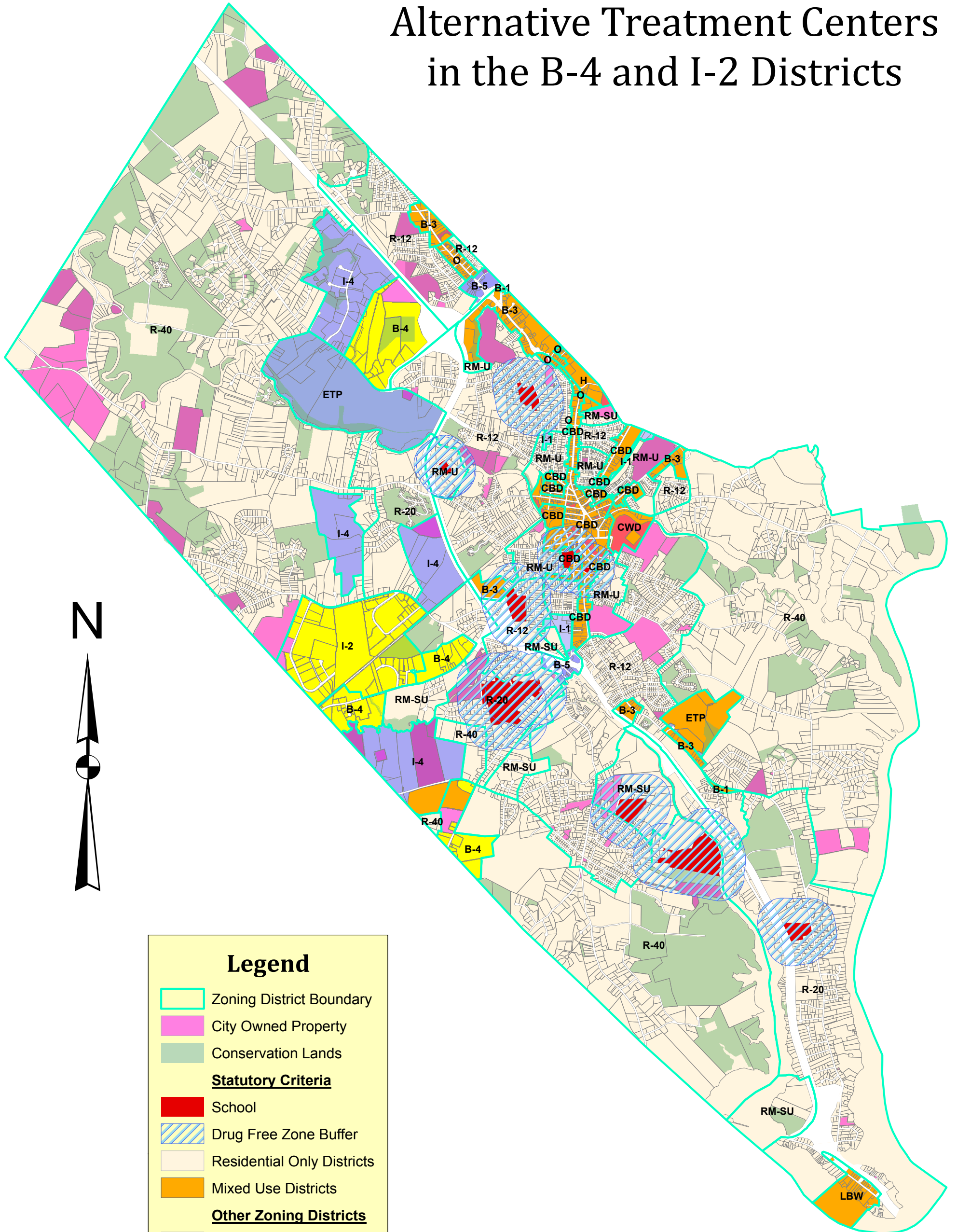
ORDINANCE BACKGROUND MATERIAL:

New Hampshire’s medical marijuana bill, HB 573, was signed into law on June 18, 2013. In short, the bill (codified at RSA 126:X) allows patients with qualifying medical conditions to register with the New Hampshire Department of Health and Human Services (HHS) to possess up to two ounces of marijuana at a time. The bill also allows HHS to register four non-profit alternative treatment centers (ATCs) to grow and sell marijuana to patients.

It is our understanding that HHS has not yet issued the RFP for ATC facilities, but will do so imminently. It is also our understanding that HHS hopes to make facility selections by the statutory deadline of January 23, 2015. Once selections are made, the entity selected has 90 days to submit certain required materials, as detailed in HHS administrative rule Hc-C.402.05(c) (these required materials include local approvals). HHS does not know at this time how long it will take to issue the registration certificate once the required materials are submitted by the selected entity.

In considering the impact of RSA 126:X, staff recognized that unless specific zoning regulations are adopted for ATCs, a determination would need to be made by staff to fit an ATC proposal into an existing use category, or in the alternative, the ATC proposal could seek a variance from the Zoning Board of Adjustment. Instead, staff has worked closely with other City departments including Economic Development, Police, and Legal to craft specific regulations for ATCs so that if presented with a proposal for such a facility, the City will have regulations for these uses that serve to reasonably and effectively promote the public interest.

Property Available for Alternative Treatment Centers in the B-4 and I-2 Districts



Legend

- Zoning District Boundary
- City Owned Property
- Conservation Lands
- Statutory Criteria**
- School
- Drug Free Zone Buffer
- Residential Only Districts
- Mixed Use Districts
- Other Zoning Districts**
- B-5
- ETP
- I-1
- I-4
- B-4 and I-2 Districts

Last Revised: February 24, 2015

Daniel Barufaldi
Economic Development Director
d.barufaldi@dover.nh.gov



288 Central Avenue
Dover, New Hampshire 03820-4169
(603) 516-6043
Fax: (603) 516-6049
www.dover.nh.gov

Dover Business & Industrial Development Authority *City of Dover, New Hampshire*

January 22, 2015

Dennis Ciotti
Chairman, Dover Planning Board
Dover Municipal Building
288 Central Avenue
Dover, NH 03820

Dear Chairman Ciotti,

I am writing to encourage the Planning Board to favorably consider the proposed Amendments to the draft Alternative Treatment Center zoning requirements, particularly those that restrict the locations of ATC's to the I-2 and B-4 districts only.

I have worked with Dover planner, Tim Corwin, on the location restrictions and originally thought ATC's belonged in hospital zones exclusively, but later learned this was not possible due to State statutory criteria.

Since we may be looking at growing and production facilities primarily in Dover, and given the nature of the business, they must not have proximity to schools and churches, and probably should not be in residential districts, the I-2/B-4 district restrictions appear to me to be appropriate.

Since any facility producing a valuable controlled substance with potential black market abuses requires a high level of security in the process and transport of the product, the configuration of the building and the various security systems employed ; its placement in either I-2 or B-4 districts exclusively is in the overall best interests of the community.

Although ATC's are legitimate businesses licensed by the State of NH, municipalities need to regulate their locations appropriately within their boundaries. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Daniel J. Barufaldi".

Daniel J. Barufaldi

Director of Economic Development