

**CITY OF DOVER**

## DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting  
Meeting Location: Council Chambers – City Hall, 288 Central Avenue  
Meeting Date: **Tuesday, April 12, 2016**  
Meeting Time: **7:00 pm**

### 1. CITIZENS' FORUM

### 2. APPROVAL OF THE PRIOR MINUTES

- March 22, 2016 Regular Meeting Minutes

### 3. OLD BUSINESS

- A. Public hearing and vote on potential amendment on a Citizen's Petition for a Zoning Amendment for Scott Mitchell Real Estate, LLC, Assessor's Map 37, Lots 35, 36, 37, and 38, located on Glenwood Avenue and Central Avenue. (Rezone 5.384 acres from Office (O) and Medium Density Residential (R-12) to Thoroughfare Business District (B-3)\*(P16-06)

### 4. NEW BUSINESS

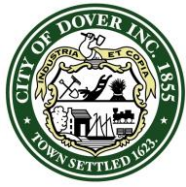
- A. Consideration and acceptance of a Minor Lot Line Adjustment for Pierre and Carolyn Lavoie (Owner: Eleanor Milliken Revocable Trust), Assessor's Map L, Lots 14M & 83G, zoned R-20, located at 175A Dover Point Road and 8 Evans Drive. \*(P16-07)
- B. Impact Fee Waiver Request for Stabile Homes at Pointe Place, LLC, Assessor's Map K, Lot 19-3, located at Sierra Drive. (Waiver of School Impact Fee per 170.23-F-1-a to be reduced to 20% for 29 out of 31 units of housing for older persons (55+))
- C. Discussion and possible posting of the Storm Water Regulations.
- D. Discussion and possible posting of Subdivision Amendments.
- E. Discussion and possible posting of Site Review Amendments.
- F. Discussion and possible posting of Zoning Amendments.

### 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. Note that some hearings will be continued from one meeting to another and some may be postponed. Since this is only a partial description of the proposal and may change, persons with questions or wishing to see the plans are invited to visit the Planning Office, Monday through Thursday from 8:30 am to 5:30 pm and Friday 8:30 am to 4:00 pm or email [Dover-Planning@dover.nh.gov](mailto:Dover-Planning@dover.nh.gov). You may also view materials at [www.dover.nh.gov](http://www.dover.nh.gov). Follow us on Twitter @DoverNHPlanning and find us on Facebook at <https://www.facebook.com/DoverNHPlanning>.



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## DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting  
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Meeting Time: **7:00 pm**

**Members Present:** Frank Torr (Chair), Dennis Ciotti (Councilor), Tom Clark, Dave White, Lee Skinner, Christopher Lawrence, Catherine Plante, Gina Cruikshank, Maggie Fogarty (Alternate), Curtis J. Pratt (Alternate), David Landry (Alternate)

**Members Not Present:** Kirt Schuman (Vice Chair)

**Staff Present:** Christopher Parker (Assistant City Manager), Donna Benton (Assistant City Planner), Tracy Smith (Recording Secretary), Dave Carpenter (Community Development Planner), Dan Barufaldi, Dover Business Industry and Development Authority (DBIDA) (Director)

The Chair recognized L.Skinner to sit in for K.Schuman.

The Chair recognized D.Landry to sit in for L.Skinner.

The Chair stated item 4.A would not be heard tonight. C.Parker clarified the applicant withdrew the application.

The Chair called the meeting to order at 7:00 p.m.

### 1. CITIZENS' FORUM

*Citizens Forum Open. Nobody Spoke. Citizens Forum Closed*

### 2. APPROVAL OF THE PRIOR MINUTES

- March 8, 2016 Regular Meeting Minutes

**Motion:** L.Skinner made a motion to approve the March 8, 2016 Regular Meeting Minutes. Seconded by G.Cruikshank. Vote U/A

### 3. OLD BUSINESS

- A. Discussion and possible vote on Community Development Block Grant (CDBG) Funding requests for Federal Fiscal Year 2016/2017.

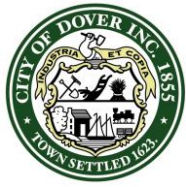
C.Parker addressed the document regarding the amounts to be distributed to the various applicants and allocations, and stated D.Carpenter was available to answer questions.

Discussion ensued regarding possible conflicts of interest. There were none and no objections.

Discussion ensued regarding concerns with the lack of client information on the End 68 Hours of Hunger application, and the need for thorough information next year.

**Motion:** C.Lawrence made a motion to remove the allocated amount from the End 68 Hours of Hunger and distribute the amount to other applicants. There was no second.

Discussion ensued regarding other federal funds Community Action Partnership of Strafford County (CAP) and Dover Housing Authority (DHA) could receive for their projects.



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C.Parker explained the eligibility for applicants in the federal funding entitlement program and the State program. He answered questions regarding the administrative cost functions and when the grant money has to be spent. Discussion continued regarding removing the allocated funds of \$50,000 from CAP and DHA, and disbursing the funds to the Triangle Club and the Woodman Institute.

**Motion:** G.Cruikshank made a motion to eliminate the \$30,000 amount for CAP, and the \$20,000 amount for the DHA, and split the funds between the Triangle Club (\$25,000 additional) and the Woodman Institute (\$25,000 additional). Seconded by D.Ciotti. Discussion ensued regarding the need of the Woodman Institute in comparison to the needs of the other applicants whether it fits the urgency to meet the needs of low to moderate income. D.Carpenter confirmed the barrier removal eligibility for CDBG funds. Discussion continued regarding evaluating the project, need, and funds for the Triangle Club. C.Parker explained the timeline for the CDBG grant to the Board, and the ramification to the possibility of tabling their decision to the next meeting. Vote: 5/4 Passed

**Motion:** L.Skinner made a motion to recommend to the City Council as modified. Seconded by G.Cruikshank. Vote: 6/3 Passed

- B. Public Hearing and possible vote on a proposed amendment to the Zoning Ordinance (Chapter 170), per NH RSA 675:2 & 675:7, to rezone a 16 acre parcel, known as Assessor's Map D, Lot 12, located at 447 Sixth Street and Production Drive from Rural Residential (R-40) to Assembly and Office (I-4).

C.Parker displayed the map on the screen for viewing, and stated notification had been sent to the public. He clarified the options for the Board's decision. Dan Barufaldi, DBIDA Director, and Scott Johnson, DBIDA Board member, were present.

*Public hearing opened.*

Emily Rose, 7 Quail Drive, spoke against the proposal and stated her concerns regarding the possible decrease to her property value and concern for the wildlife and the impact to the neighborhood.

Barb Civiello, 3 Quail Drive, spoke against the proposal and stated she has similar concerns. She requested additional information to the proposal.

*Public Hearing paused.*

C.Parker explained the proposal regarding the purpose and intent of rezoning the property, and clarified the setbacks and uses for the I-4 District zone, and noted the uses in the R-40 District zone.

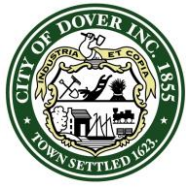
*Public hearing continued.*

Susan Treleaven, 454 Sixth Street, spoke against the proposal and stated her concerns regarding the continuation of commercial development when the abutters are against it. She further stated her concern with development with no access off Sixth Street.

Kerry Ellen McLeod, 24 Quail Drive, spoke against the proposal and her agreement with the neighbors.

Kristen Banaian, 11 Quail Drive, spoke against the proposal and her agreement with the neighbors.

Kathleen Colitti, 12 Quail Drive, spoke against the proposal and her agreement with the neighbors.



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Chris Triconi, 28 Quail Drive, spoke against the proposal and his agreement with the neighbors.

Nevin Brown, 7 Quail Drive, spoke against the proposal and his agreement with the neighbors.

Dawn Duffy, 163 Silver Street, stated her concern regarding the Board voting on rezoning the area when there is no application.

Emily Rose, 7 Quail Drive, requested clarification regarding the 150 ft. setback to confirm the building would be from the property line and not the house.

S.Johnson addressed the abutter comments and explained the status regarding the commercial properties on Venture Drive and Quality Way. He further explained the reason for the proposal.

Stephen Blakney, 454 Sixth Street, stated it's time to consider that Dover has peaked in industrial developing, and the people should take precedence over the development.

Kristen Banaian, 11 Quail Drive, stated her concern regarding the neighbors who recently moved in to the neighborhood.

C.Parker addressed the abutter concerns and further addressed the map displayed for viewing. He explained the buffer, boundaries, and setbacks regarding commercial development. He stated City Council goals regarding commercial zoned land, and provided clarification regarding the notices that were sent out. He stated the property owner of 447 Sixth Street was aware of the proposal.

Jim Civiello, 3 Quail Drive, spoke against the proposal and his agreement with the neighbors, plus concerns regarding traffic.

*Public hearing closed.*

C.Parker gave the Board their options and stated the information regarding the process with the City Council, adding the public is invited to attend.

Discussion ensued regarding the comparison of subdivision development, and comparing the setbacks, property values, and traffic with the current zoning.

**Motion:** T.Clark made a motion to table pending additional information. Seconded by D.White. Vote 8/1

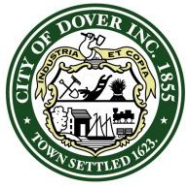
The Chair announced a two minute recess at 8:39 p.m.

The meeting reconvened at 8:46 p.m.

D.Ciotti made a motion to reopen the public hearing. Seconded by L. Skinner. Vote U/A

D.Ciotti made a motion to continue the public hearing and table the item. Seconded by C.Lawrence. Vote U/A

F.Torr stated items 3.C and 3.D would be heard together.



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- C. Consideration and possible vote on a Site Plan Review for Vitas Management & Development Co., LLC, (Owner: Profero Management and Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, located at 181 Silver Street. (Proposal is to construct a 72,360 sq. ft. Assisted Living Facility with 76 units, a 2,930 sq. ft. Bank, a 66,000 sq. ft. Medical Office Building, a 2,300 Coffee Shop, and a 66 unit hotel with a 20,472 sq. ft. footprint. The mixed use site proposes 382 parking spaces). \*(P15-56)
- D. Consideration and possible vote on a Conditional Use Permit for Vitas Management and Development Company, LLC (Owner: Profero Management and Holdings, LLC), Assessor's Map 11, Lot 2, zoned B-3, located at 181 Silver Street. (Proposal is for a non-residential development with a wetland impact of 24,454 sq. ft.). \*(P15-55)

**Motion:** L.Skinner made a motion to remove items from the table and reopen the public hearing. Seconded by D.Ciotti. Vote U/A

C.Parker gave an overview regarding the status of the proposed project.

Ari Pollack, Gallagher, Callahan & Gartrell, P.C., represented the applicant and stated Bob Clark from Allen & Major Associates, Inc., Kevin Dandre from The Engineering Corp, Inc., Eric Reuter from Reuter Associates, LLC., Alex Vilas, Italo Visco were also present. He explained the project plan update and the reasons for the waivers. The project plans were displayed for viewing. He answered questions regarding the lighting and utility plans.

Discussion ensued regarding the architectural design of Dunkin Donuts and the need for a more attractive design.

T.Clark provided changes to the fire truck turn plan on sheet TR1 of the utility plan. C.Parker stated this could be added as a condition and stated the revision.

C.Parker answered questions regarding the status of the wetland permits, and read K.Schuman's letter.

A.Pollack answered questions regarding safety issues with the Dunkin Donuts drive thru, the architectural design of the medical building and hotel, landscaping, and sheet C1 of the plan set. He clarified the architectural designs are pending further review. He addressed the letter distributed to the Board members from K.Schuman, and stated he was not present for the presentation.

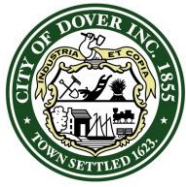
*Public Hearing reopened.*

Dawn Duffy, 163 Silver Street, spoke against the project and stated her concerns regarding traffic, noise, changes in the variance, and a seven day construction week.

Terry Picard, 192 Silver Street, spoke against the project and stated her concerns regarding architectural consistency for the area, limiting construction to no weekends, traffic due to Dunkin Donuts, property values diminishing, and noise pollution. She requested the waiver be denied.

Barbara Trow, 192 Silver Street, spoke against the project and stated her concerns regarding traffic and noise.

Dennis Duffy, 163 Silver Street, spoke against the project and stated his agreement with his neighbors. He further stated his concerns regarding traffic and enforcement if the conditions are ignored.



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Dawn Duffy, 163 Silver Street, stated further concern with the traffic study in association with anticipated traffic from Dunkin Donuts.

*Public hearing closed.*

C.Parker addressed abutter concerns and emails from the abutters regarding noise, traffic, construction, architectural design, landscaping, gas stations, DES issues, wildlife, the variance for 75 units, the Alzheimer unit, parking, and concerns regarding the proximity to the school. Copies of the emails were distributed to the Board members.

Discussion ensued regarding concerns with the Dunkin Donuts architectural design not meeting the guidelines for the area, concerns with the waiver, construction traffic on Silver Street, and the construction schedule.

C.Parker presented the options for the Board members regarding revisions to the plan.

C.Lawrence stated his concerns regarding the roundabout, traffic, wetlands, and the construction schedule, and other pending issues.

A.Pollack suggested to obtain feedback and work with Staff as a condition. He stated the need to have Saturday as part of the construction hours, but agreed to Sunday as a day off.

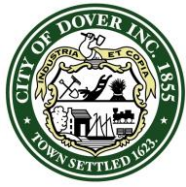
### **STAFF RECOMMENDATION: (P15-56)**

The Planning Department recommends that the Planning Board approve the site plan with the following conditions:

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

1. Conditional Use Permit (P15-55) be approved.
2. The owner's signatures shall be added to the final plan.
3. Applicant shall provide a digital version of plan set.
4. The Professional Engineer, Licensed Land Surveyor, Certified Wetland Scientist will need to sign and date final plans.
5. The Storm Water Management Plan and Storm Water Management System Operation and Maintenance Plan be approved to the satisfaction of the City Engineer.
6. The approval includes the granting of the waiver requested for the porous walkways and porous pavement for the reasons stated by the applicant. The Board finds that the criteria of Chapter 149-19.A have been met.
7. Revise plan set to:
  - a. Add a phase note or phasing lines to plan.
  - b. Address any life safety/fire safety concerns (signage, infrastructure, lane markings, etc.) to the satisfaction of the Fire Chief.
  - c. Add more trees along property line of the southern end of hotel to create better screening for houses
  - d. Supply a photometric plan that meets the requirements of 149-14.E(2) and has security lighting behind Assisted Living Building
  - e. Specify the size and type of pipe to be used for the sewer forcemain
  - f. Provide more information and details about the wetland restoration area
8. Revise plan to update the coffee shop to conform to Architectural Standards (Section 149-14(L)).

#### **Conditions to Be Met Prior to Any Construction Activity:**



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9. The development agreement relative to the City, Applicant, and DOT documenting construction and alteration to the Urban Compact and long term maintenance and operation of the roundabout shall be reviewed by the City Legal Counsel, approved by the Assistant City Manager, and recorded at the Strafford County registry of deeds.
10. Construction hours shall be limited to Monday-Friday 7 AM-6 PM, Saturday 9 AM-4 PM, with no Sunday hours. Hours of construction shall be documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development.
11. The applicant will develop, with its Wildlife/Wetland Consultant, a plan to minimize impact on wildlife, which shall be reviewed and approved by the Director of Planning.

**Conditions to Be Met Prior to Issuance of a Building Permit:**

12. Any new building shall pay the current impact fees in place at the time of building permit application.
13. Any new building shall be assessed the current water/sewer investment fees in place at the time of application for water/sewer service.

**Conditions to Be Met Prior to Issuance of a Certificate of Occupancy:**

14. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work on the site and with roundabout.

Discussion ensued regarding the noted changes to the conditions.

D.Ciotti stated his concern regarding truck traffic on the newly constructed Silver Street and suggested a ban on trucks east of Silver Street. C.Parker stated they cannot ban vehicles or limit truck traffic on state routes. D.White confirmed the road is designed for truck traffic.

**Motion:** T.Clark made a motion to approve the site plan to include the revised conditions. Seconded by D.White. Vote 7/2 passed

**STAFF RECOMMENDATION: (P15-55)**

The Planning Department recommends the Planning Board approve the Conditional Use Permit with the following conditions:

**Conditions to Be Met Prior to the Issuance of the Conditional Use Permit:**

1. The site plan (P15-56) shall be approved.
2. The erosion and sediment control features shall be installed prior to any earth disturbance activities.
3. NH DES Wetlands Permit granted with the permit number added to the site plan and a copy of the permit submitted to the City.

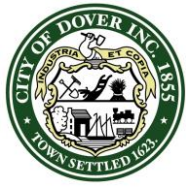
**Motion:** L.Skinner made a motion to approve the Conditional Use Permit subject to staff recommended conditions. Seconded by G.Cruikshank. Vote 7/2 passed

The Chair announced a recess at 10:49 p.m.

The meeting reconvened at 10:55 p.m.

#### 4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for JNM Realty Trust, Assessor's Map 27, Lot 273, zoned CBD (Downtown Gateway), located at 130 Broadway. (Proposal is to construct a garage with a



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residential garage with a living unit on the second floor. Project does not conform to minimum lot coverage, minimum lot frontage buildout, and 1 unit per 5,000 sq.ft. requirements) \*(P16-04)

This item was withdrawn by the applicant and was not heard.

- B. Consideration and Possible Vote on a Citizen's Petition for a Zoning Amendment for Scott Mitchell Real Estate, LLC, Assessor's Map 37, Lots 35, 36, 37, and 38, located on Glenwood Avenue and Central Avenue. (Rezone 5.384 acres from Office (O) and Medium Density Residential (R-12) to Thoroughfare Business District (B-3))\*(P16-06)

C.Parker gave an overview of the application and displayed the plan for viewing.

Richard Uchida, Hinckley, Allen & Snyder LLP, Attorneys at Law, represented the applicant and stated the information as listed in the application. He distributed plans for the Board members and stated the site plan is not set. Part of the proposed site plan will be to protect the wetland area with an easement. There is a Groundwater protection area close to the location. He further stated they contacted everyone who abuts the property about the proposal, and will continue outreach along Crescent Avenue for notifications. Scott Mitchell was also present.

C.Parker clarified for C.Plante that the City owns land adjacent to the property.

C.Lawrence stated his concern regarding pervious materials or rain gardens due to the time and federal funding spent to restore the wetlands through UNH. He further stated he would like to see it developed to a walking area.

Discussion ensued regarding clarification of the locations on the plan, that the plan is not what is being proposed, and the actual plan could be different.

C.Parker explained the options to the Board members, and provided a recommendation stating the rezoning proposal does repurpose and line up with the surrounding area and create a natural boundary.

L.Skinner stated his concern to give the abutters every opportunity to be heard.

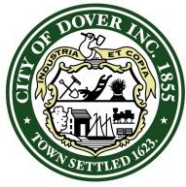
Discussion ensued regarding Walgreens noting the setback location due to lot structure.

**Motion:** D.White made a motion to post the amendment. Seconded by G.Cruikshank. Vote U/A

- C. Consideration and acceptance of an Amended Open Space Subdivision Plan for Arthur Gagnon, Assessor's Map H, Lot 2A-1, zoned R-40, located at Freshet Road. (Proposal is to amend a previously approved subdivision to request a waiver for the buffer to be 30 feet wide instead of 50 feet wide as required.) \*(P12-24A).

C.Parker gave an overview of the application and displayed the plan for viewing. He addressed the letter distributed to the Board members from Joanne Johnson which stated there was no objection with the project.

Christopher Berry, Berry Surveying & Engineering represented the applicant and stated the information as listed in the application. He stated the lots were purchased from Joanne Johnson, and she was contacted about the project, who agreed and submitted the letter. He answered questions from the Board members regarding a shared driveway and the option if there was no approval.



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Discussion ensued regarding the issue with the setback.

**Motion:** D.White made a motion to accept the application. Seconded by D.Ciotti. Vote: U/A

*Public hearing opened. Nobody Spoke. Public hearing closed.*

### STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board approve the subdivision plan with the following conditions:

#### Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. The approval includes the granting of the waiver requested for the exterior buffer reduction for the reasons stated by the applicant. The Board finds that the criteria of Chapter 155-51.A. have been met.
3. The applicant shall revise the final plat to:
  - a. add the owner's signatures
  - b. add the surveyor's stamp and signature to the final plat
  - c. include the Planning File Number P12-24A in the title block
  - d. include the approved Lot Line Adjustment Plan in the list of referenced plans
  - e. remove note 5, Joanne Johnson should not sign the plan now that she no longer owns the property.

**Motion:** D.White made a motion to approve the subdivision plan subject to staff recommended conditions. Seconded by D.Ciotti. Vote U/A

### 5. STAFF COMMENTS

C.Parker presented a lot merger for Tax Map J, Lots 4-2 and 4-3 for the Board to approve and the Chair to sign.

**Motion:** G.Cruikshank made a motion to approve the merger. Seconded by D.White. Vote U/A

C.Parker stated the Community Trail received word from the State regarding the next level of the design. He stated they are working with the Department of Transportation to hire Engineers for the design.

C.Parker announced the birth K.Schuman's daughter.

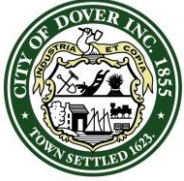
C.Parker stated the State released a report on climate adaptation.

### 6. MEMBER COMMENTS

C.Parker reminded the Board of the commitment made to evaluate the I-1 District, create a Sub-committee, and the need for a Board member involvement.

### 7. ADJOURNMENT

**Motion:** L.Skinner made a motion to adjourn at 11:32 p.m. Seconded by D.White. Vote: U/A



**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P16-06

|                   |                                                                       |
|-------------------|-----------------------------------------------------------------------|
| Application Type: | Citizen Petition for Rezoning                                         |
| Applicant(s):     | Scott Mitchell Real Estate, LLC                                       |
| Owner(s):         | Multiple (See attached application)                                   |
| Location:         | Central Ave and Glenwood Ave (Assessor's Map 37, Lots 35, 36, 37, 38) |

**INTENT:** A request by a citizen proposes to rezone four (4) parcels that total approximately 5.38 acres from Office (O) and Medium Density Residential (R-12) to Thoroughfare Business District (B-3).

**LOTS/UNITS PROPOSED:** None at this time

**AGENDA ITEM #:** 3-A

**ACREAGE:** 5.38 acres

**ZONING DISTRICT:** Office (O) and Medium Density Residential (R-12)

**EXISTING LAND USE:** Office, residential, and vacant

**PROPOSED LAND USE:** Commercial and other uses permitted in the Thoroughfare Business District (B-3)

**SURROUNDING LAND USE:** Residential, office, and vacant

### **ZBA ACTION:**

#### **Lot 35:**

H82-17: Variance granted to have professional offices in a residential zone on August 19, 1982

H84-36: Variance granted to move the existing building and garage to the rear of the lot and construct a new office building at the front of the lot on June 21, 1984

Z01-2: Variance granted to install a 12 sq. ft. freestanding sign with the condition that there will be no additional signage on the property that would otherwise be allowed on March 15, 2001

#### **Lot 36**

Z00-16: Variance granted to allow a 12 sq. ft. freestanding sign with the condition that it be at least 10 feet from sidewalk and that no additional signs to be permitted on the property on June 15, 2000

#### **Lot 37**

Z94-22: Variance granted to allow a 12 sq. ft. freestanding sign and to increase the overall sq. ft. to 36 sq. ft. on October 20, 1994.

H87-47: Variance granted to allow one sign to be 8 sq. ft. and one sign to be 40 sq. ft. on September 17, 1987.

H70-7: Exception denied to rezone lot to commercial from residential

Z94-15: Variance denied to erect a second freestanding sign

**ATTACHMENTS:** Bring material from 3/22/16 meeting

**APPLICATION IS COMPLETE:** Yes

**NOTICES SENT:** Abutter notices were sent by first class mail for this meeting

**PERMITS REQUIRED:** N/A

**WAIVERS REQUESTED:** N/A

### **Summary of Request and Background**

The applicant is requesting to rezone four parcels on Glenwood Ave and Central Ave from Office (O) and Medium Density Residential (R-12) to Thoroughfare Business District (B-3).

Many of the variances over the past thirty years have been obviated due to previous or proposed rezoning.

The process for handling the petitioned amendment is outlined in Chapter 170-53-C-3. On March 22, 2016, the Planning Board voted to post the citizen petition and hold a public hearing on April 12, 2016.

### **STAFF RECOMMENDATION:**

The Planning Board should hold a public hearing and allow the applicant to present the rezoning request, receive input from abutters, and make a recommendation to the City Council.

## Glenwood and Central Rezoning

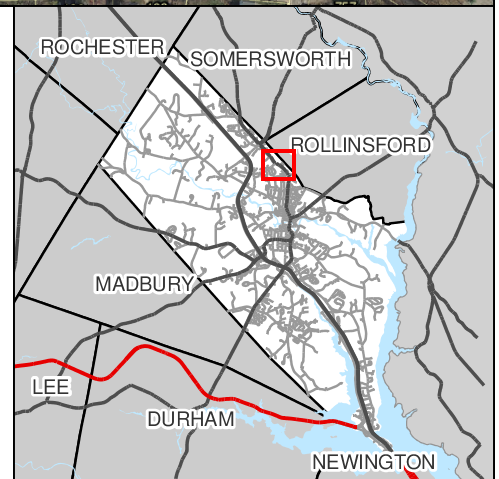
**Property Information**

**Property ID** D0003-000000  
**Location** OLD ROCHESTER RD  
**Owner** ROMAN CATHOLIC BISHOP  
ST CHARLES PARISH RECTORY

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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

Parcels updated January 1, 2015



April 2, 2016

Planning Board

Unfortunately, myself as other neighbors on Crescent Avenue are not able to attend the public hearing on the 12<sup>th</sup>. Prior engagements that we cannot get out of, but please don't interpret our inability to attend the public hearing as being in agreement to the zoning amendment P16-06.

I, as well as, the signed Crescent Avenue neighbors who have signed below would like to voice our opinions. We have no objection to Dover's economy advancement, after all we live here! But at our expense, we do. The application states "keeping the existing Central Avenue corridor", Crescent Avenue is NOT on the existing corridor, thus the zoning ON Central Avenue is for business. The application further states "consistent with the Master Plan vision of protecting the residentially zoned areas in the City from unreasonable encroachment by commercial uses" Well, we feel this is not being honored at all! Its total encroachment onto some of the residential properties of Crescent Avenue (specifically numbers 1-22 on the Left), and the houses not directly encroached upon will still suffer the consequences of making that parcel of land "business thoroughfare" because our street/neighborhood will be exposed. Once exposed we can look forward to increased noise (to the point of thinking we live on a thoroughfare); if a restaurant possibly drunken individuals roaming into our once safe and quiet street; added pollution, crime, lots of lost green space, litter and everything else that bringing a business next to residential properties brings. If we wanted to all live on Central Avenue, or experience the thoroughfare of Central Avenue, we would have bought houses on Central Avenue.

Another interesting line in the application is "provide sufficient land to buffer residential uses on Crescent Avenue". What is considered "sufficient" to you may not be "sufficient" to us. If you look at #10 on Crescent Avenue, there is an orange marker less than a foot away from the property owners shed! Less than a foot is that sufficient to you? Not to me!

We ask you to please reconsider this zoning application/amendment. We feel it will totally change our lovely residential street and close-nit neighborhood. We bought our homes because of the tranquility, green space, and insulated feelings from the hustle and bustle of Central Avenue. We ask you, would you want this development in your backyard? I think not.

Respectfully,



Ellen M. Wood: 15 Crescent Avenue

Kathy Smith #8 Crescent Ave  
(ABUTTER)

Lauren Clifford 87 Horne St.

Edward A. Lewis & Anita D. Poirer #22 Crescent

Brian & Ann Kelley #2 Crescent  
(ABUTTER)



## City of Dover, New Hampshire ZONING AMENDMENT APPLICATION

RECEIVED  
[Revision Date: February 13, 2013]  
Planning Office

Office Use Only

File #:

P16-06

Date Received:

MAR 17 2016

Amount Paid:

Time Received:

Dover, New Hampshire

### APPLICANT INFORMATION

Name of Applicant: Scott Mitchell Real Estate, LLC

Address of Applicant: 321D Lafayette Road, Hampton, NH 03242

Telephone # (603) 926-7770

Email Address scott@tropicstardevelopment.com

### DESCRIPTION OF PROPOSED AMENDMENT

Amendment will rezone four properties on or near the southeasterly corner of Glenwood  
Avenue and Central Avenue to B-3 (Thoroughfare Business Zoning District)

### AREA REZONING INFORMATION

Assessor's Map and Lot #s of all properties within the area proposed to be rezoned:

| Map | Lot(s) |
|-----|--------|
| 37  | 35-0-0 |
| 37  | 36-0-0 |
| 37  | 37-0-0 |
| 37  | 38-0-0 |
|     |        |
|     |        |
|     |        |
|     |        |
|     |        |

Current Zoning District(s) See attached Size of Area: 5.38 AC (in total)

Existing Use(s) Within Area: Properties on Central Avenue-Office; Property on Glenwood-Residential

Proposed Zoning District(s) B-3 Proposed Use of Area: Retail/Commercial

### ORDINANCE AMENDMENT INFORMATION

Article# 170 Section(s) # 8 Section Title(s) Zoning Map

Current Provision(s) Language See attached for existing zoning of properties.

Proposed Provision(s) Language See attached for proposed zoning of properties.

In a separate narrative, please describe how your proposed amendment(s) addresses the following elements:

- The purpose and intent of the amendment;
- Consistency with RSA 674:17;
- Consistency with Dover's Master Plan;
- Consistency with other plans, studies, or technical reports prepared by, or for, the Planning Board and the City;
- Effect on the City's municipal services and capital facilities as described in the Capital Improvements Program;
- Effect on the natural, environment, and historical resources of the City;
- Effect on neighborhood including the extent to which nonconformities will be created or eliminated; and
- Effect on the City's economy and fiscal resources.

### REQUIRED ATTACHMENTS

Fifteen (15) hard copies and one digital copy of the following:

- This application;
- A properly drafted ordinance containing the amendment in a form meeting the requirements of the City Clerk (please see attached for example);
- A statement of the purposes and intent of the proposed amendment
- For zoning map amendments:
  - A map showing the existing zoning districts of the area to be rezoned and the proposed changes to these districts;
  - The names, addresses, and telephone numbers of those submitting the petition and of any agents or representatives of the same;
  - A list and address labels including the name, address, and tax map number of each property owner of the area proposed for rezoning and each property owner within one hundred (100) feet of the subject area. The list shall be current within ten (10) days of submittal;
  - A non-refundable fee of eight dollars (\$8.00) per property owners and abutter required to be notified included on the lists of properties;
- A non-refundable fee of one hundred fifty dollars (\$150.00) to cover the cost of staff review and processing of the amendment;
- A non-refundable fee of eighty dollars (\$80.00) to cover the cost of the newspaper notice; and
- For district or citywide zoning map amendments, or for zoning ordinance text amendments, please contact the Planning Department for cost of mailing and abutter notice requirements.

### SIGNATURE OF APPLICANT(S)

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 Applicant: See attached Date: \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

# ***City of Dover, New Hampshire REZONING APPLICATION (Addendum)***

The following information is supplied for each property in this rezoning application:

## **824 Central Avenue**

Property Owner: Judith T. Spang, Trustee  
Owner Address: Judith T. Spang Revocable Trust of 2003  
55 Wiswall Road  
Durham, New Hampshire 03824  
Assessor's Map #: 37-35-0-0  
Current Zoning District: O - Office District  
Size of Parcel: .7 Acres  
Existing Use: Professional office

## **826 Central Avenue**

Property Owner: 826 Central Avenue, LLC  
Owner Address: P.O. Box 343  
Lafayette, Colorado 80026  
Assessor's Map #: 37-36-0-0  
Current Zoning District: O- Office District  
Size of Parcel: .585 Acres  
Existing Use: Office

## **828 Central Avenue**

Property Owner: Parkstone Properties, Inc.  
Owner Address: 4 Bulough Park  
Newton, Massachusetts 02160

Assessor's Map #: 37-37-0-0  
Current Zoning District: O - Office District  
Size of Parcel: .82 Acres  
Existing Use: Professional office

**8 Glenwood Avenue**

Property Owner: Charles Banaian  
Owner Address: 8 Glenwood Avenue  
Dover, New Hampshire 03820  
Assessor's Map #: 37-38-0-0  
Current Zoning District: R-12 Medium Density Residential District  
Size of Parcel: 3.279 Acres  
Existing Use: Single family home



**REZONING INFORMATION**

Scott Mitchell Real Estate, LLC, proposes to rezone the properties identified above, to the Thoroughfare Business (B-3) Zoning District. As set forth above, the three properties fronting on Central Avenue are zoned in the Office (O) Zoning District, while the 8 Glenwood Avenue property is zoned in the Medium Density Residential (R-12) Zoning District.

*Purposes and Intent of Amendment:* The purpose of the rezoning application is to enable the applicant to develop the four parcels in a manner more in keeping the existing Central Avenue corridor/neighborhood. Specifically, with the rezoning, the four parcels could be developed to house a bank, professional offices, retail and restaurant uses. With the rezoning, the following requirements, pursuant to RSA 674:17, are achieved:

- Promotion of health and the general welfare through enhancement of the commercial tax base of the City.
- Reduction of congestion in the streets through careful planning of access points into the parcels, which will be merged, and elimination of separate driveways for each parcel.

- Provision of light and air and the prevention of overcrowding of the land, through master planning of the parcels, as merged, including appropriate open space, landscaping and buffering, as part of a master plan for the development of the parcels.

*Impacts on economy, fiscal resources, environment, natural and historical resources, municipal services, capital facilities and neighborhoods:* The amendment will have a positive impact on the economy of the City, while not creating any material burden on municipal services, capital facilities or any natural or historic resources in Dover. The rezoning will positively impact the fiscal resources of the City by rezoning the properties to accommodate the highest and best uses of those properties, given the affected area. The rezoning also brings the properties more in line with the manner in which this portion of Central Avenue has been developed. The area to be rezoned is adjacent to the Walgreen's Pharmacy development and across the street from the Shaws Plaza and the Hannaford/Natural Pharmacy/Papa Gino's developments. In fact, the rezoning simply represents an extension of the existing B-3 Zoning District. Through thoughtful layout of the buildings, reasonable landscaping, preservation of existing trees where possible, and the establishment of fencing and vegetative buffers, the area in question can be developed in a manner which is complementary to Central Avenue while protecting the residential neighborhood on Crescent Avenue. The applicant is not aware of any non-conformities which will be created, once the rezoning is accomplished and the properties are developed as intended.

*Master Plan Consistency.* The City's master plan espouses a vision for an increase in the City's commercial tax base through economic development, especially on properties already used commercially. See Vision Element 8. As noted above, the rezoning of the properties in this application will accommodate the highest and best uses of those properties, given the affected area. This will represent an improvement, in terms of commercial tax base, over the current uses of the properties. Also, as noted above, the properties, as combined, offer an opportunity to develop the land with higher quality commercial uses, while providing for the reservation of areas of open space and landscaping to protect the nearby residential neighborhood on Crescent Avenue. This is consistent with the Master Plan vision of protecting the residentially zoned areas in the City from unreasonable encroachment by commercial uses. Not all commercially-zoned properties in the City feature enough size and depth to be developed commercially with appropriate separation from residentially-zoned areas. Finally, the rezoning does not represent the expansion of commercially zoned properties outside of what is thought as the urban growth area of the City into its rural areas. See February 24, 2015 Land Use Analysis, LU 2.1. It is in an area within or adjacent to land designated as "Retail Corridor" in the Master Plan Future Land use Map. The rezoning is perfectly consistent with the other uses along Central Avenue to the west and across both streets. While the rezoning does include one parcel which is occupied by and zoned for residential use, the parcel location lines up, in terms of depth, with the depth of other commercial uses fronting on Central Avenue, and provides sufficient land to buffer residential uses on Crescent Avenue from the proposed development of the properties.

Respectfully submitted:

SCOTT MITCHELL REAL ESTATE, LLC

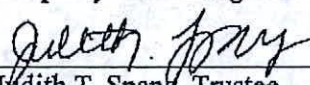
By: 

Richard V. Nichols (Print Name)

Attorney at Law (Title)

Duly authorized

Property Owner Signatures:

  
Judith T. Spang, Trustee

826 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized

Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

Charles Banaian

**Property Owner Signatures:**

\_\_\_\_\_  
Judith T. Spang, Trustee

\_\_\_\_\_  
826 Central Avenue, LLC

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Title)

Duly authorized

\_\_\_\_\_  
*Joseph Tischler*  
Parkstone Properties, Inc.

\_\_\_\_\_  
JOSEPH TISCHLER (Print Name)

\_\_\_\_\_  
PRESIDENT (Title)

Duly authorized

\_\_\_\_\_  
Charles Banaian

**Property Owner Signatures:**

\_\_\_\_\_  
Judith T. Spang, Trustee

*Heather S. Clements, member*  
\_\_\_\_\_  
826 Central Avenue, LLC

*Heather S. Clements* (Print Name)

*member* (Title)

Duly authorized

\_\_\_\_\_  
Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

\_\_\_\_\_  
Charles Banaian

Property Owner Signatures:

Joshua L. Spang, Trustee

126 Central Avenue, LLC

(Print Name)

(Title)

Duly authorized

Parkstone Properties, Inc.

(Print Name)

(Title)

Duly authorized

*Alfred M. Silva Mascato*

*Charles Baranovich*

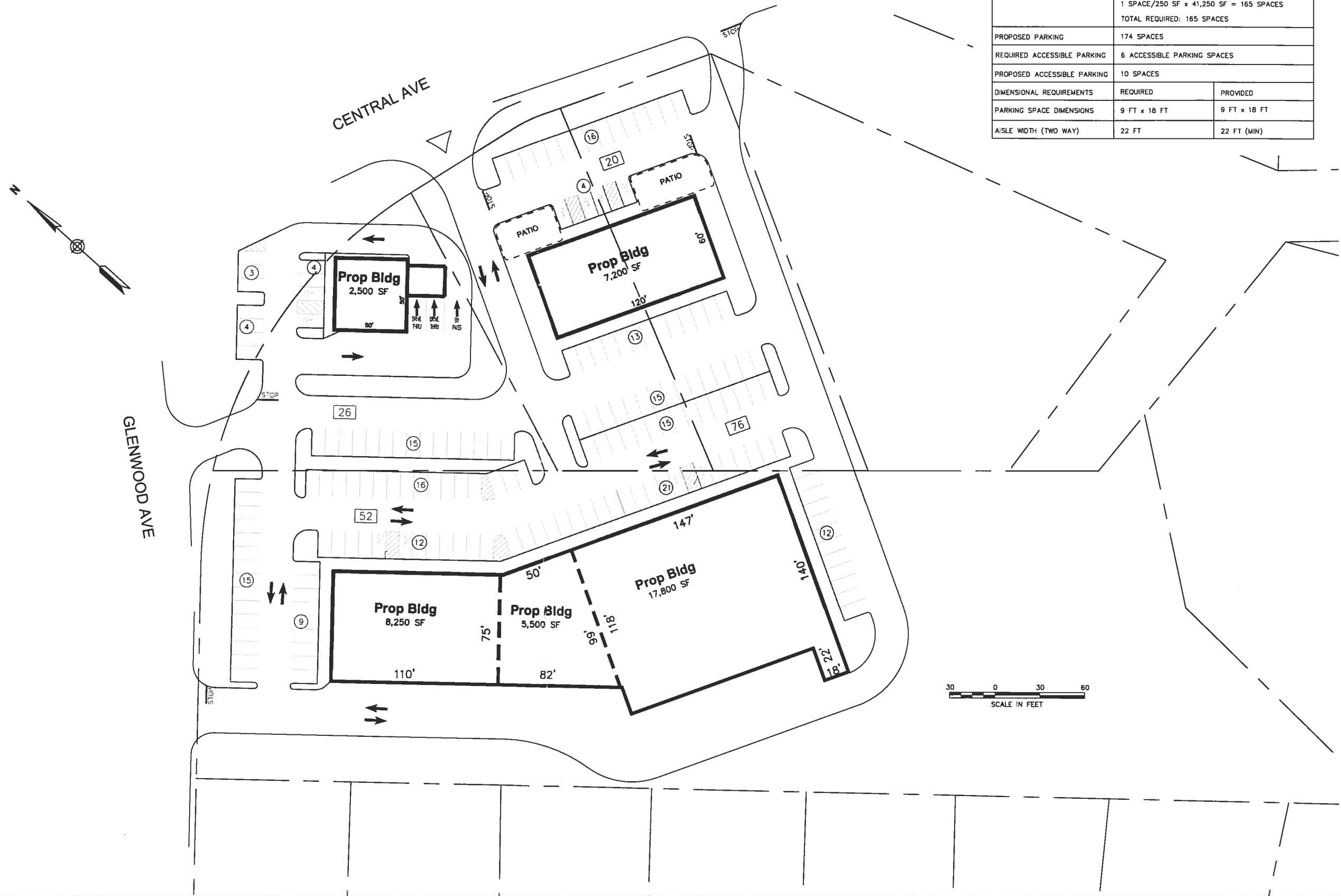
*Executive for Charles Baranovich*



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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

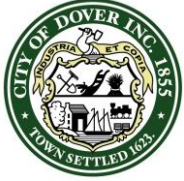
| PARKING TABLE               |                                         |              |
|-----------------------------|-----------------------------------------|--------------|
| REQUIRED PARKING            | RETAIL (41,250 SF)                      |              |
|                             | 1 SPACE/250 SF x 41,250 SF = 165 SPACES |              |
|                             | TOTAL REQUIRED: 165 SPACES              |              |
| PROPOSED PARKING            | 174 SPACES                              |              |
| REQUIRED ACCESSIBLE PARKING | 6 ACCESSIBLE PARKING SPACES             |              |
| PROPOSED ACCESSIBLE PARKING | 10 SPACES                               |              |
| DIMENSIONAL REQUIREMENTS    | REQUIRED                                | PROVIDED     |
| PARKING SPACE DIMENSIONS    | 9 FT x 18 FT                            | 9 FT x 18 FT |
| AISE WIDTH (TWO WAY)        | 22 FT                                   | 22 FT (MIN)  |



March 16, 2016

Scale: 1" = 30'





**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO FILE #P16-07

Application Type: Minor Lot Line Adjustment  
Applicant(s): Pierre and Carolyn Lavoie  
Owner(s): Eleanor Milliken Revocable Trust  
Location: 175A Dover Point Rd & 8 Evans Dr. (Assessor's Map L, Lots 14M & 83G)  
Meeting Date: April 12, 2016

**INTENT:** To adjust the lot lines between two existing lots at 175A Dover Point Road and 8 Evans Drive. Lot L/83G will transfer 11,401 Sq. ft. to lot L/14M.

**LOTS/UNITS PROPOSED:** No change in the number of lots

**AGENDA ITEM #:** 4-A

**ACREAGE** 28.3 acres total

**ZONING DISTRICT:** Low Density Residential District (R-20)

**EXISTING LAND USE:** Residential

**PROPOSED LAND USE:** Residential

**SURROUNDING LAND USE:** Residential

**ZBA ACTION:** None

**ATTACHMENTS:** Lot line adjustment plan and application

**APPLICATION IS COMPLETE:** Yes

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

**PERMITS REQUIRED:** None

**WAIVERS REQUESTED:** None

### Summary of Request and Background

The applicant wants to reconfigure the lot lines between two existing lots. There is no change in the number of lots. The proposed lot line cuts off a corner of 11,40 sq.ft. from lot L/83G to transfer to lot L/14M.

### Consistency with Land Use Regulations

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. This plan is consistent with those regulations.

Section 155-18 states the requirements for Minor Lot Line Adjustment and Boundary Agreements, this lot line adjustment meets the regulations.

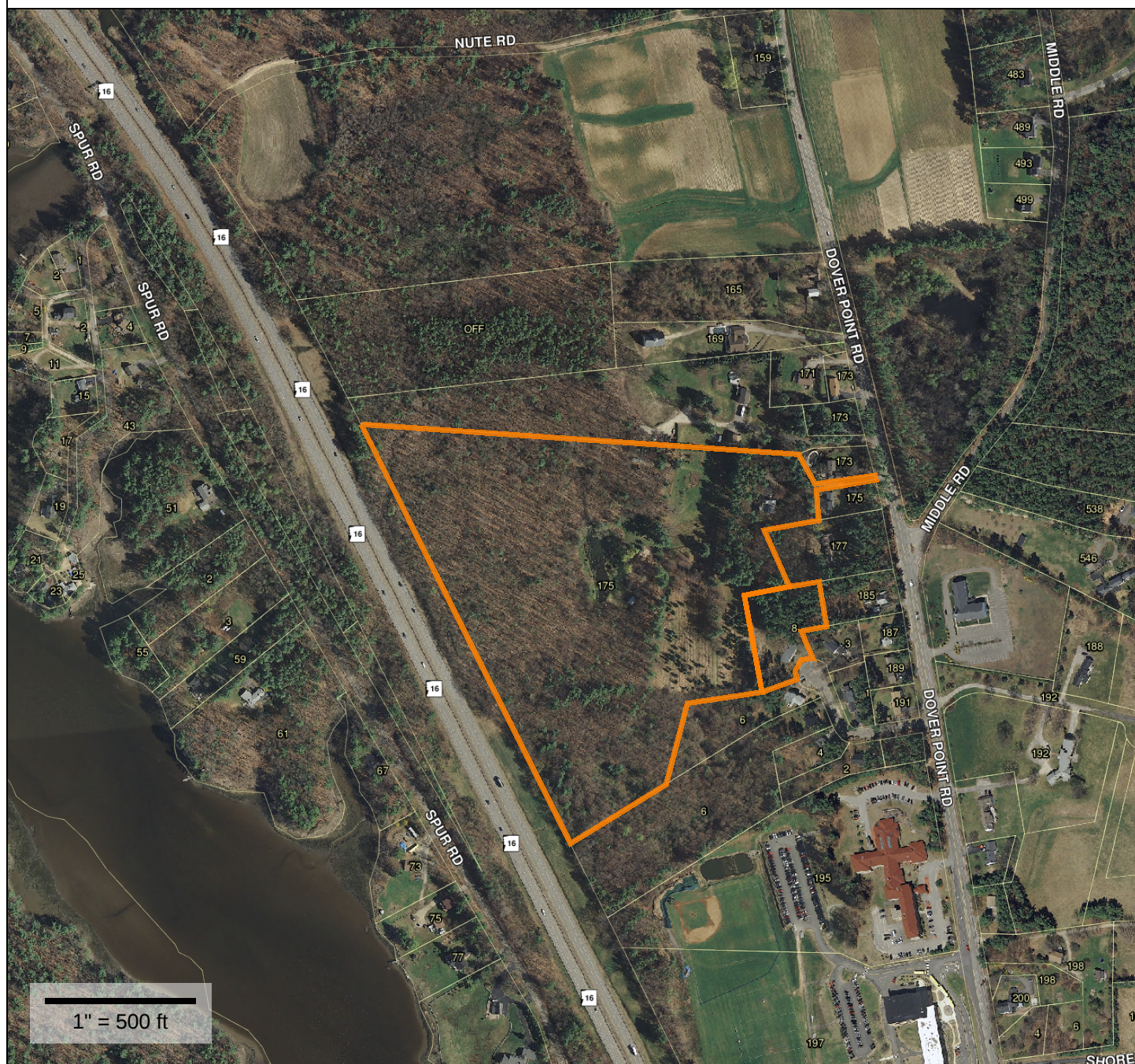
### STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the lot line adjustment plat with the following conditions:

### Conditions to Be Met Prior to Signing of Plans:

1. The owners' signatures shall be added to the final plat submitted for signature.
2. The applicant shall provide the Planning Department with a digital version of the final plat.
3. The applicant shall add the surveyor's stamp and signature to the final plat.
4. The applicant shall revise the plat to include the Planning File number P16-07 to the title block.
5. The applicant shall revise the plat to show the correct amount of sq. ft. in existing lot L/14M.

## 175A Dover Point and 8 Evans LLA

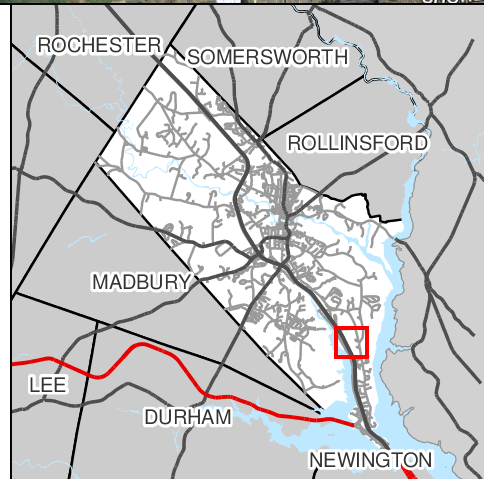
**Property Information**

**Property ID** I0049-030000  
**Location** 18 DANIELLE LN  
**Owner** HOAG JOTHAM S

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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

Parcels updated January 1, 2015





**City of Dover, New Hampshire**  
**MINOR LOT LINE ADJUSTMENT APPLICATION**

[Revision Date: February 12, 2013]  
RECEIVED  
Planning Office

|                 |                              |                                   |
|-----------------|------------------------------|-----------------------------------|
| Office Use Only | Project #: <u>P16-07</u>     | Date Received: <u>MAR 11 2016</u> |
|                 | Amount Paid: <u>\$393.00</u> | Time Received: _____              |

Dover, New Hampshire

**APPLICANT INFORMATION**

Name of Applicant: PERDE + CAROLYN LAVOIE Telephone # \_\_\_\_\_

Address of Applicant: 175A DOVER POINT ROAD DOVER NH 03820

**FIRST PROPERTY OWNER AND PARCEL INFORMATION**

Name of 1<sup>st</sup> Property Owner (if different from applicant): SAME Telephone # \_\_\_\_\_

Address of 1<sup>st</sup> Property Owner: \_\_\_\_\_

Address of Property: 175A DOVER POINT ROAD

Assessor's Map # L Lot(s) # 14 M

Property Deed: Book 3061 Page: 428

Zoning District(s) R-20 Overlay District(s) \_\_\_\_\_

Size of Existing Parcel (sq. ft.): 116,420 Size of Proposed Parcel (sq. ft.): 1,180,821

**SECOND PROPERTY OWNER AND PARCEL INFORMATION**

Name of 2<sup>nd</sup> Property Owner (if different from applicant): ELEANOR MILLIKEN REDCABLE TRUST Telephone # \_\_\_\_\_

Address of 2<sup>nd</sup> Property Owner: 8 EVANS DRIVE

Address of Property: 8 EVANS DRIVE

Assessor's Map # L Lot(s) # 83 G

Property Deed: Book 3952 Page: 012

Zoning District(s) R-20 Overlay District(s) \_\_\_\_\_

Size of Existing Parcel (sq. ft.): 63,351 Size of Proposed Parcel (sq. ft.): 51,949

**[Use additional application form if more than two lots are being adjusted]**

**SURVEYOR INFORMATION**

Name of Surveyor and Company (Licensed in N.H.) KEVIN MCENEANEY MCENEANEY SURVEY ASSOCIATES

Address 24 CHESTNUT STREET DOVER NH 03820 Telephone #: 742-0911

Professional License #: NH LLS 6661 E-mail address: Kevin@surveynh.com

**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 First Property Owner: Rene C. Javot Date: 3/11/16

Signature of Second Property Owner: Eleanor S. Miliken Date: 3/11/16

Signature of Applicant (if different from owner): \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I hereby authorize members of the Dover Planning Board, Planning Department and other pertinent City Departments and boards to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner: Rene C. Javot Date: 3/11/16

# PLANNING BOARD APPLICATION CHECKLIST & FEE SCHEDULE

- A. If you are submitting an application for Site Review or a Major Subdivision the applicant shall meet with the Technical Review Committee (TRC). Eight (8) copies of the application and preliminary plan must be submitted. \_\_\_\_\_
- B. Prior to the submission deadline for Planning Board, fifteen (15) copies of the application and fifteen (15) sets of plans must be submitted. Four (4) 22" x 34" and eleven (11) 11" x 17" (signed by owner). \_\_\_\_\_
- C. **TOTAL FEE** paid by cash or check made payable to "City of Dover"
1. Application fee for the following:
- SUBDIVISION \$150.00 x # \_\_\_\_\_ new lots created = \$ \_\_\_\_\_
  - LOT LINE ADJUSTMENT \$200.00 (if more than two lots involved, add \$100.00 per lot) = \$ 200.00
  - SITE REVIEW - RESIDENTIAL \$100.00 x # \_\_\_\_\_ per dwelling unit = \$ \_\_\_\_\_
  - SITE REVIEW - NON-RESIDENTIAL (not to exceed \$10,000)  
New construction \$.15 sq. ft. x # \_\_\_\_\_ sq. ft. = \$ \_\_\_\_\_  
Additions (new floor space) \$.10 per sq. ft. x # \_\_\_\_\_ sq. ft. = \$ \_\_\_\_\_
  - IMPERVIOUS PAVED AREA (for new development) OR IMPERVIOUS PARKING LOT ADDITIONS (not to exceed \$10,000) \$.07 sq. ft. x # \_\_\_\_\_ = \$ \_\_\_\_\_
  - MOTEL/HOTEL \$35.00 x # \_\_\_\_\_ per lodging unit = \$ \_\_\_\_\_
  - CHANGE OF USE (not to exceed \$5,000)  
Existing floor space \$.10 per sq. ft. x # \_\_\_\_\_ sq. ft. = \$ \_\_\_\_\_
  - CONDITIONAL USE PERMIT \$150.00 x # \_\_\_\_\_ per application = \$ \_\_\_\_\_
  - GRAVEL PIT/ EXTRACTION PERMIT  
Application fee \$50.00 = \$ \_\_\_\_\_  
Permit fee \$75.00 = \$ \_\_\_\_\_
  - EXTENSIONS OF/AMENDMENTS TO/WAIVERS FOR AN APPROVED PLAN  
(\$150.00 minimum) \$50.00 x # \_\_\_\_\_ per hour of review \$ \_\_\_\_\_
  - REQUEST FOR REZONING \$150.00 = \$ \_\_\_\_\_
  - DRIVEWAY WAIVER - \$100.00 application fee = \$ \_\_\_\_\_  
Letter of rejection from Engineering Department, diagram & letter from owner \$ \_\_\_\_\_
- D. **Mailing Labels (Avery 5160)** in triplicate including owner, engineer, architect, land surveyor, or soil scientist whose professional seal appears on the plat with names and addresses for notices.
- 1. Certified letters fee: # of abutters 11 X \$8.00 = \$ 88.00
  - 2. Applicant & Owner, engineer, architect, land surveyor or soil scientist  
Certified letters fee # 3 of x \$8.00 = \$ 24.00
  - 3. First Class Mail fee (for individual owner of units within a condominium or other collective form of ownership): # of abutters \_\_\_\_\_ X \$1.00 = \$ \_\_\_\_\_
  - 4. Creating/Printing Abutter Labels fee per sheet \_\_\_\_\_ x \$10.00 = \$ \_\_\_\_\_
- E. **Foster's newspaper public notice fee** \$ 80.00
- F. **Digital Version of the Plan & Archive Fee** \$1.00 x # 1 per sheet of plan set = \$ 1.00
- TOTAL FEE** \$ 393.00

## CITY OF DOVER MINOR LOT LINE ADJUSTMENT LIST OF ABUTTERS

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. The applicant must obtain the abutter information from the records of the Tax Assessor's Office (not more than five days prior to filing) in order to process the site review application.

**ABUTTER** is defined as the owner of record of a parcel of land located in New Hampshire and that adjoins or is directly within two hundred (200) feet (including land across the street or waterway) of the proposed site under consideration by the Planning Board. (See additional requirement below)

**Owner:**

owner #1

| TAX MAP | LOT # | PROPERTY OWNER         | MAILING ADDRESS                      |
|---------|-------|------------------------|--------------------------------------|
| L       | 14 M  | Perre + Carolyn Lavoie | 175A Dover Point Road Dover NH 03820 |

**Applicant (if different from owner):**

| APPLICANT NAME | APPLICANT COMPANY | MAILING ADDRESS |
|----------------|-------------------|-----------------|
| SAME           | -                 | -               |

**Surveyor and/or Engineer:**

| NAME             | COMPANY                      | MAILING ADDRESS                   |
|------------------|------------------------------|-----------------------------------|
| Kevin McFeneaney | McFeneaney Survey Associates | 24 Chestnut Street Dover NH 03820 |

**Conservation Easement Holder:** N/A

| TAX MAP | LOT # | NAME OF EASEMENT HOLDER | MAILING ADDRESS |
|---------|-------|-------------------------|-----------------|
| -       | -     | -                       | -               |

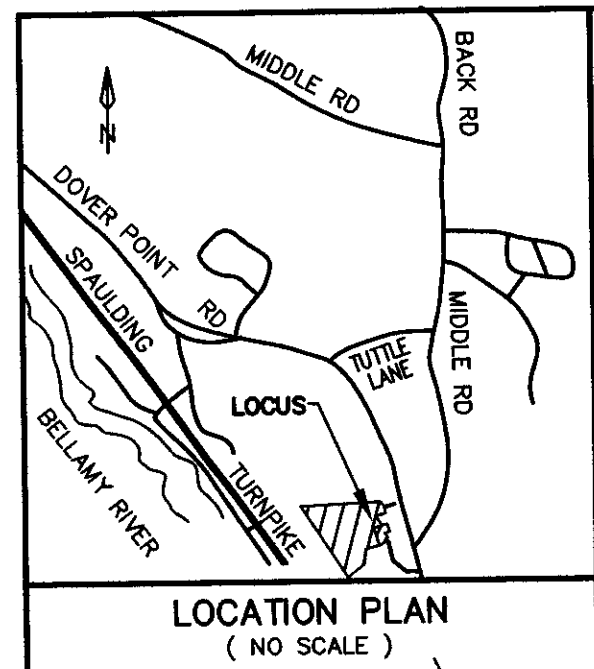
**Abutters:**

owner #2

| TAX MAP             | LOT #           | OWNER (S) OF RECORD                  | MAILING ADDRESS                        |
|---------------------|-----------------|--------------------------------------|----------------------------------------|
| L                   | 83 G            | Eleonor Muliken Revocable Trust      | 8 Evans Drive Dover NH 03820           |
| L                   | 14 G            | Lorraine Johnson Revocable Trust     | 6 Evans Drive Dover NH 03820           |
| L                   | 14 D            | Dover Point Revocable Trust          | PO Box 1321 Dover NH 03821             |
| L                   | 14 B            | John + Sylvia Leonard                | 175 Dover Point Rd Dover NH 03820      |
| L                   | 14              | Derek + Dorothy Young                | 175 C Dover Point Rd Dover NH 03820    |
| L                   | 83 F            | Michael + Krysten Maddocks           | 6 B Evans Drive Dover NH 03820         |
| L                   | 83 H            | John Dell Isola 2015 Revocable Trust | 3 Evans Drive Dover NH 03820           |
| L                   | 83 I            | Ronald + Patricia Cole               | 1 Evans Drive Dover NH 03820           |
| L                   | 84              | Mark + Madeline Cymbala              | 185 Dover Point Rd Dover NH 03820      |
| <del>14 M</del>     | <del>14 M</del> |                                      |                                        |
| M                   | 54              | Matthew Kozazcki                     | 108 High Road Newbury MA 01951         |
| L                   | 85              | Eugene S. Visuth                     | 967 E. Joliet St. Crown Point IN 46307 |
| Spanking Trenchpike |                 | State of NH DOT J. Moran Bldg.       | 7 Hazen Drive Concord NH 03301         |

If a condominium association is an abutter, add below all owners of individual units that are located within two hundred (200) feet of the common property line for notification by first class mail. N/A

| UNIT # | OWNER (S) OF RECORD | MAILING ADDRESS |
|--------|---------------------|-----------------|
|        |                     |                 |
|        |                     |                 |
|        |                     |                 |
|        |                     |                 |
|        |                     |                 |



### REFERENCE PLANS:

- LOT LINE ADJUSTMENT PLAN PREPARED FOR CAROLYN & PIERRE LAVOIE, TAX MAP L, LOT No. 14M, 175A DOVER POINT ROAD, AND ERIC & LORRAINE JOHNSON, TAX MAP L, LOT No. 14G, 6A EVANS DRIVE, CITY OF DOVER COUNTY OF STRAFFORD STATE OF NEW HAMPSHIRE. SCALE: 1" = 80'; DATED: JULY 27, 2004, REVISED THROUGH 8/11/04; BY THIS OFFICE. RECORDED S.C.R.D. PLAN 76-61.
- PLAN OF LOT, FRANK R. & ELEANOR T. MILLIKEN, DOVER, NEW HAMPSHIRE; DATED DECEMBER 1965; BY G.L. DAVIS & ASSOCIATES. NOT RECORDED.
- DANCO BUILDERS INC. - FINAL PLAN - EVANS TRACT, DOVER, NEW HAMPSHIRE. SCALE: 1" = 50'; DATED: JANUARY 1962, REVISED THROUGH 4/11/1962; BY: G.L. DAVIS & ASSOCIATES. RECORDED S.C.R.D. PLAN 1, POCKET 9, FOLDER 2.

| No. | Central Angle | Radius | Arc Length | Chord Length | Chord Bearing |
|-----|---------------|--------|------------|--------------|---------------|
| C1  | 120°00'00"    | 50.00  | 104.72     | 86.60        | S36°37'59"W   |

L / 14  
DEREK YOUNG  
DOROTHY E. YOUNG  
173 C DOVER POINT ROAD  
DOVER, NH 03820  
3914/753

L / 14D  
DOVER POINT REVOCABLE TRUST  
JOHN & CLAIRE ROBIDAS-ADAMS, TRUSTEES  
P.O. BOX 1321  
DOVER, NH 03821  
2577 / 436

L / 14J  
GENOEVA GLIDDEN  
173A DOVER POINT ROAD  
DOVER, NH 03820  
774 / 454

M / 54  
MATTHEW KOZAZSKI  
108 HIGH ROAD  
NEWBURY, MA 01951  
4171/678

### NOTES:

- OWNER OF RECORD:  

|         |                                                                                                                                                                                                                 |                  |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| L / 14M | PIERRE LAVOIE<br>CAROLYN LAVOIE<br>175A DOVER POINT ROAD<br>DOVER, NEW HAMPSHIRE 03820<br>S.C.R.D. VOL. 1072, PAGE 215<br>S.C.R.D. VOL. 3061, PAGE 428                                                          | OWNER SIGNATURES |
| L / 83G | ELEANOR MILLIKEN, TRUSTEE<br>ELEANOR MILLIKEN REVOCABLE TRUST<br>8 EVANS DRIVE<br>DOVER, NEW HAMPSHIRE 03820<br>S.C.R.D. VOL. 3952, PAGE 012<br>REF. S.C.R.D. VOL. 804, PAGE 096<br>S.C.R.D. VOL. 770, PAGE 075 | OWNER SIGNATURE  |
- L / 83G - DENOTES TAX MAP AND PARCEL NUMBER.
- ZONING DISTRICT IS R-20 (LOW DENSITY RESIDENTIAL DISTRICT)
- ZONING DIMENSIONAL AND DENSITY REQUIREMENTS:  
MINIMUM LOT SIZE = 20,000 S.F.  
MINIMUM FRONTAGE = 125 FEET  
BUILDING SETBACK REQUIREMENTS:  
FRONT = 20 FEET  
REAR = 30 FEET  
SIDE (ABUT A LOT) = 30 FEET  
SIDE (ABUT A STREET) = 20 FEET  
MAXIMUM LOT COVERAGE = 30 PERCENT  
MAXIMUM BUILDING HEIGHT = 35 FEET  
WETLAND BUFFER = 50 FEET  
WETLAND SETBACK FOR SEPTIC = 75 FEET
- PLAN INTENT: TO ADJUST THE LOT LINES AS SHOWN, TRACT "A" 11,401 S.F. IS TO BE ADDED TO PARCEL L / 14M FROM PARCEL L / 83G.
- PARCEL AREAS =  

| PARCEL  | ORIGINAL PARCEL          | NEW PARCEL                 |
|---------|--------------------------|----------------------------|
| L / 14M | 116,420 S.F. / 26.85 Ac. | 1,180,821 S.F. / 27.11 Ac. |
| L / 83G | 63,351 S.F. / 1.45 Ac.   | 51,949 S.F. / 1.19 Ac.     |
- F.E.M.A. F.I.R.M. INFORMATION:  
COMMUNITY NUMBER 330145, PANEL 0340, SUFFIX E; MAP NUMBER 33017C0340E, EFFECTIVE DATE: SEPTEMBER 30, 2015.  
- OTHER AREAS:  
UNSHADED ZONE X - AREAS DETERMINED TO BE OUTSIDE THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN
- BASIS OF BEARINGS IS THE CITY OF DOVER / GEOD CORP. GRID NORTH, PER REFERENCE PLAN 1.
- A DIGITAL DXF COPY OF THE APPROVED PLAN WILL BE PROVIDED TO CITY OF DOVER PLANNING DEPARTMENT UPON FINAL APPROVAL.
- PARCELS ARE SERVICED BY MUNICIPAL WATER AND INDIVIDUAL SUBSURFACE DISPOSAL SYSTEMS (ISD).
- PARCEL L / 83G IS SUBJECT TO A TEN (10) FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE CITY OF DOVER, NH AS SHOWN ON REFERENCE PLAN No. 3. S.C.R.D. VOL. 774, PAGE 005.

| No. | Bearing     | Distance |
|-----|-------------|----------|
| L1  | S69°32'06"W | 123.30'  |
| L2  | N80°02'27"E | 100.18'  |
| L3  | S78°28'31"W | 85.60'   |
| L4  | S23°32'02"E | 98.05'   |
| L5  | S14°58'40"E | 15.09'   |
| L6  | S04°26'58"E | 100.68'  |
| L7  | S79°43'55"W | 28.70'   |
| L8  | S29°54'53"E | 112.41'  |

### LEGEND

I.P.(fnd) - IRON PIPE (FOUND)  
I.R.(fnd) - IRON ROD (FOUND)  
G.B.(fnd) - GRANITE BOUND (FOUND)  
I.R.(set) o - IRON ROD W/ I.D. CAP (SET)  
o - UTILITY POLE  
S.F. - SQUARE FEET  
Ac. - ACRE  
(TYP.) - TYPICAL  
± - MORE OR LESS  
S.C.R.D. - STRAFFORD COUNTY  
REGISTRY OF DEEDS

| NO.        | DATE   | DESCRIPTION       | BY    | CHK |
|------------|--------|-------------------|-------|-----|
| REVISIONS  |        |                   |       |     |
| 16-1543    | LL ADJ | 16-01             | 45-48 |     |
| PROJECT NO | TYPE   | FIELDBOOK & PAGES |       |     |

S86°38'23"E 1452.96'

(1214.04')

BUILDING SETBACK LINE (typ)

L / 14M

NEW PARCEL AREA  
1,180,821 S.F.  
27.11 Ac.

A  
11,401 S.F.  
0.26 Ac.

L / 83G

NEW PARCEL AREA  
51,949 S.F.  
1.19 Ac.

L / 14G

LORRAINE K. JOHNSON, TRUSTEE  
LORRAINE JOHNSON REVOCABLE TRUST  
6A EVANS DRIVE  
DOVER, NH 03820  
3442/832

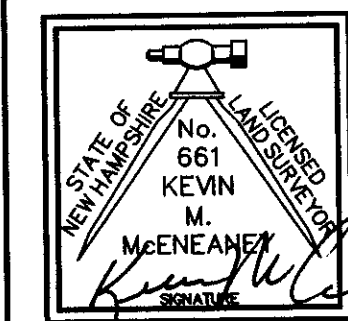
L / 83F

MICHAEL MADDOCKS  
KRYSTEN GODFREY MADDOCKS  
6B EVANS DRIVE  
DOVER, NH 03820  
3100/403

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

LOT LINE ADJUSTMENT PLAN  
PREPARED FOR  
PIERRE & CAROLYN LAVOIE  
TAX MAP L, LOT No. 14M  
175A DOVER POINT ROAD  
AND  
THE ELEANOR MILLIKEN REVOCABLE TRUST  
TAX MAP L, LOT No. 83G  
8 EVANS DRIVE  
CITY OF DOVER  
COUNTY of STRAFFORD  
STATE of NEW HAMPSHIRE

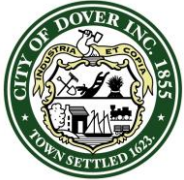
|                               |                          |
|-------------------------------|--------------------------|
| DOVER PLANNING FILE No. P 16- |                          |
| DRAWN BY: RJM                 | FILE: VR CP\1543\16-1543 |
| SCALE: 1" = 80'               | DATE: MARCH 3, 2016      |



McEaney  
Survey  
Associates, inc.

P.O. Box 681 - 24 CHESTNUT STREET  
DOVER, NH 03820 (603) 742-0911

SURVEYING - PLANNING - CONSULTING



**CITY OF DOVER**

## PLANNING BOARD - STAFF MEMO

Application Type: Impact Fee Waiver Request  
Applicant: Stabile Homes at Pointe Place LLC  
Owner: Stabile Homes at Pointe Place LLC  
Location: Sierra Drive (Assessor's Map K, Lot 19-3)  
Meeting Date: April 12, 2016

**INTENT:** To obtain a waiver to reduce the school impact fees to 20% for 29 out of 31 single family homes as part of the Pointe Place Subdivision.

**LOTS/UNITS PROPOSED:**  
31 previously approved units

**AGENDA ITEM #:** 4-B

**ACREAGE:** 12.47 acres

**ZONING DISTRICT:**  
Executive and Technology Park (ETP) and Residential-Commercial Mixed Use (RCM) Overlay

**EXISTING LAND USE:**  
Vacant

**PROPOSED LAND USE:**  
31 Single family age restricted homes

**SURROUNDING LAND USE:**  
Single family residential

**ZBA ACTION:** None

**ATTACHMENTS:**  
Impact Fee Waiver Request Form and letter

**PERMITS REQUIRED:**  
None

**WAIVERS REQUESTED:**  
Impact Fee

**NOTICES SENT:** There is no abutter notice required for an impact fee waiver.

### Summary of Request and Background

The applicant is asking for a waiver to reduce the school impact fee of 29 of the 31 homes to 20% of the required school impact fee in accordance of the Impact Fee Ordinance – Chapter 170-23, section F(1)(a). The Recreation, Police and Fire impact fees will be paid in full. The applicant is only requesting 29 of the 31 homes to have the reduced impact fee since two homes have already been assessed the full impact fee.

The Impact Fee Ordinance was approved by the City Council on 1/22/03 and the Planning Board adopted the School Impact Fee in February of 2003 and the rest of the fees in October of 2008. Updated fees were adopted in 2013.

The Planning Board approved these residential units on November 18, 2014.

The Planning Board denied the full school impact fee waiver request for this project on February 23, 2016.

Federal law permits up to 20 percent of the units to be excluded from the 55 and over requirement. The Planning Department believes there should be a consistency with the waivers granted between similar projects. There have been three other 55 and older applications that have received reductions to only have to pay 20% of the school impact fees during their Planning Board approvals. Those projects include the Tolend Road/Columbus Ave project (P03-36), The Village at Thornwood Commons (P06-55), and VC Dover Investments, LLC (P06-25).

### Consistency with Land Use Regulations

The ordinance provides for the Planning Board to grant full or partial waivers of impact fees if one of three criteria is met. In this case the applicant is applying for the criteria for residential units for senior citizens age 62 and over, which reads as follows:

- (a) *An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years.*

### STAFF RECOMMENDATION:

The requested waiver of the school impact fee to 20% meets the criteria for waivers listed in Chapter 170-23-F(1)(a). The Planning Department recommends that the Planning Board approve the reduction of the school impact fee to equal 20 percent of the single family housing impact per unit, at the time of the building permit application, consistent with three previous, similar requests for the requested 29 out of 31 units.



## City of Dover, New Hampshire Impact Fee Waiver Request Form

[Revision Date: October 19, 2011]

|                 |                               |                                                |
|-----------------|-------------------------------|------------------------------------------------|
| Office Use Only | Date Received: <u>3/28/16</u> | Date of Planning Board Meeting: <u>4/12/16</u> |
|                 | Waiver Request #: <u>50</u>   |                                                |

Dover, New Hampshire

### PROPERTY OWNER AND PARCEL INFORMATION

Name of Property Owner: Stabile Homes at Pointe Place, LLC Telephone # 889-0318 x205

Address of Property Owner: 20 Cotton Road, Nashua, NH 03063

Address of Property Being Assessed Impact Fee: Sierra Drive, Dover, NH

Assessor's Map # K-019 Lot(s) # 003002 through 003031 (29 total lots)

Type of Building Proposed (check one):

#### RESIDENTIAL

- ☒ Single Family Detached  
☐ Single Family Attached (townhouse)  
☐ Duplex or 3-Unit Structure  
☐ Multi-family Structure (4+ Units)  
☐ Manufactured Home

#### NON-RESIDENTIAL

- ☐ Retail, Restaurant, or Club building  
☐ Office or Commercial Services building  
☐ Industrial, Transportation, Warehouse or Communication Building  
☐ Nursing Home or Assisted Living Building  
☐ Other Institutional Use Building

Amount of impact fee invoiced by City: \$ To Be Determined

Use the space provided to explain why you feel that the impact fee assessed for your property should be waived by the Planning Board, per Chapter 170:28.7, G. (attach additional sheet if necessary):

25.F.

See attached narrative of Mark Fougere, AICP of Fougere Planning Development, Inc.

Owner's Signature

Date

# *FOUGERE PLANNING & DEVELOPMENT Inc.*

*Mark J. Fougere, AICP*

253 Jennison Road Milford, New Hampshire 03055

phone: 603-315-1288

fax: 603-249-9314

email: Fougereplannng@comcast.net

RECEIVED  
Planning Office

MAR 28 2016

Dover, New Hampshire

March 22, 2016

Mr. Christopher Parker, AICP  
Assistant City Manager  
Director of Planning and  
Strategic Initiatives  
City Hall  
228 Central Avenue  
Dover, NH 03820

Dear Mr. Parker,

On behalf of Stabile Homes at Pointe Place, LLC, and pursuant to the City of Dover's Impact Fee Ordinance, Section 170-23 – F Waivers, we formally request a reduction in the school impact fee assessments as they relate to The Village at Pointe Place (Sierra Drive) age restricted development project consistent with the Planning Staff's Memo presented to the Planning Board on February 23, 2016. This reduction would equate to a School Impact fee of \$731 per unit and would be assessed to 29 of the units at Pointe Place

The residential units at Pointe Place are age restricted housing developments per NH RSA 354-A: 15, with at least one person required to be 55 years of age. Given the age restriction, it is reasonable to reduce the amount of the fee to more closely reflect the lower probability that school age children will reside at the Village at Pointe Place.

School impact fees have been assessed in Dover for a number of years, with the present fees relying upon the findings noted in a report produced by Mr. Bruce Mayberry on September 29, 2008. This Report made the following recommendations for school impact fees:

| Housing Type                  | Impact Fee     | Estimated School Children Enrollment |
|-------------------------------|----------------|--------------------------------------|
| <b>Single Family Detached</b> | <b>\$3,654</b> | <b>.3694</b>                         |
| Townhouse                     | \$1,340        | .3059                                |
| 2 – 3 Family                  | \$3,618        | .1112                                |
| Apartments 4+                 | \$1,054        | .1629                                |
| Manufactured                  | \$3,110        | .2536                                |

The Report goes into significant detail on how these fees are justified including projected schools construction costs and the associated impacts from new students coming from residential developments. As noted in Table 7 of his Report and outlined in the above Table, single family homes generate the most school age children at .3694 students per unit. Other housing types generate less school age children. This student generation estimate is directly tied to the amount of the recommend impact fee; the higher the enrollment projection the higher the fee. There is a direct correlation, “nexus,” between the projected impact of school children and the fee, with single family homes generating the most children and therefore having the highest impact on school capacity.

The reduction of the school impact fee for this development is justified based upon findings from similar age restricted projects in New Hampshire. Table One, attached, summarizes a review of 840 age restricted units along with the number of school children residing in each development. The results from this research show that only .013 students per unit reside in these similarly age restricted properties. Based on these findings the proposed Villages at Pointe Place development can be projected to have one child residing within the project. This outline clearly demonstrates the minimal impact age restricted housing developments will have on the Dover school system. The adjoining Sawyer Green project, which is fully occupied, is a clear example with only one student living in the 67 unit development.

NH RSA 674:21 permits impact fees to be charged “to **meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality,**” along with “New development shall be assessed a proportional share of the municipal capital improvement costs which are reasonably **related to the capital needs created by the development** referenced above and to the benefits accruing to the development from the capital improvements financed by the fee. New development shall be assessed a proportional share of new improvement costs, insofar as new growth **places an increased burden on the municipality’s capital facilities..**” It is clear from the data submitted that the assessment of a full school impact fee on the Village at Pointe Place project is not supported by impacts to the City’s capital costs. If research demonstrates that such age restricted projects generate few children, then there is “no need occasioned by,” “no capital needs created,” as well as no “increased burden,” all legal tests that are required prerequisites for charging a school impact fee. Further, no benefits will accrue to this development from the capital improvements financed by the fee.

Based upon the minimal impact, as outlined above, Stabile Homes at Pointe Place, LLC agrees with Planning Staff's recommendation that units at The Village at Pointe Place be charged 20% of the single family School Impact fee, \$731 per unit for the 29 homes that have not yet received an impact fee assessment.

Sincerely,

*Mark J. Fougere*

Mark J. Fougere, AICP

**Table One**  
**Age Restricted, Age 55+ Housing Communities**

| <b>Town</b>        | <b>Project Name</b>         | <b>Num. Of Units</b> | <b>Unit Types</b>      | <b># School Children</b> |
|--------------------|-----------------------------|----------------------|------------------------|--------------------------|
| <b>Dover</b>       | Sawyer Green                | 67                   | Single Family          | 1 <sup>1</sup>           |
| <b>Bedford</b>     | The Mews                    | 108                  | Single Family          | 7 <sup>2</sup>           |
|                    | Riverwalk                   | 90                   | Single Family & Garden | 0                        |
| <b>Hudson</b>      | Abbie's Landing             | 22                   | Single Family          | 0                        |
|                    | Hudson Meadows              | 12                   | Single Family          | 0                        |
|                    | Reeds Brook                 | 31                   | Single Family          | 0                        |
|                    | Lexington Place             | 34                   | Single Family          | 0                        |
|                    | Sparkling River             | 34                   | Single & duplex        | 3                        |
| <b>Londonderry</b> | Parish Hills                | 37                   | Single Family          | 0                        |
|                    | Forest Hills                | 65                   | Single Family          | 0                        |
|                    | Buttrick Village            | 40                   | Triplex                | 0                        |
|                    | Harvest Village             | 45                   | Duplex                 | 0                        |
|                    | Sugarplum                   | 36                   | Single & duplex        | 0                        |
| <b>Merrimack</b>   | Parker Village              | 99                   | Single Family & Garden | 0                        |
|                    | Souhegan River View         | 45                   | Single, duplex & Quad  | 0                        |
| <b>Nashua</b>      | Colliston Yard              | 75                   | Garden                 | 0                        |
|                    |                             |                      |                        |                          |
|                    | <b>Total Units/Children</b> | <b>840</b>           |                        | <b>11</b>                |
|                    |                             |                      |                        |                          |
|                    | <b>Children per Unit</b>    | <b>.013</b>          |                        |                          |

<sup>1</sup> One Kindergarten student, confirmed by Dover Superintendent's Office

<sup>2</sup> Six high school children reside here.

**To:** Planning Board  
**From:** Planning Department  
**Date:** April 4, 2016  
**Re:** Proposed Amendments to Regulations  
**CC:** N/A

**ISSUE:**

Each year, Staff and the Planning Board agree on a list of proposed amendments to look into. Staff has taken that list, gone through and made changes and is presenting them to you for possible posting.

**INTENT:**

This memo will preview the 2016 amendments to the regulations with the Planning Board.

**GOALS:**

Consistently improve the City's regulations to keep up with changing times and solve common issues that arise.

**PROCESS:**

Staff has reviewed the Site Regulations, Subdivision Regulations, and Zoning Regulations, specifically taking the list presented to the Board on January 12 as well as any other changes staff has come across in their overall review of the regulations. Staff has put together the following amendments, attached in this packet and will be present to review and answer any questions at the April 12 meeting.

**ATTACHMENTS:**

- Stormwater Amendments- Chapter 149
- Subdivision Amendments- Chapter 155
- Site Review Amendments- Chapter 149
- Zoning Amendments- Chapter 170

**BACKGROUND:**

**Stormwater Regulations:**

Community Services staff has worked to revise the Stormwater Regulations based off of a model for this region's way to regulate discharges from municipal separate storm sewer systems (MS4) construction activities, industrial activities, etc. Planning staff reviewed these with Community Services and is in agreement with the proposal. The Planning Board often waives the porous pavement requirements and the new regulations address that issue. While these changes will be incorporated into the Site Plan Regulations, staff felt that the changes were substantial enough to warrant its own agenda item.

**Subdivision Regulations:**

Planning staff has made a few housekeeping type of changes along with other simple changes to try to lessen the amount of waiver requests the Board receives. It was brought to our attention that a more detailed definition of substantial completion was necessary, so that's been addressed.

**Site Review Regulations:**

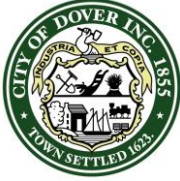
Planning staff has made similar housekeeping changes along with updating the blasting regulations to be more inclusive of abutter needs. The outdoor lighting regulations have been adjusted to add the LBW, HR, and H districts which were not included before. Staff added an exception to the 5' setback requirement for shared driveways or parking lots that straddle the lot line (to reduce waiver requests). Then Staff suggests removing definitions that are not used throughout the document.

Site and Subdivision changes require a public hearing and the Planning Board has sole jurisdiction over adoption.

**Zoning Regulations:**

Planning staff has quite a few changes to the Zoning Amendments. Sign amendments are the result of a recent Supreme Court ruling that established the importance of content-neutral sign regulations. Others address the new State law regarding Accessory Dwelling Units, as well as areas outlined in January, and housekeeping type changes. Once the Planning Board holds a public hearing and votes to adopt the amendments, they are sent to the City Council for ratification.

Please read through the amendments to see the changes; staff will be happy to answer any questions.



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

Posted

Ordinance Number: **O – yyyy.mm.dd -**  
Ordinance Title: Site Review Regulation Amendments  
Chapter: 149

1. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-4 “Applicability”, Section A, to read as follows:

A. New ~~construction~~ **DEVELOPMENT or REDEVELOPMENT**. Site Review and Planning Board approval will be required ~~for development of land~~ for:

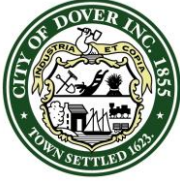
AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-4 “Applicability”, Section B “Expansions and/or additions. Technical Review Committee review will be required for the following expansion and/or additions to existing development”, to read as follows:

B. Expansions and/or additions. Technical Review Committee review will be required for the following expansion and/or additions to existing development:

- (1) Any increase of NONRESIDENTIAL development resulting in an expansion of gross floor area exceeding twenty-five hundred (2,500) square feet.
- (2) Any addition to a residential structure resulting in the creation of five (5) or more additional units.
- (3) Any accessory structures with floor areas exceeding fifteen hundred (1,500) square feet.
- (4) Any expansion of a parking area or paving of a gravel parking area larger than one thousand (1,000) square feet.
- (5) Any construction activities that result in a **CONTIGUOUS LAND DISTURBANCE** ~~land disturbance~~ of greater than or equal to ~~one acre~~ **twenty thousand (20,000) square feet**, ~~or less than one acre if part of a larger common PLAN of development that would disturb one acre or more.~~
- (6) Any construction activities that result in a **CONTIGUOUS LAND DISTURBANCE** ~~land disturbance~~ of greater than or equal to one thousand (1,000) square feet if the activity is located in or within fifty (50) feet of a wetland or Conservation District.

AND



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

Posted

Ordinance Number: **O – yyyy.mm.dd -**  
Ordinance Title: Site Review Regulation Amendments  
Chapter: 149

2. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-14 “Site Development Design Criteria”, Section A to read as follows:

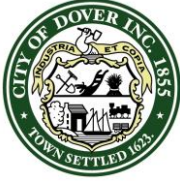
**A. ~~STORM WATER~~ STORMWATER Management, EROSION Control, and Flood Hazards**

**~~(1) Purpose~~**

~~The following are the purposes of these regulations:~~

- ~~(a) To treat STORM WATER to maintain and protect the quality of receiving waters;~~
- ~~(b) To reduce the DISCHARGE of pollutants;~~
- ~~(c) To promote the implementation of Low Impact Development practices;~~
- ~~(d) To minimize the amount of site disturbance and retain existing vegetation to the extent possible;~~
- ~~(e) To maintain the natural hydrology of a site to the extent possible;~~
- ~~(f) To promote the use of nontraditional and nonstructural STORM WATER management measures;~~
- ~~(g) To promote STORM WATER management systems that require lower maintenance;~~
- ~~(h) To encourage designs that allow for the containment in the event of a spill;~~
- ~~(i) To promote a balance between pre-development and post-development flow and volume;~~
- ~~(j) To properly pre-treat all STORM WATER RUNOFF;~~
- ~~(k) To promote designs that maintain groundwater recharge volumes;~~
- ~~(l) To address salt and sand loading~~

**~~(2) STORM WATER Management~~**



**CITY OF DOVER**

## CITY OF DOVER - ORDINANCE

Posted

Ordinance Number: **O – yyyy.mm.dd -**  
Ordinance Title: **Site Review Regulation Amendments**  
Chapter: **149**

~~STORM WATER management shall comply with the standards contained in Chapter 155— Land Subdivision Regulations, Section 155-35-B, as amended.~~

### ~~(3) STORM WATER Management System Operation and Maintenance Plans~~

~~STORM WATER management system operation and maintenance plans shall comply with the standards contained in Chapter 155— Land Subdivision Regulations, Section 155-35-C, as amended.~~

### ~~(4) EROSION and Sedimentation Control~~

~~EROSION and sedimentation control measures shall comply with the standards contained in Chapter 155— Land Subdivision Regulations, Section 155-35-D, as amended.~~

### ~~(5) Flood Hazards~~

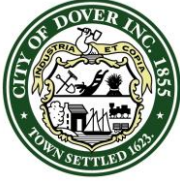
~~Any site PLAN proposed within the federally designated special flood hazard areas, as shown on the Flood Insurance Rate Maps dated May 17, 2005, as amended, shall comply with Chapter 113 of the City of Dover Code, entitled Floodplain Development Ordinance.~~

### **(1) Purpose and Objective**

**These regulations establish standards to manage the DISCHARGE of RUNOFF to the City of Dover’s municipal storm sewer system and water bodies, in a manner compliant with the requirements of State and Federal law, including provisions of the Federal Stormwater Management Legislation for MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4), as amended.**

**These provisions and standards are implemented for the purpose of:**

- (a) Managing STORMWATER RUNOFF to protect water quality and quantity;**
- (b) Minimizing the contribution of a POLLUTANT for which a water body is IMPAIRED to the MAXIMUM EXTENT PRACTICABLE (MEP);**
- (c) Causing no DISCHARGE of RUNOFF to an adjacent property in excess of RUNOFF DISCHARGE in the existing DEVELOPED or undeveloped condition;**



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**(d) Encouraging the use of LOW IMPACT DEVELOPMENT (LID) strategies.**

### **(2) Applicability of the STORMWATER Standards**

**(a) All projects requiring Site Plan or Major Subdivision approval, shall be subject to the following set of STORMWATER standards according to the amount and type of disturbance. Applicability is as follows:**

**(i) The minimum protections and management standards shall apply to all projects.**

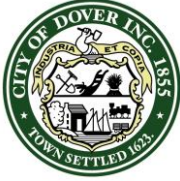
**(ii) The STORMWATER management for new DEVELOPMENT standards shall apply to any project that results in a CONTIGUOUS LAND DISTURBANCE more than twenty thousand (20,000) square feet or creates more than four thousand (4,000) square feet of new IMPERVIOUS area.**

**(iii) The STORMWATER management for REDEVELOPMENT standards shall apply to any project that results in a CONTIGUOUS LAND DISTURBANCE of more than twenty thousand (20,000) square feet or creates more than four thousand (4,000) square feet of new IMPERVIOUS area where the existing land use has been previously DEVELOPED as commercial, industrial, institutional, governmental, recreational, or multifamily.**

**(b) All projects of such magnitude as to require a permit from the NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) program or the New Hampshire Department of Environmental Services (NHDES) ALTERATION OF TERRAIN (AoT) program shall also comply with the standards of the Environmental Protection Agency (EPA) and or NHDES permits and this section, whereas the stricter standards shall apply.**

### **(3) Design Standards**

**(a) Minimum Protections and Management Standards:**



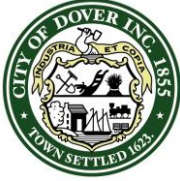
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- (i) Where applicable, all **DEVELOPMENT** must comply with the EPA Phase II Stormwater Rules and the City's MS4 Permit as amended.
- (ii) Existing surface waters, including ponds, rivers, perennial and intermittent streams (natural or channelized), and wetland (including vernal pools) shall be protected by the minimum buffer setback as specified in Chapter 170-27. **STORMWATER** and **EROSION** and **SEDIMENT** control **BEST MANAGEMENT PRACTICES (BMP's)** shall be located outside the specified buffer zone unless otherwise approved by the **Planning BOARD**.
- (iii) **LOW IMPACT DEVELOPMENT (LID)** site planning and design strategies shall be used to the (MEP) in order to reduce the generation of the **STORMWATER RUNOFF** volume for both new and **REDEVELOPMENT** projects. An owner/**APPLICANT** must document why **LID** strategies are not appropriate if not used to manage **STORMWATER**.
- (iv) All proposed **STORMWATER** practices and measures shall be installed and maintained in accordance with manufacturers' specifications and performance specifications outlined in the **NH Stormwater Management Manual Volume 2 (December 2008 or current revision)** a copy of which can be found on the **NHDES** website.
- (v) All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials shall meet the regulations of the **NHDES** including but not limited to those involving underground storage tanks, above ground storage tanks, hazardous waste and, **BEST MANAGEMENT PRACTICES** for Groundwater Protection (**ENV-Wa 401**)
- (vi) Salt and other de-icing materials shall be stored under cover or located such that no direct **DISCHARGE**s to receiving waters are possible. Snow storage areas shall be located such that no direct **DISCHARGE**s to receiving waters are possible. See **NHDES** guidance fact sheet on road salt and snow disposal.



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(vii) **The use of sodium chloride-based materials for winter maintenance shall be the minimum necessary for safety. The use of sodium chloride-based materials is discouraged within the groundwater protection districts.**

(viii) **IMPERVIOUS surfaces for parking areas and roads shall be minimized to the extent possible.**

(ix) **STORMWATER RUNOFF from new IMPERVIOUS surfaces shall be directed to a BEST MANAGEMENT PRACTICE for flow MITIGATION, treatment and/or INFILTRATION.**

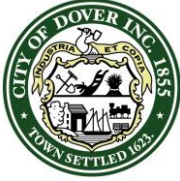
**(b) STORMWATER Management for New DEVELOPMENT:**

(i) **RUNOFF of IMPERVIOUS surfaces shall be treated to provide eighty percent (80%) removal of TOTAL SUSPENDED SOLIDS (TSS), and fifty percent (50%) removal of both total nitrogen and phosphorous. Removal rates shall be determined using approved manufacturers POLLUTANT removal efficiency analysis or the POLLUTANT removal efficacies outlined in the NH Stormwater Management Manual Volume 1 Appendix E (December 2008 or current revision) a copy of which is available from the NHDES website.**

(ii) **Rainfall amount shall be based on current Extreme Precipitation Estimates obtained from the Northeast Regional Climate Center.**

(iii) **Measures shall be taken to control the post-DEVELOPMENT peak rate RUNOFF so that it does not exceed pre-DEVELOPMENT RUNOFF for the 2-year, 10-year, 25-year, 50-year, 24-hour storm events.**

(iv) **Measures shall be taken to control the post-DEVELOPMENT surface water RUNOFF volume so that it does not exceed pre-DEVELOPMENT RUNOFF for the 2-year, 10-year, 25-year, 50-year, 24-hour storm events. For sites where INFILTRATION/recharge is limited or not practicable, the owner/APPLICANT must demonstrate that the project will not cause or contribute to flooding or functional impairments to streets, adjacent properties, and downstream properties.**



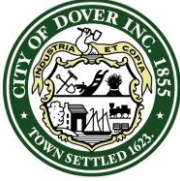
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- (v) **INFILTRATION** rates for designing groundwater recharge practices shall be determined in accordance with Env-Wq 1504.14.
- (vi) **STORMWATER** conveyance practices shall be sized appropriately to convey the 10-year, 24- hour storm event without overtopping or causing flooding on the property.
- (vii) For large projects adding greater than or equal to ten (10) acres of **IMPERVIOUS** cover, or projects located in known areas of flooding concern, or specifically within areas with a one-percent chance of being inundated by water in any given year, the owner/**APPLICANT** shall submit a supplementary report that describes how the project will not increase the future flooding potential and complies with the **AoT** requirements pertaining to floodplain impacts as described in Env-Wq 1503.09, regardless of whether an **AoT** permit is required.
- (viii) The design of the **STORMWATER** management systems shall take into account upstream and up gradient **RUNOFF** that flows onto, over, or through the site to be **DEVELOPED** or **REDEVELOPED**, and provide for this contribution of **RUNOFF**.
- (ix) Seasonal high **WATER TABLE** elevations must be accounted for in all **BMP** design criteria.
- (x) Access for maintenance of **STORMWATER** facilities must be included as part of the design, where necessary. Access easements may be required.
- (xi) Plantings in treatment areas shall be native grasses, shrubs and/or other native plants in sufficient numbers and density to prevent soil **EROSION** and to achieve water quality treatment.
- (c) **STORMWATER** Management for **REDEVELOPMENT**:
- In order to determine the **STORMWATER** requirements for **REDEVELOPMENT** projects, the percentage of the site covered by existing **IMPERVIOUS** areas must be calculated. **STORMWATER** requirements for **REDEVELOPMENT** will vary based upon the amount of site surface area that is covered by existing **IMPERVIOUS** surfaces.



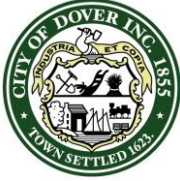
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- (i) For sites meeting the definition of a **REDEVELOPMENT** project and having less than forty percent (40%) existing **IMPERVIOUS** surface coverage, the **STORMWATER** management requirements will be the same as new **DEVELOPMENT** projects with the important distinction that the **APPLICANT** can meet those requirements either on-site or at an approved off-site location (i.e., off-site **MITIGATION**). The **APPLICANT** must satisfactorily demonstrate that **IMPERVIOUS** area reduction, **LID** strategies and **BMPs** have been implemented on-site to the **MEP**.
- (ii) For sites meeting the definition of a **REDEVELOPMENT** project and having more than forty percent (40%) existing **IMPERVIOUS** surface coverage, **STORMWATER** shall be managed in accordance with one or more of the following techniques, listed in order of preference:
  - a. Implement measures onsite that result in **MITIGATION** and treatment of at least thirty percent (30%) of the existing **IMPERVIOUS** cover as well as fifty percent (50%) of the additional proposed **IMPERVIOUS** surfaces and pavement areas through the application of **LID**; or
  - b. Implement other **LID** techniques onsite to the **MEP** to provide **MITIGATION** and treatment for at least fifty percent (50%) of the entire site area.
- (iii) The owner/**APPLICANT** may utilize off-site **MITIGATION** to meet the **REDEVELOPMENT** requirements when the following standards have been met:
  - a. The owner/**APPLICANT** shall demonstrate, to the satisfaction of the **Planning BOARD**, that on-site treatment has been implemented to the **MEP**.
  - b. The owner/**APPLICANT** shall find an approved, off-site location, within the same **WATERSHED** as the project site, or within the drainage area of the same receiving waterbody.
  - c. Off-site **MITIGATION** shall be equivalent to no less than the total area of **IMPERVIOUS** cover not treated on-site.



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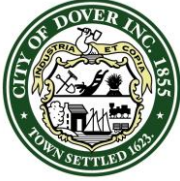
**d. The owner/APPLICANT shall submit a full design of the proposed off-site measures for review and approval.**

**e. The owner/APPLICANT must also demonstrate that there is no downstream drainage or flooding impacts as a result of not providing on-site management.**

**(d) EROSION Control Standards During Construction:**

**The following standards shall be applied in project planning and shall be implemented prior to and during construction activity:**

- (i) All proposed measures shall meet at a minimum the design standards for BEST MANAGEMENT PRACTICES set forth in the NH Stormwater Management Manual Volume 3 (December 2008 or current revision) a copy of which is available from the NHDES website.**
- (ii) When a project requires a STORMWATER permit from the EPA Construction General Permit (CGP) program, copies of the STORMWATER POLLUTION PREVENTION PLAN (SWPPP) inspections shall be provided to the Community Services Department.**
- (iii) Stripping of vegetation shall be done in a manner that minimizes soil EROSION. Whenever practical, natural vegetation shall be retained, protected, or supplemented.**
- (iv) The area of LAND DISTURBANCE shall be kept to a minimum and be limited to an area only large enough to accommodate construction activities for a particular construction phase.**
- (v) Off-site surface water and RUNOFF from undisturbed areas shall be diverted away from DISTURBED AREAs where feasible or measures to convey STORMWATER through the PROJECT AREA without causing EROSION of SEDIMENT must be included. Integrity of downstream drainage systems shall be maintained.**
- (vi) Appropriate EROSION and SEDIMENT control measures shall be installed prior to any soil LAND DISTURBANCE and must be reviewed and approved by the Community Services Department.**



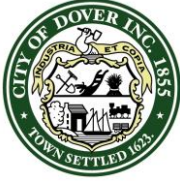
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- (vii) Perimeter site controls shall not be placed within wetland areas, stream channels or wetland buffers.
- (viii) Disturbed soil areas shall be either temporarily or permanently **STABILIZED**. In areas where final grading has not occurred, temporary stabilization measures should be in place within seven (7) calendar days for exposed soil areas that are within one hundred (100) feet of a surface water body or a wetland and no more than fourteen (14) calendar days for all other areas. Permanent stabilization should be in place within three (3) calendar days following completion of final grading of exposed soil areas.
- (ix) All temporary **EROSION** and **SEDIMENT** control measures shall be maintained in functioning condition until final site stabilization is accomplished. A proposed BMP inspection schedule shall be included in the submittal.
- (x) Additional temporary stabilization for the winter season consistent with NHDES guidelines shall be in place for **DISTURBED AREAS** that are not permanently **STABILIZED** by October 1<sup>st</sup>, or at the discretion of the Community Services Department.
- (xi) Special stabilization details shall be provided with the submission for any **LAND DISTURBANCE** on slopes equal to or steeper than 3:1.
- (xii) All temporary **EROSION** and **SEDIMENT** control measures shall be removed after final site stabilization. Trapped **SEDIMENT** and other disturbed soil areas resulting from the removal of temporary measures shall be permanently **STABILIZED** within thirty (30) calendar days unless conditions dictate otherwise.
- (xiii) For projects proposing to disturb and expose soils in areas of ten (10) acres or more at one time, a temporary (or permanent) **SEDIMENT** basin must be provided with storage for a calculated volume of **RUNOFF** from a drainage area from a 2-year, 24-hour storm, or equivalent control measures, where attainable, until final stabilization of the site. Alternatively, the **SEDIMENT** basin can be sized to provide thirty-six hundred (3,600) cubic feet of storage per acre of drainage



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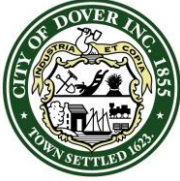
area, until final stabilization of the site. In determining appropriate locations and number of SEDIMENT basin(s) needed, the operators may consider such factors as erodibility of site soils, slope lengths, available area on-site, construction period and other unique site considerations.

- (xiv) Use of temporary SEDIMENT basins should avoid any additional vegetation clearing or site LAND DISTURBANCE not otherwise needed for post-construction. SEDIMENT basin locations must be reviewed by the Community Services Department prior to construction and must consider the potential for offsite impacts including public safety, especially as it relates to SEDIMENT movement and/or SEDIMENT basin failure and alternative SEDIMENT controls must be used where site limitations preclude a safe design.

**(e) Installation and Construction Inspections**

The owner/APPLICANT shall be responsible for inspection requirements as follow:

- (i) The Community Services Department or their designated agent shall have access to the site to complete routine inspections.
- (ii) The Community Services Department shall be notified 24-hours prior to installation of a STORMWATER BMP in order to schedule an inspection. These inspections shall be completed during normal working hours.
- (iii) The Planning BOARD or Community Services Department may require the design engineer and/or an independent, third-party inspection and oversight of the construction of the STORMWATER management facilities and EROSION and SEDIMENT control at their discretion. Such oversight may be especially important for implementing techniques such as porous pavement or subsurface STORMWATER INFILTRATION systems. The owner/APPLICANT shall be responsible for all fees associated with third-party inspections.



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(iv) All SWPPP inspections must be conducted by a qualified professional such as a Professional Engineer (PE), a Certified Professional in Erosion and Sediment Control (CPESC), a Certified Erosion Sediment and Stormwater Inspector (CESSWI), or a Certified Professional in Stormwater Quality (CPSWQ). Inspection reports shall be submitted to the Community Services Department.

(v) The owner is ultimately responsible for the installation, construction, inspection, and disposition of all STORMWATER management and EROSION control measures required by the provisions of these regulations.

**(f) STORMWATER MANAGEMENT PLAN (SWMP) Submittal Requirements**

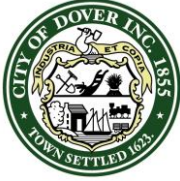
At the discretion of the Planning BOARD or Community Services Department, a technical review by an independent third party may be required of any SWMP prepared under these regulations. Such a review shall be performed by a qualified professional consultant and the expense of which shall be the full responsibility of the owner/APPLICANT.

(i) For project requiring minimum protection standards, a plan including the following information shall be submitted:

- a. Description of EROSION and SEDIMENT control measures as well as sequence for final stabilization of the project site.
- b. Proposed changes in IMPERVIOUS cover areas and any changes in pre and post-DEVELOPMENT drainage patterns.
- c. Description of LID proposed measures.

(ii) For projects requiring New DEVELOPMENT or REDEVELOPMENT standards, a drainage report that contains the following items shall be submitted:

- a. Description of construction period and earth movement schedule including anticipated project start and completion dates, sequence and duration of grading and construction activities, sequence and



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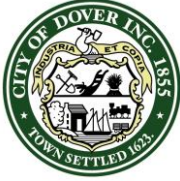
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**timing of installation and/or application of soil EROSION and SEDIMENT control measures as well as sequence for final stabilization of the project site.**

- b. Description of the onsite and adjacent wetlands, streams and other water resources including methods used to identify these resources and a description of any buffer setbacks that may apply, steep slopes, critical habitat, existing vegetation, areas with a one-percent chance of being inundated by water in any given year, and whether any downstream water bodies are listed as IMPAIRED according to NHDES' most recent 303(d) list.**
- c. Soils information for proposed disturbed areas shall be delineated by a Certified Soil Scientist. All other areas that contribute runoff to the project site, soil types may be identified in accordance with NRCS county-wide soil survey.**
- d. Description of existing drainage patterns, receiving water bodies or drainage infrastructure and soil types for recharge potential.**
- e. WATERSHED area limits including any offsite and upstream areas contributing flow to shared drainage channels and/or infrastructure.**
- f. Description of proposed changes in IMPERVIOUS cover areas and any changes in pre and post-DEVELOPMENT drainage patterns.**
- g. Methods and assumptions used to calculate pre-and post-DEVELOPMENT RUNOFF volume, peak DISCHARGE, and DISCHARGE velocity for the specified design storm events.**
- h. Methods and assumptions used to calculate the POLLUTANT LOAD removal.**
- i. Description of LID measures that are proposed to limit the DEVELOPMENT footprint, preserve existing vegetation and mimic existing hydrology to the extent feasible.**



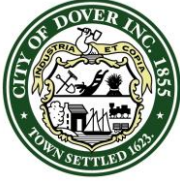
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- j. If not used, provide rationale why LID measures are not practical for the site.
- k. Describe measures and calculations for proposed practices used to achieve no net increase in RUNOFF volumes leaving the site.
- l. Provide calculations for the INFILTRATION or exfiltration system.
- m. If an increase in post-DEVELOPMENT RUNOFF volume is anticipated due to limited applicability for LID measures and site constraints, provide an assessment and supporting calculations to demonstrate no adverse impacts to downstream infrastructure, adjacent properties or aquatic habitat.
- n. Descriptions, details, and design criteria and calculations for all structural, non-structural, permanent, and temporary EROSION and sedimentation control measures and BMPs. This information should include seeding mixtures and rates, types of sod, methods of seedbed preparation, expected seeding dates (or limitations on seeding timeframes), type and rate of lime and fertilizer application, and type and quantity of mulching for temporary and permanent control facilities.
- o. Where proposed changes are anticipated within mapped limits of the areas with a one-percent chance of being inundated by water in any given year, provide hydrologic and hydraulic analysis to show no net increase in flood elevations.
- p. Proposed schedule for the inspection and maintenance of all EROSION control measures onsite prior to achieving final site stabilization.
- q. Describe procedures for removing temporary EROSION control measures and removal of accumulated SEDIMENT captured by such measures.
- r. Any other specific study, calculation, or investigation as requested by the City.



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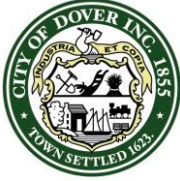
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- s. Describe procedures to limit and/or optimize the use of deicing materials and minimize offsite increases in chloride levels in adjacent surface and ground water.
- t. Provide a maintenance and inspection plan for post-construction monitoring of STORMWATER BMPs to ensure long-term performance and functionality including details of who will be responsible for inspections and maintenance, proposed schedule, documentation, submittal procedures and contingency plans if future maintenance is required.
- u. Provide copies of pertinent State and Federal Permits.

### **(g) Long Term Operation and Maintenance**

The owner shall be responsible for continued inspection and maintenance requirements. An operation and maintenance manual shall be created with the following information:

- (i) The names of the responsible qualified professionals who will implement the required reporting, inspections, and maintenance activities.
- (ii) An inspection checklist, identifying item or BMP, inspection frequency, and components to be inspected. List shall clearly outline performance thresholds and triggers for maintenance.
- (iii) Snow and ice removal shall be performed by a contractor certified by the “Green SnoPro” program, or approved equalivalent, following BEST MANAGEMENT PRACTICES for the application of deicing materials.
- (iv) Deicing log to track amount and type of deicing material applied.
- (v) A site plan clearly identifying the locations of all STORMWATER practices to be inspected and maintained.



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(vi) **Inspection and maintenance log to be submitted to the City of Dover Community Services Department on an annual basis. Documents shall be submitted no later than December 15<sup>th</sup> of each year.**

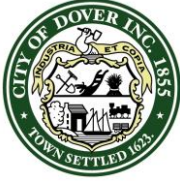
(vii) **The owner of record shall record at the Registry of Deeds documentation sufficient to provide notice to all persons that may acquire any property subject to the requirements and responsibilities described in the approved STORMWATER Management Plan. The notice shall comply with the applicable requirements for recording contained in RSA 477 and 478. The notice need not set forth the requirements at length, so long as it is sufficient to provide notice to prospective purchasers to the requirements for maintenance and reporting.**

3. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by removing 149-14 “Site Development Design Criteria”, Section D(6)(f) & (g):

~~(f) Where a proposed parking area exceeds three quarters ( $\frac{3}{4}$ ) of an acre, the APPLICANT shall document that they have investigated utilization of pervious materials to implement the parking area. The APPLICANT shall supply the documentation to the City Engineer to review and approve prior to TRC. Said documentation shall include, design conditions and other such variables to show that the use of pervious materials is prohibitive.~~

~~i. An APPLICANT that constructs a parking lot that exceeds an area three quarters ( $\frac{3}{4}$ ) of an acre with pervious materials shall be eligible for the Fast Track Review provisions outlined in 170 10.1 G). The design of the area shall meet or exceed standards developed and outlined in the New Hampshire Stormwater Manual.~~

~~(g) Where a proposed parking lot or other paved area meets or exceeds an area one and a half (1.5) acres, the APPLICANT shall design and construct the vehicle storage areas using pervious materials. The design of the area shall meet or exceed standards developed and outlined in the New Hampshire Stormwater Manual. The APPLICANT shall also be required to retain the design engineer as an inspector for the duration of construction of the parking area.~~



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4. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-21 “Definitions”, by inserting or revising the following definitions:

**BEST MANAGEMENT PRACTICES (BMP)** means for ~~STORM WATER~~ STORMWATER management purposes, structural, nonstructural, and managerial techniques that are recognized to be the most effective and practical means to prevent or reduce nonpoint source ~~pollutants~~ **POLLUTANTS** from entering receiving waters.

**CONTIGUOUS** means any actual or proposed terrain **LAND DISTURBANCE** within five (5) years before the terrain alteration activity for which a permit is sought begins or within five (5) years after the terrain alteration activity ends shall be deemed part of the total project and included in the calculation of the amount of **CONTIGUOUS** area disturbed.

**DEVELOPMENT** means any construction or **LAND DISTURBANCE** or grading activities other than for agricultural and silvicultural practices.

**DISTURBED AREA** or **LAND DISTURBANCE** means an area where the natural vegetation or existing cover been removed, exposing the underlying soil and, therefore, is susceptible to **EROSION**.

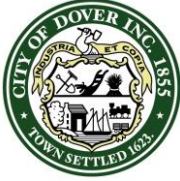
**EROSION** means ~~weathering of soil by running water, wind, or ice~~ the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**IMPAIRED** means those water bodies not meeting water quality standards as identified by NHDES and listed as impaired and as Category 5 waters on their most current 303(d) list.

**IMPERVIOUS** means those surfaces that cannot effectively infiltrate rainfall consisting of surfaces such as building rooftops, pavement, sidewalks, driveways, compacted gravel.

**INFILTRATION** means the process of **RUNOFF** percolating into the ground (subsurface materials). **INFILTRATION** practices are **STORMWATER** treatment practices designed to capture **STORMWATER RUNOFF** and infiltrate it into the ground.

**LOW IMPACT DEVELOPMENT (LID)** is a site planning and design strategy intended to maintain or replicate pre-**DEVELOPMENT** hydrology through the use of site planning, source control, and small-scale practices integrated throughout the site to prevent, infiltrate and manage **RUNOFF** as close to its source as possible. Examples of **LID** strategies are pervious pavement, rain gardens, green roofs,



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bioretention basins and swales, filtration trenches, and other functionally similar BMPs located near the RUNOFF source.

**MAXIMUM EXTENT PRACTICABLE (MEP)** means the following: (1) all reasonable efforts have been made to meet the standard, (2) a complete evaluation of all possible management measures has been performed, and (3) if full compliance cannot be achieved, the highest practicable level of management is being implemented.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** refers to EPA’s Small Municipal Separate Storm Sewer System (MS4) General Permit developed under the Clean Water Act. MS4 applies to municipalities that contain any portion of an urbanized area as defined by the Census. It applies to STORMWATER conveyances owned by a State, city, town, or other public entity that DISCHARGE to ‘Waters of the United States’. The MS4 Permit requires operators of small MS4s to develop a Storm Water Management Program that uses appropriate BEST MANAGEMENT PRACTICES (BMPs) for six minimum control measures included in the MS4 permit.

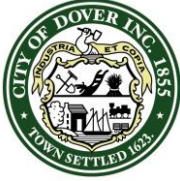
**NHDES ALTERATION OF TERRAIN (AoT)** is a State permitting program applying to earth moving operations.

**POLLUTANT** includes but is not limited to, SEDIMENT, TOTAL SUSPENDED SOLIDS (TSS), phosphorus, nitrogen, metals, pathogens, floatable debris, thermal impacts, and oil and other petroleum products.

**POLLUTANT LOAD** is an amount of a POLLUTANT that is introduced into a receiving water body measured in units of concentration or mass per time (i.e. concentration (mg/l) or mass (lbs/day)).

**PROJECT AREA** means the area within the subdivision or site plan boundaries plus any areas with associated off-site improvements.

**REDEVELOPMENT** means any construction, alteration, or improvement that disturbs area where the existing land use is commercial, industrial, institutional, governmental, recreational, or multifamily residential. Building demolition is included as an activity defined as “REDEVELOPMENT,” but building renovation is not provided the footprint of the building or structure to be renovated is not altered or expanded and does not exceed fifty percent (50%) of the current assessed value. Similarly, removal of roadway materials down to the erodible soil surface is an activity defined as “REDEVELOPMENT,” but simply resurfacing of a roadway surface is not. Any creation of new IMPERVIOUS area over currently pervious portions of the site will need to comply with new DEVELOPMENT requirements.



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**STABILIZED** is when the soil **EROSION** rate approaches that of undisturbed soils. Soils which are disturbed will be considered protected when covered with a healthy, mature growth of grass, or a good covering of straw mulch or other equivalent (weed-free) mulch at a minimum rate of two (2) tons/acre with higher rates required for dormant periods. Mulch is only a temporary measure; ultimately, the site needs vegetation

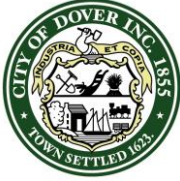
~~**STORM WATER**~~ **STORMWATER** means **RUNOFF** from a storm event, snowmelt **RUNOFF**, and surface **RUNOFF** and drainage.

**STORMWATER MANAGEMENT PLAN (SWMP)** is a plan that outlines project features, proposed temporary and permanent **EROSION** control features, maintenance schedules and practices, and design basis used to establish temporary and permanent **STORMWATER** design features.

~~**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** means a plan developed for a site or property that evaluates potential pollutant sources and designs and implements appropriate measures to prevent or control **DISCHARGE** of pollutants in **STORM WATER RUNOFF**.~~ **is a plan required by the Environmental Protection Agency (EPA) that clearly describes appropriate pollution control measures that include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control **POLLUTANT**s in **STORMWATER DISCHARGE**s and describes the interim and permanent stabilization practices for the site.**

**TOTAL SUSPENDED SOLIDS (TSS)** is the total amount of a soils particulate matter which is suspended in the water column.

**WATERSHED** means all land and water area from which **RUNOFF** may run to a common (design) discharge point.



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1. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising the chapter as a whole by replacing any instance of the term “these regulations” with “This Chapter”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Schedule of Fees” with “Fee Schedule”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Storm water” with “Stormwater”

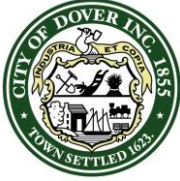
2. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-9 “Application Submittal and Review”, Section B, to read as follows:

“B. Include one electronic copy and fifteen (15) copies of the PRELIMINARY PLAT layout and the PLAT CONSTRUCTION DETAIL SHEETS as more fully described in 155-28 and 155-30 respectively, in this Chapter. **Transmit a PDF of the SUBDIVISION PLAT via e-mail to [dover-planning@dover.nh.gov](mailto:dover-planning@dover.nh.gov).** (Note: Only six (6) copies of the PRELIMINARY PLAT need to be submitted initially for review by the TECHNICAL REVIEW COMMITTEE. However, fifteen (15) copies will be required for submission of the COMPLETE APPLICATION to the PLANNING BOARD).”

3. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-22 “General Requirements”, Section F, first table to read as follows:

| ZONING DISTRICT | MINIMUM LOT SIZE FOR SUBDIVISION LOTS | MINIMUM FRONTAGE FOR SUBDIVISION LOTS | MINIMUM BUFFER ALONG FRONTAGE <sup>1</sup> |
|-----------------|---------------------------------------|---------------------------------------|--------------------------------------------|
| R-40            | 20,000 SF                             | 40                                    | 100                                        |
| R-20            | 12,000 SF                             | 30                                    | 100                                        |
| R-12            | 8,000 SF                              | 20                                    | 100                                        |

**“<sup>1</sup> Does not apply to an existing house on the lot, if part of the total lot yield.”**



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4. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-24 “Performance Requirements”, Section E, to read as follows:

“Approved SUBDIVISIONS shall be protected from future amendments in regulations and ORDINANCES in accordance with RSA 674:39. In order to be protected under RSA 674:39, the OWNER shall have completed active and substantial development, which is defined as the construction of basic infrastructure to support the development, including road construction to a minimum of gravel base, utilities placed in underground conduits, construction of all drainage IMPROVEMENTS, installation of all EROSION and SEDIMENT control measures, and the construction of at least one complete BUILDING foundation. Substantial completion shall be **deemed to have occurred when a CERTIFICATE OF OCCUPANCY for at least seventy-five percent (75%) of the houses within the SUBDIVISION has been issued by the Building Official, the top coat of the roadway and sidewalk have been completed** ~~defined as the completion of all on-site and off-site IMPROVEMENTS specified in the SUBDIVISION approval~~ **have been completed or a surety has been provided to the City to insure completion of all unfinished off-site improvements.**”

5. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-28 “PRELIMINARY PLAT Layout”, Section P, to read as follows:

“P. A neighborhood plan **on an aerial photograph**, showing all property lines within a distance determined by the Planning Director during initial consultations, and how the project relates to abutting uses. This sheet should show the proposed layout of the SUBDIVISION.”

6. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-29 “FINAL PLAT Layout”, Section B, by adding the following as number (16), to read as follows:

**“(16) An index of sheets on the cover sheet with an asterisk (\*) next to sheets that are to be recorded at the Strafford County Registry of Deeds.”**

7. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-35(A), “Purpose”, to read as follows:

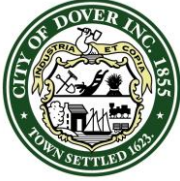
“A. Purpose

~~(1) The following are the purposes of these regulations:~~

~~(a) To treat STORM WATER to maintain and protect the quality of receiving waters;~~

~~(b) To reduce the DISCHARGE of pollutants;~~

~~(c) To promote the implementation of Low Impact Development practices;~~



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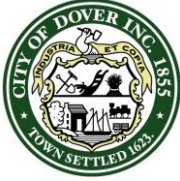
- ~~(d) To minimize the amount of SITE disturbance and retain existing vegetation to the extent possible;~~
- ~~(e) To maintain the natural hydrology of a SITE to the extent possible;~~
- ~~(f) To promote the use of nontraditional and nonstructural STORM WATER management measures;~~
- ~~(g) To promote STORM WATER management systems that require lower maintenance;~~
- ~~(h) To encourage designs that allow for the containment in the event of a spill;~~
- ~~(i) To promote a balance between pre-development and post-development flow and volume;~~
- ~~(j) To properly pre-treat all STORM WATER RUNOFF;~~
- ~~(k) To promote designs that maintain groundwater recharge volumes;~~
- ~~(l) To address salt and sand loading~~

**Purpose shall comply with the standards contained in Chapter 149—Site Plan Regulations, Section 149-14(A)(1), as amended.”**

8. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-35(B), “STORMWATER Management”, to read as follows:

**“B. STORM WATER Management**

- ~~(1) A written engineering report describing the impacted watershed area, projected RUNOFF and any projected downstream impacts shall be required upon request. Where it is determined by the City Engineer that the additional RUNOFF incident to the development of the project SITE will overload or significantly impact an existing watercourse or downstream drainage facility, the PLANNING BOARD may require the provision of drainage EASEMENTS or drainage IMPROVEMENTS and/or facilities to alleviate said problem. Unless the PLANNING BOARD grants a waiver, the post-development surface water RUNOFF rate(s) shall not exceed the pre-development RUNOFF rate(s). All required drainage IMPROVEMENTS and/or facilities shall be sized and constructed as required in Chapter 155-41.~~
- ~~(2) Drainage calculations and STORM WATER management measures to achieve water quality, recharge, and peak DISCHARGE control shall be prepared in conformance with the BEST MANAGEMENT PRACTICES outlined in the following documents:~~
  - ~~(a) "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE," Rockingham County Conservation District, NH Department of Environmental Services (DES), Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended;~~



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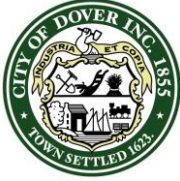
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- (b) ~~“NEW HAMPSHIRE STORMWATER MANUAL” NH Department of Environmental Services (DES), December 2008, as amended; and~~  
(c) ~~any published DES regulations.~~  
(3) ~~Measurement of peak DISCHARGE rates shall be calculated using point of DISCHARGE. The topography of the SITE may require evaluation at more than one location if flow leaves the property in more than one direction. An APPLICANT may demonstrate that a feature beyond the property boundary is more appropriate as a design point.~~  
(a) ~~During the development of a site, if it is discovered that more site drainage is generated than originally designed for, eg geothermal well discharge, excessive sump pumping, then a new drainage study shall be submitted to the City Engineer, for review and approval.~~  
(4) ~~No new STORM WATER conveyances may DISCHARGE untreated STORM WATER directly to or cause EROSION into wetlands or water bodies.~~  
(5) ~~A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) shall be developed to prevent EROSION, control SEDIMENT loss and keep other pollutants from contaminating STORM WATER and receiving waters. The SWPPP shall utilize a combination of structural, non-structural, and vegetative BEST MANAGEMENT PRACTICES (BMP's). A SWPPP is required by the Environmental Protection Agency (EPA) as part of their STORM WATER permit program and the NH Department of Environmental Services. Copies of all SWPPP inspection reports (completed on City provided forms) prepared during construction shall be submitted to the Dover Community Services Department as they are completed.~~  
**STORMWATER Management shall comply with the standards contained in Chapter 149—Site Plan Regulations, Section 149-14(A)(2) and 149-14(A)(3)(a) through (c) , as amended.”**
9. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-35(C), “STORMWATER Management System Operation and Maintenance Plans”, to read as follows:

**“C. STORM WATER Management System Operation and Maintenance Plans**

- (1) ~~All STORM WATER management systems shall have an operation and maintenance plan (O&M plan) to ensure that systems function as designed. This plan shall be reviewed and approved as a part of the SITE plan. The O&M plan shall, at a minimum, identify:~~
- (a) ~~STORM WATER management system(s) OWNER(S);~~  
(b) ~~The party or parties responsible for operation and maintenance;~~  
(c) ~~A schedule for inspection and maintenance;~~



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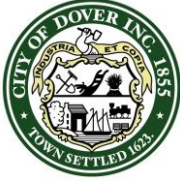
- ~~(d) The routine and non-routine maintenance tasks to be undertaken;~~
  - ~~(e) An inspection and maintenance log sheet to record the results of the inspection;  
and~~
  - ~~(f) The O&M plan shall include the requirement that an annual report, including all  
inspection and maintenance logs, be submitted to the Dover Community  
Services Department in the month of December.~~
- ~~(2) Where private storm water infrastructure is installed and proposed to be maintained  
by a collective Association (eg Homeowners or Condominium), said Association's  
bylaws shall include the requirement to annually submit the Management System  
Operation and Maintenance Plans to the Community Services Department.~~

**STORMWATER Management System Operation and Maintenance Plans shall comply  
with the standards contained in Chapter 149—Site Plan Regulations, Section 149-  
14(A)(3)(f), as amended.”**

10. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby  
amended by revising 155-35(D), “EROSION and Sedimentation Control”, to read as follows:

“EROSION and Sedimentation Control

- ~~(1) EROSION and sedimentation controls must be implemented to prevent impacts  
during construction or land disturbance activities, and shall be properly installed  
prior to soil disturbance in the contributing drainage area.~~
- ~~(2) The APPLICANT shall prepare a plan that provides for EROSION and  
SEDIMENT control measures that meet the design standards and specifications set  
forth in the document, "STORMWATER MANAGEMENT AND EROSION AND  
SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING  
AREAS IN NEW HAMPSHIRE," Rockingham County Conservation District, NH  
Department of Environmental Services (DES), Soil Conservation Service (now the  
Natural Resources Conservation Service), August 1992, as amended, and any  
published DES regulations.~~
- ~~(3) The EROSION and SEDIMENT control plan shall contain a sequence of  
construction of the development SITE, including stripping and clearing, rough  
grading, road construction, construction of utilities, infrastructure, and  
BUILDINGS, and final grading. Sequencing shall identify the estimated duration  
of exposure of cleared areas, areas of clearing, installation of temporary EROSION  
and SEDIMENT control measures, and the establishment of permanent vegetation.  
Stripping of vegetation, regarding, or other development shall be done in such a~~



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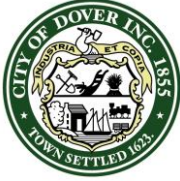
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- way that will minimize soil EROSION. Whenever practical, natural vegetation shall be retained, protected or supplemented.
- ~~(4) EROSION control measures called for in the plan shall be installed prior to the removal of vegetation and topsoil. Clearing necessary to install SEDIMENT control measures is allowed. Disturbed areas shall be kept to a minimum. Disturbed areas not in active development shall be adequately stabilized.~~
- ~~(5) All temporary EROSION and SEDIMENT control measures shall be removed after final SITE stabilization. Trapped SEDIMENT and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.~~
- ~~(6) The APPLICANT/OWNER shall bear final responsibility for the installation, construction and disposition of all EROSION and SEDIMENT control measures required by these regulations. The APPLICANT/OWNER and construction SITE operator shall maintain all EROSION and SEDIMENT control measures in effective working condition.~~
- ~~(7) The City Engineer shall require the posting of a letter of credit or other acceptable form of security to ensure the actual construction and installation of the EROSION and SEDIMENT control measures and to cover the cost of revegetating all disturbed areas on the SITE, prior to any earth disturbing activity. All loam shall be stockpiled on site and shall not be removed from the site until after substantial completion.~~
- ~~(8) In addition to local approval, the APPLICANT shall be responsible for obtaining any required State and Federal permits. Permits may include an Environmental Protection Agency (EPA) STORM WATER permit, NH Department of Environmental Services Site Specific permit, or a State wetlands permit.~~

**EROSION and Sedimentation Control shall comply with the standards contained in Chapter 149—Site Plan Regulations, Section 14(A)(3)(d), as amended.”**

11. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-37, “CONSTRUCTION PLANS and Specifications”, Section A, to read as follows:
- “A. Before final approval is granted for any SUBDIVISION, the DEVELOPER shall submit a complete set of PLAT CONSTRUCTION DETAIL SHEETS and specifications to the City Engineer for evaluation. **The details on each sheet shall be numbered or lettered.** Once approved by the City Engineer, the DEVELOPER shall not alter or vary the construction documents without prior consultation with the City Engineer.”



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12. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-41 “Storm Sewers and Drainage Appurtenances”, Section A, to read as follows:

**A. Design.**

- (1) Proper sizing of culverts, pipes, etc., shall be by acceptable established engineering practice.
- (2) Design storm frequency requirements shall be as follows:
  - (a) Major streams, rivers, bridges, culverts: ~~fifty (50)~~ **one hundred (100)** year storm or flood of record.
  - (b) Minor brook culverts: **fifty (50)** ~~fifteen (15)~~ year storm.
  - (c) Storm sewers: ten (10) year storm.
- (3) A sample set of the calculations used in sizing the various pipes and a list of the variables used must be submitted to the City Engineer's office. Failure to include this information could result in a delay of the review process.

13. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-41 “Storm Sewers and Drainage Appurtenances”, Section B, to read as follows:

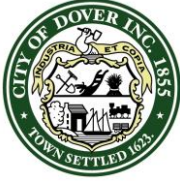
**B. Standards of construction.**

- (1) All IMPROVEMENTS shall meet the specifications of American Association of State Highway Transportation Officials (AASHTO) in regards to material and strength requirements.
- (2) Catch basins or drop inlets shall be equal to New Hampshire Standard Type A with three (3) foot sumps or four (4) foot sumps with hoods if required by the City Engineer.
- (3) Minimum-size pipe shall be twelve (12) inches in diameter for storm drains. Minimum size culvert shall be fifteen (15) inches diameter.
- (4) All pipes shall be one (1) of the following:

| TYPICAL USE                     | RCP | HDPE | PVC          |
|---------------------------------|-----|------|--------------|
| Culverts                        | X   | X    | ---          |
| Storm drains                    | X   | X    | X            |
| Drive culverts                  | X   | X    | ---          |
| Underdrain (six inch)           | --- | X    | X            |
| <del>Overdrain (six inch)</del> | --- | ---  | <del>X</del> |

Notes: X = acceptable; RCP = reinforced concrete pipe (Class III minimum); PVC = Polyvinyl SDR 35 pipe; HDPE = High-density polyethylene

- (5) There shall be a three (3) foot minimum cover over all pipes.
- (6) Culvert headwalls/endwalls, when required, shall be either concrete or mortar rubble masonry.



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- (7) EROSION protection of ditches or pipe outlets shall be provided where soil and/or velocity conditions warrant protection by paving or use of stone.
- (8) No STORM WATER pipe, catch basin, drainage inlet or other pipes (floor drains) used to drain surface water shall be connected to any sanitary sewer system.

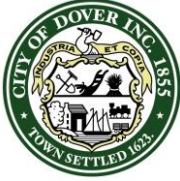
14. Chapter 155 of the Code of the City of Dover, entitled Subdivision Regulations, is hereby amended by revising 155-60 “Definitions”, by deleting the following definitions:

~~**APPLICATION, FILE** means to deliver an application to the Planning Director for inclusion on the PLANNING BOARD’S agenda as outlined in 155-9 and 155-10.~~

~~**APPLICATION, SUBMISSION** See **OFFICIAL SUBMITTAL DATE**.~~

~~**BOUNDARY LINE ADJUSTMENT** See **LOT LINE ADJUSTMENT, MINOR**.~~

~~**NONRESIDENTIAL SUBDIVISION** means a **SUBDIVISION** intended to be used for purposes other than residential, such as commercial and industrial. Such **SUBDIVISIONS** shall comply with the applicable provisions of these regulations.~~



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1. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising the chapter as a whole by replacing any instance of the term “these regulations” with “This Chapter”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Schedule of Fees” with “Fee Schedule”

AND

Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Storm water” with “Stormwater”

2. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by deleting 149-4 “Applicability”, Section A(5), as follows:

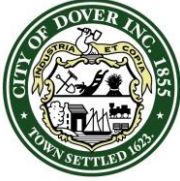
~~“(5) Any construction activities that require a conditional use permit for work to be located in or within fifty feet of a wetland or Conservation District.”~~

3. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-6 “Application Requirements”, Section B(5), to read as follows:

“(5) Include ~~one electronic and~~ fifteen (15) copies of the SITE DEVELOPMENT PLAN as more fully described in Article IV of this Chapter. **Transmit a PDF of the SITE DEVELOPMENT PLAN via e-mail to dover-planning@dover.nh.gov.** (Note: Only six (6) copies of the preliminary PLAN need to be submitted initially for review by the Technical Review Committee. However, fifteen (15) copies will be required for submission of the complete application to the Planning Board).”

4. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-9 “Expiration of Planning Board Approval”, Section C, to read as follows:

“Approved site plans shall be protected from future amendments in regulations and ordinances in accordance with RSA 674:39. In order to be protected under RSA 674:39, the owner shall have completed active and substantial development, which is defined as the construction of basic infrastructure to support the development, including foundation walls and footings, driveway and parking lot construction to a minimum of gravel base, utilities placed in



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underground conduits, construction of all drainage improvements, and installation of all EROSION and SEDIMENT control measures. Substantial completion shall be **deemed to have occurred when a CERTIFICATE OF OCCUPANCY for all buildings shown on the approved site PLAN has been issued by the Building Official, defined as the completion of all on-site any parking lot improvements have been completed**, and off-site improvements specified in the site PLAN approval **have been completed or a surety has been provided to the City to insure completion of all unfinished off-site improvements.**”

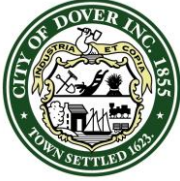
5. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-10 “Construction of improvements; CERTIFICATE OF OCCUPANCY”, Section B(2), to read as follows:

“(2) A final CERTIFICATE OF OCCUPANCY shall be issued, provided that all **on-site and off-site improvements required by the approved site plan** ~~required roads and utilities servicing the subject parcel~~ have been constructed and/or installed in accordance with city specifications.”

6. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-10 “Construction of improvements; CERTIFICATE OF OCCUPANCY”, Sections F (2) & (3), to read as follows:

“(2) The APPLICANT shall hold a neighborhood meeting to review the blasting plan and pre-blast survey, with representatives of the Fire and Rescue and the blasting company in attendance, prior to any on-site blasting. ABUTTERS within one thousand (1,000) feet of the external boundary of the project parcel shall be notified by certified mail (paid for by the APPLICANT) of the meeting no less than ten (10) days **and no more than fifteen (15) days** prior to the meeting. **The notice shall state the time and date of the blasting, and contain a map showing the blast area, the one thousand feet (1000’) radius area, and five hundred feet (500’) radius area.**

- (3) Permit holders shall be in compliance with NFPA 495, The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials, in addition to all other ordinances and codes set forth in the **City of Dover Site Regulations 149.14A STORMWATER Management, EROSION Control, and Flood Hazards** and City of Dover Fire Prevention Code, which specifically prohibits the overnight storage of explosives or blasting agents. Further all storage magazines shall be locked in the open position at the end of the days’ operation, for easy inspection by City Officials.”



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Ordinance Title: Site Review Regulation Amendments  
Chapter: 149

7. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-13 “SITE DEVELOPMENT PLAN”, Section A(1), to read as follows:

“(1) A small-scale location map delineating the project site and its relation to the surrounding area **at an appropriate scale** ~~within a radius of three thousand (3,000) feet.~~”

8. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-13 “SITE DEVELOPMENT PLAN”, Section A(16), to read as follows:

“(16) A neighborhood PLAN **on an aerial photograph**, showing all property lines within a distance determined by the Director of Planning and Community Development during initial consultations, and how the project relates to abutting USES. This sheet should show the proposed impervious surfaces, and zoning boundaries.”

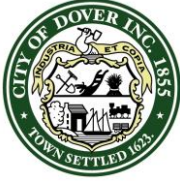
9. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-13 “SITE DEVELOPMENT PLAN”, Section A(5), to read as follows:

“(5) Location of all existing and proposed buildings and structures on the site. **Any details on detail sheets shall be numbered or lettered.**”

10. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-14 “Site Development Design Criteria”, Section E “Outdoor Lighting”, to revise Section 2(b) to read as follows:

|                                                                 | Zoning Districts – B-3, B-4, B-5, I-1, I-2, I-4, and ETP       | Zoning Districts – O, B-1, CBD, <b>H</b> , and CWD, <b>RCM</b> | Zoning Districts – RM-SU, <del>and</del> RM-U, <b>LBW and HR</b> |
|-----------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------|
| Mounting Height (Maximum)*                                      | 25 feet                                                        | 20 feet                                                        | 20 feet                                                          |
| Minimum Illumination Level (at darkest spot of the parking lot) | No less than 0.3 FOOT-CANDLES<br>No more than 0.5 FOOT-CANDLES | No less than 0.2 FOOT-CANDLES<br>No more than 0.4 FOOT-CANDLES | No less than 0.2 FOOT-CANDLES<br>No more than 0.3 FOOT-CANDLES   |
| Uniformity Ratio **                                             | 6:1                                                            | 5:1                                                            | 4:1                                                              |

11. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-14.2 “Design Standards for Development in the Residential Commercial Mixed-USE (RCM) Overlay District”, Section B(7)(h), to read as follows:



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“(h) Deciduous trees shall be at least two-inch caliper measured four (4) **feet inches** above the ground except ornamental and flowering trees shall be at least one and one half inch caliper measured four (4) **feet inches** above the ground; multi-trunk trees shall have at least three (3) canes, and shall be six (6) inches measured four (4) **feet inches** above the ground, with a minimum height of five (5) feet.”

12. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-14.2 “Design Standards for Development in the Residential Commercial Mixed-USE (RCM) Overlay District”, Section D(5)(a)(ii), to read as follows:

“(ii) Deciduous trees shall be at least two-inch caliper measured four (4) **feet inches** above the ground, except ornamental and flowering trees shall be at least one and one half inch caliper measured four (4) **feet inches** above the ground,”

13. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-14.2 “Design Standards for Development in the Residential Commercial Mixed-USE (RCM) Overlay District”, Section D(5)(a)(iv), to read as follows:

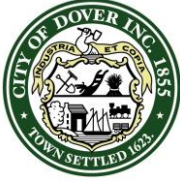
“(iv) Multi-trunk trees shall have three (3) or more canes, and be six (6) inches measured four (4) **feet inches** above the ground, with a minimum height of five (5) feet.”

14. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-14.2 “Design Standards for Development in the Residential Commercial Mixed-USE (RCM) Overlay District”, Section D(5)(b)(ii), to read as follows:

“(ii) Deciduous trees shall be at least two (2) inch caliper measured four (4) **feet inches** above the ground except ornamental and flowering trees shall be at least one and one half inch caliper measured four (4) **feet inches** above the ground; multi-trunk trees shall be three (3) or more canes starting from the ground, six (6) inches measured four (4) **feet inches** above the ground, with a minimum height of five (5) feet.”

15. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-15 “Physical Arrangements”, Section C, to read as follows:

“C. All paving and/or storage shall not be permitted within five (5) feet of any side or rear property line, **except for a shared driveway or parking lot that straddles a common property line**, and no parking or paving, except for entrances/exits, shall be permitted within ten (10) feet of any front property line. These spaces shall be maintained as landscaped area.”



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16. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-15 “Physical Arrangements”, Section E, to read as follows:

**“E. Nonresidential uses that regularly receive or send out shipments of goods shall provide off-STREET loading spaces or loading docks on the same LOT as the use they are intended to serve. Loading facilities shall be designed to the rear or side of all proposed buildings. No loading space or dock shall be located within one hundred (100) feet of a residential district boundary, unless sufficient screening is provided to the satisfaction of the Planning Board. Loading facilities shall be designed in accordance with the rules and regulations of the Zoning Ordinance and shall be off-street or accessible via a public alley.”**

17. Chapter 149 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 149-21 “Definitions”, by deleting the following definitions:

~~**AXONOMETRIC** drawing means a drawing showing a building in three dimensions.~~

~~**AWNING WINDOW** means a single SASH window that opens outward from the top.~~

~~**BARGEBOARD** means a board, typically decorated, on the sloping edge of an overhanging GABLE roof.~~

~~**BAY** means a vertical division of a building FACADE as delineated by some regular recurring feature such as windows or COLUMNS.~~

~~**BOARD** means the Planning Board of the City of Dover.~~

~~**BOND** means the pattern formed by bricks in a wall using one or more sides or positions (oblong or upright) of the brick.~~

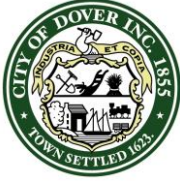
~~**CANTILEVER** means a horizontal element projecting from a wall without external support.~~

~~**CAPITAL** means the top portion of a COLUMN or PILASTER crowning the shaft.~~

~~**CASEMENT** means a single SASH window that opens outward from the side.~~

~~**COLONNADE** means a row of COLUMNS supporting a roof, arches, or an ENTABLATURE.~~

~~**DATE OF OFFICIAL SUBMISSION** means an application shall be considered officially submitted only at the regular meeting of the Planning Board following the completion of the~~



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~~appropriate procedure and the receipt of a written memorandum from the Director of Planning and Community Development certifying said application's technical review.~~

~~**DENTILS** means small, rectangular blocks arranged in a tooth-like series under an overhang.~~

~~**DOUBLE HUNG WINDOW** means a window with two vertical sliding SASHES, each closing half of the window opening~~

~~**ENGAGED COLUMN** means a COLUMN which is attached to a wall (rounded in cross section).~~

~~**FALSE FRONT** means a FACADE that extends well above the rest of the building, to give the impression that a building is larger than its actual size.~~

~~**FINIAL** means small vertical ornament at the top of a roof.~~

~~**FRONTISPIECE** means an ornamental portal around the entrance~~

~~**GAMBREL** means a roof form with a double sloped profile—a steep lower plane and a less steep upper plane (differs from a MANSARD in that a GAMBREL is two-sided while a MANSARD is four-sided; also the angle of the two planes on a MANSARD is closer to 90 degrees).~~

~~**HIERARCH** means the articulation of the importance of a form by its size, shape, or placement relative to the other related forms.~~

~~**HIPPED ROOF** means a roof, which slopes upward from all four sides of a building (it may have a RIDGE or end in a point).~~

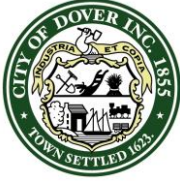
~~**LOZENGE** means a diamond shaped ornament applied to a wall.~~

~~**LUNETTE** means a semicircular or half-moon window or other element on a FACADE.~~

~~**MASONRY** means heavy materials including stone, brick, concrete, concrete block, and stucco.~~

~~**MEDALLION** means an ornamental plaque applied to a wall.~~

~~**MODERN ARCHITECTURE** means a style characterized by largely undecorated and simple building forms with relatively large windows and a horizontal emphasis.~~



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**MOLDING** means architectural detailing applied around a window or door or to the surface of a wall.

**NEOCLASSICAL** means a formal style of design evoking ancient Greek or Roman architectural forms.

**ORIEL WINDOW** means a **BAY WINDOW** projecting from a buildings upper floor.

**PEDIMENT** means triangular front end of a roof, comparable to a **GABLE** except a **PEDIMENT** always has an articulated horizontal side.

**PERGOLA** means an unenclosed structure with an open wood framed roof, often latticed.

**PIAZZA** means an open space oriented to pedestrians, usually rectangular in shape, defined by a building or buildings on two or more sides.

**PORTHOLE WINDOW** means a circular window (also called a bull's eye window).

**SHED ROOF** means a roof composed simply of one sloping plane.

**SILL** means the horizontal bottom element of a window or door frame.

**SITE DESIGN CRITERIA** means Design and performance standards required under the provisions of 149-14.

**SOFFIT** means the underside of any building part, such as under an **EAVE**, **ARCH**, or **LINTEL**.

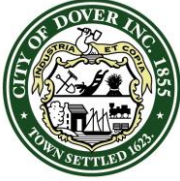
**STEEPLE** means the combined **TOWER** and spire of a church

**SYMMETRY** means the balanced distribution of equivalent forms and spaces about a common line (**AXIS**) or point.

**TURRET** means a small, slender **TOWER** usually at the corner of a building.

**VICTORIAN** means term used to cover all of the various styles of architecture during the reign of Queen Victoria – 1837 to 1901, including Second Empire, Italianate, Gothic Revival, COLONIAL Revival, Queen Anne, Renaissance Revival, and others. (Georgian, Federal, and Greek Revival styles predate the **VICTORIAN** era.)

**WATER TABLE** means a thickened and frequently adorned part of the foundation of a building originally designed to make the foundation less permeable to stormwater.

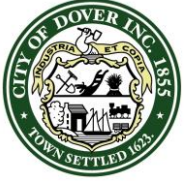


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|                                                                                                               |                                                                                                                                                                                                                                                                                  |
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|  <p><b>CITY OF DOVER</b></p> | <p style="text-align: center;"><b>CITY OF DOVER – ORDINANCE</b></p> <p style="text-align: right;"><b>Presented 2016</b></p> <p>Ordinance Number:   <b>O – yyyy.mm.dd -</b><br/> Ordinance Title:       Updating the Dover Zoning Ordinance<br/> Chapter:                 170</p> |
|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The City of Dover Ordains:

## 1. PURPOSE

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

## 2. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to revise definitions as follows:

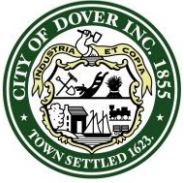
**“HEIGHT OF BUILDING** means the vertical distance measured from the **average** grade level **adjoining the BUILDING** to the highest level of the roof surface or front PARAPET, whichever is greater. Television and radio receiver ANTENNAS and photovoltaic systems as well as church steeples shall not be included in this calculation.”

**“NONCONFORMING USE** means a lawful use that does not conform as to ~~use BULK~~ if it does not conform to the prescribed ~~use BULK~~ regulations of the district in which it is located.”

**“TEMPORARY ~~PORTABLE~~ SIGN** means a SIGN(s) customarily located on a trailer or similar wheeled apparatus, whether self-propelled or pulled by another vehicle, ~~intended for promotional purposes or to convey an advertising message of any kind~~, which is not permanently affixed to the ground. A-frame, sandwich board, inflatable, and other SIGNS not permanently affixed, directly or indirectly, upon a BUILDING, STRUCTURE, or land and not otherwise referenced under the definitions of “FREESTANDING SIGN,” “PROJECTING SIGN,” or “WALL SIGN” shall also be considered as “TEMPORARY ~~PORTABLE~~ SIGNS.”

**“CHILD CARE FACILITY** means a non-residential facility use for the care of children for periods of less than twenty-four (24) hours per day, and/or the provision of educational services commonly associated with preschool, nursery schools or kindergartens. A CHILD CARE FACILITY requires Technical Review Committee review ~~and is subject to possible Site Review and PLANNING BOARD approval per Section 149-4.C.3 of the Site Review Regulations.~~”

**“OUTBUILDING – see ACCESSORY STRUCTURE** ~~means an accessory BUILDING, usually located toward the REAR of the same LOT as a PRINCIPAL BUILDING, and sometimes connected to the PRINCIPAL BUILDING.~~”



**CITY OF DOVER**

## **CITY OF DOVER – ORDINANCE**

**Presented 2016**

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

### **3. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions” to add new definitions as follows:

**“DIRECT ILLUMINATION means that the material of which a sign is made is itself illuminated (e.g. neon light).**

**EXTERNAL ILLUMINATION means a separate light fixture that shines onto a sign in order to illuminate it.**

**INTERNAL ILLUMINATION means illumination that is located within a translucent or otherwise diffusive sign material.**

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

### **4. 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 5.06 acres located along Arch Street and Washington Street, consisting of lots 10-21\*, 10-40\*, and 10-151.”**

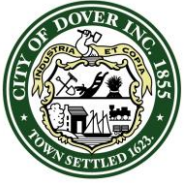
**\* = only that portion of the lot within the RM-U District will be affected.**

### **5. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 “Definitions”, to add a new definition as follows:

**“SELF-SERVICE STORAGE FACILITY means a building or a group of buildings consisting of individual, self-contained units of various sizes rented or leased for self-storage of customers’ property.”**

**AND**



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## CITY OF DOVER – ORDINANCE

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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Dimensional Regulations Tables in the Restricted Industrial District (I-1), Rural Restricted Industrial District (I-2) and Assembly and OFFICE District (I-4), to add SELF-SERVICE STORAGE FACILITY as a use allowed by Conditional Use Permit with criteria as follows:

**“SELF-SERVICE STORAGE FACILITY shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:**

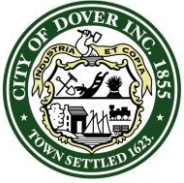
- A. The minimum front SETBACK shall be double the SETBACKs required in the district.**
- B. Any storage unit BUILDING visible from the STREET shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.**
- C. If adjacent to a residential district or a LOT containing a residential use, the facility shall:**
  - i. Be limited to a one story STRUCTURE with a height no more than twenty (20) feet.**
  - ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.**
  - iii. Not hold auctions or sales of contents of storage containers.**
  - iv. Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.**
- D. The architectural design standards of Chapter 149-14L (8) (b) shall be adhered to.”**

### **6. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District”, by revising the Dimensional Regulations Tables in the Hospital (H) District, Little Bay Waterfront (LBW) District, and Office (O) District, to add ACCESSORY DWELLING UNIT as a permitted use.

### **7. AMENDMENT**

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Suburban Density Multi-residential (RM-SU) District to delete footnote [4]: ~~“A single-family residential dwelling~~



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~~may be constructed within this zoning district under the same dimensional regulations that govern development in a R-20 District.”~~

### 8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Central Business District Downtown Gateway Sub-District (CBD-G) as follows:

In the “Ground Floor Standards” section of “Special Regulations,” revise the third bullet point to read ~~“Residential uses permitted; buildings with more than 4 units are required to follow architectural standards, see section 170-20F.”~~

In the “Permitted Uses – Central Business District” table, revise the residential row to read, ~~“Permitted, buildings of four or more units on GROUND FLOOR allowed only if Architectural Standards are followed.~~ Density allowed at 5,000 sf per unit, 10 units max.”

### 9. AMENDMENT

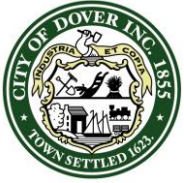
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-12 “Applicability of Tables of Use and Dimensional Regulations By District” by revising the Dimensional Regulations Table in the Cochecho Waterfront District (CWD) by removing an obsolete reference to the Mill Motif in the Sign Regulations table.

### 10. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-20. “Central Business District Regulations” by revising Section H “Administration” to add language as follows:

“H. Administration

- (1) Deviations from the requirements herein may be requested by application to the PLANNING BOARD for a conditional use permit (see Section B). Administrative appeals from this Section may be directed to the ZONING BOARD OF ADJUSTMENT (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site Review Regulations.



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Ordinance Number: O – yyyy.mm.dd -  
Ordinance Title: Updating the Dover Zoning Ordinance  
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- a. Any redevelopment of an existing STRUCTURE within the CBD Downtown Gateway or Mixed Use sub-districts does not require a Conditional Use Permit if it results in three (3) or fewer total residential units, or if it increases the gross floor area of nonresidential space by less than twenty-five hundred (2,500) square feet, and is exempt from the regulations of this Section, except for SETBACK, BUILD TO, and use regulations. **Density requirements for residential uses do not apply.**

- (2) Any redevelopment within the CBD is exempt from Wetlands Regulations as described and administered in this Chapter.”

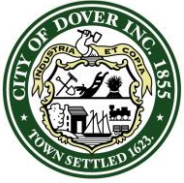
### 11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23 “IMPACT FEE Ordinance”, by revising section F – “Waivers”, subsections (a) and (b) to read as follows and renumber subsection (c) to (b):

- (a) An APPLICANT may request a full or partial waiver of school IMPACT FEES for those residential units that are lawfully restricted to occupancy by senior citizens age sixty two (62) or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The PLANNING BOARD may waive school IMPACT FEE ASSESSMENTS on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age sixty two (62) or over for a period of at least twenty (20) years. **An APPLICANT may request a partial waiver of school IMPACT FEES, reduced to twenty (20) percent of the assessed school IMPACT FEE, for residential units in a development that are lawfully restricted to occupancy by at least one person fifty-five (55) or over per unit in at least eighty (80) percent of the units.**
- ~~(b) A person may request a full or partial waiver of IMPACT FEES for construction within a subdivision or site plan approved by the PLANNING BOARD prior to the effective date of this ordinance. Prior to granting such a waiver, the PLANNING BOARD must find that the proposed construction is entitled to the four (4) year exemption provided by RSA 674:39, pursuant to that statute. This waiver shall not be applicable to phases of a phased development project where active and substantial development, BUILDING and construction has not yet occurred in the phase in which construction is proposed.~~

### 12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-24 “ACCESSORY DWELLING UNITS” as follows.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

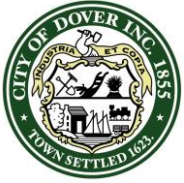
Presented 2016

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

### **170-24. ACCESSORY DWELLING UNITS. [Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]**

Where permitted, an ACCESSORY DWELLING UNIT shall comply with the following:

- A. A maximum of one (1) ACCESSORY DWELLING UNIT (ADU) per property is permitted. An ADU shall not be permitted on property where more than one DWELLING UNIT currently exists.
- B. Exterior ALTERATIONS, enlargements, or extensions of the SINGLE FAMILY DWELLING or detached ACCESSORY STRUCTURE are permitted in order to accommodate the ACCESSORY DWELLING UNIT. However, no such change is permitted which would ALTER the appearance of the SINGLE FAMILY DWELLING to look like a duplex or any other multi-family STRUCTURE (i.e., the house should not look like it was designed to occupy more than one family). The construction of any access ways into the house and/or detached garage which are required for access to the ACCESSORY DWELLING UNIT shall be located to the side or REAR of the BUILDING whenever possible.
- C. An ADU shall have an area of no less than ~~300~~ **three hundred (300)** square feet and no greater than ~~800~~ **eight hundred (800)** square feet. ~~An attached ACCESSORY DWELLING UNIT shall occupy no more than 30% of the FLOOR AREA of the SINGLE FAMILY DWELLING, including the ADU.~~ If located in a detached ACCESSORY STRUCTURE, the ACCESSORY DWELLING UNIT shall be located entirely on the second floor of the STRUCTURE.
- D. A minimum of one dedicated OFF-STREET PARKING space shall be provided for the ADU.
- E. The SINGLE-FAMILY DWELLING (and detached ACCESSORY STRUCTURE, when applicable) and LOT shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the SINGLE-FAMILY DWELLING. In order to ~~assure~~ **ensure** compliance with this requirement, the property owners at the time the ADU is established shall be required to execute a restrictive covenant running in favor of the City, which shall be recorded in the Strafford County Registry of Deeds and a copy **of which shall be** provided to the Planning and Community Development Department and the **City** Assessor prior to the issuance of a CERTIFICATE OF OCCUPANCY.
- F. The property owner must occupy one of the two DWELLING UNITS. Electric, water, and sewer utilities shall be metered on a single bill.



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- G. Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.
- H. A certificate of use issued by the Zoning Administrator is required to verify conformance with the preceding standards. Said certificate shall be renewed annually. Applications to renew the certificate of use shall be due by January 1<sup>st</sup> following the date of approval of the certificate of use and then by every January 1<sup>st</sup> thereafter for so long as the ACCESSORY DWELLING UNIT continues. Fees shall be levied as set forth in the City of Dover **Fee Schedule** ~~Adopted Schedule of Fees~~, as amended annually, for ACCESSORY DWELLING UNIT certificates of use and renewals.

### 13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 “Conservation District”, by revising section E(6), first paragraph to read as follows:

“(6) Upon the discretion of the Building Inspector, a STRUCTURE may be erected within the Conservation District as described in Subsection B(1) up to but never closer than seventy-five (75) feet of the **reference line (as defined in RSA 483-B:4, XVII)** ~~mean high water mark~~, provided that:”

### 14. AMENDMENT

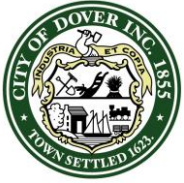
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-32 “SIGN Review and Regulations” as follows.

## ARTICLE X

### SIGNS AND FENCES

**170-32. SIGN Review and Regulations. [Amended on 3-14-84 by Ord. No. 7-84; on 6-10-87 by Ord. No. 13-87; on 10-26-88 by Ord. No. 18-88; on 08-01-90 by Ord. No. 8-90; on 04-21-93 by Ord. NO. 04-93; on 11-22-95 by Ord. No. 19-95; on 01-22-2003 by Ord. No. 35-02; on 03-21-2007 by Ord. No. 01-07; on 12-09-2009 by Ord. No. 2009.09.09-15; on 12-08-2010 by Ord. No. 2010.10.27-13; on 02-22-2012 by Ord. No. 2012.01.25; on 08-19-2015 by Ord. No. 2015.07.22 – 017**

Purpose. The purpose of this Section is to create a legal framework for SIGNAGE regulations that is intended to facilitate a flexible and agreeable communication between people. Such an ordinance acknowledges the need to protect the safety and welfare of the public, the need for a well-maintained and attractive appearance throughout the City of Dover and the need for adequate ~~business~~ identification, advertising and communication.



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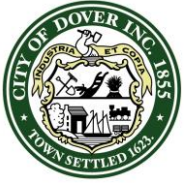
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While this Section recognizes that aesthetics and design quality cannot be satisfactorily legislated, it does, however, operate on the premise that a large percent of that which is unattractive can be eliminated by sensible quality control through maintenance and inspection and by guidelines formulated to minimize clutter.

- A. Permitted SIGNS. No SIGN shall be permitted within the City of Dover, except in accordance with the provisions of this Section. See tables of Use and Dimensional Regulations by District for overview of permitted SIGNS.
- B. Permit required. No SIGN, other than a ~~directional SIGN~~, a residential nameplate **or a SIGN exempted from the permitting requirements of this Section as described herein** ~~or SIGN advertising a sale or lease of a premise~~, shall be erected or placed in the City of Dover without a SIGN permit. Said permit shall be issued by the Zoning Administrator, provided that the SIGN meets all the regulations of this Section, after the submission of a set of plans to an appropriate scale, showing site location, dimensions, method of illumination, if any, and types of materials to be used in construction. Replacement of existing SIGNS and support STRUCTURES, where the area, location or materials are being ALTERed, shall require a permit, and such replacement shall conform to the regulations of this Section.
- C. General provisions. All SIGNS shall conform to the following regulations:
- (1) **SIGN Location.** ~~All SIGNS shall be located on the same LOT as the uses which they identify with the following exceptions:~~ **SIGNS shall relate only to the premises upon which they are located, excluding Temporary SIGNS as regulated in Subsection Q.**
- ~~(a) Political Advertising SIGNS. Political advertising SIGNS shall be regulated as required in Subsection L.~~
- ~~(b) Industrial Park SIGNS. Industrial Park SIGNS shall be regulated as required in Subsection J.(2)(g).~~
- ~~(c) Temporary Real Estate and Yard Sale SIGNS. Temporary (forty-eight (48) hours) real estate and yard sale SIGNS may be located off site with the permission of the property owner of the land on which the SIGN is to be placed.~~
- ~~(d) Temporary Non-profit, Public Benefit and/or Municipality Related SIGNS. Temporary non-profit, public benefit and/or municipality related SIGNS shall be regulated as required in Subsection Q.~~
- (2) All SIGNS shall be constructed, erected and maintained so as not to present a hazard to persons and property.



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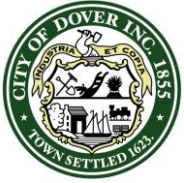
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- (3) All SIGNS shall be erected in such a manner so as not to obstruct free and clear vision along or onto a public right-of-way.
- (4) All SIGNS shall be erected in such a manner so as not to obstruct the view of, be confused with or mistaken for any authorized traffic SIGN, signal or like device.
- (5) The illumination of any SIGN shall be nonflashing; spot or floodlights shall be arranged so that the direct rays of light do not shine or reflect directly into adjacent properties or the line of vision ~~or of~~ of a motorist.
  - (a) FLASHING SIGNS are prohibited.
  - (b) Illuminance of the SIGN face shall not exceed the following standards:
    - (i) ~~External illumination~~ **EXTERNAL ILLUMINATION**: fifty (50) foot-candles as measured on the SIGN face.
    - (ii) ~~Internal illumination~~ **INTERNAL ILLUMINATION**: five thousand (5,000) nits (candelas per square meter) during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN's face.
    - (iii) ~~Direct illumination~~ **DIRECT ILLUMINATION**: five thousand (5,000) nits during daylight hours, and five hundred (500) nits between dusk and dawn, as measured at the SIGN's face.
- (6) The top edge of a WALL SIGN shall be at least one (1) foot below the top of the wall or PARAPET wall. The top edge of a roof SIGN shall be at least one (1) foot below the roof ridge or the highest point of the roof if no ridgepole exists.<sup>1</sup>
- (7) No SIGN shall be painted or affixed with adhesive directly on the surface of a BUILDING.
- (8) Rotating SIGNS or beacons, waving pennants or whirling devices are prohibited.
- (9) Temporary SIGNS are prohibited, except as otherwise provided in Subsection Q.
- (10) All SIGNS are prohibited within the public right- of-way, except as otherwise provided in this Section.

<sup>1</sup>See Figure 1 of the SIGN Diagrams, Part I, included at the end of this Chapter



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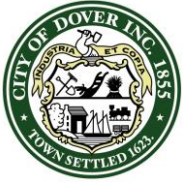
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- (11) The terms of this Section shall not ~~be construed so as to exclude~~ **apply to** SIGNs being necessary for the public welfare and, as such, are required by the municipal, **State, or Federal** government. ~~and historical associations, etc.~~
- (12) The material and construction of any SIGN or supporting elements shall be in accordance with the Building and Electrical Codes (in use by the City at the time of installation) and all other applicable City regulations.
- (13) On a CORNER LOT, no FREESTANDING SIGN or support element shall be erected to materially impede vision between a HEIGHT of two and a half (2 ½) feet and eight (8) feet above curb grades in the same area bounded by the STREET lines of such CORNER LOT and a straight line joining points along said STREET lines thirty (30) feet from point of their intersection except as otherwise provided in this Section.
- (14) Essential directional SIGNs not exceeding four (4) square feet, in area, are permitted indicating entrance and exit driveways. **Said SIGNs shall not be subject to the permitting requirements of this Section.**
- (15) SIGNs not exceeding two (2) square feet, in area, are permitted in parking LOTs indicating aisles or reserved areas or spaces. **Said SIGNs shall not be subject to the permitting requirements of this Section.**
- (16) One (1) SIGN not exceeding thirty-two (32) square feet **is permitted** on a BUILDING or project under construction, ~~identifying the architect, owner and/or contractor.~~ Such SIGN shall be removed upon the receipt of a CERTIFICATE OF OCCUPANCY **or upon the expiration of the BUILDING permit. Said SIGN shall not be subject to the permitting requirements of this Section.**
- (17) WALL SIGNs shall conform to the following additional regulations:
- (a) No WALL SIGN shall be located in such a manner so as to extend above the next floor's window sill or descend below the top of the lower floor's lintel.<sup>2</sup>
- (b) In all nonresidential zoning districts where a business/premises fronts on more than one (1) public STREET or municipal parking LOT, one (1) WALL SIGN shall be permitted ~~for~~ **upon** each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking LOT.<sup>3</sup>

<sup>2</sup>See Figure 2 of the SIGN Diagrams, Part I, included at the end of this Chapter.

<sup>3</sup>See Figure 3 of the SIGN Diagrams, Part I, included at the end of this Chapter.



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- (c) In all nonresidential zoning districts, one (1) informational/directional WALL SIGN shall be permitted for each BUILDING entryway. Said SIGN shall not exceed four (4) square feet in area and shall not be illuminated. **Said SIGN shall not be subject to the permitting requirements of this Section.**

(18) All FREESTANDING SIGNs shall conform to the following regulations:

- (a) No FREESTANDING SIGNs shall be located in an area designated for parking unless said SIGN is protected along all sides by curbing. A four (4) foot clear space is required along all approaches.<sup>4</sup>
- (b) No FREESTANDING SIGN shall be placed within fifty (50) feet of a low-density residential district (R-40, R-20) boundary.

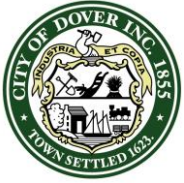
(19) All PROJECTING SIGNs shall conform to the following additional regulations:

- (a) PROJECTING SIGNs shall be attached to the main wall of the BUILDING.
- (b) PROJECTING SIGNs shall be prohibited from projecting over a STREET, alley or other PUBLIC SPACE beyond four (4) feet eight (8) inches from a BUILDING facade or two-thirds (2/3) of the width of the SIDEWALK, whichever is less.<sup>5</sup>
- (c) A clear space of not less than ten (10) feet shall be provided below all parts of a PROJECTING SIGN, except for residential nameplates.
- (d) In all nonresidential zoning districts where a business/premise fronts on more than one (1) public STREET or municipal parking lot, one (1) PROJECTING SIGN shall be permitted ~~for~~ **upon** each FRONTAGE. The SIGN AREA displayed shall not exceed that area permitted by the FRONTAGE on that public STREET or parking lot.
- (20) Awnings may be used in lieu of permitted WALL SIGNs provided said letters, insignia or emblems do not exceed the square footage allowed for a WALL SIGN in the applicable zoning district.

D. SIGNs permitted in residential districts. Any SIGN permitted in a Residential District shall conform to the following regulations (See tables for overview of permitted SIGNs):

<sup>4</sup> See Figure 4 of the SIGN Diagrams, Part I, included at the end of this Chapter.

<sup>5</sup> See Figure 5 of the SIGN Diagrams, Part I, included at the end of this Chapter.



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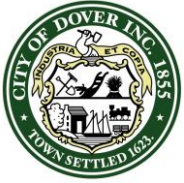
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- (1) CUSTOMARY HOME OCCUPATION SIGNS shall identify only the name of each occupant and the STREET address. Said SIGN shall not exceed two (2) square feet and shall not be subject to the permit requirements of this Section.
  - (2) One (1) SIGN not to exceed four (4) square feet ~~to announce for sale or rent real property or any part thereof upon which said SIGN is located~~ **may be erected on a property currently for sale or rent.** Said SIGN shall not be subject to the permit requirements of this Section.
  - (3) One (1) SIGN not to exceed sixteen (16) square feet may be erected in connection with any legally permitted non-residential use, excepting home occupations and BED AND BREAKFASTs.
  - (4) One (1) SIGN may be erected in connection with a lawfully maintained NONCONFORMING USE.
  - (5) All nonresidential SIGNS may only be illuminated by a constant ~~indirect source of lighting~~ **EXTERNAL ILLUMINATION.** The lighting element shall be shielded and shall illuminate only the SIGN. No SIGN shall be illuminated after 9:00 p.m **or before 6:00 a.m.**
  - (6) One (1) SIGN not to exceed four (4) square feet may be erected in connection with a BED AND BREAKFAST.
  - (7) No SIGN shall be located greater than eight (8) feet above the ground, whether freestanding or attached to a BUILDING.
- E. SIGNS permitted in CBD and CWD Zones. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNS.)
- (1) WALL SIGNS<sup>6</sup>
    - (a) An additional one (1) square foot of SIGN AREA per one (1) foot of BUSINESS FRONTAGE shall be permitted, provided that the character of the SIGN conforms to mill motif design criteria. Refer to Subsection ~~Q~~ **O** for applicable criteria.
  - (2) FREESTANDING SIGNS

<sup>6</sup> See Figure 6 of the SIGN Diagrams, Part II, included at the end of this Chapter.



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(a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected ~~for~~ **upon** each FRONTAGE.

F. SIGNS permitted in B-3 Thoroughfare Business District. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises.~~ (See table for overview of permitted SIGNS.)

### (1) FREESTANDING SIGNS

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected ~~for~~ **upon** each FRONTAGE, provided that the BUILDING complies with applicable SETBACKS.
- (b) One (1) FREESTANDING SIGN shall be permitted for every principal entryway to a SHOPPING CENTER. Such SIGNAGE shall be a distance of five hundred (500) feet apart.

G. SIGNS permitted in B-1 NEIGHBORHOOD Business Districts. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within said premises.~~ No SIGN shall be illuminated after 9:00 p.m **or before 6:00 a.m.** (See table for overview of permitted SIGNS.)

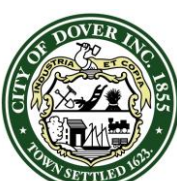
### (1) PROJECTING SIGNS

- (a) All PROJECTING SIGNS shall only be illuminated by a constant ~~indirect source of lighting~~ **EXTERNAL ILLUMINATION**. The lighting element shall be shielded and shall illuminate only the SIGN.

H. SIGNS permitted in O OFFICE District. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or services available within said premises.~~ No SIGN shall be illuminated after 9:00 p.m **or before 6:00 a.m.** (See table for overview of permitted SIGNS.)

- (1) SIGNS shall only be illuminated by a constant ~~indirect source of lighting~~ **EXTERNAL ILLUMINATION**. The lighting element shall be shielded and shall illuminate only the SIGN.

I. SIGNS permitted in Industrial Districts I-1, I-2, and I-4. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ (See table for overview of permitted SIGNS.)

|                                                                                                           |                                     |                         |
|-----------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------|
| <br><b>CITY OF DOVER</b> | <b>CITY OF DOVER – ORDINANCE</b>    |                         |
|                                                                                                           | <b>Presented 2016</b>               |                         |
|                                                                                                           | Ordinance Number:                   | <b>O – yyyy.mm.dd -</b> |
| Ordinance Title:                                                                                          | Updating the Dover Zoning Ordinance |                         |
| Chapter:                                                                                                  | 170                                 |                         |

(1) FREESTANDING SIGNS

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected ~~for~~ **upon** each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKS.
- (b) Two (2) FREESTANDING SIGNS shall be permitted ~~within an~~ **per** approved industrial park, provided that the combined square footage of such SIGNS does not exceed five hundred (500) square feet in area, ~~that they are used solely for the purposes of identifying the park, its occupancies and uses, location and layout,~~ and that, if on a CORNER LOT, such SIGNS shall be set so as to not materially impede vision.

J. SIGNS permitted in ETP and B-4 Districts. ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

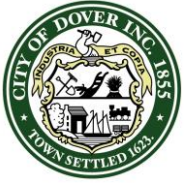
- (a) Where a development fronts on more than one (1) public STREET or roadway, one (1) FREESTANDING SIGN shall be permitted ~~for~~ **upon** each FRONTAGE.
- (b) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in HEIGHT, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, FREESTANDING SIGNS fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in HEIGHT.
- (c) SIGN AREA shall not exceed sixty (60) square feet in area. Notwithstanding, a FREESTANDING SIGN fronting the Spaulding Turnpike shall not exceed one hundred (100) square feet in area.

K. SIGNS permitted in the B-5, Commercial/Retail District ~~SIGNS shall relate only to the premises upon which they are located, identifying the occupancy of such premises or advertising the articles or services available within such premises.~~ (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS.

- (a) Where a development fronts on more than one (1) public STREET, one (1) FREESTANDING SIGN shall be permitted ~~for~~ **upon** each FRONTAGE.

Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.



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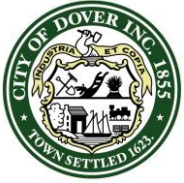
**L. Political advertising SIGNs. Political advertising SIGNs are permitted as follows: per the political advertising SIGN provisions of State law.**

- ~~(1) The provisions of this Section are in addition to the political advertising SIGN provisions of State law.~~
- ~~(2) The person whose name appears on a political advertising SIGN, or the person providing consent to placement, is responsible for the placement of and removal of the SIGN.~~
- ~~(3) No SIGN in any district shall be larger than sixteen (16) square feet.~~
- ~~(4) Removal of a political advertising SIGN not placed or removed in accordance with State law or local ordinance shall be subject to an administrative fine as contained in the local fee schedule.~~

**M. Obsolete SIGNs.** Any SIGN which is located on property which becomes vacant and unoccupied for a period of more than six (6) months ~~or any SIGN which pertains to a business, service activity or event which no longer applies because of discontinuance or relocation of said business, service, activity or event~~ shall be deemed to have been abandoned, and the SIGN shall be considered obsolete. Such obsolete SIGNs are prohibited and shall be removed by the owner of the SIGN or owner of the premises. In the event that the said SIGN(s) and support(s) are not removed as requested by the Zoning Administrator, the City of Dover may remove said STRUCTURE(s) and assess all costs and expenses incurred in said removal against the STRUCTURE's owners and/or the owner of the land upon which said STRUCTURE(s) is located.

**N. Nonconforming SIGNs.** A SIGN installed prior to the effective date of this Section which meets the applicable requirements of the zoning code then in effect but which is not in conformance with the provisions of this code shall be deemed a permitted nonconforming SIGN ~~if a permit is obtained for said SIGN within six (6) months after the effective date of this Section.~~ Such nonconforming SIGN shall, however, be subject to the following regulations.

- (1) No nonconforming SIGN shall be ALTERed in any way in STRUCTURE or material, which makes the SIGN less in compliance with the requirements of this Section than it was before the ALTERATIONS.
- (2) No nonconforming SIGN shall be relocated to a position making it less compliant with the requirements of this Section.



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- (3) Non-conforming FREESTANDING SIGNS and PROJECTING SIGNS may be replaced upon approval of a SIGN permit application, provided that the support STRUCTURE of the SIGN remains in place and the dimensions of the SIGN are the same or smaller. If any other nonconforming SIGN is replaced, it shall be replaced in total with a SIGN that is in conformance with the provisions of this Section.
- (4) Should a nonconforming SIGN be destroyed by any means to an extent of more than seventy-five percent (75%) of its replacement cost at the time of its destruction, it shall not be reconstructed except in conformity with the provisions of this Section.

### O. Mill motif design criteria.

#### (1) Intent.

- (a) A recurring architectural theme exists within the Central Business District, where the use of brick, granite and slate dominates much of the existing commercial BUILDING stock. Influenced by the early 19th century mill development, SIGNAGE was closely integrated with the style and composition of the BUILDING, often consisting of handsomely carved and painted wooden signboards. The use of dark background tones, highlighted with bright lettering was dominant. PROJECTING SIGNS were typically constructed from dark-hued metal, cast iron in particular, and internal lighting or use of plastics, aluminum and vinyl was nonexistent.
- (b) The use of a mill motif SIGNAGE theme is an attempt to promote a style or architectural continuity within Dover's urban center. Within the defined mill motif theme, a great amount of flexibility is permitted where design and materials are involved, and all SIGNAGE should be guided by general design criteria.

#### (2) SIGN location.

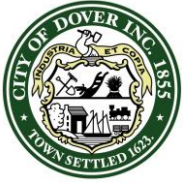
- (a) Every SIGN shall be required to be an integral part of its BUILDING.

SIGNS shall be located with respect to the basic architectural framework of the BUILDING, so as not to obscure the primary elements (door and window openings and decorative facade treatments) of a BUILDING's framework.

#### (3) SIGN composition.

##### (a) Lettering.

- (i) No more than one (1) font shall be permitted per SIGN. More than one (1) size is permitted.



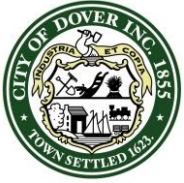
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- (ii) Letters may be attached to the BUILDING façade.
  - (iii) Light-colored letters on a dark background are required.
  - (iv) Lettering shall be located so as not to obstruct architectural detailing on the BUILDING face.
  - (v) Product trademarks are not permitted. Generic trade symbols (e.g., a shoe for a cobbler, a mortar and pestle for a druggist) are permitted.
  - (vi) Letter styles shall be limited to the classic genre, i.e., Copperplate Gothic, Times, Franklin Gothic, Benton, Clarendon, Haas Helvetica, Folio Caravelle Medium, Windsor, and Times Roman.
  - (vii) The size of the lettering shall be in proportion to both the SIGN configuration and the BUILDING.
- (b) Color.
- (i) No more than three (3) colors are preferred, plus black and white. Differences in shade or hue are considered different colors. Lettering is limited to one (1) color.
  - (ii) Colors used in SIGNAGE should relate to the color composition of the BUILDING material and be compatible with them.
  - (iii) The determination of SIGN color must relate to the degree of contrast between the SIGN lettering and SIGN background.
- (c) Lighting.
- (i) ~~Internally lit or back lit SIGNS~~ **INTERNAL ILLUMINATION and DIRECT ILLUMINATION** are prohibited.
  - (ii) Only shielded ~~indirect light~~ **EXTERNAL ILLUMINATION** shall be permitted if lighting is used.
- (d) Materials.
- (i) The appearance of traditional materials, such as wood, glass, brass, bronze or iron, is required.



**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Presented 2016

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Ordinance Title: Updating the Dover Zoning Ordinance  
Chapter: 170

- (ii) Wooden SIGNS shall be constructed of dense, clear wood that adapts to engraving/carving and paint or stain. The use of plywood shall be limited to overlay, exterior or marine plywood.
- (iii) PROJECTING SIGNS shall be supported by black, iron attachments to the BUILDING. Guy wires shall not be permitted as a principle SIGN support member.
- (iv) No support for a PROJECTING SIGN shall extend above the cornice line of the BUILDING to which it is attached.

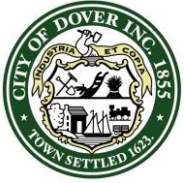
### (2) Permit process

- (a) The Zoning Administrator shall be responsible for the issuance of SIGN permits relative to mill motif accessory SIGNS. Application for said SIGNS shall include the following items:
  - (i) A scaled elevation drawing of the entire BUILDING façade(s).
  - (ii) Proposed SIGN clearly delineated on the elevation drawing.
  - (iii) Detailed drawings indicating materials, size, colors and style of lettering, lighting and attachment method.
  - (iv) A photograph of the BUILDING.
  - (v) A sample color rendering of the intended SIGN.
- (b) Upon completion of the review, the Zoning Administrator will approve or disapprove the application and inform the APPLICANT of the decision in writing.

P. Fees for the review of SIGNAGE are set annually and may be found in the City's Fee Schedule.

Q. ~~Temporary~~ **TEMPORARY** SIGNS. No ~~temporary~~ **TEMPORARY** SIGN shall be erected or placed in the City of Dover without a temporary sign permit issued by the Planning Department, except as noted in Subsections (1)(b). The following regulations shall apply:

- (1) ~~Business Advertising. Business advertising~~ Temporary **TEMPORARY** SIGNS are permitted in the CBD-General, CBD-Downtown Gateway, CBD-Mixed Use, CBD-TOD, CWD, B-3 and B-5 Districts only and are subject to the following regulations:



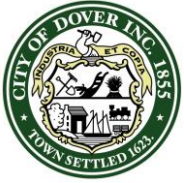
**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

Presented 2016

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

- (a) ~~Special Events.~~ **TEMPORARY SIGNs Allowed with One-Week Permit.** A ~~business LOT or tenant~~ may obtain a ~~temporary~~ **TEMPORARY SIGN** permit for a ~~special event one week~~, provided that all of the following conditions are met:
- ~~(i) Special events shall include sales, product promotions, business sponsored fundraisers and other similar events.~~
  - ~~(ii) Special event temporary~~ **(i) One-week TEMPORARY SIGN** permits are valid for a consecutive seven (7) day period and may be obtained once every three (3) months, for a maximum of four (4) ~~special event one-week~~ **TEMPORARY SIGNs** per business per year. If a ~~special event SIGN~~ the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.
  - ~~(iii)~~ **(ii)** The ~~special event~~ **TEMPORARY SIGN** shall be limited to twenty-four (24) square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard.
  - ~~(iv)~~ **(iii)** The ~~special event~~ **TEMPORARY SIGN** shall be removed within twenty-four (24) hours after the end of the ~~event~~ **approved display period**. If a ~~special event~~ the **TEMPORARY SIGN** or banner is not removed within twenty-four (24) hours, the **TEMPORARY SIGN** or banner may be removed by the City of Dover.
  - ~~(v)~~ **(iv)** If the **TEMPORARY SIGN** is located on a City **SIDEWALK** or within a public right-of-way **directly in front of the BUILDING**, the requirements in Subsection Q.(1)(d) must be met.
- (b) **TEMPORARY SIGNs** allowed without a permit. One (1) ~~temporary~~ A-frame sandwich board **TEMPORARY SIGN** is permitted per ~~business~~ **LOT or tenant** and does not require a permit, provided all of the following conditions are met:
- ~~(i)~~ The **TEMPORARY SIGN** is not located on a City **SIDEWALK** or within a public right-of-way.
  - ~~(ii)~~ The maximum size of the **TEMPORARY SIGN** is eight (8) square feet.
  - ~~(iii)~~ The **TEMPORARY SIGN** must be placed directly in front of the ~~business~~ **BUILDING** at a distance no greater than two (2) feet from the **BUILDING** and must not impede pedestrian or handicapped access to the business or adjacent businesses.



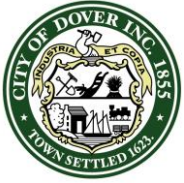
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## CITY OF DOVER – ORDINANCE

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- (c) **TEMPORARY** SIGNs allowed with annual permit. One (1) ~~temporary~~ **TEMPORARY** SIGN shall be permitted per each PRINCIPAL BUILDING. BUILDINGs with an excess of one hundred (100) feet of STREET FRONTAGE shall be permitted one (1) additional ~~temporary~~ **TEMPORARY** SIGN per every **additional** one hundred (100) feet of STREET FRONTAGE. See District Tables of Use for additional requirements.
- (i) If the **TEMPORARY** SIGN is located on a City SIDEWALK or within a public right-of-way **directly in front of the BUILDING**, the requirements in Subsection Q.(1)(d) must be met.
- (ii) The following additional regulations shall apply to **TEMPORARY** SIGNs located in the CBD-General District:
1. The structure of the ~~temporary~~ **TEMPORARY** SIGN must consist of medium density overlay plywood, or a similar durable wood-like material which can withstand the weather, or metal (except as supplemented by material for changeable messages, see below). The use of other materials is permitted if styled and composed to imitate wood or metal.
  2. Any graphics, lettering, words, numbers, messages and/or symbols on the ~~temporary~~ **TEMPORARY** SIGN shall be applied directly onto the surface of the SIGN and/or shall be made with SIGN plastic film.
  3. The material for changeable messages shall be either chalk board or dry erase board. **TEMPORARY** SIGNs with moveable slide-in plastic letters are not permitted.
  4. **TEMPORARY** SIGNs using stencils or spray paint are not permitted.
  5. **TEMPORARY** SIGNs may not be painted traffic yellow or construction-zone orange or use any reflective or fluorescent materials.
- (d) **TEMPORARY** SIGNs located on a City SIDEWALK or within a public right-of-way. **TEMPORARY** SIGNs located on a City SIDEWALK or within a public right-of-way shall meet the following requirements:
- (i) A certificate of insurance in the amount of one hundred thousand (\$100,000.00) dollars (bodily injury/property damage) shall be filed as part of the ~~temporary~~ **TEMPORARY** SIGN permit application to ~~assure~~ **ensure** sufficient liability coverage of the APPLICANT.



CITY OF DOVER

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- (ii) A hold-harmless certification letter shall be filed as part of the temporary SIGN permit application to relieve the City of Dover from bodily injury and property damage liability.
- (iii) **TEMPORARY** SIGNs shall only be displayed during business hours.
- (iv) A five (5) foot, clear passageway must be maintained at all times.
- (v) **TEMPORARY** SIGNs shall be located **directly** in front of the **BUILDING or in front of the space within the BUILDING** occupied by the business ~~or in front of the space occupied by the business if the business is located in a multi-tenant BUILDING.~~ **TEMPORARY SIGN owner.**

### 15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-33 “FENCE Review and Regulations”, by revising subsection A to read as follows:

- A. FENCE HEIGHTs. No person, or other entity, shall erect or cause to be erected a FENCE exceeding four (4) feet in HEIGHT between the RIGHT OF WAY and **either ten (10) feet from the RIGHT OF WAY or a parallel line parallel** with the front of the house closest to the RIGHT OF WAY, **whichever is less.** FENCES may be up to eight (8) feet in HEIGHT **for the remainder of the lot from said parallel line with the front of the house, around both sides and around the REAR YARD.** HEIGHT is measured from ground level.

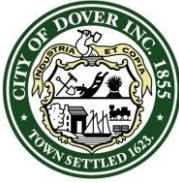
### 16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by deleting Chapter 170-46 “Loading Spaces”, to read as follows:

**170-46. Loading Spaces. [Amended 02-20-91 by Ord. No. 02-91.] Reserved.**

~~In all districts, no nonresidential STRUCTURE shall be erected, enlarged or used unless off-STREET loading spaces are provided as specified herein.~~

- ~~A. Off-STREET loading spaces shall be provided on the same LOT as the principal use they are intended to serve. In no instance shall an off-STREET loading space be counted as part of an area to satisfy the OFF-STREET PARKING requirements and vice versa.~~



**CITY OF DOVER**

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~~B. No loading bay in a nonresidential district shall be located within one hundred (100) feet of a residential district boundary or within one hundred (100) feet of the LOT LINE of an abutting residential use.~~

~~C. All bays shall be located at the side or REAR of the BUILDING they are intended to serve.~~

~~D. The minimum number of required loading spaces shall be determined by the PLANNING BOARD. \*\*\*\*~~

~~\*\*\*\* Previous table illustrating number of loading spaces has been replaced by subsection D, by Ord. No. 02-91~~

### 17. 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 Dennis Ciotti  
City Council Planning Board  
Representative

Approved as to Legal  
Form  
and Compliance:

Anthony Blenkinsop  
City Attorney

Recorded by:

Karen Lavertu  
City Clerk

## DOCUMENT HISTORY:

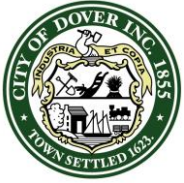
|                        |                      |
|------------------------|----------------------|
| First Reading<br>Date: | Public Hearing Date: |
| Approved Date:         | Effective Date:      |

## DOCUMENT ACTIONS:

## VOTING RECORD

Document Created by: Planning Department  
Document Posted on:

Zoning amendments 2016  
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**CITY OF DOVER**

## CITY OF DOVER – ORDINANCE

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| Date of Vote:                          | YES | NO |
|----------------------------------------|-----|----|
| Mayor, Karen Weston                    |     |    |
| Deputy Mayor, Robert Carrier           |     |    |
| Councilor John O'Connor, Ward 1        |     |    |
| Councilor Dennis Ciotti, Ward 2        |     |    |
| Councilor Deborah Thibodeaux, Ward 3   |     |    |
| Councilor Joseph Nicolella, Jr, Ward 4 |     |    |
| Councilor Dennis Shanahan, Ward 5      |     |    |
| Councilor Jason Gagnon, Ward 6         |     |    |
| Councilor Sarah Greenshields, At Large |     |    |
| Total Votes:                           |     |    |
| Resolution does   does not pass.       |     |    |

### ORDINANCE BACKGROUND MATERIAL:

**Chapter 170, Amendment #4**

"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 5.06 acres located along Arch Street and Washington Street, consisting of lots 10-21\*, 10-40\*, and 10-151."

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

