



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
Meeting Location: McConnell Center Room 306, 61 Locust Street, Dover NH 03820
Meeting Date: **Tuesday, June 26, 2018**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- June 12, 2018 Regular Meeting Minutes

3. OLD BUSINESS

- A. Public Comment to consider amendments to Chapter 170, entitled “Zoning Ordinance” of the code of the City of Dover. Amendments include definitions, Site Plan applicability, dimensional regulations, open space standards, building heights and first floor use, impact fees, transfer of development rights, repairing and nonconforming structures. The full text of the amendments is available in the Planning Department and at www.dover.nh.gov located at <https://bit.ly/2JyZFUE> . *

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment for Bean Family Trust, (Owners: Daniel P. Irish and Kristopher & Elizabeth M. Reischer), Assessor's Map A, Lots 45-2, 45A-2-1 & 45A-2-3, zoned R-40, and located at 12, 22, & 32 Olive Meadow Lane. *(P18-18)
- B. Consideration and acceptance of a Conditional Use Permit for 103 Silver Pidegon LLC, Assessor's Map 10, Lot 117, zoned HR, and located at 103 Silver Street. (Proposal is to add a deck with stairs 6' into the setback) *(P18-24)
- C. Discussion with Steve Whitman of Resilience Planning & Design LLC regarding the Architectural Design Guidelines.

5. STAFF COMMENT

6. MEMBER COMMENTS

7. ADJOURNMENT

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



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

Members Present: Frank Torr, Sarah Wheeler (Alternate), Tom Clark, Dennis Ciotti (Councilor), Gina Cruikshank (Vice Chair), David Landry, Lee Skinner, James Burdin, Kirt Schuman (Chair), Dave White, Hayley Harmon (Alternate)

Members Not Present: Tristan Donovan (Alternate)

Staff Present: Christopher Parker, Assistant City Manager

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

1. CITIZENS' FORUM

Citizens Forum Open.

Cynthia Ellis 449 Middle Road, asked the Board to consider an email database people could sign up for alerting them about meetings.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- May 22, 2018 Regular Meeting Minutes

Motion: F.Torr made a motion to approve the minutes as presented. Seconded by D.Ciotti. Vote U/A

3. OLD BUSINESS

- A. Public Hearing to consider amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include revising terminology, administrative review process, certificate of occupancy requirements, lighting and landscaping standards, driveway regulations, and updating definitions. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports.

J.Burdin recused himself, S.Wheeler sat in.

Motion: L.Skinner made a motion to remove the items from the table. Seconded by T.Clark. Vote U/A

C.Parker reviewed the amendments.

Public hearing opened. No One Spoke. Public Hearing Closed.

Motion: T.Clark made a motion to adopt the amendments to chapter 149. Seconded by D.White. Vote U/A

The Vice chair announced that the following items will be heard together.

- B. Discussion and possible vote of a Major Subdivision with Transfer of Development Rights for TDAK & Company LLC, Assessor's Map 35, Lot 57, zoned R-12, located at 99 Sixth Street. (Proposal is to



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construct a 345 ft. private roadway to access the existing two unit condominium and construct four additional single family dwellings). (P18-07)

- C. Discussion and possible vote of a Conditional Use Permit for TDAK & Company LLC, Assessor's Map 35, Lot 57, zoned R-12, and located at 99 Sixth Street. (Proposal is to construct a 345 ft private roadway impacting areas of the parcel containing 20% slopes). (P18-19)

Motion: F.Torr made a motion to remove the items from the table. Seconded by D.Ciotti. Vote U/A

C.Parker noted that these items, were tabled at the May 8th meeting. The Board held a site walk on May 22 to review the proposed 6 unit subdivision, including the location of the four single family homes. All will be accessed through a private roadway. The Applicant is requesting a waiver to allow for a 10% grade to the roadway where 8% is allowed, and also requires a conditional use permit for steep slopes. The Conservation Commission endorsed the CUP at its May meeting.

Christopher Berry, Berry Surveying and Engineering walked the Board through the waiver request and explained the impact of 8% grading, noting that there would be no loss of units, the units would be spread out and more of the hill would be excavated. He also noted that the builder will install sprinkler systems in the single family homes, if the waiver is granted.

Public hearing reopened. No One Spoke Public Hearing Closed.

STAFF RECOMMENDATION: Waiver

The Planning Department recommends that the Board approve the waiver requests from Sections 155-33.G, 155-33.C, and 155-33.A with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. A note shall be added to the subdivision plan, noting what the waivers are for, and that the waivers were granted for the reasons stated by the applicant and that the Board found the criteria of 155-51.A have been met.
2. A note shall be added to the subdivision plan that all units shall have a Code compliant fire suppression sprinkler system

Discussion ensued regarding sprinklers, fire suppression and life safety in general.

L.Skinner noted he does not support the waiver, and raised concerns about life safety.

Motion: J.Burbin made a motion to approve the waiver subject to the staff recommended conditions. Seconded by T.Clark. Vote 7-2 (Torr, Skinner)

STAFF RECOMMENDATION: Subdivision

Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This proposal is consistent with those standards. Staff recommends approval of the Subdivision with the following conditions

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide a digital version of the plan to the Planning Department.
2. The transfer of development fees for additional units shall be paid.



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DOVER PLANNING BOARD – MINUTES

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Meeting Date: **Tuesday, June 12, 2018**
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3. The applicant shall provide homeowners association documents to be reviewed and approved by the Assistant City Manager in consultation with the City's General Legal Counsel. Documentation shall include common space, roadway, walking path, and stormwater infrastructure maintenance/operation.
4. The applicant shall provide letters from utilities regarding ability to provide service to the development.
5. The applicant shall revise the plat to:
 - a. Indicate proposed walking path.
 - b. Indicate the 15-foot side setback required in the R-12 Zoning District.
 - c. Add the owners' signatures.
 - d. Add the Licensed Land Surveyor, Professional Engineer, Landscape Architect, and Wetland Soil Scientist stamps and signatures.
 - e. Add permit numbers and dates to the permit status notes.
 - f. Insert 8% road grade plan.
 - g. Show additional screening (a fence and vegetation) along the easterly boundary

Conditions to Be Met Prior to Any Construction Activity:

6. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

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

7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

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

8. Documentation that the HOA has been created and is in place.
9. Impact fees for any new unit shall be paid per the invoice provided with the Notice of Decision.

Motion: D.White made a motion to approve the Minor Subdivision subject to the staff recommended condition. Seconded by T.Clark. Vote 8-1 (Skinner)

STAFF RECOMMENDATION: Conditional Use Permit

The Conservation District ordinance provides for Conditional Use Permits to allow impacts to land than has slopes of 20% or greater if standards related to avoidance of impact, minimization of impact, mitigation and soil erosion and sedimentation control are met. This proposal is consistent with those standards. Staff recommends approval of the Conditional Use Permit with the following conditions

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

1. Subdivision (P18-07) is approved.

Motion: D.White made a motion to approve the Conditional Use Permit subject to the staff recommended condition. Seconded by T.Clark. Vote U/A

4. NEW BUSINESS

- A. Consideration and acceptance of an amendment to the conditions for a previously approved Subdivision Plan (7/25/17) for Scott M. Coughlin, Assessor's Map I, Lot 94B, zoned R-40, and located at 17 & 19 Piscataqua Road. (Proposal is to relocate driveway). *(P17-41A)



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DOVER PLANNING BOARD – MINUTES

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Meeting Time: **7:00 pm**

C.Parker explained the applicant is requesting to amend a condition of approval from a minor subdivision approved by the Board in July 2017. The Board had required a shared driveway onto Piscataqua Road for the two homes to share. The applicant is seeking to have the driveway for the new home off Hidden Valley Drive. The plan was signed on December 12, 2017 and has been recorded the Registry of Deeds.

James Schulte represented the requested amendment and discussed the project.

It was confirmed for D.Landry the building address would be a Hidden Valley Dr address.

J.Schulte confirmed for J.Burdin that the intent was for the property owner to contribute some costs towards the upkeep of the private road, and noted that Mr. Coughlin owns the land underneath Hidden Valley Drive.

C.Parker confirmed this was a private matter between the parties.

Motion: F.Torr made a motion to accept the application. Seconded by D.White. Vote 8-1 (Ciotti)

Public hearing opened. No One Spoke Public Hearing Closed.

STAFF RECOMMENDATION

The overall request accomplishes the same goal as the shared driveway, reducing curb cuts and conflict points on Piscataqua road. Staff recommends approval the amendment with the following conditions (all conditions other than 3C from the previously approved plan shall remain in effect):

Conditions to Be Met Prior to Signing of the Plans:

1. The applicant shall revise the plat to:
 - a. Add the plan view of the conceptual site layout to the previous plan with all subdivision notes to be considered the final plat.
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Indicate one shared driveway between lots 1 and 2 with a shared access easement recorded at the registry of deeds
 - d. Include the Licensed Land Surveyor's stamp and signature.
 - e. Add the NHDES Subdivision permit number.

Motion: F.Torr made a motion to approve the amendment to the previously approved plans subject to the staff recommended condition. Seconded by T.Clark. Vote 8-1 (Ciotti)

- B. Consideration and acceptance of a Major Subdivision with Transfer of Development Rights for TDAK & Company LLC., Assessor's Map M, Lot 61, zoned R-20, and located at 146 Dover Point Road. (Proposal is to construct a 475 ft. private roadway to access the existing single family dwelling and to construct ten single family dwellings). *(P18-14)

K.Schuman explained the process for the review of the application to the audience.

C.Parker explained that the applicant is seeking a subdivision to create 10 additional lots on a 4 acre parcel, using the Transfer of Development right's ordinance. There will be two 2 common open space lots. The lots will be serviced by public water and while the plans show private septic systems a public sewer option has been designed. The homes will be accessed via a private road.



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The applicant intends to purchase development rights for an additional 4.5 (rounded to 5) dwelling units, and limit all 5 of the TDR dwelling units to no more than 1,400 square feet, per posted amendments to Section 170-27.2 of the Zoning Ordinance.

The applicant requests two waivers relative to the private road: a 10% slope instead of the permitted 8% and a maximum slope exceeding 3% within 75' of an intersection.

Christopher Berry, Berry Surveying and Engineering, represented the applications and review the details of the plan, and noted the sewer and area where increased vegetation will be added along the southerly boundary (with Tendercrop Farm).

Motion: F.Torr made a motion to accept the applications. Seconded by T.Clark. Vote U/A

Public hearing opened.

Matt Kozazchi, 123 Dover Point Road reiterated the letter he emailed asking for screening along his property.

Matt Haas, 138 Dover Point Road is concerned with the development and the intensity of the development.

Dan Carroll, 151 Dover Point Road is concerned about the development, the impact it will have on the character of Dover Point Road, the farming in the area and environment.

Cynthia Ellis, 449 Middle Road is concerned about the intensity of the development and the density proposed, also is concerned with loss of habitat and impact on the environment.

Bill Tuttle, 437 Middle Road, understands the site can hold more homes, but is concerned about the density and intensity of the lot. Expressed concerns about ledge, having lived on the parcel and in the existing house. Explained how drainage from the site flows under Dover Point Road to the farm pond across the street.

Kevin O'Brien, 140 Dover Point Road is concerned about density and with the impact on the character of Dover Point Road, and the ledge in the area.

Janet Cerilli, 471 Middle Road, is concerned about the impact the development would have on the environment and the wildlife that lives in the area.

Lou Salome 132 Dover Point Road expressed concerns about impact on the farm and character of Dover Point Road due to density.

Public Hearing recessed.

STAFF RECOMMENDATION:

C.Parker explained that Chapter 155-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. Chapter 170-27.2 allows for additional units to be purchased by property owners if the Board finds the development consistent with surrounding properties and density. He also thanked the public for attending and being part of the planning process, and explained how the TDR review process differs from a conventional subdivision.

Christopher G. Parker, AICP
Assistant City Manager
Planning and Strategic Initiatives
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288 Central Avenue
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City of Dover, New Hampshire

Department of Planning & Community Development

June 13, 2018

Dear Dover Property Owner:

The Dover Planning Board has scheduled two opportunities for the public to learn about and provide feedback on 15 proposed amendments to the Dover Zoning Ordinance. First will be a public input session on **Tuesday June 26, 2018** and second will be a Public Hearing on **Tuesday, July 24, 2018**. You are invited to attend one or both of the meetings, which will be held in **McConnell Center Room 306 at 7:00 PM**. The amendments are the result of a comprehensive effort by the Planning Board to involve the public in the process. These amendments were developed with input from Planning Board members, Planning Department staff, and a review of trends within applications submitted to the Planning Board and Zoning Board of Adjustment. The amendments are designed to encourage context-sensitive development that meets the needs of our residents, to promote economic growth and infill, and to help to contribute to a vibrant urban core.

The following is a summary of the amendments:

1. Purpose statement.
2. Amend Chapter 170-6 clarifying the use of a Planning Dictionary for certain definitions. Clarifying definitions for "Build To Line," "Building," and eliminating a definition for "Business Floor Area."
3. Amend Chapter 170-7 and 170-12 to rename the B-5 "Gateway" District to "Highway Business" District.
4. Amend 170-11 to clarifying that the applicability of Site Plan review is governed by Chapter 149 of the City Code.
5. Amend Chapter 170-12 revising about a street setbacks from 50 feet to 30 feet in the B-3, B-4 and B-5 District, to encourage more pedestrian friendly development.
6. Amend Chapter 170-12 revising the Dimensional Regulations Table in the Heritage Residential (HR) District to correct a footnote.
7. Amend Chapter 170-14 revising the text of section B to refer to Article XI and not Article X as listed.
8. Amend Chapter 170-15 and 170-12 revising the Open Space standards, to clarify that the actual regulations govern recreation space, and to add separation between specific uses. Furthermore, the amendment revises the Dimensional Regulations Table in the Hotel/Retail (B-4), Highway Business (B-5), and Office and Assembly (I-4) Districts.
9. Amend Chapter 170-17 removing requirements for the removal of barriers to access, to bring the regulations into compliance with Federal law.
10. Amend Chapter 170-20 revising section D "Standards" clarifying the height allowances of buildings, and the first floor non-residential uses.
11. Amend Chapter 170-23 revising the Impact Fee ordinance to be in compliance with State law, allowing for a credit for existing space, which is reused, and removing waivers to projects deed restricted to those residents 55 in age or older, and for older projects.
12. Amend Chapter 170-25 revising the text of section D subsection (c) to refer to section K, not L.
13. Amend Chapter 170-27 to clarify conservation district land area calculations for minimum lot size.
14. Amend Chapter 170-27.2 revising the Transfer of Development Rights Ordinance to allow the purchase of development rights to create cottage sized single family homes in districts that allow residential uses. The amendment adds requirements for those homes.
15. Amend Chapter 170-41 allowing a property owner to repair a nonconforming structure if the Building Official has determined it is unsafe.

16. Amend Chapter 170-42 allowing a property owner to restore, repair or rebuild a nonconforming structure if the Housing Standards Board has determined it is physically unsafe or unlawful.
17. Takes Effect

The full text of the amendments is available in the Planning Department in City Hall, 288 Central Avenue, from 8:30 AM to 5:30 PM Monday to Thursday, from 8:30 AM to 4:00 PM Friday, and in the Public Library during regular business hours. View the amendments on the City's website at <https://bit.ly/2jyZFUE>. Written comments are encouraged. Follow us on Twitter @DoverNHPlanning and find us on Facebook at www.facebook.com/DoverNHPlanning

ZONING AMENDMENT PUBLIC INPUT SESSION

**McConnell Center Room 306
Tuesday, June 26, 2018 – 7:00 PM**

ZONING AMENDMENT PUBLIC HEARING

**McConnell Center Room 306
Tuesday, July 24, 2018 – 7:00 PM**



City of Dover
288 Central Avenue
Dover NH 03820-4169

Return Service Requested

****** IMPORTANT ZONING AMENDMENT INFORMATION ENCLOSED ******



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

The City of Dover Ordains:

1. PURPOSE

The purpose of this ordinance is to amend Chapter 170 of the Code of the City of Dover, entitled Zoning, by updating the Code to 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", revising section B as follows:

"B. Words and terms appearing in CAPITAL LETTERS throughout this Chapter shall have the meanings indicated: below. Other Land Use/Planning related words and terms not defined in this Chapter shall rely on the definition(s) contained within *A Planners Dictionary* published and updated by the American Planning Association."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-6 "Definitions", ~~to delete the definition of Building Floor Area~~ as follows:

BUILD TO LINE means a line parallel to the STREET RIGHT-OF-WAY LINE representing the distance ~~that which~~ part of the BUILDING is ~~must be~~ located. Front porches, stairs and handicap ramps may extend beyond the BUILD TO LINE up to half their depth. If locating the BUILDING at the BUILD TO LINE is not possible due to SETBACK or buffer requirements of Chapter 170-27 or Chapter 170-27.1, the BUILDING shall be located as close to the BUILD TO LINE as feasible. For parcels with no FRONTAGE, the BUILD TO LINE shall be calculated from the boundary parallel to the nearest STREET RIGHT-OF-WAY LINE. For parcels with FRONTAGE on a tidal waterway, the BUILD TO LINE may be a one hundred foot SETBACK, unless reduced via a Conditional Use Permit feet from the reference line, no matter the distance to the STREET RIGHT-OF-WAY LINE.

BUILDING means any STRUCTURE built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "BUILDING" includes open ~~porches~~ decks, open breezeways and any roofed areas. This in no way is to be construed to include a trailer, MANUFACTURED HOUSE or any other like product. For the purposes of measuring SETBACKS, eaves and uncovered ~~decks~~, porches ~~and~~ accessible ramps or steps may encroach into the side, REAR



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

and front SETBACKs for a distance of up to three (3) feet. Improvements made at ground level (patio, pads, deck) are not required to meet SETBACKS.

~~“BUSINESS FLOOR AREA means that area, leased or occupied by a business, excluding hallway(s) or shared BUILDING/tenant facilities.”~~

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-7 “Establishment of Districts” to revise the name of the “Gateway District” in Section A and in Section B as follows:

~~“B-5 Gateway~~Highway Business District

AND

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 Gateway District (B-5) to rename it to the Highway Business District.

4. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-11 “Use Regulations” section D “PLANNING BOARD site Review Approval” as follows:

~~“D. PLANNING BOARD Site Review Approval. Any The following~~
development/redevelopment meeting the criteria laid out in the Applicability section of the Site Review Regulations of the City of Dover shall be subject to the rules and regulations contained in said chapter. ~~the Site Review Regulations of the City of Dover¹:~~

~~(1) All non-residential development or redevelopment.~~

~~(2) All multi-family residential uses wherein more than five (5) units are proposed for development.~~

~~(3) All MANUFACTURED HOUSING PARKS.~~

¹ See Ch. 149, Site Review.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

~~(4) Any change of use as defined in Chapter 149, Site Review Regulations.~~

5. 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 Thoroughfare Business District (B-3), HOTEL/Retail District (B-4), Highway Business District (B-5) District to revise the Principal Building Setbacks as follows:

B-3

FRONT SETBACK	<u>50</u>30 FT
ABUT A STREET SETBACK	<u>50</u>30 FT

B-4

FRONT SETBACK	<u>50</u>30 FT
ABUT A STREET SETBACK	<u>50</u>30 FT

B-5

FRONT SETBACK	<u>50</u>30 FT
ABUT A STREET SETBACK	<u>50</u>30 FT

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 Table in the Heritage Residential District (HR) footnote [*]: “Deviations from these requirements are permitted by Conditional Use Permit, subject to the requirements of Section 170-20.B(1), where applicable.”

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-14 “Nonconforming LOTS” by revising the reference to former Article X, now Article XI of this ordinance as follows:

B. “Refer to Article XI of this chapter for provisions regulating nonconforming LOTS that are adjacent or of continuous FRONTAGE and NONCONFORMING USES and STRUCTURES”



CITY OF DOVER

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

8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-15 “OPEN SPACE Requirements”, by revising the title and adding new subsection D and E and revising the current D to F as follows:

“170-15. OPEN SPACE Recreation Space and Separation between Use

Requirements. [Amended on 08-01-90 by Ord. No. 8-90, Amended on 12-09-2009 by Ord. No. 2009.09.09-15.]

- A. For each bedroom of a multifamily [greater than four (4) DWELLING UNITS] residential STRUCTURE, there shall be provided at least one hundred (100) square feet of usable OPEN SPACE recreation space. Half of this required OPEN SPACE recreation space shall be provided in such a manner so as to afford active recreational opportunities for children, to include such facilities as swings, sandboxes, slides, play areas, etc. The remainder of the required OPEN SPACE recreation space shall be provided in such a manner so as to afford passive recreational opportunities for adults, such as sitting areas, outdoor cooking facilities, walkways, etc. The active and passive recreational facilities may be combined or separated as appropriate to the site and to the anticipated occupancy needs of the development. ~~Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit. Projects which are designed not to contain children (i.e., housing for the elderly) may eliminate the active recreational component of this requirement.~~
1. Efficiency apartments shall be counted on the basis of fifty (50) square feet per unit.
 2. A payment in lieu of providing the recreation space on site, for an identified recreation area, may be agreed to by the Planning Board.
- B. The minimum distance between any main BUILDING and any accessory BUILDING not structurally attached to such main BUILDING shall be not less than the HEIGHT of the REAR wall of the accessory BUILDING.
- C. No part of a yard or other OPEN SPACE recreation space required ~~about~~ for any BUILDING for the purpose of complying with the provisions of this Chapter shall be included as part of a yard or other OPEN SPACE recreation space similarly required for another BUILDING.



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Chapter: 170

- D. ~~All OPEN SPACE requirements pursuant to this section shall not be binding in the CBD, and CWD Zoning Districts.~~ Non-Residential uses requiring site plan review shall be at least one hundred fifty (150) feet from all existing residential STRUCTURES, located within residential zones.
- E. A continuous and year round visual buffer of either vegetation or fencing shall separate non-residential STRUCTURES and or parking areas from existing residential STRUCTURES located to the rear and side of any proposal, STRUCTURES or parking area.
- F. All screening requirements pursuant to this section shall not be binding in the ETP or any Mixed Use Zoning District.
- G. All recreation space requirements pursuant to this section shall not be binding in the CBD – General, TOD and CWD districts.

AND

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 B-4 District, footnote 4 as follows:

~~“[4] Buildings shall be at least one hundred fifty (150) feet from all residential structures that exist on the date of enactment of the B-4 Zoning District. A continuous visual buffer of either vegetation or fencing shall separate buildings from these existing residential structures. [Added 10-26-88 by Ord. No. 18-88] See Section 170-15”~~

AND

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 B-5 District, footnote 4 as follows:

~~“[4] A continuous visual buffer of either vegetation or fencing shall separate buildings and parking areas from existing residential structures located to the rear and side of any proposal. See Section 170-15”~~

AND



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~~"[4] Buildings shall be at least one hundred fifty (150) feet from all residential structures that exist on the date of enactment of the I-4 Zoning District. A continuous visual buffer of either vegetation or fencing shall separate buildings from these existing residential structures. [Added 10-26-88 by Ord. No. 18-88] See Section 170-15"~~

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-17 "Dimensional Regulations for Handicap Accessible Additions" by revising as follows:

~~"170-17 Dimensional Regulations for Handicap Accessible Additions~~ Removal of Barriers to Access

Upon the discretion of the Building Inspector, with consultation of the Zoning Administrator, in all zoning districts a STRUCTURE constructed for the express purpose of improving and/or providing accessibility to an existing BUILDING for physically and/or mentally ~~challenged~~ disabled individuals may be erected within the BUILDING SETBACKS (front, side and/or REAR) as specified in the Table of Dimension Regulations provided:

- A. The STRUCTURE cannot feasibly and practicably be constructed on the LOT in compliance with the Table of Dimensional Regulations;
- ~~B. ABUTTERS to the property on which the proposed STRUCTURE will be erected shall be notified by the Building Inspector prior to the issuance of the building permit; and The STRUCTURE must not create a hazard or detrimental impact to surrounding properties."~~

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 D – "Standards and regulations", to read as follows:

"D. Standards and regulations



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- (1) The standards for use and dimensions to be utilized within the CBD are shown on the tables at the end of the section. Included in each table are the following areas:
 - (a) District Purpose
 - (b) LOT Occupation Regulations
 - (c) Diagram of BUILDING HEIGHT
 - (d) Diagram of BUILD TO LINES
 - (e) Special Regulations
 - (f) Permitted Uses
- (2) ~~Where BUILDINGS exist on LOTS adjacent to a proposed BUILDING, the proposed BUILDING may match the more conforming of the adjacent BUILDINGS' SETBACKS and HEIGHTS rather than match the provisions of this code.~~ Through the issuance of a conditional use permit, BUILDING HEIGHT may be increased by one (1) story, which shall be setback from the allowed height to create a terrace, for either:
 - (a) Each subgrade story of parking provided on the site; or.
 - (b) Additional units resulting from this CUP are restricted so that the rent of said units conforms to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority.
- (3) General Guiding Principles for BUILDING Placement
 - (a) The goal of the BUILDING HEIGHT and BUILD TO LINE standards is the creation of a healthy and vital public realm through good STREET space.
 - (b) BUILDINGS are aligned and close to the STREET.
 - (c) The STREET is a coherent space, with consistent BUILDING forms on both sides of the STREET, creating a clear PUBLIC SPACE and community identity.
 - (d) BUILDINGS oversee the STREET (and SQUARE) with active fronts contributing to a vital and safe PUBLIC SPACE.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- (e) Property lines are physically defined by BUILDINGs or STREET WALLs.
- (f) BUILDINGs are designed for an urban feel and situation. Views are directed to the STREET and the garden/courtyard, not toward the neighbors. However within the STREET wall alcoves or small courtyards are permitted to allow for seating and public access
- (g) Vehicle storage, garbage and mechanical equipment are kept away from the STREET.
- (h) Within the General, Mixed Use, and TOD sub-districts, new retail and commercial activities are located on the GROUND FLOOR. Residential activity is not permitted, except as follows:
 - 1. Where a BUILDING does not front directly onto a STREET or municipal parking lot, residential activity may be located on the GROUND FLOOR.
 - 2. Where a BUILDING fronts more than one (1) STREET, residential activity may be located on the GROUND FLOOR, of the portion fronting on the secondary STREET.
 - i. The determination of a secondary STREET shall be made during the Site Plan Review process by vote of the Technical Review Committee.
 - 3. If retail and commercial activities are located on the GROUND FLOOR of BUILDINGs not fronting directly onto a STREET or municipal parking lot or on secondary STREETs, the HEIGHT of the BUILDING may be increased by one (1) story.
 - i. Any additional stories shall be setback to create a terrace, and approved via a Conditional Use Permit.
- (i) In the Downtown Gateway residential may be located on the GROUND FLOOR, however new retail and commercial activities are encouraged to be developed.
- (j) Parking (not including on-street parking) should be away from the STREETs and shared by multiple owners/users.
- (k) Historic character should be preserved and enhanced by context sensitive construction.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-23 “Impact Fees” as follows:

“170-23. IMPACT FEE Ordinance. [Amended on 01-22-2003 by Ord. No. 35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 11-28-2012 by Ord. No. 2012.11.14-24.]

A. Purpose: This ordinance is enacted pursuant to RSA 674:16 and 674:21, and in order to:

- ~~Promote public health, safety, convenience, welfare, and prosperity;~~
- ~~Insure that adequate and appropriate public facilities are available; and~~
- ~~Provide for the harmonious development of the City and its environs.~~

~~For consideration in lieu of above:~~

- (1) Assist in the implementation of the Master Plan and Capital Improvements Program;
- (2) Provide adequate public capital facilities necessitated by NEW DEVELOPMENT;
- (3) Assess an equitable share of the cost of public capital facilities to NEW DEVELOPMENT.

B. Authority

- (1) IMPACT FEES may be assessed to NEW DEVELOPMENT to compensate the City of Dover and the School District for the proportional share of capital facilities generated by NEW DEVELOPMENT in the City of Dover. Any person who seeks approval for NEW DEVELOPMENT may be required to pay an IMPACT FEE in the manner set forth herein.
- (2) The PLANNING BOARD may, as a condition of approval of any subdivision, site plan, or change of use, and when consistent with applicable Board regulations, require an APPLICANT to pay exaction for off site improvements necessitated by the development.
- (3) Nothing in this section shall be construed to limit the existing authority of the PLANNING BOARD to disapprove proposed development which is scattered or premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable ordinances and regulations. Nothing in this section shall be construed to limit the PLANNING BOARD’s authority to require off-site work to be performed by the APPLICANT, in lieu of paying an exaction for OFF-SITE IMPROVEMENTS, or the board’s authority to impose other types of



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

conditions of approval. Nothing in this section shall be construed to affect types of fees governed by other statutes, ordinances or regulations.

C. ASSESSMENT Methodology

- (1) **Proportionality:** The amount of the IMPACT FEE shall be calculated by the PLANNING BOARD to be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. The PLANNING BOARD may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for IMPACT FEE ASSESSMENT for public capital facilities and IMPACT FEE ASSESSMENT schedules therefore.
- (2) **Existing Deficiencies:** Upgrading of existing facilities and STRUCTURES, the need for which is not created by NEW DEVELOPMENT, shall not be paid for by IMPACT FEES.
- (3) In the case of NEW DEVELOPMENT created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.

D. Administration

- (1) **Accounting:** In accord with RSA 673:16, II and RSA 674:21, V(c), IMPACT FEES shall be accounted for separately, shall be segregated from the City's general fund, may be spent upon order of the City Council, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet. In the event that bonds or similar debt instruments have been or will be issued by the City of Dover or the Dover School District for the funding of capital improvements that are the subject of IMPACT FEE ASSESSMENT, IMPACT FEES from the appropriate related capital facility IMPACT FEE accounts may be applied to pay debt service on such bonds or similar debt instruments.
- (2) **ASSESSMENT and COLLECTION:**
 - (a) Where subdivision or site plan approval is required for NEW DEVELOPMENT, IMPACT FEES shall be assessed at the time of PLANNING BOARD approval of a subdivision PLAT or site plan. The amount of such ASSESSMENT shall be applicable to subsequent BUILDING construction within the approved



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

subdivision or site plan for a period of ~~four (4)~~ five (5) years from the date of PLANNING BOARD approval. Once this ~~four (4)~~ five (5) year period has expired, remaining construction for which no BUILDING permit has been obtained shall be subject to the adopted fee schedule in force at the time the BUILDING permit application is made.

- (b) With the exception of those PLATS and site plans meeting the conditions in A) above, and when no other PLANNING BOARD approval is required, or has been made prior to the adoption or amendment of the IMPACT FEE ordinance, IMPACT FEES shall be assessed upon the issuance of a BUILDING permit. In such cases, the IMPACT FEE schedule in force at the time of the BUILDING permit application shall apply.
- (c) IMPACT FEES will be collected prior to or at the time of issuance of a Certificate of Occupancy ~~BUILDING permit~~, unless the PLANNING BOARD establishes an alternate, mutually acceptable schedule of payment of IMPACT FEES imposed on an ASSESSED PROPERTY. If an alternate schedule of payment is established, the PLANNING BOARD may require security, in the form of a cash bond, letter of credit, or performance bond so as to guarantee future payment of IMPACT FEES. In no case will an IMPACT FEE payment be allowed to be made after the issuance of a CERTIFICATE OF OCCUPANCY.
- (3) Security: In the interim between ASSESSMENT and COLLECTION, the Building Inspector may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed IMPACT FEES.
- (4) Refund of Fees Paid: The current owner of record of property for which an IMPACT FEE has been paid shall be entitled to a refund of that fee, plus accrued interest under the following circumstances:
 - (a) When either the full or partial portion of the IMPACT FEE, whichever is applicable, has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from the date of the full and final payment of the fee; or
 - (b) When the City of Dover, or in the case of school IMPACT FEES, the Dover School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-IMPACT FEE share of related capital improvement costs.

E. Appeals



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- (1) A party aggrieved by a decision made by the Building Inspector regarding the ASSESSMENT or COLLECTION of IMPACT FEES authorized by this Section may appeal such decision to the PLANNING BOARD.
- (2) In accord with RSA 676:5, III, appeals of the decision of the PLANNING BOARD in administering this ordinance may be made to Superior Court, as provided in RSA 676:5, III and RSA 677:15.

F. Waivers

- (1) The PLANNING BOARD may grant full or partial waivers of IMPACT FEES where the PLANNING BOARD finds that one (1) or more of the following criteria are met with respect to the particular public capital facilities for which IMPACT FEES are normally assessed:
 - (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. The PLANNING BOARD may agree to waive all or part of an IMPACT FEE ASSESSMENT and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of IMPACT FEES under this provision that would involve a contribution of real property or the construction of capital facilities; the PLANNING BOARD shall submit a copy of the waiver request to the City Council for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of IMPACT FEE ASSESSMENT. The APPLICANT shall pay all costs incurred by the City for the review of such proposal, including consultant and counsel fees.~~
 - (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."~~



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-25 “Floodplain Development”, by revising section D – “Standards and regulations”, to read as follows:

“(c) Certification by a registered engineer or architect that the FLOOD PROOFING methods for any nonresidential STRUCTURE meet the FLOOD PROOFING criteria in subsection KL(2).”

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 D – “Procedures for Subdivision”, to read as follows

“D. Procedures for subdivision. No subdivision of land shall be permitted which would create a LOT or parcel or leave as a remainder a LOT or parcel which does not have, outside the Conservation District, an area equal to the minimum LOT size required for the underlying zoning district, or one (1) acre, whichever is less. ~~The ZONING BOARD OF ADJUSTMENT may grant an exception to this rule if unless~~ such a LOT or parcel is to be permanently dedicated to OPEN SPACE or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be non-contiguous.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 “Conservation District”, section E – “Other provisions”, by deleting section (9) as follows and renumbering the subsequent sections:

~~“Land area contained within the Conservation District can be counted in determining the gross land area of a tract, LOT or parcel.”~~

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2 “Transfer of Development Rights” to read as follows

“170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. [Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25.]



CITY OF DOVER

CITY OF DOVER – ORDINANCE

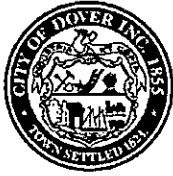
Posted: May 22, 2018

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

- A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.
- B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

- C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.
- D. Districts Defined.
- (1) The Industrial TDR DISTRICT is hereby determined to be any I-4 or B-4 zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKS as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any I-4 or B-4 zoning district. The RECEIVING AREA is defined to be all remaining land in be any I-4 or B-4 zoning district.
 - (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.
 - a. If the units created meet the requirements of Section G 3) (a) below, the receiving area may be any zoning district that allows residential development.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

E. Procedural Requirements.

- (1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.
- (2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA. ~~For residential application, proof of previous preservation by the City of Dover is required.~~
- (3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. ~~For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.~~
- (4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections ~~G~~ F and ~~H~~ G below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.
- (5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

- (1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

B-4 zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.

- (2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.
- (3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.
- (4) SETBACKS for parking, paved areas, and BUILDINGS may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGS shall be at least one hundred fifty (150) feet from residential STRUCTURES that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.
- (5) The developer shall record covenants that address architectural considerations for STRUCTURES, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.
- (6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGS, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

- (1) ~~A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.~~ Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.
- (2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- (3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.
(a) Private land transfer Single Family Detached method.

- i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula

1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

<u>Percentage of Parcel that is wetlands</u>	<u>Factor</u>
<u>0<10%</u>	<u>0.85</u>
<u>10<20%</u>	<u>0.8</u>
<u>20<30%</u>	<u>0.75</u>
<u>30%<</u>	<u>.7</u>

4. The developable area is the divided by the minimum lot size, and the whole number value is the base number, with no rounding.
 - a. This base number is not required to be restricted by the requirements in subsection iii.

- ii. The transfer shall equate to one of the following calculations:

1. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
2. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
 - a. If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.

- iii. The units created, through the transfer must be:

1. Sold, and are not for rental purposes
2. Limited to the square footage originally constructed.

- iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

- v. A note shall be placed in the property/unit deed citing the restrictions listed above.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- (i) ~~For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel of at least five (5) acres, and developable under the existing land use regulations.~~
- (ii) ~~Land within a SENDING AREA, when surveyed, endorsed by the Conservation Commission/Open Lands Committee, approved by the PLANNING BOARD and preserved by easement or covenant as specified in subsection E above, may be counted for the minimum lot size requirement for a development site in a RECEIVING AREA. The criteria used by Open Lands Committee to rank parcels shall be listed on the application.~~
- (b) Land bank Attached Single Family, Two family, three family and 4 or more method

 - (i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5). For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.
 - (ii) The transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission.
 - (iii) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.
- (4) Regardless of the method utilized, the transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. A minimum of three (3) acres shall be purchased. Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.
- (5) Regardless of the method utilized, the setbacks shall be:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

<u>MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS</u>		<u>MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS</u>	
<u>STREET Sides of Units</u>	<u>Between Units</u>	<u>Abutting A STREET</u>	<u>Abutting A LOT LINE</u>
<u>20 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>10 feet</u>

- (6) Regardless of the method utilized, the minimum ~~LOT size requirement may be waived by the PLANNING BOARD~~ for land subjected to the ~~TRANSFER OF DEVELOPMENT RIGHTS~~. FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.
- a. If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit
- (7) ~~Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD. A~~ continuous visual buffer shall be created along the perimeter of the parent parcel.
- (8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:
- (a) Is consistent with the Master Plan
- (b) Is not incompatible with the land uses on neighboring LOTs (eg a multifamily building in a single family neighborhood)

~~H. Conditional Uses.~~

- ~~(1) The PLANNING BOARD may grant conditional use permits to allow STREETS, roads, utilities, or other infrastructure improvements to cross wetlands within the RECEIVING AREA of the TDR DISTRICT, provided said infrastructure is essential to the productive use of land within the RECEIVING AREA of a TDR DISTRICT, and further provided that no possible location exists for said infrastructure in non-wetland areas."~~

15. AMENDMENT



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-41 “Nonconforming STRUCTURES”, by revising section B to read as follows:

“B. A BUILDING or STRUCTURE nonconforming either in terms of use or BULK may be restored to its former BULK if destroyed by fire, ~~or~~ other hazard or if it is determined by the BUILDING OFFICIAL to be a hazard to persons or BUILDINGS abutting it, provided that restoration of the STRUCTURE is begun within twelve (12) months after the act of destruction. All such STRUCTURES in use at the time of destruction for agricultural purposes shall be exempt from the provisions of this subsection, provided that such reconstruction, ALTERATIONS or repairs are in compliance with the provisions of subsection A.”

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-42 “Repairs and Maintenance” to read as follows:

“On any nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE, ordinary repairs may be made, subject to the following provisions: if a nonconforming STRUCTURE or portion of a STRUCTURE containing a NONCONFORMING USE becomes physically unsafe or unlawful due to lack of repairs and maintenance and is so declared by ~~any duly authorized official~~ the Housing Standards Board, to be unsafe or unlawful by reason of physical condition, an owner shall be able to restore, repair or rebuild it within six (6) months of said determination, in its existing location, unless an extension is granted by the Housing Standards Board. Otherwise, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located. Any duly authorized official charged with protecting the public safety may rightfully order a STRUCTURE to be secured to a safe condition.”

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



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

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

Recorded by: **Karen Lavertu**
City Clerk

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Karen Weston		
Deputy Mayor, Robert Carrier		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor Dennis Ciotti, Ward 2		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Marcia Gasses, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Matthew Keane, Ward 6		
Councilor Lindsey Williams, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-25 “Floodplain Development”, by revising section D – “Standards and regulations”, to read as follows:

“(c) Certification by a registered engineer or architect that the FLOOD PROOFING methods for any nonresidential STRUCTURE meet the FLOOD PROOFING criteria in subsection KL(2).”

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 D – “Procedures for Subdivision”, to read as follows

“D. Procedures for subdivision. No subdivision of land shall be permitted which would create a LOT or parcel or leave as a remainder a LOT or parcel which does not have, outside the Conservation District, an area equal to the minimum LOT size required for the underlying zoning district, or one (1) acre, whichever is less. The ZONING BOARD OF ADJUSTMENT may grant an exception to this rule if unless such a LOT or parcel is to be permanently dedicated to OPEN SPACE or natural uses and is to be dedicated to a public or private agency having as a purpose the holding of such land in a natural state in perpetuity. The lot area outside of the Conservation District may be non-contiguous.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27 “Conservation District”, section E – “Other provisions”, by deleting section (9) as follows and renumbering the subsequent sections:

~~“Land area contained within the Conservation District can be counted in determining the gross land area of a tract, LOT or parcel.”~~

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-27.2 “Transfer of Development Rights” to read as follows

“170-27.2. TRANSFER OF DEVELOPMENT RIGHTS. [Amended on 10-31-90 by Ord. No. 16-90; Amended on 01-22-2003 by Ord.35-02; Amended on 12-09-2009 by Ord. No. 2009.09.09-15; Amended on 02-22-2012 by Ord. No. 2012.01.25.]



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- A. Authority. By the authority granted under RSA 674:21, this section creates overlay district(s) for the purpose of transferring DEVELOPMENT RIGHTS (TDR) within said districts.
- B. Purpose and Intent. Within the City of Dover there are certain lands that possess significant conservation features, including but not limited to wetlands, groundwater recharge zones, forested areas, wildlife habitat, farmland, scenic viewsheds, historic landmarks, and linkages to other such areas. Because of their unique assemblages of flora and fauna and their significant contribution to the ecological system and/or the cultural identity of our community, these lands are worthy of special protection. The City of Dover furthermore, has a limited supply of land suitable for development. The purpose of this overriding district is to promote intensive development on the developable land possessing the least conservation value and to permanently protect lands possessing significant conservation features that provide unique values in their undisturbed condition.

Additionally, it is recognized that the City of Dover has an Open Lands Committee and Conservation Commission who are active in protecting and preserving OPEN SPACE.

- C. Applicability. Upon request by an APPLICANT for development approval and at the discretion of the PLANNING BOARD, the provisions of this subsection may apply to the district(s) defined in this subsection E below.

D. Districts Defined.

- (1) The Industrial TDR DISTRICT is hereby determined to be any I-4 or B-4 zoning district as shown on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be OPEN SPACE and related SETBACKS as defined by the City of Dover Wetland Protection District, Chapter 170-27.1, which are located in any I-4 or B-4 zoning district. The RECEIVING AREA is defined to be all remaining land in be any I-4 or B-4 zoning district.
- (2) The Residential TDR DISTRICT is hereby determined to be Residential districts noted or displayed on the Zoning Map for the City of Dover, New Hampshire, adopted December 9, 2009. The SENDING AREA is defined to be any land preserved by the City of Dover through conservation programs in the R-40 or R-20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.
 - a. If the units created meet the requirements of Section G 3) (a) below, the receiving area may be any zoning district that allows residential development.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

E. Procedural Requirements.

- (1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.
- (2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA. ~~For residential application, proof of previous preservation by the City of Dover is required.~~
- (3) The owner of the subject OPEN SPACE within the SENDING AREA of the TDR DISTRICT shall SIGN all application materials as a co- APPLICANT of the development application. ~~For residential application, proof of an agreement to sell DEVELOPMENT RIGHTS must be provided by the Conservation Commission.~~
- (4) A sketch plan estimating layout of the development site and identifying the OPEN SPACE associated with the plan shall be submitted to the PLANNING BOARD for review at a regularly scheduled meeting. The PLANNING BOARD, within thirty (30) days of its review of the sketch plan, shall determine if waivers will be granted as allowed in Subsections ~~G~~ F and ~~H~~ G below. Following this decision, a final application is prepared. The final application for development approval shall be reviewed in accordance with the standard plan review process and subjected to all applicable development regulations, except as provided in this section.
- (5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection I below. The designation of the land protection agency to hold the easement shall be approved by the PLANNING BOARD.

F. Industrial Performance Standards.

- (1) Land within a SENDING AREA, when surveyed, approved by the PLANNING BOARD and preserved by easement or covenant as specified in Subsection E above, may be counted for the OPEN SPACE requirement for a development site in a RECEIVING AREA. The amount of land preserved in a SENDING AREA shall equal or exceed the OPEN SPACE requirement for the development site, but in no case be less than one (1) acre. Notwithstanding, development sites within the I-4 and



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

B-4 zoning districts shall maintain OPEN SPACE or landscaped area on at least ten percent (10%) of the site. The design of the development site shall locate the OPEN SPACE or landscaped area to maximize the aesthetic value of the site.

- (2) The minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.
- (3) The minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.
- (4) SETBACKs for parking, paved areas, and BUILDINGs may be waived by the PLANNING BOARD, and be consistent with the intent to promote intensive development of suitable development sites. Notwithstanding, BUILDINGs shall be at least one hundred fifty (150) feet from residential STRUCTUREs that exist on the date of enactment of the I-4 and B-4 Zoning districts, and seventy five (75) feet from the LOT LINE of a disagreeing residential ABUTTER.
- (5) The developer shall record covenants that address architectural considerations for STRUCTUREs, SIGNAGE and lighting that are designed to promote the highest possible aesthetic quality of the development site.
- (6) A landscaping plan shall be submitted with a development application that depicts landscaping or OPEN SPACE around the perimeter of the site, near the proposed BUILDINGs, and within the parking LOT that promotes the highest possible aesthetic quality of the development.

G. Residential Performance Standards.

- (1) ~~A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.~~
Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.
- (2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

(3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERRING DEVELOPMENT RIGHTS.

(a) Private land transfer Single Family Detached method.

i. An applicant shall develop a baseline yield for the lot to be developed, through the following formula

1. The square footage of the parent lot minus environmental constraints (wetlands, conservation areas etc) is the base lot size.
2. The base lot size is then reduced by fifteen (15) percent to account for roadway, this creates the net area.
3. The net area is then multiplied by a factor determined by the amount of wetlands over the parent lot. This is the developable area.

<u>Percentage of Parcel that is wetlands</u>	<u>Factor</u>
<u>0<10%</u>	<u>0.85</u>
<u>10<20%</u>	<u>0.8</u>
<u>20<30%</u>	<u>0.75</u>
<u>30%<</u>	<u>.7</u>

4. The developable area is then divided by the minimum lot size, and the whole number value is the base number, with no rounding.

a. This base number is not required to be restricted by the requirements in subsection iii.

ii. The transfer shall equate to one of the following calculations:

1. For construction of units no larger than one thousand (1,000) square feet, of total living area, two (2) units per DEVELOPMENT RIGHT purchased shall be allowed.
2. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) units per DEVELOPMENT RIGHT purchased shall be allowed. The unit count shall be the whole number value and not rounded up.
 - a. If the math to devise the base number ends in more than half a unit but less than a whole, and a transfer is purchased, the result would be two (2) dwelling units.

iii. The units created, through the transfer must be:

1. Sold, and are not for rental purposes
2. Limited to the square footage originally constructed.

iv. A note shall be placed on the approved plan and any Building Permit shall note the adherence to this section of the Code.

v. A note shall be placed in the property/unit deed citing the restrictions listed above.



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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

- (i) ~~For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel of at least five (5) acres, and developable under the existing land use regulations.~~
- (ii) ~~Land within a SENDING AREA, when surveyed, endorsed by the Conservation Commission/Open Lands Committee, approved by the PLANNING BOARD and preserved by easement or covenant as specified in subsection E above, may be counted for the minimum lot-size requirement for a development site in a RECEIVING AREA. The criteria used by Open Lands Committee to rank parcels shall be listed on the application.~~
- (b) ~~Land bank Attached Single Family, Two family, three family and 4 or more method~~
 - (i) The transfer may be through the purchase of development rights, as described in G) (1) and (2), or through the protection of land via a permanent conservation easement as per section E) (5). For land in the sending district to be eligible for a TRANSFER OF DEVELOPMENT RIGHTS, it must be a parcel or easement purchased by the City through the use of Conservation funds allocated and approved by the City Council.
 - (ii) The transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission.
 - (iii) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, and not into the general fund.
- (4) Regardless of the method utilized, the transfer shall equate to one (1) unit per acre preserved. If the end result is a village themed residential/commercial project, the transfer shall equate to one (1) unit per tenth (10th) of an acre preserved. A minimum of three (3) acres shall be purchased. Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.
- (5) Regardless of the method utilized, the setbacks shall be:



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Posted: May 22, 2018

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Ordinance Title: Updating the Dover Zoning Ordinance
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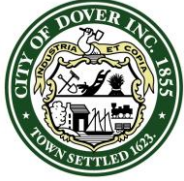
<u>MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS</u>		<u>MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS</u>	
<u>STREET Sides of Units</u>	<u>Between Units</u>	<u>Abutting A STREET</u>	<u>Abutting A LOT LINE</u>
<u>20 feet</u>	<u>20 feet</u>	<u>20 feet</u>	<u>10 feet</u>

- (6) Regardless of the method utilized, the minimum ~~LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.~~ FRONTAGE requirement may be waived by the PLANNING BOARD, for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.
- a. If lots are proposed, the minimum frontage allowed shall be forty (40) feet per unit
- (7) ~~Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved access to all developed areas suitable for emergency vehicles is approved by the PLANNING BOARD.~~ A continuous visual buffer shall be created along the perimeter of the parent parcel.
- (8) Regardless of the method utilized, any other provision in this Chapter to the contrary, the density or intensity of development of a receiving parcel may be increased by the TRANSFER OF DEVELOPMENT RIGHTS so long as the increase in density or intensity:
- (a) Is consistent with the Master Plan
- (b) Is not incompatible with the land uses on neighboring LOTS (eg a multifamily building in a single family neighborhood)

H. Conditional Uses.

- (1) ~~The PLANNING BOARD may grant conditional use permits to allow STREETS, roads, utilities, or other infrastructure improvements to cross wetlands within the RECEIVING AREA of the TDR DISTRICT, provided said infrastructure is essential to the productive use of land within the RECEIVING AREA of a TDR DISTRICT, and further provided that no possible location exists for said infrastructure in non-wetland areas."~~

15. AMENDMENT



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #18-18

Application Type: Minor Lot Line Adjustment for Review
Applicant(s): Bean Family Trust
Owner(s): Been Family Trust, Daniel P. Irish and Kristopher & Elizabeth M. Reischer
Location: 12, 22, & 32 Olive Meadow Lane (Assessor's Map A, Lots 45-2, 45A-2-1 & 45A-2-3)
Meeting Date: Tuesday, June 26, 2018

INTENT: To adjust the property boundaries between Map A, Lot 45-2 and 45A-2-1 and between Map A, Lot 45-2 and 45A-2-3

LOTS/UNITS PROPOSED: N/A

AGENDA ITEM #: 4-A

FILE: P18-18

APPLICANT(S): Bean Family Trust

OWNER(S): Been Family Trust, Daniel P. Irish and Kristopher & Elizabeth M. Reischer

LOCATION: 12, 22, & 32 Olive Meadow Lane. Assessor's Map A, Lots 45-2, 45A-2-1 & 45A-2-3

ACREAGE: Lot 45-2: Decreasing from 2.7 ac (117,546 sq. ft.) to 2.36 ac (102,753 sq. ft.). Lot 45A-2-1: Increasing from 0.467 ac (20,335 sq. ft.) to 0.56 ac (24,239 sq. ft.) and Lot 45A-2-3: Increasing from 0.528 ac (22,999 sq. ft.) to 0.78 ac (33,884 sq. ft.)

ZONING DISTRICT: Rural Residential District (R-40)

EXISTING LAND USE: Residential

PROPOSED LAND USE: Same as Existing

SURROUNDING LAND USE: Residential, Assembly Hall

ZBA ACTION: None

ATTACHMENTS: LLA Plan, application materials

PERMITS REQUIRED: None

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant proposes to adjust the lot lines for three lots. Lot 45-2 is adjusting common lot lines with Lot 45A-2-1 and with Lot 45A-2-3. Lot 45A-2-1 will increase from 0.467 ac to 0.56 ac. Lot 45A-2-3 will increase from 0.528 ac to 0.78 ac.

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.

Staff Recommendation:

The Planning Department recommends that the Board accept the application, open the public hearing, and vote to approve the lot line adjustment 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 applicant shall revise the plat to:
 - a. Include the Licensed Land Surveyor and Certified Wetland Scientist signatures and stamps
 - b. Include the Planning File # P18-18
3. Provide proof of compliance with requirements of prior subdivisions for these parcels.
4. Provide the Planning Department with drafts of deed language for Parcel A and Parcel B that that will be transferred from Parcel 45-2 to 45A-2-1 and 45A-2-3 respectively. The deeds shall include language that states there are wetlands on these parcels that are protected pursuant to Chapter 170-27.1
5. Provide easement document for the shared driveway shown on plan between lots 45-2 and lot 45.

Conditions to Be Met After Recording of the Plans:

1. The applicant will record the deeds referenced in #4 & #5 above and provide the Planning Department with the Book and Page numbers of the recorded deeds.

P18-18

**Property Information**

Property ID A0045-002000
Location OLIVE MEADOW LN
Owner STEAD NORA E TRUSTEE

**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.

Parcels updated 03/29/2018
Properties updated 06/19/2018



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers – City Hall, 288 Central Avenue
Meeting Date: **Tuesday, June 12, 2018**
Meeting Time: **7:00 pm**

C.Parker recommended tabling the application, holding a site walk and revisiting the application in July.

Site walk will be held on June 26 2018, at 5:30. The centerline of the road, lot corners, buffer vegetation to remain shall be staked, as should areas where the grade will be most impacted.

Motion: F.Torr made a motion to table the application. Seconded by D.Ciotti Vote U/A

C. Consideration and acceptance of a Minor Lot Line Adjustment for Thomas J & Nancy A Viel, Assessor's Map M, Lots 70 & 72, zoned R-20, located at 405 & 413 Middle Road. *(P18-26)

C.Parker explained that the applicant proposes to adjust the lot lines between 2 lots. Lot M/72 will be decreasing from 2.37 ac (103,060 sq. ft.) to 1 ac (43,500 sq. ft.). Lot M/70 will be increasing from 2.29 ac (99,699 sq. ft.) to 3.66 ac (159,259 sq. ft.).

Kevin McEneaney, McEneaney Surveying, represented the applications and review the details of the plan.

Motion: F.Torr made a motion to accept the applications. Seconded by D.Landry. Vote U/A

Public hearing opened. No One Spoke Public Hearing closed.

STAFF RECOMMENDATION:

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.

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 applicant shall revise the plat to:
 - a. Include the Licensed Land Surveyor signature and stamp
 - b. Add the owner's signatures to the final plat submitted for signature to be recorded at the Strafford County Registry of Deeds
 - c. Indicate Zoning District boundary across Middle Road
 - d. Revise note 13 to add NH DES subdivision approval number
 - e. Add Planning file number to be P18-26

Motion: F.Torr made a motion to approve the lot line adjustment subject to the staff recommended condition.. Seconded by D.Landry Vote U/A

5. STAFF COMMENTS

- Review TRC projects: conceptual projects
- Updated the Board on Washington Street, Central/Glenwood, Third Street, Bradley Commons
- Move to McConnell Center

6. MEMBER COMMENTS

7. ADJOURNMENT

Motion: L.Skinner made a motion to adjourn at 9 p.m. Seconded by D.Landry. Vote U/A

CIVILWORKS NEW ENGLAND

181 WATSON ROAD
P.O. BOX 1166
DOVER, NH 03821-1166
PHONE: 603.749.0443 FAX: 603.749.7348

June 5, 2018

Re: Lot Line Adjustment Plan
Bean Family Trust

Subject: Lot Line Adjustment Plan
Bean Family Trust
12, 22, and 32 Olive Meadow Lane
Dover, NH
Our Reference No. 1717

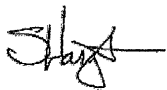
Dear Mr. Bird:

On Behalf of our clients, Bean Family Trust, we are pleased to submit (5) full size sets, and (10) 11 x 17, of the attached Lot Line Adjustment Plan for Planning Board consideration:

We look forward to review by the Planning Board. If you have any questions that we might be able to answer, please do not hesitate to contact our office.

Sincerely,

CIVILWORKS NEW ENGLAND



Stephen J Haight, PE
SJH



City of Dover, New Hampshire
MINOR LOT LINE ADJUSTMENT APPLICATION

[Revision Date: May 18, 2017]

Office Use Only

Project #: _____

Date Received: _____

Amount Paid: _____

Time Received: _____

APPLICANT INFORMATION

Name of Applicant: Bean Family Trust Telephone # (603) 512-4237

Address of Applicant: 12 Olive Meadow Lane, Dover, NH 03820

FIRST PROPERTY OWNER AND PARCEL INFORMATION

Name of 1st Property Owner (if different from applicant): SAME Telephone # (603) 512-4237

Address of 1st Property Owner: Same

Address of Property: Same

Assessor's Map # A Lot(s) # 45

Property Deed: Book 4475 Page: 144

Zoning District(s) R-40 Overlay District(s) Conservation & Wetlands Protection

Size of Existing Parcel (sq. ft.): See Page 2 Size of Proposed Parcel (sq. ft.): See Page 2

SECOND PROPERTY OWNER AND PARCEL INFORMATION

Name of 2nd Property Owner (if different from applicant): Daniel P. Irish Telephone # _____

Address of 2nd Property Owner: 22 Olive Meadow Lane, Dover, NH 03820

Address of Property: 22 Olive Meadow Lane, Dover, NH 03820

Assessor's Map # A Lot(s) # 45/A-2-1

Property Deed: Book 3998 Page: 974

Zoning District(s) R-40 Overlay District(s) _____

Size of Existing Parcel (sq. ft.): See Page 2 Size of Proposed Parcel (sq. ft.): See Page 2

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

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) David Vincent, P.L.S. Civilworks New England

Address P.O. Box 1166, Dover, NH 03821 Telephone #: (603) 664-5786

Professional License #: 821 E-mail address: shaight@civilworksne.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: Don Steud Date: 6-5-18

Signature of Second Property Owner: Don Irons Date: 6/5/18

Signature of Applicant (if different from owner): [Signature] Date: 6/5/18

Signature of Agent: [Signature] Date: 6/5/18

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: Don Steud Date: 6-5-18

LOT #	EXISTING LOT SIZE	PROPOSED LOT SIZE
45-2	117,546 sf	85,510 SF
45A-2-1	20,335 SF	23,820 SF
45A-2-3	22,999 SF	31,130 SF

Third Property Owner & Parcel Information

Name: Kristopher & Elizabeth Reischer

Address: 32 Olive Meadow Lane

Dover, NH 03820

Map A / Lot 45A-2-3

Deed Book 4018, Pg. 240

Zoning - R-40

See above for Lot Sizes

Signature of Third Property Owner

[Signature]
6-5-18

**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. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

First Owner:

TAX MAP	LOT #	PROPERTY OWNER	MAILING ADDRESS
A	45-2	Bean Family Trust	12 Olive Meadow Lane, Dover, NH 03820

Applicant (if different from owner):

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS

Surveyor and/or Engineer/Professional Agent:

NAME	COMPANY	MAILING ADDRESS
David W. Vincent	Civilworks NE	PO Box 1622, Dover, NH 03821

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS

Second Owner:

Tax Map A, Lot 45A-2-1,

Daniel P. Irish,

22 Olive Meadow Lane, Dover, NH 03820

S:\Department\Planning\Planning_Share\forms

Third Owner:

Tax Map A, Lot 45A-2-3,

Kristopher & Elizabeth Reischer,

32 Olive Meadow Lane, Dover, NH 03820

PLANNING BOARD ESTIMATED FEE SCHEDULE

This is only provided to give you an estimate of the application fees. After you submit an application, staff will invoice you a total. All fees must be paid two weeks before the Planning Board meeting. If the Fee has not been paid, the item will not be placed upon the agenda.

A. 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) = \$ _____
- 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/ EXCAVATIONS - 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 \$ _____

B. Abutter Notification/Mailing Labels - this office will create and print the abutter list and provide labels in triplicate for each abutter. The applicant/owner will need to provide to this office the engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan with names and addresses for notices. You will be notified with the amount due, once this has been completed.

1. Applicant & Owner, engineer, architect, land surveyor or soil scientist
Certified letters fee # _____ of x \$8.00 = \$ _____
2. Certified letters fee: # of abutters _____ X \$8.00 = \$ _____
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 in triplicate per sheet _____ x \$10.00 = \$ _____

C. Foster's newspaper public notice fee **\$ 80.00**

D. Digital Version of the Plan in PDF/A format or Archive Fee \$1.00 x # 1
per sheet of plan set = \$ _____

(Revised May 15, 2017)

TOTAL FEE \$ _____



City of Dover, New Hampshire LOT LINE ADJUSTMENT SUBMISSION CHECKLIST

[Revision Date: May 15, 2017]

This review checklist is intended to assist the applicant in the planning process of preparing a Subdivision application for Planning Board action. The size of the project will determine the types of information required for review, therefore, a **pre-application conference** with the Planning Department to determine the list of items that must be completed is strongly encouraged.

Fifteen (15), folded, copies of the plan set and materials will be due 3 weeks prior to the Planning Board meeting. Fees will be invoiced and are due 2 weeks prior to Planning Board.

The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all subdivision requirements. Please refer to the Subdivision Regulations for full details.

APPLICANT: Bean Family Trust File Number: _____

PROPERTY LOCATION: 12 Olive Meadow Lane Tax Map: A Lot: 45

	Explain How Provided	Reviewed
1. Completed and signed Application form		
2. Electronic copy of the surveyed plat layout		
3. Electronic copy of supplementary materials and application		
4. List of all professional agents to be notified for Planning Board		
5. Fifteen copies of LLA plan w/scale of not less than 1"=50' or 1"=100' for larger adjustments. Plans shall contain the following items as appropriate:		
Location map at appropriate scale		
Planning File #		
Date, north arrow and scale		
Names of all abutting property owners		
Name and address of owners		
Signature & stamp of NH licensed land surveyor		
Zoning District boundaries, including any special or overlay districts		
Location of Conservation District areas		
Location, names and widths of existing and streets, including pavement widths, grades, curbs and crosswalks		
Location and widths of existing & proposed easements & right of ways		
Existing and proposed property lines with dimensions and bearings tied into Dover's Geographic Information System coordinate system		
Existing and proposed lot areas in square feet		
Existing and proposed buildings and structure locations		
Minimum building setbacks or build to lines on all lots		
Map and lot numbers for existing and proposed lots as assigned by Tax Assessor		
Location, material and size of existing and proposed permanent monuments		
All applicable Dover Common Subdivision notes		

REVIEWED BY: _____ DATE: _____

P18-18

12,22, &32 Olive Meadow Lane

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
A0045-000000	12 OLIVE MEADOW LN	BEAN JEFFREY W		12 OLIVE MEADOW LN	DOVER	NH	03820
A0045-001000	OLIVE MEADOW LN	INDIAN RIDGE AT DOVER LLC		42J DOVER POINT RD	DOVER	NH	03820
A0045-A00002	36 OLIVE MEADOW LN	TEMPLE ISRAEL OF DOVER INC		PO BOX 254	DOVER	NH	03821-0254
A0045-A00009	11 FOXTAIL RIDGE RD	FENNIMAN WILLIAM W JR	FENNIMAN DONNA M	11 FOXTAIL RIDGE	DOVER	NH	03820
A0045-A00010	9 FOXTAIL RIDGE RD	MITCHELL EDITH H		9 FOXTAIL RIDGE RD	DOVER	NH	03820
A0045-A00011	7 FOXTAIL RIDGE RD	MOURGENOS GREGORY S &	MOURGENOS NOEL A	7 FOXTAIL RIDGE RD	DOVER	NH	03820
A0045-A00012	5 FOXTAIL RIDGE RD	MURPHY ROBERT J	MURPHY MARILYN A	5 FOXTAIL RIDGE RD	DOVER	NH	03820-5911
A0047-009000	8 REYNERS BROOK DR	KEELER SANDRA J	KEELER DAVID A	8 REYNERS BROOK	DOVER	NH	03820
A0047-011000	10 REYNERS BROOK DR	CALCULATOR STEPHEN	CALCULATOR JEAN	10 REYNERS BROOK	DOVER	NH	03820
A0047-013000	12 REYNERS BROOK DR	GIANNECHINI ANTONIO L	GIANNECHINI ELIZABETH S	12 REYNERS BROOK	DOVER	NH	03820
A0047-015000	14 REYNERS BROOK DR	TURNER CHRISTOPHER & JUDITH TRUSTEES	TURNER CHRISTOPHER AND JUDITH REV TRUST	14 REYNERS BROOK DRIVE	DOVER	NH	03820
A045A-002002	28 OLIVE MEADOW LN	D ABROSCA DAVID L &	D ABROSCA CARIN J	28 OLIVE MEADOW LN	DOVER	NH	03820
A045A-002004	25 OLIVE MEADOW LN	CHILDRESS ANDREW J &	CHILDRESS GREGORY H AND ANN C	25 OLIVE MEADOW LN	DOVER	NH	03820
A045A-002005	21 OLIVE MEADOW LN	NAQSHBANDI SYED MUDASSAR &	AFZAL ASRA	21 OLIVE MEADOW LN	DOVER	NH	03820
A045A-002006	15 OLIVE MEADOW LN	SINGH RAGHBIR SINGH &	KAUR PARMINDER	15 OLIVE MEADOW LN	DOVER	NH	03820-4718
A045A-002007	11 OLIVE MEADOW LN	GORMAN DANIEL A &	GORMAN MARY C	11 OLIVE MEADOW LN	DOVER	NH	03820-4718
A045A-002008	5 OLIVE MEADOW LN	CINTAVEY ALBERT T & KATHLEEN JANE TRUSTE	A AND K CINTAVEY FAMILY REVOCABLE TRUST	5 OLIVE MEADOW LN	DOVER	NH	03820
A045A-002009	3 OLIVE MEADOW LN	THOMPSEN DAVID P &	THOMPSEN LINDA M	3 OLIVE MEADOW LN	DOVER	NH	03820
		BEAN FAMILY TRUST		12 OLIVE MEADOW LANE	DOVER	NH	03820
		CIVILWORKS NE	DAVID W. VINCENT	P.O. BOX 1622	DOVER	NH	03820
		DANIEL P. IRISH		22 OLIVE MEADOW LANE	DOVER	NH	03820
		KRISTOPHER & ELIZABETH REISCHER		32 OLIVE MEADOW LANE	DOVER	NH	03820



Curve Table:

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	385.00'	189.69'	28°13'50"
C2	145.00'	33.53'	13°14'57"
C3	65.00'	161.74'	142°34'12"
C4	315.00'	152.63'	27°45'39"

Length Table:

LINE	BEARING	DISTANCE
L1	N11°36'08"E	92.16'
L2	S18°14'58"W	77.93'
L3	N76°34'46"W	29.99'
L4	N16°48'57"W	42.82'
L5	N17°31'50"W	63.27'
L6	S41°42'42"E	70.00'
L7	S48°17'18"W	97.00'
L8	N41°42'42"W	20.00'
L9	S11°36'08"W	83.79'
L10	S41°31'40"E	25.00'
L11	S47°12'56"E	70.23'
L12	N48°17'18"E	9.65'

Lot Area Calculations:

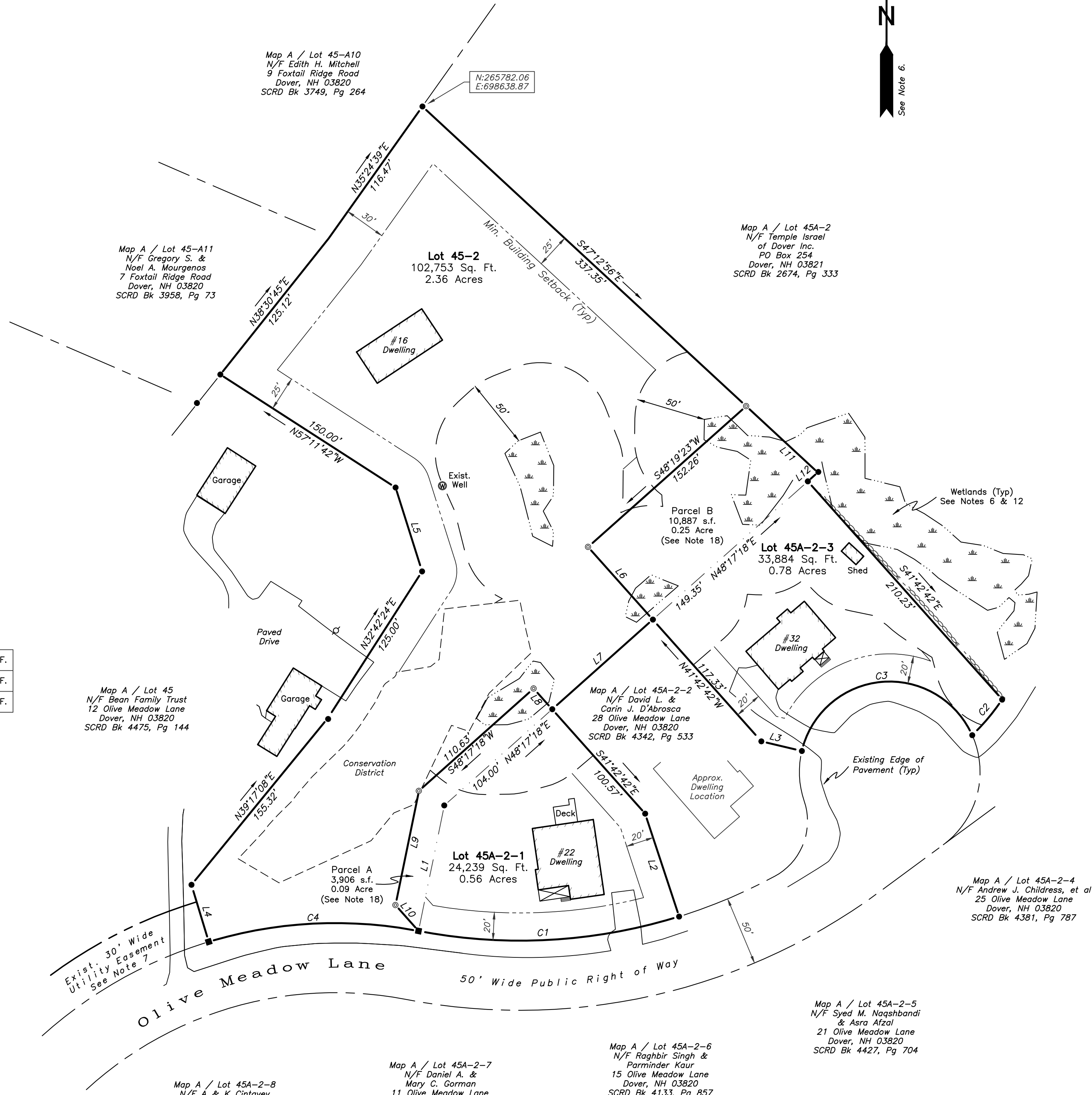
LOT NO.	EXISTING GROSS AREA	PROPOSED GROSS AREA	EXCLUDED AREA	NET AREA
45-2	117,546 S.F.	102,753 S.F.	17,240± S.F.	85,510± S.F.
45A-2-1	20,335 S.F.	24,239 S.F.	420± S.F.	23,820± S.F.
45A-2-3	22,999 S.F.	33,884 S.F.	2,760± S.F.	31,130± S.F.

*Excluded Areas:

- Conservation District (Slopes >20%)
- Wetland Protection Areas

Legend:

C1	See Curve Table
N/F	Now or Formerly
OHP	Overhead Utilities
SCRD	Strafford County Registry of Deeds
●	Iron Rod Found
■	Granite Bound Found
⊙	Drill Hole Found
⊗	Iron Rod to be Set
⋈	Utility Pole
⋈⋈⋈⋈	Stone Wall
---	Lot Line to be Relocated
----	Limit of Jurisdictional Wetlands
----	Building Setback
----	50' Wetland Buffer



Notes:

- The intent of this plan is to relocate the common lot line between the subject properties.
- Owners of Record are: Bean Family Trust, Nora E. Stead, Trustee, 12 Olive Meadow Lane, Dover, NH 03820.
- The parcels are shown as Lot No. 45-2, 45A-2-1 & 45A-2-3 on Map A of the City of Dover Tax Assessor's Maps.
- The subject parcels contains the following:
Lot 45-2 - 2.70 acres or 117,546 sq. ft. area of land.
Lot 45A-2-1 - 0.67 acres or 20,335 sq. ft. area of land.
Lot 45A-2-3 - 0.528 acres or 22,999 sq. ft. area of land.
- Title reference for the project parcels are the Strafford County Registry of Deeds, Book No. 4475, Page No. 144 (Lot 45-2), Book No. 3998, Page No. 974 (Lot 45A-2-1) and Book No. 4018, Page No. 240 (Lot 45A-2-3).
- Reference Plan: (a) "Open Space Subdivision Plan Olive Meadow, Dover, NH," dated December 2, 2010, revised 2-07-2011, prepared by Tritech Engineering Corp., SCRD Plan No. 102-16 & 017, (b) "Boundary Line Adjustment Plan and Amended Subdivision Plan Changing Places, LLC and Jeffrey & Anne Bean, Dover, NH," dated July 11, 2011, revised 8-8-2011, prepared by Tritech Engineering Corp., SCRD Plan No. 102-80 and (c) "Subdivision Plan Bean Family Trust, Dover, NH," dated 6-30-2017, revised 8-28-2017, prepared by Civilworks New England, SCRD Plan No. 114-70.
- Lot 45-2 is the beneficiary of a 30' wide utility easement across Map A Lot 45-1 as described in SCRD Bk 4356, Pg. 733. Lots 45A-2-1 & 45A-2-3 are subject to a utility easement as described in SCRD Bk 2994, Pg. 744, a conservation easement as described in SCRD Bk 3940, Pg. 348, protective covenants as described in SCRD Bk 3940, Pg. 354 and homeowner's association as described in SCRD Bk 3940, Pg. 360.
- Zoning dimensional and density requirements are as follows:
a. Zoning districts R-40
b. Minimum lot size is 40,000 sq. ft. 20,000 sq. ft.
c. Minimum lot frontage is 150 ft. 40 ft.
d. Minimum yard setbacks:
Front 40 ft. 20 ft.
Side 25 ft. 20ft.
Rear 30 ft. 20 ft.
e. Abut-a-street 40 ft.
f. Maximum lot coverage 10%
g. Maximum building height 35 ft.
Outbuildings/Accessory Use
Minimum yard setbacks:
Front 40 ft.
Side 10 ft.
Rear 10 ft.
Abut-a-street 40 ft.
- This property falls within the following zoning overlay districts: Conservation & Wetlands Protection. A 50' natural buffer shall be maintained from wetland protection areas.
- No variances by the Dover Zoning Board were required for this lot line adjustment.
- Property line information has been obtained from a survey performed by Civilworks New England between May 31, 2017 and June 19, 2017 and updated on November 1, 2017, with an error of closure not greater than 1 in 10,000.
- Subject parcels are not located within a Federally designated flood hazard area as depicted on FEMA Community panel number 33017C0310E, Effective Date: September 30, 2015.
- Wetlands were delineated by Michael Mariano, of Highland Soil Services, Certified Wetlands Scientist, Certification Number 183, in accordance with Chapter 170-27.1 of the Zoning Ordinance, as depicted on the plan references in Note 6.
- Topography depicted is based on the plan references in Note 6.
- Basis of bearing is based on the plan references in Note 6.
- Parcels are currently served by underground utilities.
- Parcels are currently served by municipal water and municipal sewer.
- The existing use for each lot is single family.
- Parcel A is to be conveyed from Lot 45-2 to Lot 45A-2-1 and Parcel B is to be conveyed from Lot 45-2 to Lot 45A-2-3 and are not to be considered a separate lots.
- The licensed land surveyor of this plan does not warrant nor guarantee the location of utilities shown or not shown on this plan. Pursuant to New Hampshire Statute RSA 374, Sections 47-56, the owner/contractor, prior to the commencement of any construction, shall verify the location of all utilities and contact "DigSafe" at 1-800-344-7233 or dial 811.

GRAPHIC SCALE: 1"=50'



Paul J. Connolly, NH Licensed Land Surveyor #683 Date

For Registry of Deeds Purposes

DOVER PLANNING DEPARTMENT FILE:

CIVILWORKS NEW ENGLAND

CIVIL ENGINEERING
181 Watson Road P.O. Box 1166
Dover, New Hampshire 03820
(603) 749-0443

LOT LINE ADJUSTMENT PLAN

LOT LINE ADJUSTMENT PLAN
PREPARED FOR BEAN FAMILY TRUST,
DANIEL P. IRISH and KRISTOPHER
& ELIZABETH M. REISCHER
TAX MAP A
LOTS 45-2, 45A-2-1 & 45A-2-3

C-1



Curve Table:

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Lot Area Calculations:

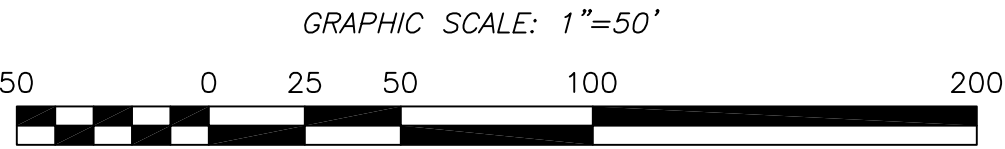
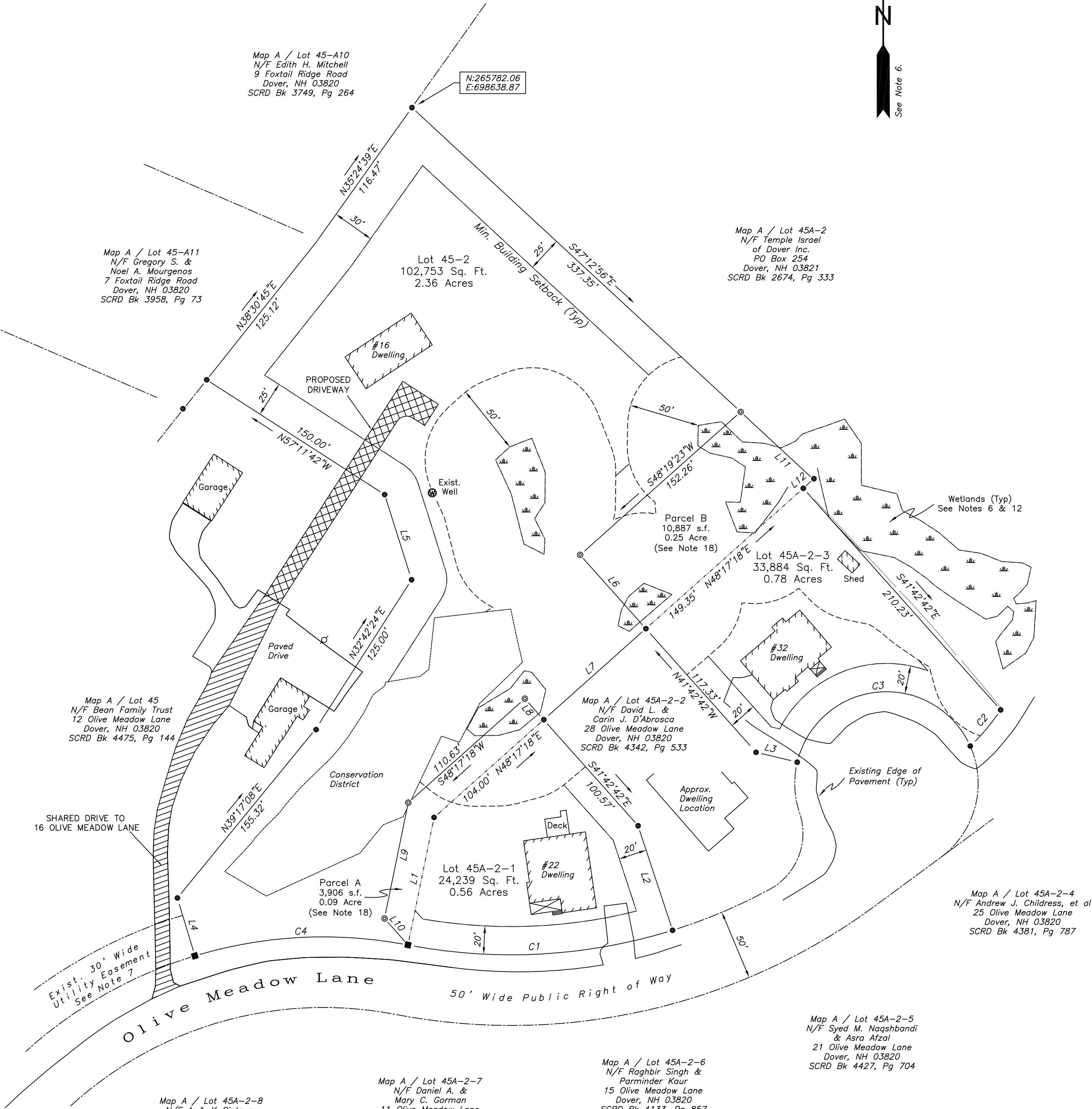
LOT NO.	EXISTING GROSS AREA	PROPOSED GROSS AREA	EXCLUDED AREA	NET AREA
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45A-2-1	20,335 S.F.	24,239 S.F.	420± S.F.	23,820± S.F.
45A-2-3	22,999 S.F.	33,884 S.F.	2,760± S.F.	31,130± S.F.

*Excluded Areas:

- Conservation District (Slopes >20%)
- Wetland Protection Areas

Legend:

- C1 See Curve Table
- N/F Now or Formerly
- OHP Overhead Utilities
- SCRD Strafford County Registry of Deeds
- Iron Rod Found
- Granite Bound Found
- ⊙ Drill Hole Found
- ⊙ Iron Rod to be Set
- ⊙ Utility Pole
- Stone Wall
- - - Lot Line to be Relocated
- - - Limit of Jurisdictional Wetlands
- - - Building Setback
- - - 50' Wetland Buffer



SHARED DRIEWAY PLAN

13 & 16 OLIVE MEADOW LANE
DOVER, NH
COUNTY OF STRAFFORD

PREPARED FOR BEAN FAMILY TRUST &
JEFF BEAN
LOT 45 & LOT 45-2

For Registry of Deeds Purposes

DOVER PLANNING
DEPARTMENT FILE:
P-17-49

CIVILWORKS NEW ENGLAND

181 Watson Road P.O. Box 1166
Dover, New Hampshire 03820
(603) 749-0443

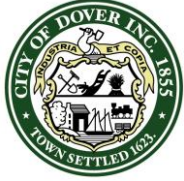
DATE

APP'D

BY

REVISION

NO.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P18-24

Application Type: Conditional Use Permit
Applicant(s): 103 Silver Pidgeon LLC
Owner(s): 103 Silver Pidgeon LLC
Location: 103 Silver Street (Tax Map 10, Lot 117)
Meeting Date: June 26, 2018

INTENT: A Conditional Use Permit to construct a second story deck with stairs within 3'3" of the back property line and 2'1" of the side property line whereas the side and rear setbacks are 10 feet for outbuildings.

LOTS/UNITS PROPOSED: N/A

AGENDA ITEM #: 4-B

ACREAGE: 0.49 acres

ZONING DISTRICT: Heritage Residential (HR)

EXISTING LAND USE: Silver Fountain Inn

PROPOSED LAND USE: Same as existing

SURROUNDING LAND USE: Residential

ZBA ACTION:

- Variance granted on May 21, 1987 to convert an existing single-family dwelling into either an office building or a Bed and Breakfast establishment. (H87-22)
- Variance granted December 19, 2013 to permit a tea house and the serving of lunch (Z13-21)

ATTACHMENT:

Conditional Use Permit application materials

APPLICATION IS COMPLETE:

Yes

NOTICES SENT: Abutter notices were sent by certified mail to all abutters for this meeting

PERMITS REQUIRED: None

CUPs REQUESTED:

-Rear and side setbacks

Summary of Request and Background

The applicant proposes to construct a staircase exit from the second floor. The proposed staircase will be 3'3" from the back property line and 2'1" from the side property line instead of the 10' that is required for outbuildings.

Consistency with Land Use Regulations

The CBD-General Overlay table requires a setback of 10'. Since the applicant is not proposing a building which meets those requirements, a Conditional Use Permit is required. If this property were in any other zone, a variance would be required, however the Heritage Residential reliefs are provided by the Planning Board, rather than the Zoning Board.

Chapter 170-20-B(1) of the City Code states that conditional use approval for relief from the standards may be granted by the Planning Board provided that the proposed project complies with the following standards:

- (a) That both public and private BUILDINGs and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACES.
- (b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.
- (c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.
- (d) That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.
- (e) That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.
- (f) That CIVIC BUILDINGs and public gathering places shall be provided as locations that reinforce community identity and activity.
- (g) That CIVIC BUILDINGs shall be distinctive and appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.
- (h) That the preservation and renewal of historic BUILDINGs shall be facilitated.
- (i) That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.

Considering the justification provided in the applicant's letter dated June 20, 2018 the Conditional Use Permit request meets these requirements.

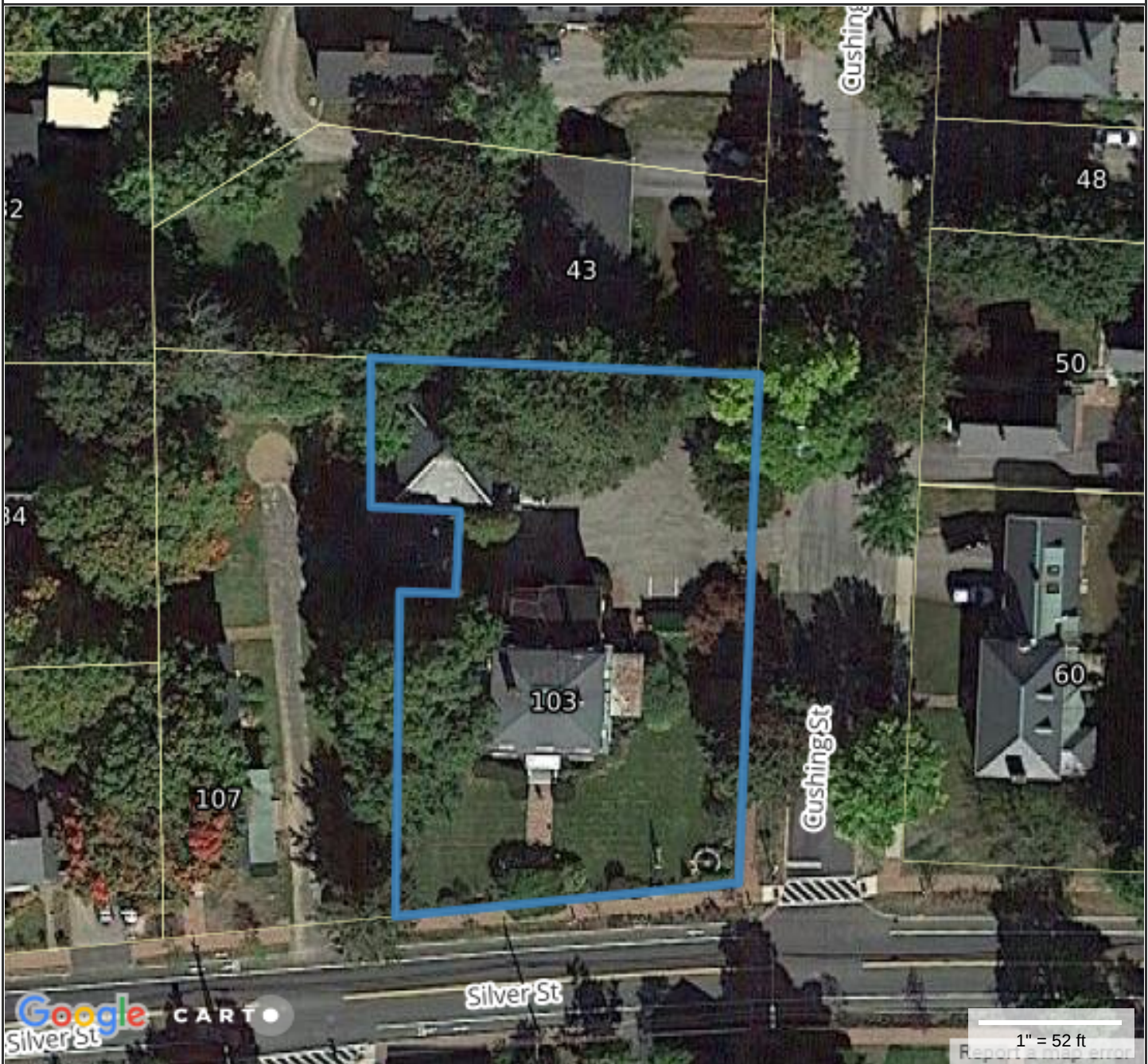
STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, hold the public hearing, and approve the Conditional Use Permit with the following conditions:

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

1. The owner's signature shall be added to the final plan.
2. The applicant shall provide a digital version of the final plan to the Planning Department.
3. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3).

103 Silver Street

**Property Information**

Property ID 10117-000000
Location 103 SILVER ST
Owner 103 SILVER PIDGEON LLC

**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.

Parcels updated 03/29/2018
Properties updated 06/19/2018



City of Dover, New Hampshire CONDITIONAL USE PERMIT APPLICATION

[Revision Date: May 18, 2017]

RECEIVED
Planning Office

Office Use Only

Project #:

P18-24

Date Received:

JUN 20 2018

Amount Paid:

Time Received:

Dover, New Hampshire

APPLICANT AND OWNER INFORMATION

Name of Applicant: HEATHER RIVERA Telephone # 978.902.5724

Address of Applicant: 7 CHAMPERNAVNE MADBURY, NH 03823

E-Mail Address: ha-rivera@gmail.com

Name of Property Owner (if different from applicant): SILVER PIGEON Telephone # 603.750.

LLC

4200

Address of Property Owner: 103 SILVER STREET DOVER NH

PROPERTY INFORMATION

Assessor's Map # 10 Lot(s) # 117

Address of Property: 103 SILVER STREET

Zoning District(s) HERITAGE RESIDENTIAL Overlay District(s) _____

Existing Use of Property: R

CONDITIONAL USE PERMIT INFORMATION

Type of Conditional Use Permit (Check All That Apply):

- | | | |
|--|---|---|
| ☐ Conservation District | ☐ RCM Use Overlay District | ☐ I-1 District Uses |
| ☐ Groundwater Protection | ☐ Off-Street Parking and Loading | ☐ Alternative Treatment Center |
| ☐ Wetland Protection District | ☐ Central Business District | ☒ Heritage Residential District |

Describe Proposed Use or Activity That Requires Conditional Use Permit and Describe Any Impacts:

SEE ATTACHED.

List Any Associated State or Federal Permits That Have Been or Will Be Applied For and Indicate Their Status: _____

2018 BUILDING PERMIT - ACTIVE & CONDITIONAL

Name of Professional That Prepared Plans: HEATHER RIVERA

Address 7 CHAMPERNOWNE MADBURY, NH Telephone #: 978.902.5724

Professional License #: 04561 E-mail address: hathnvera@gmail.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 Property Owner: [Signature] Date: 6-20-18

Signature of Applicant (if different from owner): [Signature] Date: 6/19/18

Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

I, and my successors, 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: [Signature] Date: 6-20-18

CITY OF DOVER CONDITIONAL USE 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. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

Owner:

TAX MAP	LOT #	PROPERTY OWNER	MAILING ADDRESS
10	117	103 SILVER PIGEON LLC	

Applicant (if different from owner):

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS

Surveyor and/or Engineer/Professional Agent:

NAME	COMPANY	MAILING ADDRESS
HEATHER RIVERA		T CHAMBERLAINE MADRUK MA

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS

JUN 20 2018

Dover, New Hampshire

Assessor Map: 10; Lot 117

103 Silver Street: CUP Application narrative:

The Carriage House at 103 Silver Street is seeking a variance/Conditional Use Permit to the setback limitations put forth in the Zoning Regulations in the Heritage Residential District.

The existing Carriage House dates back to the late 19th Century. The existing structure remains uninhabited and needs updating. The owner has hired professionals to update the building, while staying true to its historical significance. The bottom floor is being made into a small function facility to use for small weddings and banquets. It will have a hall, two bathrooms, prep space, and a storage room. The upstairs will be a private residence. Per International Building Code 1021.1 Exits from stories: "All spaces within each story shall have access to the minimum number of approved independent exits as specified in Table 1021.1 based on the *occupant load* of the *story*." The exit from the residence is on the front side of the building at grade. For safety and compliance reasons, a second exit is desired on the back of the building. The owner is requesting a variance for side and back encroachment to create a deck and stairs from the exit. This deck will be visible from neither Silver nor Cushing Streets. The existing building already encroaches on the current setback limits (refer to attached plan for property and setback lines). The specific request is asking

- (1) to build within 3'-3" of the back property line (this is a greater distance than the existing building which is only set back 2'-0"). Refer to attached north west rendering and site plan.
- (2) to build, at the most extreme point within 2'-1" of the side property line. This distance will gradually increase, as the property line and building are not parallel. Refer to attached west rendering and site plan.

In accordance with 70-20-(B)(1), please see below.

Conditional use approval for relief from the standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:	<i>Response</i>
(a) That both public and private BUILDINGS and landscaping shall contribute to the physical definition of RIGHTs OF WAY as CIVIC SPACES.	<i>The rehabilitation to this site will promote invitation, revitalization and historical significance.</i>
(b) That development shall adequately accommodate automobiles, while respecting the pedestrian and the spatial form of public areas.	<i>This request is seeking relief from setback requirements to provide safe pedestrian discharge from the building. The existing parking will remain and accessible parking added.</i>
(c) That the design of STREETs and BUILDINGs shall reinforce safe environments, but not at the expense of accessibility.	<i>This request is seeking relief from setback requirements to provide safe pedestrian discharge from the building.</i>

(d)That architecture and landscape design shall grow from local climate, topography, history, and BUILDING practice.	<i>The proposed deck is designed to be within the architectural nature of the HR District.</i>
(e)That BUILDINGs shall provide their inhabitants with a clear sense of geography and climate through energy efficient methods.	<i>Updates to the building are being made to keep the existing character while improving the building's energy intelligence.</i>
(f)That CIVIC BUILDINGs and public gathering places shall be provided as locations that reinforce community identity and activity.	<i>The updates are in keeping with the existing character of the building.</i>
(g)That CIVIC BUILDINGs shall be distinctive and appropriate to a role more important than the other BUILDINGs that constitute the fabric of the city.	<i>The updates are in keeping with the existing character of the building and fully reinforce the importance of the original occupancy and site.</i>
(h)That the preservation and renewal of historic BUILDINGs shall be facilitated.	<i>Updates to the building are being made to keep the existing character while improving the building to today's standards.</i>
(i)That the harmonious and orderly evolution of urban areas shall be advanced by the proposed BUILDING and/or use.	<i>The rehabilitation to this site will promote assembly gathering.</i>

LOCATIN OF PROPERTLY LINE DETERMINED
BY 1987 SITE SURVEY DONE BY BRUCE L
POHOPEK. REFER TO CITY ARCHIVES FOR
ORIGINAL.

PROPERTY LINE

HARDSCAPE PATIO

PROPOSED DECK SEEKING
ZONING RELIEF

EXIT FROM
SINGLE FAMILY
RESIDENCE
ABOVE

PRIVATE DECK

EXISTING BRICK
BUILDING

LINE OF 10' SETBACK

FUNCTION HALL
985 SF

TOILET

TOILET

STAGING
275 SF

STORAGE
86 SF

PROPERTY LINE

INN AND ACCESS TO
SILVER STREET

44" MIN CLR

PAVED AREA

ACCESS TO CUSHING STREET

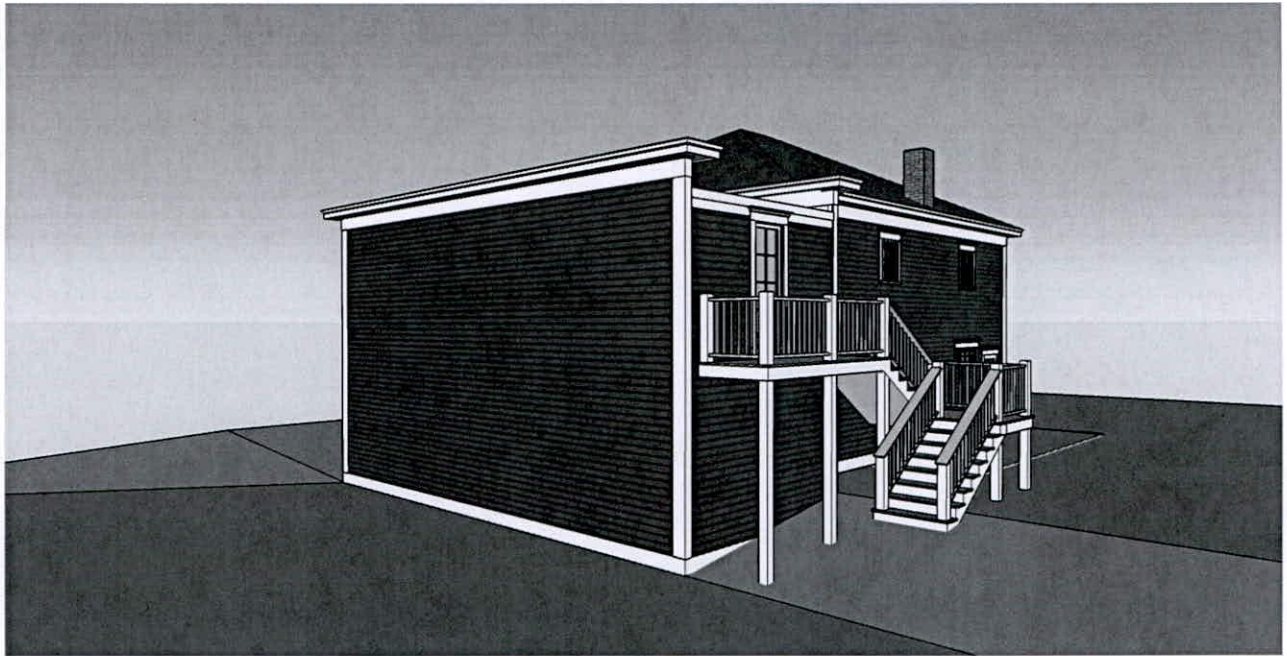
PROPERTY LINE

A1

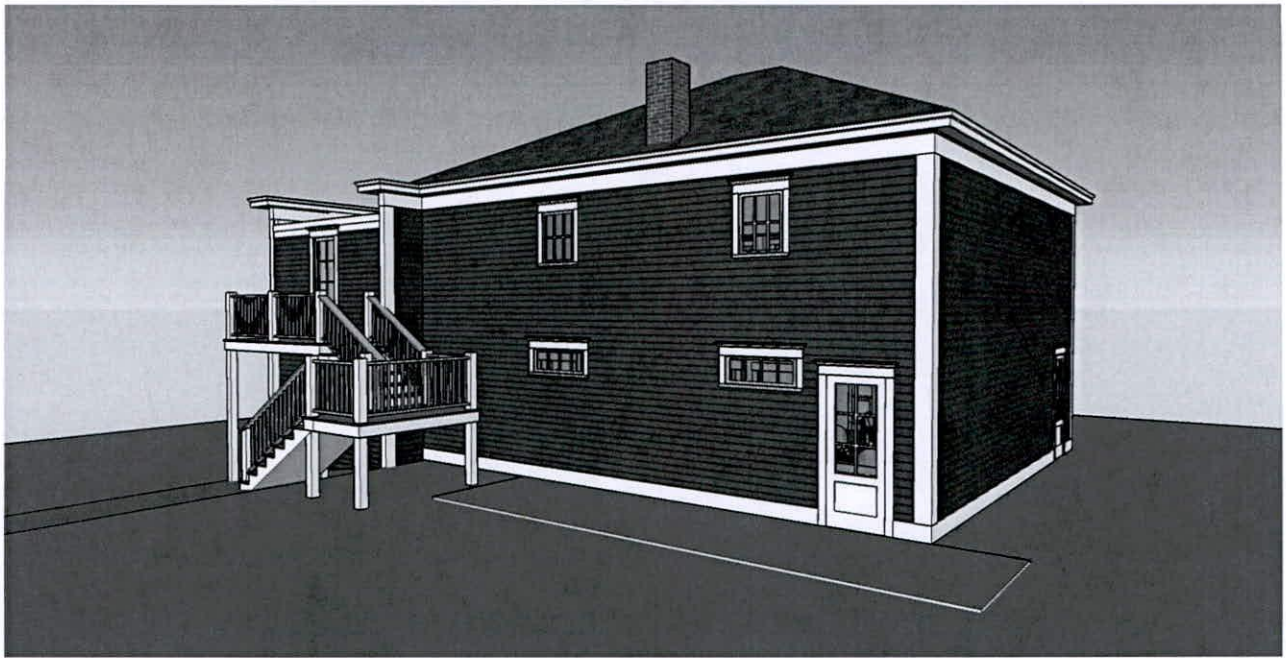
SITE PLAN - DECK

1/8" = 1'-0"

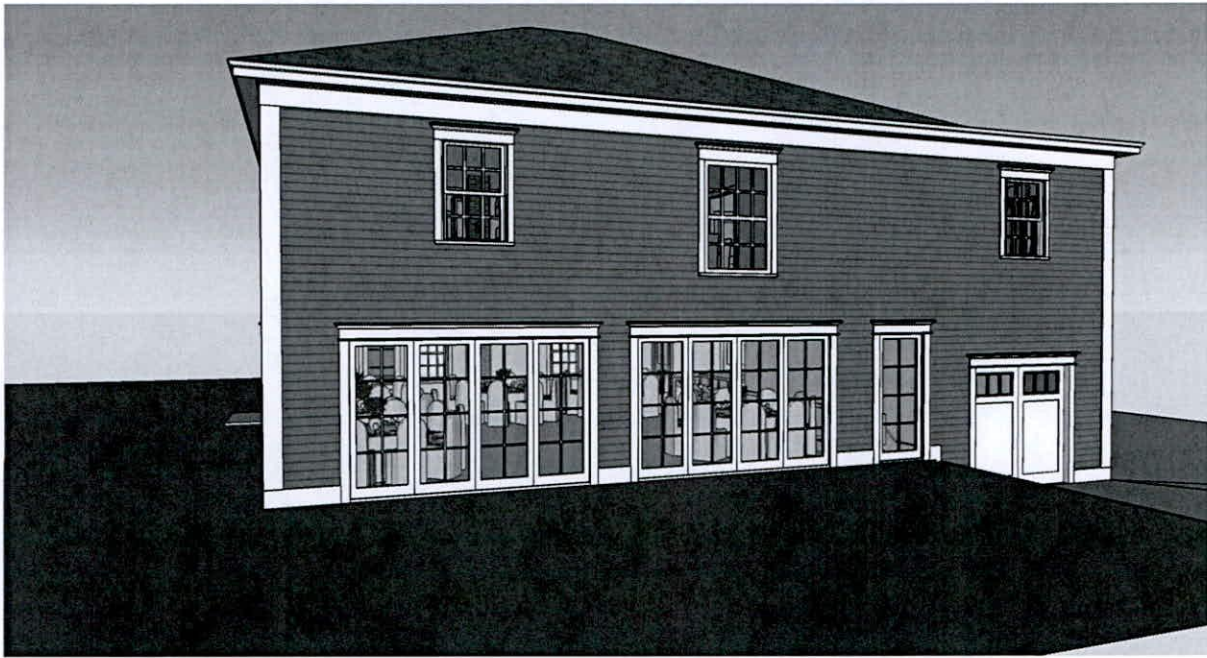
S.F.I. CARRIAGE HOUSE



NORTH WEST ELEVATION: SIDE OF YARD, NOT SEEN FROM STREET



WEST ELEVATION: SIDE OF YARD, NOT SEEN FROM STREET



EAST ELEVATION: SIDE OF YARD, SEEN FROM CUSHING STREET

P18-24 103 Silver Pidegon LLC

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
10086-000000	44 46 CUSHING ST	NORAC LLC		1195 SHORE ROAD	CAPE ELIZABETH	ME	04107
10086-A00000	48 CUSHING ST	NORAC LLC		1195 SHORE ROAD	CAPE ELIZABETH	ME	04107
10087-000000	50 CUSHING ST	WYKOFF STEPHANIE &	WYKOFF PATRICK	50 CUSHING ST	DOVER	NH	03820
10088-000000	60 CUSHING ST	BROOKS RAYMOND L & JILL A TRUSTEES	BROOKS FAMILY TRUST	60 CUSHING ST	DOVER	NH	03820-3639
10089-000000	12 1-4 FOLSOM ST	BELKNAP APARTMENTS LLC		35 THIRD ST	DOVER	NH	03820
10111-000000	26 LEXINGTON ST	26 LEXINGTON ST LLC		26 LEXINGTON ST	DOVER	NH	03820
10112-000000	28 30 LEXINGTON ST	FENN PATRICIA		30 LEXINGTON STREET	DOVER	NH	03820
10113-000000	32 LEXINGTON ST	PALMER ANTHONY H &	PALMER LINDA SMITH	PO BOX 568	PORTSMOUTH	NH	03802-0568
10114-000000	34 LEXINGTON ST	MORENO CHARLES A TRUSTEE	MORENO CHARLES 2008 REVOCABLE TRUST	PO BOX 60	CENTER STRAFFORD	NH	03815
10115-000000	109 111 SILVER ST	ADAMS JULIE L		4 SCAMMAN RD	STRATHAM	NH	03885-2237
10116-000000	107 SILVER ST	PERRINE GEORGE E & GLORIA J ET AL TRUSTE	PERRINE FAMILY REVOCABLE TRUST	107 SILVER STREET	DOVER	NH	03820
10118-000000	39 41 CUSHING ST	MCATAVEY D JAMES TRUSTEE	MCATAVEY D JAMES REVOCABLE TRUST	26 PROSPECT STREET	DOVER	NH	03820
10118-A00000	43 CUSHING ST	DICKEY NATHAN		30 ORCHARDS RD	WOLFEBORO	NH	03894-4428
10119-000000	35 CUSHING ST	SCHIRO PATRICIA A TRUSTEE	SCHIRO LIVING TRUST	35 CUSHING STREET	DOVER	NH	03820
12126-A00000	SILVER ST	CITY OF DOVER		288 CENTRAL AV	DOVER	NH	03820
12127-000000	98 SILVER ST	CIOTTI DENNIS D TRUSTEE	CIOTTI DENNIS D REVOCABLE TRUST	98 SILVER ST	DOVER	NH	03820-3952
12128-000000	102 SILVER ST	BONNER ROBERT &	MCCONNELL ALEXIS S	102 SILVER STREET	DOVER	NH	03820
12129-000000	108 SILVER ST	NELSON THOMAS M	NELSON JILL M	108 SILVER ST	DOVER	NH	03820
12148-000000	114 SILVER ST	MOORE RICHARD S &	MOORE KAREN S	114 SILVER STREET	DOVER	NH	03820
		103 SILVER PIDEAGON LLC		103 SILVER STREET	DOVER	NH	03820
		HEATHER RIVERA		7 CHAMPERNOWNE	MADBURY	NH	03823