



CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

REVISED

Meeting Type: Regular Meeting
Meeting Location: McConnell Center, Room 306, 61 Locust Street, Dover NH 03820
Meeting Date: **Tuesday, January 14, 2020**
Meeting Time: **7:00 pm**

1. ELECTION OF OFFICERS

2. CITIZENS' FORUM

3. APPROVAL OF THE PRIOR MINUTES

- December 10, 2019 Regular Meeting Minutes

4. OLD BUSINESS

- A. Public hearing and possible adoption of amendments to Chapter 149, entitled “Site Review Regulations” of the code of the City of Dover. Amendments include updating terms, and titles, as well as revising references to State Statutes. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.
- B. Public hearing and possible adoption of amendments to Chapter 155, entitled “Subdivision of Land” of the code of the City of Dover. Amendments updating terms, and titles, as well as revising references to State Statutes.. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under Planning Board meeting materials.
- C. Consideration and possible adoption of Recodification for Subdivision of Land and Site Review Regulations.

5. NEW BUSINESS

- A. Discussion of Land Use Amendments/Goal setting

6. STAFF COMMENT

7. MEMBER COMMENTS

8. ADJOURNMENT

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



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 10, 2019**
Meeting Time: **7:00 pm**

Members Present: Hayley Harmon (Vice Chair), Dennis Ciotti (Councilor), Dave Landry, Frank Torr, Dave White, Matt Sullivan, Jackson Kaspari, Tom Clark, Erin Allgood (Alternate), Ellen Brooks (Alternate)

Members Not Present (excused): Gina Cruikshank (Chair), Lisa McGunnigle (Alternate)

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

In the Chair's absence, the Vice Chair called the meeting to order at 7:02pm and noted that E. Brooks will act as Vice Chair.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

- November 12, 2019 Regular Meeting Minutes

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

3. OLD BUSINESS

- A. None

4. NEW BUSINESS

A, B and C were heard together.

- A. Consideration and possible posting of amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include updating terms, and titles, as well as revising references to State Statutes. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports
- B. Consideration and possible posting of amendments to Chapter 155, entitled "Subdivision of Land" of the code of the City of Dover. Amendments updating terms, and titles, as well as revising references to State Statutes. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports.
- C. Consideration and possible adoption of Recodification for Subdivision of Land and Site Review Regulations.

C. Parker reviewed the history of the three items, including that they were a result of the updates to the City Code that the City is undertaking with General Code.

C. Parker reviewed the proposed changes in the Site regulations.

C. Parker reviewed the proposed changes in the Subdivision regulations.

C. Parker reviewed the re-codification resolution and noted the item should be tabled.

Motion: M. Sullivan made a motion to post the changes to 149 and hold a public hearing. Seconded by T. Clark. Vote U/A.



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Motion: M. Sullivan made a motion to post the changes to 155 and hold a public hearing. Seconded by T. Clark. Vote U/A.

Motion: D. White made a motion to table the recodification of the site and subdivision regulations. Seconded by T. Clark. Vote U/A.

- D. Consideration and acceptance of a Conditional Use Permit for the City of Dover, Assessor's Map H, Lot 58, zoned I-4, located at 271 Mast Road. (Proposal is to construct a replacement artificial recharge facility on the Bellamy River with 500 s.f. of permanent wetlands impact and a temporary wetland impact of 1,450 s.f.) *(P19-82)

C. Parker explained that applicant is requesting a Conditional Use Permit for a replacement artificial recharge facility on the Bellamy River with 500 s.f. of permanent wetlands impact and a temporary wetland impact of 1,450 s.f. This work is part of a larger body of improvements being implemented within the Pudding Hill aquifer to enhance Dover's public water supply.

The Conservation Commission endorsed this application at their November 12, 2019 meeting.

RSA 674:54 provides for the Planning Board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. This is a City project on land owned by the City of Dover.

John Storer, Community Services Director and Lucas Sundean, Underwood Engineers reviewed the technical aspects of the plan.

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

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

STAFF RECOMMENDATION:

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards. Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following condition:

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit

Motion: D. Landry made a motion to approve with staff recommended condition. Second by M. Sullivan. Vote U/A.

- E. Consideration and acceptance of a Conditional Use Permit for Eversource Energy, Assessor's Map I, Lot 22, owned by Jensen's Inc., at 13 Brookmoor Road, zoned R-40, and Assessor's Map M, Lot 91-A, owned by Townsquare Media Portsmouth, LLC located at 292 Middle Road, zoned R-40. (Proposal is to replace five existing utility pole structures in a utility easement, with temporary



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wetland impacts of 12,692 s.f. and temporary 50-foot wetland buffer impacts of 45,838 s.f.) *(P19-78)

C. Parker explained that applicant is requesting a Conditional Use Permit to replace utility pole structures in a utility easement within wetlands and wetland buffer temporarily. The temporary wetland impacts of 12,692 s.f. and temporary wetland buffer impacts of 45,838 s.f..

The Conservation Commission endorsed this application at their November 12, 2019 meeting.

Sarah Barnum of Normandeau Associates and Jenny Mendez of Eversource reviewed the technical aspects of the plan noting they will replace the wood with steel poles.

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

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

STAFF RECOMMENDATION:

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards. Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following condition:

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

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Permit

Motion: D. White made a motion to approve with staff recommended condition. Second by D. Landry. Vote U/A.

- F. Consideration and acceptance for a Site Review for Industrial Tower and Wireless, LLC, (Owners: Peter & Susan Rousseau), Assessor's Map K, Lot 1, zoned R-40, and located at 200 Henry Law Avenue. (Proposal is to construct a 150' communications tower and 80'x 80' compound with driveway.) *(P19-77)

M. Sullivan recused himself from this case. E. Allgood sat for him.

C. Parker explained that applicant is requesting site plan approval, in accordance with the telecommunications ordinance to construct a 150' tall communications tower with an 80'x80' compound with gravel driveway. Screening for the compound shown on the plan includes stockade fencing and landscaping plus existing tree lines.

This item required a variance, which was initially denied by the ZBA. The decision to deny variance was vacated through court settlement. ITW was granted a variance for a new tower on a lot where new facilities are not permitted.

The Technical Review Committee reviewed this application at its November 21, 2019 meeting.



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Steve Grill, attorney, introduced the application and described the history of the case through the Dover ZBA. He stated the settlement agreed to will limit the tower height to 150'. And Industrial Tower and Wireless waived it's right for a twenty-foot extension. If it is ever desired, they will have to come back before the board.

Kevin Fadden reviewed the technical aspects of the plan. Kevin Delaney was also present.

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

Public hearing opened.

Tom Hackett, 43 Samuel Hanson Ave had concerns about equipment storage facilities and how many structures will be on the site. He also wondered about lighting on the site. He noted there is a statement from Eversource that is not on letterhead. It is Tab 6 and refers to setbacks. He was curious about this statement. He wondered how many antennae will be on the tower. He mentioned the elevation change in that neighborhood and noted a correction should be made to the maximum allowable exposure.

Steve Grill addressed the public comments. A worst-case scenario is what was modeled for the exposure. Since the neighborhood has elevation change, the neighbors are in a better position since they are lower than the subject property.

Kevin Fadden said there will be a stockade fence around the equipment which is a refrigerator. Nothing should be seen from the public. There will be no lighting on top of the tower. The lighting near the ground is motion detected and aimed downward.

Steve Grill said they are 500' from the nearest property line so setbacks are not an issue.

Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 170-22 of the Zoning Ordinance of the City Code provides for review of new telecommunications facilities by the Planning Board. Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide:
 - a. a digital version of plan set
 - b. letter to serve from Eversource
 - c. a revised current use plan to the Assessing Department's satisfaction
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat
 - b. Add LLS and PE signatures and stamps to final plan
 - c. Revise common notes to the satisfaction of the Assistant City Manager
 - d. Add federal permit number and date
 - e. Provide truck turning template on plan
 - f. Add note regarding lighting provided within and around compound/tower
 - g. Revise site construction note to indicate no Sunday hours



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- h. Add note that access way will be plowed for year-round access to the satisfaction of the Building Official.
- i. Add note certifying that the tower is structurally sound to hold five antennas.

Conditions to Be Met Prior to any Construction Activity:

- 3. 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.

Condition to Be Met Prior to Issuance of Building Permit:

- 4. Impact fees shall be paid per the invoice included in the Notice of Decision.

Condition to be Met Prior to Issuance of Certificate of Completion:

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

Motion: F. Torr made a motion to approve with staff recommended condition. Second by D. Ciotti. Vote U/A.

The Vice Chair noted that G, H and I would be heard together.

- G. Consideration and acceptance of a Lot Line Adjustment for 46 Venture Drive Properties, LLC., (Owner: Hussey Manufacturing Technology, LLC) Assessor's Map D, Lots 11-2 & 13-4, zoned I-4, and located at 44 Venture Drive. *(P19-70)
- H. Consideration and acceptance of a Conditional Use Permit for 46 Venture Drive Properties, LLC., (Owner: Hussey Manufacturing Technology, LLC.) Assessor's Map D, Lot 11-2, zoned I-4, and located at Venture Drive. (Impacting 2,669 s.f. of steep slopes greater than 20%.) *(P19-68)
- I. Consideration and acceptance of a Site Review for 46 Venture Drive Properties, LLC., (Owner: Hussey Manufacturing Technology, LLC) Assessor's Map D, Lot 11-2, zoned I-4, and located at Venture Drive. (Proposal is to construct a commercial building with 13,500 s.f. of retail space and 1,500 s.f. of office space as well as 2 driveways and 26 parking spaces.) *(P19-67)

C. Parker explained that applicant is proposing to construct a 15,000 s.f. commercial building with 13,500 s.f. of retail space and 1,500 s.f. of office space with associated parking. The site is serviced by public water and sewer. In order to accomplish the site plan, the applicant is also proposing to adjust the lot line, moving 22,294 s.f. to lot 13-4 from 11-2. Both lots would have conforming frontage and lot 13-4 would increase its conformity by enlarging the lot area.

Finally, the application impacts 2,668 s.f. of steep slopes greater than 20%.

The Technical Review Committee reviewed this application at their September 26, 2019 meeting, and the Conservation Commission endorsed the CUP application at their November 12, 2019 meeting.

As a direct abutter, D. Ciotti recused himself from the case. No alternate took his seat as he is a Councilor.

Steve Haight, Civilworks New England, reviewed the technical aspects 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.



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STAFF RECOMMENDATION – Lot Line:

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. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the lot line adjustment 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. Add Planning file number P19-70
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures

Motion: D. White made a motion to approve with staff recommended condition. Second by M. Sullivan. Vote U/A.

STAFF RECOMMENDATION – CUP:

The Conservation District ordinance provides for Conditional Use permits to allow impacts within 100' of a tidal river if standards related to demonstration of avoidance of impact, minimization of impact, mitigation and soil erosion and sedimentation control are met. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following conditions:

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

1. The lot line adjustment (P19-70) is approved.
2. The Site Plan (P19-67) is approved.

Motion: D. White made a motion to issue the CUP with staff recommended condition. Second by D. Landry. Vote U/A.

STAFF RECOMMENDATION – Site Plan:

Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The LLA (P19-70) is approved.
2. The CUP (P19-68) is approved.
3. The applicant shall provide:
 - a. a digital version of plan set
 - b. letter to serve from Eversource
 - c. An agreed upon contribution for the reconstruction of Venture Drive and Sixth Street, should the Assistant City Manager determine an amount is required.
4. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat
 - b. Add LLS, PE, Architect, and LLA signatures and stamps to final plan
 - c. Address any outstanding Inspection Services TRC comments



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Conditions to Be Met Prior to any Construction Activity:

5. 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:

6. The new building expansion shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.

Conditions to Be Met Prior to Occupancy:

7. Issuance of a certificate of occupancy.
8. Impact fees shall be paid per the invoice included with the Notice of Decision.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: F. Torr made a motion to approve with staff recommended condition. Second by E. Brooks. Vote U/A.

- J. Consideration and acceptance of a Conditional Use Permit for Chris Meyer & Nick Couturier, (Owner: Trinket Realty LLC), Assessor's Map 4, Lot 5, zoned CBD-General, and located at 14 Broadway, (Proposal is to use the building for a self-storage facility as well as private assigned outdoor parking spaces) *(P19-83)

The applicant asked to continue the application and come back in February.

Motion: M. Sullivan made a motion to continue the application. Seconded by E. Brooks. Vote U/A.

- K. Consideration and acceptance of a Lot Line Adjustment for 499 & 503 Tolend Road, (Owners: Denise & Kirk Purington & Tyrso Carvalho-Filho), Assessor's Map C, Lots 42-E & 42, zoned R-40, and located at 499 & 503 Tolend Road. *(P19-84)

C. Parker explained that applicant is proposing to adjust the lot line between the two lots moving 90,151 s.f to lot C/42-E from C/42. This would increase the size of the lot that has no frontage, while maintaining the frontage that exists for the other lot. While this appears to be an odd layout, it is permitted by the City's regulations, as it is not increasing the non-conformity.

Joel Runnals, Norway Plains Associates, reviewed the technical aspects of the plan. They are in the process of gaining state subdivision approval.

Motion: F. Torr made a motion to accept the applications. Seconded by D. Ciotti. 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. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the lot line adjustment 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:



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- a. Add Planning file number P19-84
- b. Add signature and stamp of LLS
- c. Add owners' signatures
- d. Correct spelling of Cocheco River

Motion: M. Sullivan made a motion to approve with staff recommended condition. Seconded by J. Kaspari. Vote U/A.

5. STAFF COMMENTS

- C. Parker asked the board to grant a 90-day extension for the site plan for the Little Bay Marina project.

Motion: D. Ciotti made a motion to approve the 90-day extension. Seconded by E. Brooks. Vote U/A

- Reminder that the Board only meets once in December. January 14th is the Meet and Greet and Goal Setting so start thinking of any regulation amendments you'd like to see.
- No new TRC items since the Board's last meeting.
- The Leather's Lane project is working with the abutters to resolve some issues and will return in January.
- Housing data was requested at the last meeting, and was emailed out. Hand-outs can be made if requested.
- Strafford Regional Planning Commission will be seeking a new member. Please see C. Parker if interested.

6. MEMBER COMMENTS

D. Landry mentioned the Volkswagen settlement funds and EV stations. There is a request for proposal due in early January. He asked the board members and City to think about weighing in on where these should go in Dover. M. Sullivan agreed that Dover should submit applications. C. Parker said the appropriate staff is keeping an eye on the process.

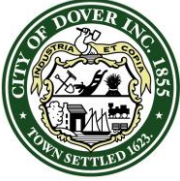
F. Torr wondered about a particular project underway. C. Parker said he will inquire about it.

T. Clark asked about the life span of the highway barriers.

C. Parker answered: Wood = 30 years, Steel = 50 years. Treated wood can last 50 years. The wood ones absorb sound the best.

7. ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 8:51pm. Seconded by T. Clark. Vote U/A



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Posted: December, 10, 2019

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Site Review Regulation Amendments
Chapter: 149 (153)

1. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-6 “APPLICATION REQUIREMENTS”, by renaming the section “Application Requirements; Technical Review Committee”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-6 “APPLICATION REQUIREMENTS; TECHNICAL REVIEW COMMITTEE”, subsection B (6) to update the type of mailing required, to read as follows:

“(6) A list of abutting property owners that lie within two hundred (200) feet of the subject parcel. Information shall include name, mailing address, and Dover Tax Map and Lot Numbers. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing verified ~~certified~~ mailings. by renaming the section “Application Requirements; Technical Review Committee”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-6 “APPLICATION REQUIREMENTS; TECHNICAL REVIEW COMMITTEE”, subsection C to update the deadline for filing an application, to read as follows:

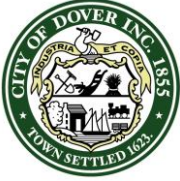
“A. The APPLICANT shall file the application with the Planning Board Office at least 21 ~~fifteen (15)~~ days prior to the Planning Board meeting at which time the application will be accepted and a public hearing held.

2. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-9 “EXPIRATION OF PLANNING BOARD APPROVAL”, reorganizing the section B to read as follows:

“B. The Planning Board may grant time extensions, not to exceed one (1) year each. ~~The APPLICANT shall appear before the Planning Board and document that the following criteria are met:~~

(1) The APPLICANT shall appear before the Planning Board and document that the following criteria are met:

(1a) The proposed project is consistent with the City Master Plan.



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Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Site Review Regulation Amendments
Chapter: 149 (153)

(2b) Surrounding conditions (i.e., traffic flow, school capacity, water/sewer demand) have not changed to the point of requiring reanalyzing of the proposed project.

(3c) The proposed project complies with current City, State and Federal regulations, ordinances and statutes.

(24) Notification of ABUTTERS shall be required of all first time extension requests. Said notification shall be by certified mail and shall be at the expense of the APPLICANT.

3. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-10 “CONSTRUCTION OF IMPROVEMENTS; CERTIFICATE OF OCCUPANCY”, amending section F (3) to read as follows:

“(3) Permit holders shall be in compliance with NFPA 495, ~~The Code for the Manufacture, Transportation, Storage, and Use of Explosive Materials Code~~, in addition to all other ordinances and codes set forth in the City of Dover Code, Site Regulations § 153-14A, Stormwater management, erosion control and flood hazards, of this chapter and the City of Dover Fire Prevention Code, which specifically prohibits the overnight storage of explosives or blasting agents. Further, all storage magazines shall be locked in the open position at the end of the day's operation, for easy inspection by City Officials.”

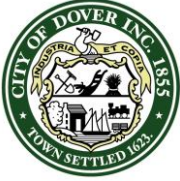
4. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-13 “SITE DEVELOPMENT PLAN”, amending section A by removing (18) and renumbering as follows:

“(18) ~~Reserved~~

(19)-A STORM WATER Management and EROSION Control Plan shall be developed in accordance with the requirements of Chapter 149-14-A if it is determined to be necessary by the Technical Review Committee during its review process, as outlined in Chapter 149-6-A. Site plans shall provide for the proper management of STORM WATER and EROSION and sedimentation control.

5. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section D revised by replacing "Director of Planning" to "Director of Planning and Community Development."

AND



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Posted: December, 10, 2019

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Site Review Regulation Amendments
Chapter: 149 (153)

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section D revised by adding subsection numbers to subsection (1) to read as follows:

“(1) Paved on-site parking shall be provided in accordance with the Parking Regulation Table.

(a) A parking PLAN shall be submitted that delineates the number of striped parking spaces and the parking arrangement. Where appropriate utilization of and construction of on-street parking is encouraged. Whenever a USE existing on the effective date of this Chapter is changed to a new USE, parking facilities and access shall be provided as required herein for such new USES. The following parking standards represent maximum requirements and may be increased as part of the approval of a SITE DEVELOPMENT PLAN. During PLAN review, the Director of Planning shall note a minimum number of spaces required.

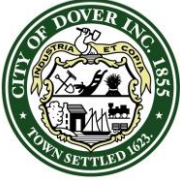
(b) In Dover, parking is based less on the direct land use and more on the intensity and turnover rate of the use. Efforts are made to understand that not all business are alike and that one commercial use may differ widely from a neighboring one, even if considered the same use. Turnover rate and intensity of use are more important to the provision of parking spaces. High turnover and high intensity use, such as retail, require less spaces than a use which has a low turnover and a low intensity, such as an assembly hall or gathering place. This concept and the table below will guide the Director of Planning in determining the minimum and maximum number of spaces required for a project. APPLICANTS shall meet with staff and review plans, prior to submission to determine parking needs.

(c) Uses located in the Central Business District - General have access to more publicly available parking, whether on-street or in a dedicated facility, as well as mass transit. The intent of off street parking downtown is to provide parking for employees of a business and not for customers. With this in mind, parking calculations for non-residential uses in the Central Business District – General may be solely for employees, upon the discretion of the Director of Planning.”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section D revised by adding subsection number (c) and revising the existing (c) to (d) to read as follows:

“(c) Entrance islands shall support a curve radii illustrated in Sketch A.

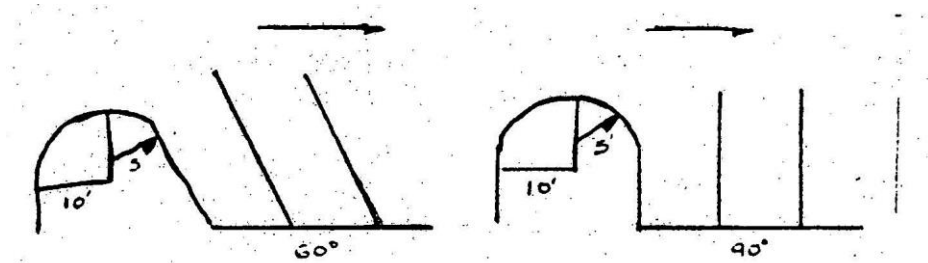


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Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Site Review Regulation Amendments
Chapter: 149 (153)



(~~e~~d) Parking lots shall be designed so as to avoid vehicles backing into the street.

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section F by removing (1) to as follows:

“ F. Fire Hazards (~~1~~) The designation of fire lanes, and the storage of explosives, flammable liquids, liquefied petroleum gas or similar materials shall be in accordance with Chapter 109, entitled Fire Prevention, Safety, of the Code of the City of Dover.”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section G by subsection (4) to as follows:

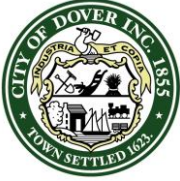
“(4) Stormwater Management

(~~a~~) The following provisions are intended to support the site design criteria set forth in Section 149-14A. In the event of any conflict or inconsistency the more stringent provision shall prevail.

(~~a~~b) Where possible, interior landscaping islands and perimeter landscaping areas shall provide for stormwater treatment and bioretention as well as act as a visual buffer.

(~~b~~e) To promote on-site water retention and filtration, landscaped areas shall be designed in a manner that guides stormwater from on-site impervious streets, parking areas, sidewalks and walkways to vegetated areas or approved retention areas.

(~~c~~d) When irrigation systems are proposed, a temporary watering plan/ schedule, or low volume (drip) irrigation system shall be required. Permanent irrigation systems are



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prohibited, except as noted below. Temporary irrigation systems shall be designed and installed for efficient and effective water use to the landscaped area for a limited period of time determined by the plant material and site conditions. For those exceptions when permanent irrigation is considered necessary, such as an athletic field, permanent irrigation shall utilize water saving technologies, including rain sensors, flow meters, and management systems that monitor current weather conditions and/or soil moisture.

(de) All newly planted trees, shrubs and other vegetation shall have a watering plan during the establishment period (for trees, one-year-per-inch in caliper at planting, shrubs and other vegetation generally establish within one growing season). Mulching trees, shrubs, and plants helps retain soil moisture, moderates temperature fluctuations, provides protection from mechanical damage by mowers and trimmers, and serves as temporary covering of exposed soil until understory plants and ground covers fill in. However, thick applications of mulch (such as “volcano mulching”) will kill trees and other vegetation. Mulch shall be no greater than three (3) inches in depth and shall not be in contact with the bark or stems of plants.”

6. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section L by removing subsection (2) and renumbering as follows:

“(2) Purpose

- (a) The purpose of the Architectural Design Standards is to:

(1a) Provide for high quality architecture that respects UNIVERSAL DESIGN PRINCIPLES, enhances the appearance of Dover, reinforces pedestrian character where appropriate, and is sensitive to neighboring buildings, the broader setting, and natural and cultural resources.

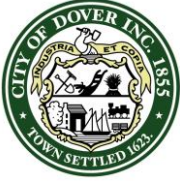
(2b) Protect and enhance the positive visual qualities of Dover’s downtowns, residential neighborhoods, commercial corridors, industrial parks, and scenic and rural landscapes.

(3e) Encourage design, which is compatible with the TRADITIONAL character of Dover and New England.

(4d) Enhance property values and foster civic pride.

(5e) Minimize potential aesthetic conflicts between residential and NONRESIDENTIAL USES and between single family and multifamily USES.

(b) Adherence to these standards should not be burdensome and they are not intended to stifle creativity or variety. On the contrary, the standards will likely encourage more thoughtful approaches to building design. There is much flexibility embodied in the guidelines and many ways of meeting the objectives. It is hoped



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that they will serve as useful guidelines for design professionals and APPLICANTS seeking to produce quality designs respectful of place and context.”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section L by subsection (4) to as follows:

“(4) Applicability

(a) Architectural design review is required as part of Site PLAN Review process for all NONRESIDENTIAL structures and for all residential structures where the total number of dwelling units in one development, whether in one or more structures, exceeds four (however, in no event would any single family structures or properties be subject to review). This includes all new construction, building additions, and alterations to buildings if those alterations would significantly affect the exterior appearance of the building. Design review is required only for building ELEVATIONS and portions of structures that would be visible from a public street or path or from neighboring residential properties. All applicable development must conform to these guidelines as reasonably interpreted and applied by the Planning Board.

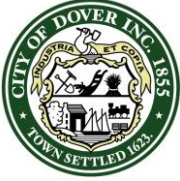
(b) Architectural design review is not conducted for routine repair or maintenance of structures, any work on the interior of a building, any existing structures for which no exterior alterations are proposed, and modifications solely for the purpose of providing safe means of egress or access in order to meet requirements of the Building Code or Life Safety Code. Architectural design review is only conducted in instances found within 149.4 Applicability of the Site Review Regulations.”

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section L by subsection (5) to add the zoning district names to each subsection.

AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section L by subsection (6) (h) to remove extra letters from wording to read as follows:.



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“While it cannot be required under these guidelines, the reuse of existing structures that have special architectural, historical, cultural, or contextual value ~~by the~~ is strongly encouraged.”

7. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section L by renumbering subsection (7) as follows:

“(a) Siting of building.

- (1) To the extent practical, structures should be located and configured in a visually harmonious manner in keeping with the terrain and vegetation and should not impede scenic views.
- (2) Most buildings are oriented parallel or perpendicular to the street. This pattern reinforces the streetscape. Buildings should not be oriented at odd angles to the street unless this is already the prevailing pattern in the area or if it is dictated by strong topographic or site considerations.

(b) SCALE.

- (1) Every effort should be made to provide an appropriate SCALE to new buildings both in their overall size and in their details.
- (2) If practical, it is preferred that buildings contain at least two stories. Alternatively, a single story building should have a relatively steep roof or a high PARAPET. It is required in the CBD zone for buildings to be multistory in order to reinforce the SENSE OF ENCLOSURE of the street.

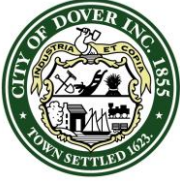
(c) PROPORTION. Buildings and their details should be well proportioned in accordance with commonly accepted design principles so as to create a sense of order and balance.

(d) MASSING. Large structures should be broken into smaller masses to provide human SCALE, variation, and depth. These smaller masses should have a strong relationship to one another and, ideally, each smaller mass will have integrity of form. Construction of unadulterated warehouse style big BOXES should generally be avoided (though their USE is of less concern in industrial parks). Blocky multifamily structures within predominantly single and two family neighborhoods are highly inappropriate.

(e) Roof.

- (1) As a design element, the roof has a significant effect on the building’s character. The lack of a roof often promotes a feeling of boxiness. The taller the building, the less necessary is a pitched roof. Multistory buildings in downtown and mill buildings rarely included a pitched roof.
- (2) Incorporation of a moderate slope is preferred. Where flat roofs are used, however, there should be a distinct CORNICE and/or PARAPET to emphasize the top of the building. Extensive areas of visible roof should be broken up with DORMERS, CROSS GABLES, CUPOLAS, chimneys, PARAPETS, BALUSTRADES, and TOWERS.

(f) Building FACADE.



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(1) Much attention should be given to create an attractive building FACADE. Broad expanses of blank walls are inappropriate. Traditionally, the parts of a FACADE that might be embellished, or at least articulated in some fashion include:

- (~~a~~i) the horizontal base where the building meets the ground (such as a different treatment for the foundation)
- (~~b~~ii) the horizontal top where the building meets the sky (such as a projecting CORNICE with BRACKETS)
- (~~c~~iii) a horizontal section in between (such as a belt COURSE between stories)
- (~~d~~iv) the vertical corners on the left and right sides (such as CORNER BOARDS or QUOINS)
- (~~e~~v) vertical articulation in the middle (such as PILASTERS)
- (~~f~~vi) the area around the door/entry (such as a PORTICO)
- (~~g~~vii) the areas around the windows (such as window SURROUNDS)

(2) In addition, depth may be created for the FACADE through use of porches, projecting or recessed sections, BAY WINDOWS, or ARCADES.

(g) FENESTRATION.

(1) Windows are an integral part of a building and should be incorporated on front FACADES, and preferably side FACADES to humanize the building. It is desirable that the windows along with the door establish a coherent, orderly pattern and RHYTHM.

(2) It is preferable that windows be vertical or at least “no more squat than square” (except as described in CBD area, below). Horizontally shaped windows are discouraged. Where horizontal windows are sought, a series of contiguous vertical windows with MULLIONS in between should be used arranged in a horizontal band.

(3) In pedestrian oriented downtown or waterfront commercial centers, use of large picture type windows for retail USES on the first floor is strongly encouraged. In residential areas and on upper floors of downtown buildings use of multiple panes of glass (or the appearance of multiple panes) rather than picture type windows is preferred.

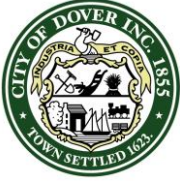
(4) Shutters, where appropriate, should be sized properly for the window opening (approximately one half the width of the opening.)

(h) Entrance.

(1) The entrance is an important element in defining a building. Articulation of the entrance is encouraged through use of a PORTICO, canopy, awning, sidelights, SURROUND, or other device.

(2) Generally, there should be an entrance, if not the primary entrance, located on the front FACADE. Use of a usable front porch on residential buildings is strongly encouraged.

(i) Materials.



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(1) The use of natural materials or materials that appear natural is preferred. Materials should be high quality and durable. Wood (CLAPBOARD and shakes), brick, stone, fiber reinforced stucco, TEXTURED block, and terra cotta are the preferred materials, although fabricated materials which effectively imitate the character of these materials is acceptable. Conventional vinyl and aluminum siding arranged in a horizontal CLAPBOARD pattern is acceptable but not preferred. Its use is inappropriate in downtown areas.

(2) Sheet plastic, sheet fiberglass, T-111 plywood, PECKY SHINGLES, simulated brick, and similar materials should not be used. Use of highly reflective plastic or metal surfaces are inappropriate. Use of salvage style brick with multiple colors is discouraged. Prefabricated metal wall PANELS and undressed concrete/cinder block should not be used except in industrial park areas. When these materials are used in industrial park areas it is preferable to minimize the area over which they are used, minimize their use on front FACADES, and to combine their use with other materials, such as installing metal walls over a foundation of TEXTURED block.

(j) Color.

(1) Color of buildings is reviewed for NONRESIDENTIAL property only. Generally, it is preferable to use two or three colors. The main color(s) on a building should generally be nature blending, earth tone, neutral, or pastel in character. Bright colors should be limited to accent areas. High intensity colors, metallic colors, or fluorescent colors should not be used.

(2) Subtle colors are appropriate on larger, plain buildings, whereas smaller buildings with more detailing can more effectively incorporate brighter colors.

(k) Lighting. Use of low key, low intensity wall pack or spot type lighting, or lighting of signage on buildings is appropriate. Use of lighting to highlight the building in a prominent manner, such as brightly illuminated roof fins or neon tube lighting is discouraged.

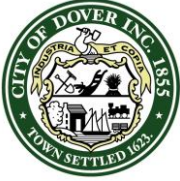
AND

Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by revising 153-14 “SITE DEVELOPMENT DESIGN CRITERIA”, amending section L by renumbering subsection (9) as follows:

“(9) Process

(a) APPLICANTS should submit ELEVATION drawings drawn to scale of each pertinent FACADE. A color board containing actual color samples of exterior finishes, keyed to the ELEVATIONS and indicating the manufacturers name and color designation should also be submitted. APPLICANTS should also submit a material sample if appropriate, such as the type of brick proposed.

(b) Any proposed building illumination must be submitted and approved. No such lighting may be installed without approval.



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(c)ELEVATION drawings must be prepared by a registered engineer, architect, or landscape architect (use of a registered architect is strongly encouraged). The Planning Board may waive this requirement in the case of smaller structures, less prominent structures, or as it deems appropriate.

(d)While APPLICANTS are required to meet the standards herein, it is not necessary to submit waiver requests from any specific design standards herein. It shall be up to the Planning Board to determine if the overall proposal meets the intent of this section.

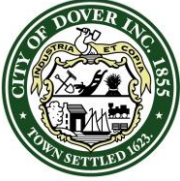
(e)At its option, the Planning Board may secure the services of a consulting architect or other professional to assist in the review of an application. The BOARD may impose reasonable fees upon an APPLICANT to cover this expense.

(f)As part of the overall site review process the Technical Review Committee, will review plans for compliance with these standards and report to the Planning Board as to adherence.”

8. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by renaming 153-20 “ENFORCEMENT; FAILURE TO COMPLY WITH ORDER; VIOLATIONS AND PENALTY” to “Enforcement; Violations and Penalties” and by replacing the “occupancy permit” with certificate of occupancy and referring to the schedule of fees, to read as follows:

“If, after an certificate of occupancy permit, temporary or permanent has been issued and the building or buildings are occupied and/or used, the Planning Board finds that any of the conditions of an approved final site review application are in violation, the Planning Board, or its authorized representative, shall order the owner to make such corrections as it deems necessary to bring the use and operation into conformity with the provisions of such approval. Such order shall be complied with within a period of time extending not more than thirty (30) days from the original notice. Where the owner fails to comply with the notice of the Planning Board, a fine ~~not to exceed one hundred dollars (\$100.) per day~~ as provided in the City Fine Schedule may be levied against said owner, and the CERTIFICATE OF OCCUPANCY shall be revoked as per RSA 676:4-a.”

9. Chapter 153 of the Code of the City of Dover, entitled Site Review Regulations, is hereby amended by renaming Article VIII “WORDS AND PHRASES” to “TERMINOLOGY”.



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Chapter: 155 (157)

1. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-7 “NONRESIDENTIAL AND MULTI-FAMILY DWELLING SUBDIVISION REVIEW.”, by renaming the section “Nonresidential and Multi-Family Dwellings.”
2. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-9 “Application Submittal and Review”, by revising the numbering and layout to include a new letter A as follows, with subsequent numbering to be follow (A-G bcomes 1-7):

“Anyone desiring to subdivide a tract of land shall file an application with the PLANNING BOARD. Only COMPLETE APPLICATIONS will be reviewed by the BOARD.

A. To be considered complete an application shall:

A. (1) Be made on forms available at the PLANNING BOARD office.”

AND

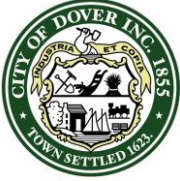
Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-9 “Application Submittal and Review”, Section A by revising the deadline for filing an application from 15 to 21 days, as follows:

~~E. (5) Be filed with the Director of Planning at least fifteen-21 (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.~~

AND

Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-9 “Application Submittal and Review”, by adding a new section B as follows, with Current subsection H becoming C and subsequent numbering to follow:

B. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing verifiedcertified mailings.”



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3. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-11 “Actions by the Board/Public Hearings”, revising Section C, to read as follows:

“C The PLANNING BOARD may apply to the City Council for an extension not to exceed an additional ~~sixty-five (65)~~90 days before acting to approve, conditionally approve, or disapprove an application. The APPLICANT may waive the time period requirements for PLANNING BOARD action and consent to such extension as may be mutually agreeable (RSA 676:4-I(f)).”

AND

Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-11 “Actions by the Board/Public Hearings”, revising Section E, to read as follows:

“E. Following a PUBLIC HEARING on a SUBDIVISION application, the BOARD shall approve, conditionally approve, disapprove or table the proposed SUBDIVISION application. ~~If approved or conditionally approved, the requirements of 155-12 and 155-13 shall be met.~~ If the BOARD denies the preliminary plans, the APPLICANT shall be notified in writing as to the reasons for denial.”

4. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-12 “Public Notice requirements”, to update the numbering and to amend, the type of mailing required to read as follows:

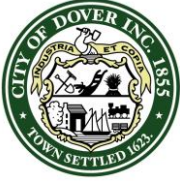
“No SUBDIVISION application shall be accepted or acted on by the PLANNING BOARD without giving due notice to the public.

A. Such notice will be given in the following manner:

(1) B. The APPLICANT and all ABUTTERS shall be notified by ~~certified~~verified mail of the date upon which the application will be formally submitted to the BOARD. The APPLICANT and all ABUTTERS shall also be notified in the same manner concerning the date of the PUBLIC HEARING. If notice of the PUBLIC HEARING has been included in the notice of submission or any prior notice, additional public notice of the PUBLIC HEARING is not required. Nor shall additional notice be required of a recessed PUBLIC HEARING if notice is provided at the PUBLIC HEARING, (including date, time and place) when the hearing will be resumed.

(2) C. Notice shall be mailed at least ten (10) calendar days prior to submission.

(3) D. Notice to the general public shall be at the same time by advertising in a newspaper of general circulation or by posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the APPLICANT and the location of the proposal.



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EB. All costs of notice, including mailing, posting or publishing, shall be paid by the APPLICANT. Failure to pay such costs shall constitute valid grounds for the PLANNING BOARD to terminate further consideration and to disapprove the application without a PUBLIC HEARING.

5. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-14 “FINAL PLAT CERTIFICATION; RECORDING, PERFORMANCE AND MAINTENANCE GUARANTY”, by renaming the section “Final Plat Certification; Recording, letter of credit or escrow agreement.”
6. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-16 “APPLICATION SUBMITTAL AND REVIEW”, by adding a new subsection A, and renumbering items A-E to 1-5 to read as follows:

“Anyone desiring to subdivide a tract of land under the MINOR SUBDIVISION classification, shall file an application with the PLANNING BOARD in accordance with the following requirements, except for MINOR LOT LINE ADJUSTMENTS and boundary agreements as noted in 155-18 below. Only COMPLETE APPLICATIONS will be reviewed by the BOARD.

A. To be considered complete an application shall:

(1)A. Be made on forms available at the PLANNING BOARD office.

(2)B. Include fifteen (15) copies and an electronic copy of a FINAL PLAT layout as described in 155-29 of this Chapter. Additional information/data may be requested by the PLANNING BOARD for the proper review of said MINOR SUBDIVISION.

(3)C. Include fifteen (15) copies of the PLAT CONSTRUCTION DETAIL SHEETS, if appropriate, as described in 155-37 of this Chapter.

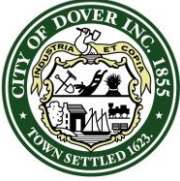
~~D.~~ Where city sewer service is not available, the APPLICANT shall provide evidence that all proposed LOTS are of a sufficient size to support individual waste systems as described in 155-42.

(4)E. Include a fee in an amount to be determined in accordance with the fee schedule contained in 155-53 of this Chapter.

(5) F. Be filed with the Director of Planning at least ~~fifteen (15)~~ 21 calendar days prior to a regularly scheduled meeting of the BOARD.

B. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records or the Strafford County Registry of Deeds not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, two duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.

C. Where City sewer service is not available, the APPLICANT shall provide evidence that all proposed LOTS are of a sufficient size to support individual waste systems as described in 157-41.



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DG.PRELIMINARY PLATS are required for MINOR SUBDIVISIONS.”

7. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-17 “APPLICATION SUBMITTAL AND REVIEW FOR MINOR LOT LINE ADJUSTMENTS AND BOUNDARY AGREEMENTS”, by adding a new subsection A, and renumbering items following items, updating deadlines from 15 to 21 days and changing the type of mailing required to read as follows:

“Anyone desiring to alter a LOT LINE shall file an application with the PLANNING BOARD in accordance with the following requirements. Only COMPLETE APPLICATIONS will be reviewed by the BOARD.

A. To be considered complete an application shall:

(1)A. Be made on forms available at the PLANNING BOARD office.

(2)B. Include fifteen (15) copies and an electronic copy of a surveyed PLAT layout that contains the following information:

(a1) Date, approximate true North point and scale.

(b2) Name, address and signature of OWNER and stamp of registered New Hampshire surveyor.

(c3) Names of OWNERS of record of abutting properties or developments.

(d4) Square footage within newly adjusted LOT LINES.

(e5) LOT LINES with accurate dimensions and bearings of a sufficient scale to determine readily the location bearing and length of all lines.

(f6) Zoning information and BUILDING SETBACK LINES for the zone.

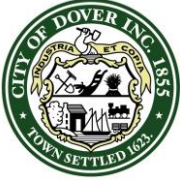
(g7) Location map.

(h8) Existing structures.

(3)C. Be filed with the Director of Planning at least ~~fifteen (15)~~ 21 calendar days prior to a regularly scheduled meeting of the BOARD. ~~Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records or the Strafford County Registry of Deeds not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.~~

(4)D. Include a fee in an amount to be determined in accordance with the fee schedule contained in Section 155-53 of this Chapter.

B. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records or the Strafford County Registry of Deeds not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing verified mailings.



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CE. LOTS created under the Cluster SUBDIVISION with LOT LINES method of OPEN SPACE SUBDIVISIONS (~~formerly 155-22.D (3)~~), shall not be allowed to have LOT LINE ADJUSTMENTS completed if the LOT LINE ADJUSTMENT would alter the area of Open Space approved at the time of SUBDIVISION.”

8. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-18 “ACTIONS BY THE BOARD/PUBLIC HEARINGS”, subsection D, updating the RSA citation to read as follows:

“D. The PLANNING BOARD is not authorized to approve without a PUBLIC HEARING, MINOR LOT LINE ADJUSTMENTS or boundary agreements which do not create BUILDABLE LOTS. This provision may not be waived (RSA ~~676:4-I(C)(V)~~ 674:4, I(e)(2)).”

9. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-21 “GENERAL REQUIREMENTS”, subsection H, is revised adding a new subsection identifier to read as follows:

“(a) For the purposes of the external boundary buffers required above, the buffer areas shall be considered an undisturbed natural area for the purpose of shielding the development from abutting properties. The external boundary buffer shall be preserved or established to comply with the perimeter landscaping standards in Chapter 155-36 F). [Amended 12-18-12 per Planning Board]”

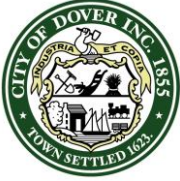
AND

Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-21 “GENERAL REQUIREMENTS”, subsection I, subsection (2) is revised by replacing the “Water Supply and Pollution Control Commission” with “Department of Environmental Services”

10. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-22 “COMMON OPEN SPACE”, subsection C, is amended by revising the numbering of subsections (d) and (e) to read as follows:

“(6d) No privately owned recreation structures shall be built in the open common space without the approval of the PLANNING BOARD.

(Ze) Current Use Limitation: The common land areas, open space areas and natural areas in an approved development are considered to be a part of the residential use of such development and shall not be considered to be “open space land”; “farmland”; “wetlands”; “recreation land”; “floodplain”; or “wild land: within the meaning of RSA 79-A except where such consists of actively operated farmland.”



CITY OF DOVER

CITY OF DOVER - ORDINANCE

Posted: December 10, 2019

Ordinance Number: **O – yyyy.mm.dd -**
Ordinance Title: Subdivision of Land Regulation Amendments
Chapter: 155 (157)

11. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-28 “FINAL PLAT LAYOUT”, relocating subsection B (15) to new subsection C, and renumbering (16) to (15) to read as follows:

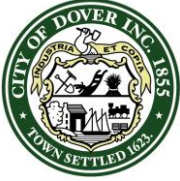
- “(15) ~~An approved SUBDIVISION does not absolve the SUBDIVIDER or subsequent OWNER from conforming with the regulations, ORDINANCES and laws of the City of Dover, the State of New Hampshire or the U.S. Government. Specifically before construction, City and/or State approval of the design of any leach field, septic system or sewer system or sewer system connection well and City approval of DRIVEWAY access and BUILDING codes must be obtained.~~
- (16) An index of sheets on the cover sheet with an asterisk (*) next to sheets that are to be recorded at the Strafford County Registry of Deeds. **[Amended 05/24/16 per Planning Board]**

C. An approved SUBDIVISION does not absolve the SUBDIVIDER or subsequent OWNER from conforming with the regulations, ORDINANCES and laws of the City of Dover, the State of New Hampshire or the U.S. Government. Specifically before construction, City and/or State approval of the design of any leach field, septic system or sewer system connection well and City approval of DRIVEWAY access and BUILDING codes must be obtained.”

12. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-34 “STORMWATER MANAGEMENT, EROSION CONTROL, AND FLOOD HAZARDS”, renumbering subsection E to read as follows:

“E. Flood Hazards. SUBDIVISIONS involving land designated as special FLOOD HAZARD AREAS shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:

- (1) ~~SUBDIVISIONS involving land designated as special FLOOD HAZARD AREAS shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:~~
- (1a) Permits. Prior to preliminary approval, the PLANNING BOARD shall review the proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by Federal and State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (2b) Minimization of Flood Damage. Sufficient evidence (constructions drawings, grading and land treatment plans) shall be submitted so as to allow the PLANNING BOARD to determine that:
- (a) All such proposals are consistent with the need to minimize flood damage;
- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;



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(~~ciii~~) Adequate drainage is provided so as to reduce exposure to flood hazards;
and,

(~~dii~~) New and replacement water and sewer systems (including on-site systems)
are located, designed, and constructed to minimize infiltration and avoid
impairment.

(3e) Elevation and flood-proofing records. The SUBDIVIDER shall obtain and
maintain records of elevations and flood-proofing levels for all new or substantially
improved structures, whether or not such structures contain a basement.

(4d) Base flood elevation data shall be provided for SUBDIVISION proposals
and other proposed development which contains at least fifty (50) LOTS or five
acres, whichever is less.

13. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended
by revising 157-35 “PARKS, OPEN SPACE, NATURAL FEATURES”, amending subsection
B (2) updating the Recreation Director’s title to read as follows:

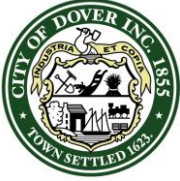
“(2) If no such areas are so delineated within the boundaries of a SUBDIVISION, the
PLANNING BOARD may, where appropriate, require that the PLAT layout show SITES of a
character, extent and location suitable for the development of a park, playground or other
recreation purpose. Said area(s) shall not exceed fifteen (15) percent of the total area of the
SUBDIVISION and shall have a sufficient legal restriction to assure permanence of use for
open space and maintenance with respect thereto. The PLANNING BOARD shall consult with
the Recreation Director ~~of Parks and Recreation~~ prior to the reservation of such land.”

AND

Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended
by revising 157-35 “PARKS, OPEN SPACE, NATURAL FEATURES”, amending subsection
E adding a number (6) to the final paragraph read as follows:

“(6) All newly planted trees, shrubs and other vegetation shall have a watering plan during
the establishment period (for trees, one-year-per-inch in caliper at planting, shrubs and
other vegetation generally establish within one growing season). Mulching trees,
shrubs, and plants helps retain soil moisture, moderates temperature fluctuations,
provides protection from mechanical damage by mowers and trimmers, and serves as
temporary covering of exposed soil until understory plants and ground covers fill in.
However, thick applications of mulch (such as “volcano mulching”) will kill trees and
other vegetation. Mulch shall be no greater than 3 inches in depth and shall not be in
contact with the bark or stems of plants.”

14. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended
by revising 157-41 “SANITARY SEWERS”, Subsection B by replacing the “Water Supply



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and Pollution Control Commission” with “Department of Environmental Services” to read as follows:

“ B. In the case of a private wastewater disposal system, both a City and a State permit is required. The system must be designed in accordance with New Hampshire ~~Water Supply and Pollution Control Commission (NHWSPPC)~~ Department of Environmental Services requirements and must be approved and inspected by the City and State. Back filling before either party has made the inspection will constitute grounds for rejection.”

15. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-42 “WATER MAINS AND FIRE HYDRANTS.”, Subsection A by replacing the “Water Department” with “Community Services Department” to read as follows:

“A. All SUBDIVISIONs in the City of Dover shall provide municipal water service when available or required by the PLANNING BOARD. Installation of all water mains is subject to the approval of the ~~Water~~ Community Services Department.

AND

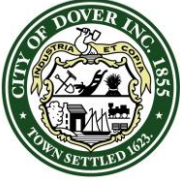
Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-42 “WATER MAINS AND FIRE HYDRANTS.”, Subsection G by replacing the “Superintendent of the Water Department” with “Director of Community Services” to read as follows:

“G. The Director of Community Services ~~Superintendent of the Water Department~~ shall be notified at least forty-eight (48) hours prior to any construction involving water mains. All new pipes shall be inspected as provided by 155-38. Tests to be performed shall include but not be limited to water sampling and testing for contamination.”

16. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-50 “DRIVEWAYS”, Subsection A by replacing the “licensing” with “permit” to read as follows:

“ A) The provisions of this Section apply to the construction, reconstruction, alteration, surfacing or resurfacing of any DRIVEWAY which intersects with the right-of-way of any city-owned, city maintained way and/or other private way. Section 152-8 of the City Code, referring to permit ~~licensing~~ requirements, applies to all paving contractors or related construction enterprises engaged in the retailing of DRIVEWAY paving services to the general public within Dover's City limits.

AND



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Posted: December 10, 2019

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Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-50 “DRIVEWAYS”, Subsection C (9) to become Subsection D, and removing superfluous wording to read as follows:

“D. ~~(9)~~ Where the Community Services Director finds that an unnecessary hardship may result from the strict compliance with these regulations, they may modify the above regulations so that substantial justice may be achieved and the public interest secured, provided that such modifications shall not have the effect of nullifying the intent and purpose of this Chapter ~~may be allowed.~~”

17. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-53 “FEES”, by renaming the section “Fees, violations and penalties” and revising Subsection D replacing the “Schedule of Fees” with “City Fine Schedule” to read as follows:

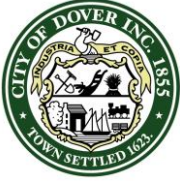
“D. Driveway Violation/Penalties/Cost of Restoration. Any action taken which violates provisions of 155-51 shall be fined, as per the City Fine Schedule ~~of Fees~~. The landowner shall be liable for the cost of restoration of the affected public street to a condition which conforms to the provisions of this chapter to the satisfaction of the Community Services Director. If a landowner fails to ensure that the above said conformance is accomplished within thirty (30) days of receiving written notification from the Community Services Director, the restoration shall be accomplished by the city and charged to the landowner.”

18. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-54 “ADOPTION”, by renaming the section “When effective; filing” and replacing the “Office of Energy and Planning” with “Office of Strategic Initiatives” to read as follows:

“In accordance with RSA 675:6, this Chapter shall become effective after a PUBLIC HEARING is held as specified in RSA 675:7, adoption and certification by a majority of the PLANNING BOARD members, and filing of certified copies with the City Clerk as required by RSA 675:8. Copies shall also be filed with the New Hampshire Office of Strategic Initiatives ~~Energy and Planning~~ as required by RSA 675:9.”

19. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-55 “INTERPRETATION AND CONFLICT”, by renaming the section “Interpretation, Conflict with other provisions”

20. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 157-58 “AMENDMENTS”, replacing the “Office of Energy and Planning” with “Office of Strategic Initiatives” to read as follows:



CITY OF DOVER

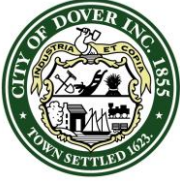
CITY OF DOVER - ORDINANCE

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“In accordance with RSA 675:6, this Chapter may be amended or rescinded by the BOARD following a PUBLIC HEARING as specified in RSA 675:7 on the proposed change. The Chairman of the BOARD shall transmit a copy certified by a majority of the PLANNING BOARD members of any changes so adopted to the City Clerk. Copies shall also be filed with the New Hampshire Office of Strategic Initiatives ~~Energy and Planning~~.”

21. Chapter 157 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by renaming Article X “WORDS AND PHRASES” to “TERMINOLOGY”.



CITY OF DOVER

CERTIFICATE OF CODIFICATION

Agenda Item: 4C

Codifying: Site Review and Subdivision of Land Regulations

WHEREAS: The Planning Board has jurisdiction to draft, adopt and amend Subdivision of Land and Site Review regulations in accordance with RSA 674:36 and 674:44; and

WHEREAS: The City Council awarded a bid to General Code to review and suggest updates and clarifications to the City Code, of which the Subdivision of Land (Chapter 155) and Site Review (Chapter 149) regulations are a part of; and

WHEREAS: General Code has suggested renumbering the Code of the City of Dover replacing the numbering system established in 1979 with new chapter numbers and with making changes or revisions that are gender neutral and consistent among the Code.

NOW, THEREFORE, BE IT RESOLVED BY DOVER PLANNING BOARD THAT:

The Site Review Regulations and Subdivision of Land Regulations of the City of Dover, County of Strafford, State of New Hampshire, are renumbered and codified as Chapters 153 and 157, respectively, of the Code of the City of Dover in the form attached hereto and made a part hereof, are hereby approved; and

FURTHERMORE, BE IT RESOLVED BY DOVER PLANNING BOARD THAT:

The provisions of Chapters 153 and 157, insofar as they are substantively the same as those of regulations in force immediately prior to this enactment, are intended as a continuation of such regulations and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior regulation. All such provisions are hereby continued in full force and effect and are hereby reaffirmed as to their adoption by the Planning Board; and

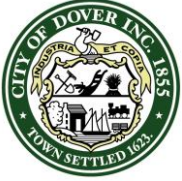
FURTHERMORE, BE IT RESOLVED BY DOVER PLANNING BOARD THAT:

No right or liability established, accrued or incurred under any provision prior to the effective date of this resolution, Nor any action or proceeding brought for the enforcement of such right or liability, shall be affected by this Resolution. No offense or act committed or done before the effective date of this Resolution in violation of any Planning Board provision, nor or any penalty, punishment or forfeiture which may result therefrom, shall be affected by this Resolution. No possible, filed, or ongoing prosecution, indictment, action, suit or other proceeding pending, nor any judgment rendered prior to the effective date of this Resolution brought pursuant to any legislative provision, shall be affected by this Resolution; and

FINALLY, BE IT RESOLVED BY DOVER PLANNING BOARD THAT:

The following changes, amendments or revisions are made herewith, to become effective upon the effective upon and concurrent with the City of Dover's City Council approval and adoption of a new Code in consultation with General Code. (Chapter and section number references are to the regulations as they have been renumbered and appear in the Code.) In both chapters, "Chairman" and "Chairperson" are amended to "Chair"; "Planning Department" is amended to "Department of Planning and Community Development"; "Planning Director" and "Director of Planning" are amended to "Director of Planning and Community Development"; and "Fire Chief" is amended to "Fire and Rescue Chief.";

AUTHORIZATION



CITY OF DOVER

CERTIFICATE OF CODIFICATION

Agenda Item: 4C

Codifying: Site Review and Subdivision of Land Regulations

Approved as to Legal
Form:

Joshua Wyatt
City Attorney

Gina Cruickshank
Planning Board Chair

Date of Adoption: _____

Members in Favor: _____

Members Opposed: _____

BACKGROUND MATERIAL:

This resolution is part of the City's ongoing effort to recodify its existing legislation. Section C3-10 of the City's Charter requires codification of the City's ordinances. Codification refers to the process of organizing and arranging laws pursuant to a plan or system, such that the resulting "code" is a standard and accessible publication of existing laws. Section C3-10 of the City's Charter provides that the City Council shall, "at least every tenth year [after adopting a codification of ordinances], . . . have prepared a revision or codification of the ordinances of the city which are appropriation for continuation as local laws of the city."

The current Code of the City of Dover was recodified and published by the City in November of 2013. Subsequently, the Code has been supplemented and amended various times. Currently the Code is published as a set of PDF files on the City's website and as serialized paper copies. This format limits the accessibility of the Code and does not facilitate efficient and effective content searches. In 2017, the City undertook a comprehensive review and update of the November 2013 Code to include all legislation of a general and permanent nature. On June 14, 2017 (R-2017.06.14-057), the City Council resolved to enter into an agreement with General Code, a firm that is a member of the International Code Council, an organization with over 50 years of experience in developing and publishing municipal code.

Beginning in January of 2019, the City Council's Ordinance Committee began a review of the documents provided by General Code. These included the Editorial and Legal Analysis and a final draft version of the recodified City Code. Additionally, General Code has prepared a Disposition List, which sets forth the disposition of each item of new legislation reviewed, and a Derivation Table which tabulates the chapter numbers from the City's existing November 2013 Code and the location in the new Code. Chapter numbers have been redistributed to allow for future growth in the Code. This resolution amends, updates, and recodifies the Planning Board's existing regulations as part of an overall recodification of the City's existing legislation.

The final online version of the Code will have notable usability improvements over the current online Code listing. These include:

- -Simplified and flexible searching
- -Ability to download content to Microsoft Word documents or PDF documents
- -Users may request to be notified of changes to the Code
- -Improved table of contents and electronic indexing
- -Simple printing directly from the online content
- -Ability to bookmark frequently viewed sections of the Code
- -Availability of an eCode360 application for mobile devices

CITY OF DOVER - SUMMARY OF PROPOSED AMENDMENTS – 2019

Zoning Ordinance – Chapter 170

Amendment #	Section	Summary	Why
1	170	Universally update terms and names	• “Planning Department” or Planning Office with “Planning and Community Development Department • “Planning Director” with “Director of Planning and Community Development. • “Comprehensive development plan” with “Master Plan.” • “manufactured house” with “manufactured home.” • Planning Board of Natural Scientists” with “State Board of Natural Scientists.” • Zoning Board of Appeals” with “Zoning Board of Adjustment.” • Department of Health and Welfare with the Department of Health and Human Services. • Water Supply and Pollution Control Commission with the Department of Environmental Services, Water Division. • Engineering Department” with “Community Services Department.” • “certified mail” with “verified mail.”
2	170-6	Change Article Title, and section title; Amend definitions for manufactured housing park or mobile home park	• “Word Usage” to “Terminology.” • “Definitions” to “Word Usage and Definitions.” • Correct the term housing to homes”
3	170-7, 8 and 11	Establish new Gateway District	• Downtown Gateway sub-district, and Locust Street/108 node and New Rochester node
4	170-8 and 19	Area rezoning eliminating the I-1 and Flexible uses	Rezoning Committee Recommendation
5	170-8	Area rezoning around Sixth Street	Rezoning Committee Recommendation
6	170-8	Weeks Crossing rezoning	Rezoning Committee Recommendation
7	170-8	Durham Road Rezoning	Rezoning Committee Recommendation
8	170-8	Littleworth Road Rezoning	Rezoning Committee Recommendation
9	170-8	Dover Point Road Rezoning	Rezoning Committee Recommendation
10	170-8 and 11	Update I-2 zone	Rezoning Committee Recommendation
11	170-8 and 11	Consolidate B zones	Rezoning Committee Recommendation
12	170-8 and 11	Consolidate I-4/ETP zones	Rezoning Committee Recommendation
13	170-8 and 11	Modernize Residential/Mixed Use Overlay District	Rezoning Committee Recommendation
14	170-11	Add a new subsection, splitting up previous section	General Code Recommendation
15	170-16	Change section title	Remove “dimensional regulations for”

CITY OF DOVER - SUMMARY OF PROPOSED AMENDMENTS – 2019

Amendment #	Section	Summary	Why
16	170-17	Change section title	“Dimensional Regulations for Handicapped Accessible Additions” to “Removal of Barriers to Access”
17	170-18 I	Update references to Driveway Chapter	Chapter eliminated
18	170-20	Renumber and eliminate “downtown gateway sub district”	Rezoning Committee recommendation
19	170-22	Renumber section H	General Code Recommendation
20	170-25	Rename section	General Code Recommendation
21	170-27	Renumber section G	General Code Recommendation
22	170-27.1	Renumber section heading Correct Wetland Protection District references	170-27-1 to 170-28 - Update references to - New Hampshire Administrative Rules Wt 101.103 and Wt. 301.01 to Env-Wt 101.113 and Env-Wt 301.01, respectively. “New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600)” to “New Hampshire Wetlands Bureau Administrative Rules Chapters Env-Wt 400 and Env-Wt 600.” - Add the word "feet" in "50 horizontal distance" - Add a new number 2 to subsection E
23	170-27.2	Renumber Update the TDR ordinance	170-27-2 to 170-29 - Clarify rounding of units in the formulas - Clarify need to meet roadway criteria laid out in Site and Sub - Increase external buffers from 10’ to 30’ - Define what should be included on a plan (topo, wetlands etc) - Allow only where water/sewer utilities exists - Waive the fee if multi-family units will meet HUD Fair market rental rates - Allow banking of TDR units if manufactured/assembly buildings are created over a certain size.
24	170-28.2	Renumber subsection E	General Code Recommendation
25	170-28.3	Update references	- Reference to New Hampshire Administrative Rules Env-Ws 421 to Part Env-Wq 401. - Remove the reference to RSA 146-E:4; section was repealed
26	170-29.6	Renumber section	Add subsections
27	170-29.7	Renumber section	Add subsections
28	170	Recodify as 151 and renumber sections	Adherence to General Code

City of Dover - Planning Department 2020 Meeting Schedule

Conservation Commission		Zoning Board of Adjustment		Transportation Advisory Commission		Planning Board 1 st Meeting of the month		Planning Board 2 nd Meeting of the month	
Submission Deadline	Meeting Time	Submission Date	Meeting Time	Submission Deadline	Meeting Time	Submission Date	Meeting Time	Submission Date	Meeting Time
	5:30 PM	Noon Deadline	7:00 PM		6:00 PM	Noon Deadline	7:00 PM	Noon Deadline	7:00 PM
01/06/20	01/13/20	12/26/19	01/16/20	01/17/20	01/27/19	12/24/19	01/14/20	01/07/20	01/28/20
02/03/20	02/10/20	01/30/20	02/20/20	N/A	N/A	01/21/20	02/11/20	02/04/20	02/25/20
03/02/19	03/09/20	02/27/20	03/19/20	03/13/20	03/23/20	02/18/20	03/10/20	03/03/20	03/24/20
04/06/20	04/13/20	03/26/20	04/16/20	N/A	N/A	03/24/20	04/14/20	04/07/20	04/28/20
05/04/20	05/11/20	04/30/20	05/21/20	05/08/20	05/18/20	04/21/20	05/12/20	05/05/20	05/26/20
06/01/20	06/08/20	05/28/20	06/18/20	N/A	N/A	05/19/20	06/09/20	06/02/20	06/23/20
07/06/20	07/13/20	06/25/20	07/16/20	07/17/20	07/27/20	No Meeting	No Meeting	07/07/20	07/28/20
08/03/20	08/10/20	07/30/20	08/20/20	N/A	N/A	No Meeting	No Meeting	08/04/20	08/25/20
09/08/20	09/14/20	08/27/20	09/17/20	09/18/20	09/28/20	08/18/20	09/08/20	09/01/20	09/22/20
10/05/20	10/13/20	09/24/20	10/15/20	N/A	N/A	09/22/20	10/13/20	10/06/20	10/27/20
11/02/20	11/09/20	10/29/20	11/19/20	11/13/20	11/23/20	10/20/20	11/10/20	No Meeting	No Meeting
12/07/20	12/14/20	11/26/20	12/17/20	N/A	N/A	11/24/20	12/15/20	No Meeting	No Meeting

Technical Review Committee meetings are held on Thursdays @ 10:30 AM, three weeks after submittal of an application.

December 31, 2019

Hello,

Unless people take action now, the future of residential development in your town will ultimately lie in the hands of three appointed people – not judges and not the court that handles land use disputes. That's right, a Housing Appeals Board is set to be established July 1, the most sweeping change in land use authority in decades.

There are a few bills about to be introduced in the New Hampshire Senate to repeal this board, and it will only happen if you contact your senator (Senator David Watters, 271-3042, David.Watters@leg.state.nh.us), explain what a bad idea this board will be for your town and urge a vote to repeal. The idea for this board was sold to our state's senators by developers who claimed it's the only way to solve the state's affordable housing issues, which they blame primarily on zoning regulations and missteps by Boards and Commissions. The HAB will in no way solve these issues. This board will give developers the opportunity to sidestep important regulations in your town and take away local control of your zoning ordinance.

This board will have the authority to hear all appeals of your Planning Board decisions on housing, going around Superior Court. The HAB could upend your Zoning Ordinance, Master Plan and any other regulation that gets in the way of residential development as developers wish it to be. And ALL residential development - not just affordable or workforce housing - is within the authority of this proposed Housing Appeals Board.

Your town will ultimately be forced to appeal decisions of this board to Superior Court to protect your zoning ordinance. And this Housing Appeals Board will cost taxpayers \$400,000 per year.

Please join a growing number of people who are outraged that this action – never debated by the House and barely exposed to public view – ignores the wishes of local residents who for years have approved various zoning and other regulations that are right for their towns. Please email us at nancymonaghan@comcast.net or lisawilson@comcast.net or phillipwilson@comcast.net for more information or a copy of the HAB bill. We can email you a copy or you can go to <https://legiscan.com> and search for SB 306.

Time is of the essence – committee work will begin in January. If a repeal bill does not pass the Senate, the HAB takes charge July 1. **Please help retain local control in your town. Contact your senator today. Thank you.**

Lisa Wilson, Chair, North Hampton Conservation Commission

Nancy Monaghan, Vice Chair, North Hampton Planning Board

Phil Wilson, member, North Hampton Planning Board and immediate past chair of the Rockingham Planning Commission

Jim Maggione, Select Board representative to the North Hampton Planning Board

Regina Barns, member, Hampton Select Board