

CITY OF DOVER

DOVER PLANNING BOARD – AGENDA

Meeting Type: Regular Meeting
Meeting Location: Council Chambers, City Hall, 288 Central Ave, Dover NH 03820
Meeting Date: **Tuesday, April 14, 2020**
Meeting Time: **7:00 pm**

IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoardAll@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- March 24, 2020 Regular Meeting Minutes
- March 26, 2020 Special Meeting Minutes

3. OLD BUSINESS

- A. Public hearing on the Consolidated Plan process for FFY20-FFY24 and for the Action plan for FFY20. All persons wishing to speak on the next five (5) years Housing and Community Development needs of the City and the one year use of funds are urged to attend.*
- B. Public Hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include revising terms, syntax and numbering. The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed. This the first of 4 public hearings on these amendments.*
- C. Public Hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include revising the Transfer of Development Right's Ordinance, creating an Alternative Energy Ordinance, creating a Gateway Zone from existing areas of the Office, Downtown Gateway, and other zones, eliminating the I-1 and B-1 zones, merging the B-3, B-4 and B-5 zones into a Commercial (C) zone, rezoning the I-2 zone to Commercial Manufacturing, merging the I-4 and ETP zones into a Innovative Technology (IT) zone and updating the Residential Commercial Mixed Use Overlay District. The full text of the amendments is available through the Planning Department. View the amendments on the City's website at <https://bit.ly/2QBNiZq> or request a copy be emailed. This the first of 4 public hearings on these amendments.*

4. NEW BUSINESS

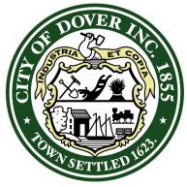
- A. Consideration and acceptance of a Lot Line Adjustment for 150 Venture Drive LLC, Assessor's Map D, Lots 9A and 11A, zoned IT (formerly I-4) and located at 150 Venture Drive. *(P20-21)
- B. Consideration and acceptance of a Subdivision for STF Development Corp., Assessor's Map 32, Lot 35A, zoned R-12, and located on Snow's Court. (One new lot) *(P20-22)

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 Dover-Planning@dover.nh.gov. You may also view materials at www.dover.nh.gov. Follow us on Twitter @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: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, March 24, 2020**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Councilor), Gina Cruikshank (Chair), Matt Sullivan, Ellen Brooks (Alternate), Dave White

The following Board members called into the meeting: Tom Clark, Jackson Kaspari, Lisa McGunnigle (Alternate), Hayley Harmon (Vice Chair), Frank Torr, Erin Allgood (Alternate)

Members Not Present (excused): Dave Landry

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:00 p.m. and stated E. Brooks will sit for Dave Landry. She announced that neither item on tonight's agenda will be completed tonight. The meeting will be recessed during the public hearing on both items and then resume Thursday, March 26 at 7 pm. New testimony can be provided on Thursday during the resumed public hearing. Abutters are able to call 603.516.6338 (meet) and leave a voice mail, or email staff at Dover-Planning@dover.nh.gov and their comments will be summarized into the record.

1. CITIZENS' FORUM

Citizens Forum Open.

Catherine Cheney, 9 Snow's Ct spoke in general about vernal pools. State law protects reptiles and larvae which may live in the vernal pools in the springtime. These species she listed need to breed in the vernal pool during that time before it dries up.

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

- March 10, 2020 Regular Meeting Minutes

Motion: D. White moved to approve the minutes as submitted. Seconded by E. Brooks.

Roll Call Vote: T. Clark- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari- yes, E. Brooks- yes, H. Harmon- yes, D. White- yes, F. Torr- yes

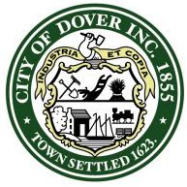
3. OLD BUSINESS

None.

4. NEW BUSINESS

A. Consideration and acceptance of a Site Review for Cochecho Country Club, Assessor's Map N, Lot 15, zoned R-40, and located at 145 Gulf Road. (Proposal is for the existing parking lots and access drive to be resurfaced as well as reconstruction of a new concrete pad and fencing for the existing dumpster area which will consist of 55,100 sq. ft. of paved area). *(P20-15)

C. Parker stated that the applicant is requesting the Board approve the amount of impervious surface being reclaimed and paved per the engineered plans and grant the waiver that not all of the requirements (including



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a survey of the full lot) be submitted as the subject area of the site is only about 1.5 acres of the 165.30 acre property.

This application was reviewed by the Technical Review Committee on February 27, 2020.

Steve Haight, Civilworks, NE represented the applicant and reviewed the project. Cochecho Country Club would like to repave the paved areas they have and also a gravel parking lot they have down by the pool and a cart staging area. The area along the building will be expanded by eight or nine feet. It will become two-way traffic and cart parking on the side. Everything that's paved around the building will be reclaimed, repaved and striped.

All the drainage is runoff from the pavement onto grassed area. There is nothing around it other than vegetation.

Motion: M. Sullivan moved to accept the item. Seconded by D. White.

Roll Call Vote: T. Clark- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari- yes, E. Brooks- yes, H. Harmon- yes, D. White- yes, F. Torr- yes

Public hearing opened. No One Spoke. Public Hearing was recessed.

Motion: M. Sullivan made a motion that the Board continue the application until March 26th. Seconded by D. White.

Roll Call Vote: T. Clark- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari- yes, E. Brooks- yes, H. Harmon- yes, D. White- yes, F. Torr- yes

The Chair noted new testimony can be provided on Thursday during the resumed public hearing. Abutters are able to call 603.516.6338 (meet) and leave a voice mail, or email staff at Dover-Planning@doover.nh.gov and their comments will be summarized into the record.

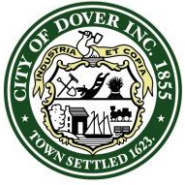
B. Consideration and acceptance of a Conditional Use Permit for STF Development Corp., Assessor's Map 32, Lot 35A, zoned R-12, and located on Snow's Court. (Proposal is for the construction of a single family dwelling within the 100' Conservation District adjacent to the Cochecho River. House would be 73' and site grading would be 61' from the river, with 4,600 sq. ft. of disturbance in the Conservation District. This Conditional Use Permit would also allow for construction within the flood zone.) *(P19-52)

F. Torr recused himself from this case. The Chair stated L. McGunnigle will sit for F. Torr.

C. Parker stated that the applicant is requesting a Conditional Use Permit to build a single-family home within 73' of the Cochecho River and within the flood zone. 75' is allowed by right by the building official or 100' by right with no special permits required. The home would be serviced by public water and sewer.

The Conservation Commission endorsed this application at their October 7, 2019 meeting with the condition that a vernal pools study be completed. The applicant had the study completed and found no vernal pools present.

This application was continued at the March 10th meeting to allow the applicant's environmental scientist to be present. That person is not present tonight due to the coronavirus scenario. There might be an opportunity for that person to speak on Thursday when this case is continued.



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The applicant supplemented their materials with an example of a subdivision, which will create a conservation/passive recreation lot to be conveyed to the City, to preserve the non-single family home portion of the lot. The duplex that was proposed to the Conservation Commission in September was deemed too impactful, so the applicant has revised that to a single-family home which was endorsed by the Conservation Commission.

After the public comment at the last meeting, the applicant has stated to the staff that they are willing to still donate that land so that no further development will occur on the house site or on the remaining parcel.

C. Parker also clarified there are no transfer of development rights being used here.

Christopher Berry, Berry surveying and Engineering represented the applicant and reviewed the project. Mr. Berry explained the location of the lot and that it is a single-family lot that was purchased by the applicant as-is. The CUP is required to build on this lot because of it being in the conservation overlay district. The CUP overseen by this board is to make sure the lot is not overburdened by the proposal. The build area is as far from the river as possible on the lot. The proposal is also in the flood zone. Building in the flood zone is allowed if criteria are met. There is a flood way on the property, but they are not allowed to build there, and they are not proposing any building in the flood way.

He described the proposal as a slab-on-grade construction. There will be no living space or mechanicals on the bottom level. Those would be on the second and third story – out of the flood zone.

The proposal is also in the shore land protection zone. Low-impact development styles will be used on the site. They've reduced the driveway impact after conversations with staff.

He addressed vernal pools. A wetland scientist went out to delineate the river's edge and wetlands on site. No wetlands were found on the interior of the site. A vernal pool study was conducted after the meeting with the Conservation Commission. The wetland scientist can provide the board written comments or call in to the meeting Thursday if requested.

J. Kaspari wondered if the studies need to be conducted during the time of the year when the site is most impacted. He is concerned that the measurements were not taken at the appropriate dates and times of year.

He had some specific follow up questions which he asked all at once so they could be answered by the applicant afterwards.

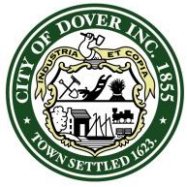
He is concerned about building a home on this site. He is concerned for the homeowners who will live in this home which will be flooded on multiple occasions.

Mr. Berry addressed the questions. The delineations are not done at certain times of year, they are done throughout the year. He described the process of digging to perform the tests.

The board discussed the assessing term that this lot is buildable and if the lot being wooded is taken into account when making that decision. C. Parker said he can look into how that determination was made by the assessing department. When he looked into the records, the lot has always been buildable as far as he could find.

E. Brooks wanted to have clarification whether the portion of land is still to be donated back in this single-family proposal.

Mr. Berry stated the applicant is willing to subdivide the land and give a piece to the City.



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C. Parker noted there is a trail that people utilize- even though it's not an official easement. If the applicant donates that land to the City, the community could use it as conservation/ passive recreation area. At the time of these discussions last summer, the applicant was willing to improve that land by adding a canoe launch. The abutters did not want that put in, so it is currently not on the table. The applicant is still willing to donate that land to the City.

Motion: D. Ciotti moved to accept the item. Seconded by D. White.

Roll Call Vote: T. Clark- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari- yes, E. Brooks- yes, H. Harmon- yes, D. White- yes, L. McGunnigle- yes

Public hearing opened.

C. Parker summarized the public comments that were received to the office ahead of the meeting. The board has copies of all of the full comments and PDFs will be attached to the minutes.

Catherine Cheney, 9 Snow's Ct. stated the lot is on a high-water table. She believes the vernal pool can't be proven absent without doing a study in April/ May. She believes a vernal pool is present and that Stoney Ridge Environmental didn't follow the proper process for studying for vernal pools.

Public Hearing recessed.

Motion: M. Sullivan made a motion that the Board continue the application to March 26th. Seconded by D. White.

Roll Call Vote: T. Clark- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari- yes, E. Brooks- yes, H. Harmon- yes, D. White- yes, L. McGunnigle- yes

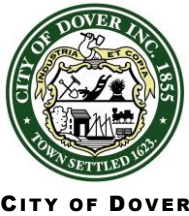
The Chair noted new testimony can be provided on Thursday during the resumed public hearing. Abutters are able to call 603.516.6338 (meet) and leave a voice mail, or email staff at Dover-Planning@dover.nh.gov and their comments will be summarized into the record.

The testimony submitted is only for new testimony- it is not a second chance to speak. It is an opportunity for anyone who hasn't spoken or testified.

D. Ciotti and J. Kaspari would like more information supplied on Thursday regarding when the form says the vernal pools need to be researched and when the research was done for this project.

Motion: At 8:00pm, D. Ciotti made a motion to recess the meeting until Thursday, March 26th at 7:00pm. D. White seconded.

Roll Call Vote: T. Clark- yes, D. Ciotti- yes, G. Cruikshank- yes, M. Sullivan- yes, J. Kaspari- yes, E. Brooks- yes, H. Harmon- yes, D. White- yes, F. Torr- yes



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Thursday, March 26, 2020**
Meeting Time: **7:00 pm**

This meeting is a continuation of the Regular Planning Board meeting held Tuesday, March 24, 2020.

Members Present: Gina Cruikshank (Chair), Matt Sullivan, Ellen Brooks (Alternate), Dave White

The following Board members called into the meeting: Tom Clark, Dennis Ciotti (Councilor), Jackson Kaspari, Lisa McGunnigle (Alternate), Hayley Harmon (Vice Chair), Erin Allgood (Alternate)

Members Not Present (excused): Dave Landry, F. Torr

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:00 p.m and stated L. McGunnigle will sit for F. Torr.

Motion: E. Brooks moved to resume the meeting. Seconded by D. White

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

1. NEW BUSINESS

- A. Consideration and acceptance of a Site Review for Cochecho Country Club, Assessor's Map N, Lot 15, zoned R-40, and located at 145 Gulf Road. (Proposal is for the existing parking lots and access drive to be resurfaced as well as reconstruction of a new concrete pad and fencing for the existing dumpster area which will consist of 55,100 sq. ft. of paved area). *(P20-15)

Motion: D. White made a motion that the Board resume the application and public hearing. Seconded by E. Brooks.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

Public hearing opened.

No public spoke.

The Chair read the following into the record:

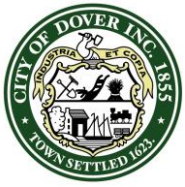
IN RESPONSE TO THE COVID-19 CORONAVIRUS, AND IN ACCORDANCE WITH RECOMMENDATIONS BY STATE AND FEDERAL HEALTH OFFICIALS LIMITING PUBLIC GATHERINGS, THE PUBLIC IS ENCOURAGED TO TEMPORARILY ACCESS PUBLIC MEETINGS REMOTELY, INCLUDING CABLE TELEVISION AND ONLINE STREAMING, AND SUBMIT COMMENTS FOR PUBLIC HEARINGS AND CITIZEN'S FORUM IN WRITING BY EMAIL: PlanningBoardAll@dover.nh.gov OR POSTAL MAIL ADDRESSED TO: PLANNING DEPARTMENT, CITY OF DOVER, 288 CENTRAL AVENUE, DOVER, NH 03820. THE PUBLIC MAY ALSO SUBMIT COMMENTS BY LEAVING A VOICE MESSAGE AT: 516-MEET (6338). PRECAUTIONS IN PUBLIC MEETING ROOMS WILL INCLUDE LIMITING THE NUMBER OF PEOPLE TO 10, THE USE OF OVERFLOW SPACE IF NECESSARY, AND THE REMOTE PARTICIPATION BY SOME BOARD MEMBERS.

Public comments received for this case: none in writing or by voicemail.

Public Hearing closed.

STAFF RECOMMENDATION -WAIVER:

The Planning Department recommends the Planning Board vote to approve the waiver request with the following condition:



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Condition to Be Met Prior to Granting the Waiver:

1. A note is added to the plan that the Board has granted the waiver for the full survey of the entire property and the criteria of Chapter 153-21.A have been met.

Motion: M. Sullivan made a motion that the Board approve the Waiver Request with staff recommended conditions. Seconded by D. White.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

STAFF RECOMMENDATION –SITE PLAN:

Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations. The Planning Department recommends the Planning Board approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The applicant shall provide a digital version of plan set
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat submitted for signature
 - b. Add PE signature and stamps to final plan
 - c. Address any outstanding Inspection Services and Engineering TRC comments to the Building Official and City Engineer's satisfaction.
 - d. Add updated parking calculation

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.

Motion: D. White made a motion that the Board approve the Site Plan with staff recommended conditions. Seconded by M. Sullivan.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

- B. Consideration and acceptance of a Conditional Use Permit for STF Development Corp., Assessor's Map 32, Lot 35A, zoned R-12, and located on Snow's Court. (Proposal is for the construction of a single family dwelling within the 100' Conservation District adjacent to the Cochecho River. House would be 73' and site grading would be 61' from the river, with 4,600 sq. ft. of disturbance in the Conservation District. This Conditional Use Permit would also allow for construction within the flood zone.) *(P19-52)

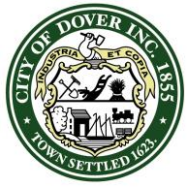
Motion: D. White made a motion that the Board resume the application and public hearing. Seconded by E. Brooks.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

Public hearing opened.

No public spoke.

The Chair read the following into the record:



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Public comments received for this case: none by voicemail, 2 in writing.

C. Parker summarized the comments received. The board has received the full comments and PDFs of the comments will be available as part of the minutes.

Public Hearing closed.

C. Parker relayed some comments based on board questions from the last meeting.

1. Is this site developable?

C. Parker reached out to the assessing staff. The land is considered developable because it meets lot size and frontage and the zoning code offers relief for the conservation district and flood plain.

2. C. Parker reviewed the wetlands manual and reached two conclusions: while it is advisable to perform a vernal pool assessment between March and May, it is not required. Second, there is a form, but it is to document an existing vernal pool, not to evaluate if there is a vernal pool.

He asked the engineering dept to also review the information. The Assistant City Engineer agreed with C. Parker about the use of the form. She also stated 99% of the time, you don't have a vernal pool if there aren't wetlands.

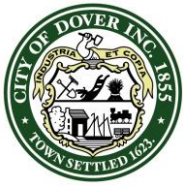
C. Parker also called two wetlands scientists and the City environmental consultant. The consensus was that the form is a documentation tool, not an evaluation tool. They also believe there doesn't have to be wetlands to have a vernal pool- just 8"-12" depression that could hold water on the site. They looked at digital mapping of the lot and it looks like a dry lot. It would be hard to determine a vernal pool without the presence of water. They both agreed tests can be done at any time of year, but between March and May is best. After they found out who performed the test, they confirmed she is a highly credentialed scientist who knows what she's doing. They wouldn't question her results.

J. Kaspari wondered what it would take for the firm to do a quick confirmation study at the end of March/ beginning of April.

Mr. Berry said it wouldn't be a big issue- it would just cost some time and money.
He expounded that it has been looked at twice and no evidence has been found so far.

E. Allgood agreed with J. Kaspari that there have been enough concerns expressed to warrant one more look at the site since we are currently in the prime time-period.

T. Clark disagreed with the board members. There is evidence presented by noted scientists that the site does not have a vernal pool.



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E. Brooks was concerned about the vernal pools the other day. She did some research and found the same information C. Parker noted. Many of the public comments are concerns about flooding. Is there any sort of test or study that the board can require of the applicant regarding flooding?

C. Parker said the City does not evaluate that. FEMA notes that this site is in the flood plain. The City flood plain regulations are in place and will need to be met.

E. Brooks is in favor of the City being able to own a portion of this lot and keep it preserved.

D. White stated approval of this plan does not grant permission to the residents to park in the city right-of-way. He suggested the Planning Board approve the driveway plan as part of this application.

D. Ciotti and G. Cruikshank agreed that the property owners have rights and the board doesn't have the authority to prevent development where it's allowed even if they don't agree.

J. Kaspari and M. Sullivan questioned the reason for the CUP request if the board does not have authority to deny it. M. Sullivan questioned whether the proposal meets criteria of being essential to the productive use of the property.

STAFF RECOMMENDATION

The Conservation District ordinance provides for Conditional Use Permits to allow impacts to land within 100 feet of a river if standards related to demonstration of need, avoidance, minimization, and mitigation 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:

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

1. The applicant shall provide the Planning Department with a:
 - a. Copy of the NH Department of Environmental Services Shoreland Permit.
 - b. Revised plan with:
 - i. Owners signatures
 - ii. Certified Wetland Scientist. PE, and LLS signatures and stamps
 - iii. File number P19-52 on title block
 - iv. A note shall be added to the plan and deed that no further development shall occur on the parcel.
 - v. Add a note that the driveway shall be installed as shown on the plan.

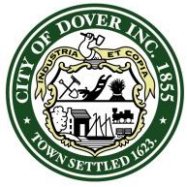
Conditions to Be Met Prior to Building Permit is Issued:

2. The Planning Board shall review a subdivision plan, which includes a note that the new lot created will be conveyed to the City for passive recreational or Conservation use only.

Condition to be Met Prior to Occupancy:

3. Issuance of a Certificate of Occupancy
4. Should the Board approve the subdivision, the land be conveyed to the City.
5. Verification that the driveway is installed as described on the plan.

C. Parker commented that the land available to develop in the City is no longer ideal. The ideal locations are gone. He understands the board members struggle with this application.



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To the abutters: the intent for the land that comes to the City will be for passive recreation and conservation.

M. Sullivan said that due to the subdivision portion of this proposal he will likely vote in favor.

Motion: D. White made a motion that the Board Issue the Conditional Use Permit with staff recommended conditions. Seconded by E. Brooks.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-no, E. Brooks-yes, H. Harmon-no, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes

The vote passed with 7 in favor and 2 opposed.

2. STAFF COMMENTS

- CDBG Action plan items will come to the Board in April as will the Zoning amendments
- Property Rights – what's allowed by property owners and what the board has authority to approve and deny
- Rutland Manner

3. MEMBER COMMENTS

M. Sullivan reported on progress from the TDR Subcommittee who met on March 16th.

Two focuses of the meeting were

- The ten-unit limit and if it is arbitrary or if it should be removed. The consensus was to remove the cap provided the criteria were acceptable for when a sketch plan should be required
- When a sketch plan should be required: different thresholds were discussed such as a percentage increase over the base or number of unit increase. They decided that all depends on the context of the individual proposal. They are proposing that City staff will decide when more in depth plans are needed based on their recommendation.

If a proposed TDR does require a CUP, that will automatically require a sketch plan to be reviewed by first the Conservation Commission and then the Planning Department.

C. Parker noted the next steps. April 14th will be the first public hearing on that amendment.

4. ADJOURNMENT

Motion: E. Brooks made a motion to adjourn at 8:08 p.m. Seconded by D. White.

Roll Call Vote: T. Clark-yes, D. Ciotti-yes, G. Cruikshank-yes, J. Kaspari-yes, E. Brooks-yes, H. Harmon-yes, D. White-yes, M. Sullivan-yes, L. McGunnigle-yes



CITY OF DOVER

PLANNING BOARD - STAFF MEMO

Meeting Type: Public Hearing - **Item Continued to May 12, 2020**
Purpose: FY20-24 Consolidated Plan & FFY20 Action Plan
Meeting Date: April 14, 2020

To: Planning Board
From: Dave Carpenter
Date: April 9, 2020
Re: CDBG Public Hearing

ISSUE:

Public Hearing regarding the FFY20-24 Consolidated Plan and FFY20 Action Plan – Continued to May 12, 2020

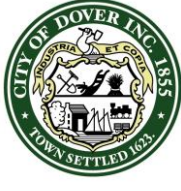
Goal:

This memo will provide an overview of why the Public Hearing will not be heard as part of the April 14th, 2020 agenda.

Overview

A public hearing for the proposed FFY20-24 Consolidated Plan (CP) and FFY20 Action Plan (AP) was scheduled for the April 14th Planning Board meeting. Given the recent passage of the CARES Act that will provide Dover with additional CDBG funds to help address impacts of COVID-19, the public hearing has been continued to a future agenda.

Staff is currently working to adjust the proposed AP to account for the CARES Act. At this time, staff plans to schedule the public hearing for one of the May Planning Board meetings.

 CITY OF DOVER	CITY OF DOVER – ORDINANCE Ordinance Number: O – yyyy.mm.dd - Ordinance Title: Updating the Dover Zoning Ordinance Chapter: 170
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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 the chapter as a whole by replacing any instance of the term “Planning Department” or “Planning Office” with "Planning and Community Development Department

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Planning Director” with " Director of Planning and Community Development.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Comprehensive development plan” with "Master Plan."

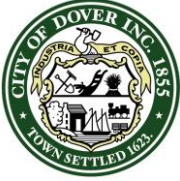
AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term "manufactured house" with "manufactured home."

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Planning Board of Natural Scientists” with "State Board of Natural Scientists."

AND



CITY OF DOVER

CITY OF DOVER – ORDINANCE

Ordinance Number: **O – yyyy.mm.dd -**
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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Department of Health and Welfare with the Department of Health and Human Services.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Zoning Board of Appeals” or “Planning Board of Adjustment” with “Zoning Board of Adjustment”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Water Supply and Pollution Control Commission” or “Water Supply and Pollution Control Division” with the “Department of Environmental Services, Water Division.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Engineering Department” with “Community Services Department.”

AND

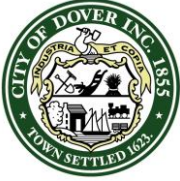
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “manufactured houses” with “manufactured homes.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any instance of the term “Certified Mail” with “Verified Mail”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the chapter as a whole by replacing any reference to New Hampshire Administrative Rules “Env-Ws 421” to “Part Env-Wq 401.”



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3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of ARTICLE II from “Word Uses” to “Terminology”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-6 from “Definitions” to “Word Uses and Definitions”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-6 revising the definition of the term Manufactured Housing Park or Mobile Home Park” to read as follows:

“MANUFACTURED HOUSING PARK or MOBILE HOME PARK means any plot of ground upon which two (2) or more MANUFACTURED HOUSING HOMES, occupied for dwelling or sleeping purposes, are located.”

4. AMENDMENT

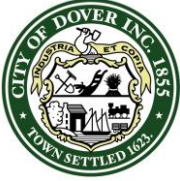
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to add subsections to subsection A as follows:

“A Districts:

The City of Dover is hereby divided into the following districts:

(1) Residential

HR	Heritage Residential District
R-40	Rural Residential District
R-20	Low-Density Residential District
R-12	Medium-Density Residential District
RM-SU	Suburban Density Multi-residential District
RM-U	Urban Density Multi-residential District



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(2) Nonresidential

B-1 NEIGHBORHOOD Business District
B-3 Thoroughfare Business District
B-4 HOTEL/Retail District
B-5 Highway Business District
I-1 Restricted Industrial District
I-2 Rural Restricted Industrial District
I-4 Assembly and OFFICE
ETP Executive and Technology Park

(3) Mixed -Use

H Hospital
LBW Little Bay Waterfront District
O OFFICE District
CBD Central Business District
CWD Cochecho Waterfront District

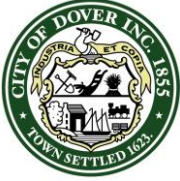
(4) Overriding

CD Conservation District
URD Urban Renewal District
RRD Riverfront Residential Overlay District
GWP Groundwater Protection District
HWD Hazardous Waste Landfill District
RCM Residential-Commercial Mixed Use
SRD Scenic Road Overlay District
TDR TRANSFER OF DEVELOPMENT RIGHTS
TEL TELECOMMUNICATIONS FACILITIES
WPD Wetland Protection District”

5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-11 “Use Regulations revising the numbering as follows:

Except as herein provided, no BUILDING or land shall be used except for the purposes permitted in the district as described in this Article.



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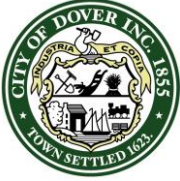
- A. Uses Permitted by Right. A use listed in the Tables of Use and Dimensional Regulations by District is permitted as a matter of right in the district in which it is listed, subject to the rules set forth in this Chapter and other sections of the Code of the City of Dover.
- B. Uses Permitted by Right, With Conditions Imposed. A use listed in the Tables of Use and Dimensional Regulations by District and denoted with a numerical reference number (footnote) indicates a use that is permitted by right only when in compliance with certain imposed conditions.
- C. Uses Permitted by Special Exception. A use listed in the Uses Permitted by Special Exception Section of the Tables of Use and Dimensional Regulations by District may be permitted as a Special Exception granted by the ZONING BOARD OF ADJUSTMENT in accordance with the conditions of 170-52 herein and in conformance with such other rules and regulations as may apply. The Special Exception designation in a given district does not constitute an authorization of an assurance that such use will be permitted.
- C.D. Uses not permitted. A use not listed in the Tables of Use and Dimensional Regulations by District shall not be permitted in the district.
- D.E. PLANNING BOARD Site Review Approval. Any 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 said chapter.
- E.F. Overriding district regulations. All uses are subject to the regulations of the overriding districts as listed and defined in this Chapter. (Refer to Article VII.)”

6. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-16 from “Dimensional Regulations for Swimming Pools” to “Swimming Pools”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-17 from “Dimensional Regulations for Handicapped Accessible Additions” to “Removal of Barriers to Access”



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AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising the title of Section 170-25 “FLOODPLAIN DEVELOPMENT” to “General Provisions”

7. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-18 “Customary Home Occupations” subsection I updating the driveway reference citation as follows:

“I. A minimum of two (2) OFF-STREET PARKING SPACES shall be provided. All driveways to be used in connection with such occupations shall conform to Chapter 92. ~~Driveways 153 Site Plan Review or Chapter 157 Land Subdivision Regulations, as appropriate.~~”

8. AMENDMENT

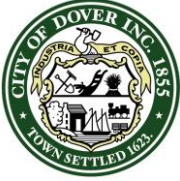
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 “Central Business District Regulations” subsection A adding numbered subsections as follows:

“A. Purpose and Intent

(1) The City of Dover Central Business District (CBD) follows the premises of context sensitive zoning. This context sensitive zoning is intended to foster a vital downtown both for itself and for its adjacent NEIGHBORHOODs and major roadways leading into the downtown through a lively mix of uses—with SHOPFRONTs, SIDEWALK cafes, and other commercial uses at STREET level, overlooked by canopy shade trees, upper story residences and OFFICEs.

(2) Redevelopment within the CBD shall be regulated by these context sensitive zoning regulations, in order to achieve the City’s vision set forth in the 2007 update to the Land Use Chapter of the Master Plan, adopted by the PLANNING BOARD on November 13, 2007.

(3) These context sensitive zoning regulations were originally developed through a citizen-based discussion process regarding the design for the improvement of all properties in the CBD. To allow further refinement consistent with individual areas, the district has



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been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along roadways and NEIGHBORHOODs alike. In 2012-2013, using a similar citizen-based process, these context sensitive zoning regulations were extended to the major roadways that lead into downtown, identified as the Downtown Gateway Sub-district.

(4) All of the areas within the CBD share a common goal of increased emphasis on the form and placement of STRUCTUREs, and a decreased emphasis on the function(s) contained within them. As such this Article sets careful and clear controls on BUILDING form—with broader parameters on BUILDING use—so as to shape clear, attractive PUBLIC SPACEs (good STREETs, NEIGHBORHOODs and parks) with a healthy mix of uses. With proper urban form, a greater integration of BUILDING uses is natural and comfortable.

(5) Wherever there appears to be a conflict between the form based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the City of Dover Code shall be used as the requirement.”

AND

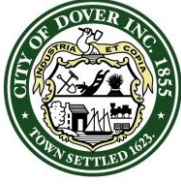
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 “Central Business District Regulations” subsection F removing “(i)” from subsections (1)(b) and (c), and merging the text into the line above, as follows:

“(a) Energy Efficiency and Environmental Conservation

~~(i)~~ LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are encouraged to be incorporated into the BUILDING design.

(b) PUBLIC SPACE

~~(i)~~ Many of these standards apply only in conditions that enhance and define the PUBLIC SPACE. These controls concentrate on the PUBLIC

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SPACE/views from the PUBLIC SPACE and minimize interference in the private realm.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 “Central Business District Regulations” subsection H removing “(a)” and merging the text into the section above as follows:

“(1) Deviations from the requirements herein may be requested by application to the PLANNING BOARD for a conditional use permit (see Section B).

Administrative appeals from this Section may be directed to the ZONING BOARD OF ADJUSTMENT (as outlined in 170 – 52). Projects submitted shall follow the process outlined with Chapter 149, Site Review Regulations.

~~a~~ Any redevelopment of an existing STRUCTURE within the CBD Downtown Gateway or Mixed Use sub-districts does not require a Conditional Use Permit if it results in three (3) or fewer total residential units, or if it increases the gross floor area of nonresidential space by less than two thousand five hundred (2,500) square feet, and is exempt from the regulations of this Section, except for SETBACK, BUILD TO, and use regulations. Density requirements for residential uses do not apply.”

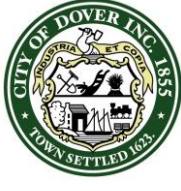
9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-22 “Telecommunication Facilities” subsection D revising the numbering as follows:

“(1) Location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERS, ANTENNAS or ALTERNATIVE TOWER STRUCTUREs.

(a) The location or replacement of TELECOMMUNICATIONS FACILITIES on existing TOWERS, ANTENNAS or ALTERNATIVE TOWER STRUCTUREs may be approved by the Planning Department provided the following information is submitted in an application:

(a1) A scaled plan detailing exact size and location of the telecommunication devise including a scaled elevation view.

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(b2)Submission of proof that the telecommunication device is needed to service City of Dover residents.

(e3)Proof that the device meets all other technical requirements of this ordinance.

(b)Any application denied by the Planning Department may be appealed to the PLANNING BOARD.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-22 “Telecommunication Facilities” subsection E revising the numbering as follows:

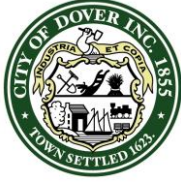
“E. Performance Standards.

The uses listed in this section are deemed to be permitted uses, and at the discretion of the PLANNING BOARD, may require further review under this Chapter in accordance with Chapter 149, Site Review Regulations, and all other applicable ordinances and regulations of the City of Dover.

(1) Principal or Secondary Use.

(a) Subject to this ordinance, an APPLICANT who obtains site review approval to site under this ordinance as a secondary and permitted use, may construct TELECOMMUNICATIONS FACILITIES in addition to the existing principal use. ANTENNAS and TOWERS may be considered either principal or secondary uses. A different existing use or an existing STRUCTURE shall not preclude the installation of an ANTENNA or TOWER on such LOT.

(b) For purposes of determining whether siting of an ANTENNA or TOWER complies with zoning district development regulations, including, but not limited to area, SETBACK, LOT COVERAGE, FRONTAGE, and other dimensional requirements, the dimensions of the entire LOT shall control, even though the ANTENNAS or TOWERS may be located on leased parcels within such LOTS. TOWERS that are constructed, and ANTENNAS that are installed in accordance with the provisions of this ordinance, shall not be deemed the expansion of a non-conforming use or STRUCTURE. Further, said facilities shall not be considered an ACCESSORY USE.

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(2) HEIGHT Requirements.

(a) New TOWER Construction – one hundred eighty (180) feet maximum.

(b) Co-location on Existing TOWER and ANTENNAS – current HEIGHT plus fifteen percent (15%) (not to exceed two hundred (200) feet)

(c) Co-location on ALTERNATIVE TOWER STRUCTUREs – current HEIGHT plus twelve (12) feet

(d) The HEIGHT requirements and limitations outlined above shall preempt all other HEIGHT regulations as required by the City of Dover Zoning Ordinance, and shall apply only to TELECOMMUNICATIONS FACILITIES. A Conditional Use Permit may be granted by the PLANNING BOARD to waive the HEIGHT limitations only if the intent of this Chapter is preserved (e.g. when it can be shown that there would be no increase in adverse impact) and the increased HEIGHT would provide a greater opportunity for co-location provided that:

(a1) The granting of the permit will not be detrimental to the public safety, health or welfare or injurious to other property, and will promote the public interest.

(b2) A written narrative identifying a particular hardship or special circumstance that warrants granting the permit. Factors to be considered, but not limited to, in determining a hardship or special circumstance shall include:

(1a)topography and other site features

(2b)availability of Alternative site locations

(3c)property location as relates to required coverage area

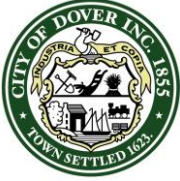
(4d)size/magnitude of project and availability of co-location

(e3) Necessary federal approvals and/or recommendations have been received.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-22 “Telecommunication Facilities” subsection H revising the numbering as follows:

“H Bonding and Security and Insurance.



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(1) Recognizing the extremely hazardous situation presented by abandoned and unmonitored TOWERS, the PLANNING BOARD shall set the form and amount of security that represents the cost for removal and disposal of abandoned towers in the event that the TOWER is abandoned and the TOWER owner is incapable and unwilling to remove the TOWER in accordance with Subsection I below.

(2) Bonding and surety shall be consistent with the provisions in the Chapter 155, Subdivision of Land. Furthermore, the PLANNING BOARD shall require the submission of proof of adequate insurance covering accident or damage.”

10. AMENDMENT

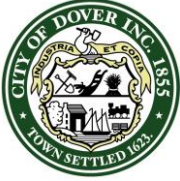
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-23 “Impact Fees” subsection F revising the numbering as follows:

“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)~~1) 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.”

11. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-25 “Floodplain Development” subsection J revising the numbering as follows:

“J. General Standards.

In all AREAs OF SPECIAL FLOOD HAZARD, the following standards are required:

(1) Anchoring

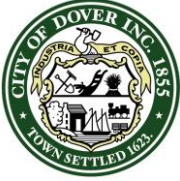
(a) All NEW CONSTRUCTION and SUBSTANTIAL IMPROVEMENTs shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the STRUCTURE resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(b) All MANUFACTURED HOMEs to be placed or SUBSTANTIALLY IMPROVED within AREAs OF SPECIAL FLOOD HAZARD shall be elevated on a permanent foundation, such that the LOWEST FLOOR of the MANUFACTURED HOME is at least two (2) feet above the BASE FLOOD ELEVATION and shall be securely anchored to resist flotation, collapse or lateral movement by providing over-the-top or frame ties to ground anchors. Specific requirements shall be that:

(i) Over-the-top ties shall be provided at each of the four (4) corners of the MANUFACTURED HOME, with two (2) additional ties per side at intermediate locations, with MANUFACTURED HOMEs less than fifty (50) feet long requiring one (1) additional tie per side, or;

(ii) Frame ties shall be provided at each corner of the home, with five (5) additional ties per side at intermediate points, with MANUFACTURED HOMEs less than fifty (50) feet long requiring four (4) additional ties per side.

(iii) All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.



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(iv~~3~~) Any additions to the MANUFACTURED HOME shall be similarly anchored.”

12. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27 “Conservation District” subsection G revising the numbering as follows:

“G Boat docks. A boat dock may be allowed on a residential lot, provided that the following provisions are met:

(a~~1~~) The dock is for recreational and accessory use only.

(b~~2~~) One dock is allowed per lot.

(c~~3~~) The beneficiary of an easement or right-of-way, recorded at the Strafford County Registry of Deeds prior to the October 10, 1986, amendment posting date for the purpose of providing water access to non-waterfront lots, shall be entitled to one boat dock within the prescribed easement or right-of-way.

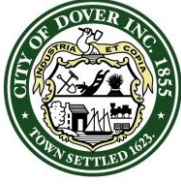
(d~~4~~) All applicable state and federal approvals have been received.

(e~~5~~) A dock may be provided a maximum space for two slips. Joint use of private docks by adjoining waterfront residents, not to exceed two slips per lot, shall be encouraged when appropriate.”

13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 “Wetlands Protection District” subsection C(1) updating the Code of Administrative Rules citation and removing the paragraph space as follows:

“(1) The Wetlands Protection District is hereby determined to be all areas of wetlands as defined by RSA 482-A:2, X and New Hampshire Administrative Rule ~~Wt 101.103~~ Env-Wt 101.113, which states a “‘Wetland’ means an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, marshes, bogs and similar areas. For the purpose of this section, the delineation of wetland protection

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district boundaries shall be consistent with NHDES Wetlands Bureau Rules Env-Wt. 301.01 or successor regulations”

AND

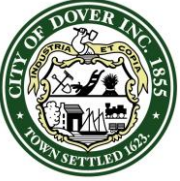
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 “Wetlands Protection District” subsection D(1)(a) by removing “(i)” as follows:

“D. Procedural requirements.

(1) Presence of Wetland Protection District on site.

(a) Where field investigation indicate that a Wetland Protection District is present on a proposed development site, those wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology in accordance with the techniques outlined in the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, (January, 1987) or successor document. The hydric soils component of wetlands delineations shall be determined in accordance with the manual Field Indicators for Identifying Hydric Soils in New England (Version 2, July 1998, published by the New England Interstate Water Pollution Control Commission) or successor document. Pursuant to RSA 310-A:75 through 310-A: 87, a Certified Wetland Scientist shall conduct this delineation.

(i) A Certified Wetland Scientist is defined as: “a person who, by reason of his or her special knowledge of hydric soils, hydrophytic vegetation, and wetland hydrology acquired by course work and experience, as specified by RSA 310-A:84, II-a and II-b, is qualified to delineate wetland boundaries and prepare wetland maps; to classify wetlands; to prepare wetland function and value assessments; to design wetland mitigation; to implement wetland mitigation; to monitor wetlands functions and values; and to prepare associated reports, all in accordance with standards for identification of wetlands adopted by the New Hampshire Department of Environmental Services or the United States Army Corps of Engineers or its successor, and who has been duly certified by the board.” (RSA 310-A:76) If necessary, a botanist shall be used in conjunction with the wetlands scientist to identify wetland vegetation where

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required. The botanist shall have equivalent and practical experience to that of the wetlands scientist.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 “Wetlands Protection District” subsection E(2)(a) updating the Code of Administrative Rules and renumbering as follows:

“E. Permitted uses.

~~(1) Any use otherwise permitted by this Chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Section E (1) must first receive conditional use approval as provided for in Section F before any BUILDING permit or subdivision/site plan can be approved.~~

~~(a) Crossing of a Wetland Protection District as provided for in Section F(1).~~

~~(b) The construction or reconstruction of FENCES, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:~~

~~(i) Said STRUCTURES are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Board Code of Administrative Rules (WT 400 and 600).~~

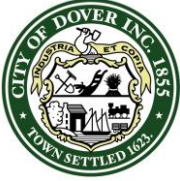
~~(ii) The natural contour of the wetland is preserved.~~

~~(iii) All other applicable provisions of the city's Zoning Ordinance have been met.”~~

“E. Permitted uses. Any use otherwise permitted by this chapter, except on-site sewage disposal systems, may be permitted in a Wetland Protection District. Any use permitted under Subsection E must first receive conditional use approval, as provided for in Subsection F, before any building permit or subdivision/site plan can be approved.

(1) Crossing of a Wetland Protection District as provided for in Subsection F(1).

(2) The construction or reconstruction of fences, footbridges, catwalks, boat docks and wharves does not require a conditional use permit, provided that:



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- (a) Said structures are constructed on posts or pilings so as to permit unobstructed flow of water and are designed in compliance with the New Hampshire Wetlands Bureau Administrative Rules Chapters Env-Wt 400 and Env-Wt 600
(b) The natural contour of the wetland is preserved.
(c) All other applicable provisions of this chapter have been met.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-27.1 “Wetlands Protection District” subsection G(1)(a) updating the clarifying the distance is measured in “feet” :

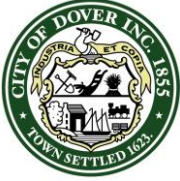
“(a) Buffers Established. Buffers are hereby established around and encircling all wetlands other than those that were created as legally permitted sedimentation/detention basins or roadside drainage ditches. The minimum width of the wetland buffers shall be fifty (50) feet horizontal distance as measured outward from the perimeter edge of the wetland. Wherever a permit to fill a wetland has been issued by either the New Hampshire Department of Environmental Services (NHDES) or the U.S. Army Corps of Engineers (USACOE), the perimeter of the wetland shall be deemed to be the new edge between the fill as placed in accordance with the permit and the remaining wetland. If there is no remaining wetland, there is no buffer. All other wetland edges shall be determined in accordance with Section D (1) above.”

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay District” subsection renumbering and ordering the section as follows:

A. “Purpose and intent.

- (1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing for older persons with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.

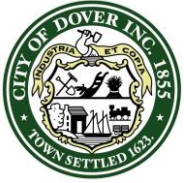


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- (2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing for older persons, as defined under RSA 354-A:15, outside the traditional residential developments.
- B. Conditional use permit.
- (1) Conditional use approval 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:
- (a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.
 - (b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.
 - (c) The applicant shall submit a fiscal impact analysis as defined in § 157-21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.
- (2) Conditional use approval 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.
- C. Location. The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the B-4, I-4 or ETP zone which is greater than 50 acres and has the ability to connect into municipal water and sewer.
- D. Permitted uses. The following uses are permitted:
- (1) Principal uses.
- (a) Housing for older persons as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2) and the regulations adopted thereunder in the following settings:
 - [1] (i) Single-family dwelling,
 - a. including the use of manufactured housing.



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- [2] ~~(i)~~ Two-family dwelling.
- [3] ~~(ii)~~ Three- to four-family dwelling.
- [4] ~~(iii)~~ Multifamily dwelling.
- [5] ~~(iv)~~ Manufactured housing parks (permitted outright without a special exception).

(b) Public and private utilities.

(c) Nonresidential uses as allowed as follows:

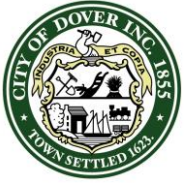
- [1] ~~(i)~~ Any use allowed in the underlying zone that is compatible with housing for older persons.
- [2] ~~(ii)~~ Barber or beauty shop.
- [3] ~~(iii)~~ Bank.
- [4] ~~(iv)~~ Eating/drinking establishments (no drive-through service).
- [5] ~~(v)~~ Bed-and-breakfast.
- [6] ~~(vi)~~ Office.
- [7] ~~(vii)~~ Retail store.
- [8] ~~(viii)~~ Theater.
- [9] ~~(ix)~~ Adult day care.
- [10] ~~(x)~~ Nursing homes (in areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one bedroom per 7,500 square feet of land).
- [11] ~~(xi)~~ Congregate care facilities (in areas not serviced by City water and sewer utilities at a density of one unit per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one unit per 7,500 square feet of land).
- [12] ~~(xii)~~ Other uses compatible with housing for older persons may be approved via Conditional Use, using the criteria in 170-20 B(2).
- [13] ~~(xiii)~~ Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.

(2) Accessory uses.

- (a) Recreational facilities.
- (b) "Community building," defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.
- (c) Maintenance buildings.
- (d) Rental and sales offices.

E. Procedural concepts.

- (1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall



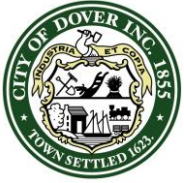
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be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development (outdoor display areas may be counted towards the minimum required floor area); residential uses must not exceed 45% of the total proposed floor area for the development. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.

- (2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § 157-60) must be usable uplands and reasonably accessible to all property owners in the project. Any open space provided above 20% may be mixed wetlands and upland.
- (3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § 157-60) applied to the development lot and not individually to the internal dwelling lots.
- (4) For residential development that includes two-family, three- to four-family or multifamily dwellings, density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.
- (5) For single-family residential density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.
- (6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:
 - (a) (1) Construction of structures;
 - (b) (2) Environmental remediation;
 - (c) (3) Site preparation or demolition;
 - (d) (4) Roadway utility or recreation and common area design and construction; and
 - (e) (5) Bonding or other security for site development.
- (7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer.



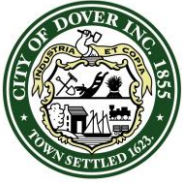
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- (8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.
- (9) ~~(1)~~ Residential development plan guidelines.
- (a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot. Layouts may include individual lots or a cluster of units without lot lines.
 - (b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.
 - (c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or through allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses. Units created through the TDR program are not required to be housing for the elderly, as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2).
 - (d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations,
 - (e) All manufactured houses shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.
- (10) ~~(2)~~ Nonresidential development plan guidelines.
- (a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.
 - (b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

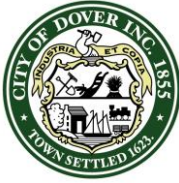


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- (1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.
 - (a) Minimum internal right-of-way.
 - [1] ~~(i)~~ Maximum residential: 35 feet.
 - [2] ~~(ii)~~ Maximum nonresidential: 50 feet.
 - (b) Minimum pavement width.
 - [1] ~~(i)~~ Minimum residential: 20 feet.
 - [2] ~~(ii)~~ Minimum nonresidential: 28 feet.
 - [3] ~~(iii)~~ Minimum sidewalk pavement width: five feet.
 - [4] ~~(iv)~~ Minimum bike/Segway[®]/golf cart path width: five feet.
 - (c) Minimum tangent length at intersections: 75 feet.
 - (d) Maximum street angle at intersections: 60°.
 - (e) Minimum center-line radius: 100 feet.
 - (f) Minimum tangent length between reverse curves: 50 feet.
- (2) Dimensional requirements.
 - (a) Nonresidential/mixed-use buildings.
 - [1] ~~(i)~~ Minimum structure setback from external lot line: 50 feet.
~~(a)~~ Expanding existing nonresidential uses are not held to this setback.
 - [2] ~~(ii)~~ Minimum structure setback from external right-of-way: 50 feet.
 - [3] ~~(iii)~~ Maximum nonresidential building height: 55 feet.
 - [4] ~~(iii)~~ For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.
 - (b) Residential dwellings.
 - [1] ~~(i)~~ Minimum structure and parking setback from external lot line: 50 feet.
 - [2] ~~(ii)~~ Minimum structure and parking setback from external row: 100 feet.
 - [3] ~~(iii)~~ Maximum residential building height: 35 feet.
 - [4] ~~(iv)~~ Minimum frontage on internal road: 40 feet.
 - [5] ~~(v)~~ Minimum setbacks:
 - [a] Front yard setbacks: 20 feet.
 - [b] Distance between buildings: 24 feet.
- (3) Parking.
 - (a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.
 - (b) Overnight parking shall not be permitted on internal roadways.”



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15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.3 “Groundwater Protection” subsection F(2)(b) removing the reference to RSA 146-E:4 as follows:

“(b) Pursuant to Chapter 109-27, Fire Prevention and Life Safety, ~~and RSA 146-E:4~~, on-premise use heating oil tank facilities shall comply with the provisions of the National Fire Protection Association Standard NFPA 31, “Installation of Oil-Burning Equipment”.

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-52 “Zoning Board of Adjustment”, revising section C(1)(a) as follows:

“(a) To hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made ~~by the~~ in the enforcement of this Chapter (interpretation of ordinance).”

17. AMENDMENT

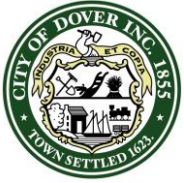
Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-29-6 “Criteria for Non-conforming EXPANSIONS”, revising section A(1) as follows:

~~“A~~ EXPANSION of EXISTING EXCAVATIONS located in an area in which EXCAVATIONS are no longer permitted by zoning that was in effect on August 4, 1989 may be restricted or modified with conditions by the PLANNING BOARD, if after notice to the owner and a public hearing, the PLANNING BOARD finds that the EXPANSION will have a substantially different and adverse impact on the NEIGHBORHOOD. Impacts will vary depending upon the particular NEIGHBORHOOD; nevertheless, the following criteria will be taken into consideration:

~~(1A)~~ The EXCAVATION will not cause a diminution in area property values or unreasonably change the character of the NEIGHBORHOOD.

~~(2B)~~ The EXCAVATION will not create any NUISANCE or create health or safety hazards.

~~(3C)~~ The EXCAVATION will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.”



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18. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Chapter 170-29-7 “Operation Standards”, revising section A(1) as follows:

“~~A~~ For EXCAVATIONS not requiring a permit, the following standards apply. For those EXCAVATIONS requiring a permit, these standards are considered to be the minimum; more stringent standards such as are consistent with the purpose of these regulations may be applied, as deemed necessary by the PLANNING BOARD.

(~~1A~~) No EXCAVATION shall be permitted within fifty (50) feet of the boundary of a disapproving ABUTTER, within one hundred fifty (150) feet of a dwelling that either existed or for which a BUILDING permit has been issued at the time the EXCAVATION is commenced.

(~~2B~~) No EXCAVATION shall be permitted below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1 unless such EXCAVATION is for the purpose of said highway.

(~~3C~~) Vegetation or suitable BERM or combination of both shall be maintained or provided within the peripheral areas of items (1) and (2) of this section.

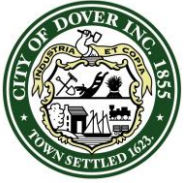
(~~4D~~) No fuels, lubricants or other toxic or polluting chemicals shall be stored on-site unless in compliance with State laws or rules pertaining to the storage of such materials.

(~~5E~~) Where temporary SLOPES will exceed a one to one (1:1) grade, a FENCE or other suitable barricade shall be erected to warn of danger and/or to limit access to the site.

(~~6F~~) Appropriate drainage shall be provided to prevent the accumulation of freestanding water for prolonged periods.

(~~7G~~) EXCAVATION practices that result in continued siltation of surface waters or any degradation of water quality of any public or private water supplies are prohibited.

(~~8H~~) No EXCAVATION shall be permitted within one hundred (100) feet of any great pond, navigable river, or any other standing body of water ten (10) acres or more in area, or within fifty (50) feet of any other stream, river or brook which normally flows throughout the year, or any naturally-occurring standing body of water less than ten (10) acres, prime wetland as designated in accordance with RSA 482-A: 15, I or any other



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wetland area as defined by the Department of Environmental Services (DES) and, Chapter 170, Zoning, Article VII, 170-27.1.C.

(9I) Sand and gravel extraction operations shall not excavate below an elevation four (4) feet above the seasonal high water table observed when the associated water supply well has not been operating for at least two (2) weeks prior to the date of measurement. Refer to section 170-28.3, Groundwater Protection, for monitoring report requirements.”

19. TAKES EFFECT

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

AUTHORIZATION

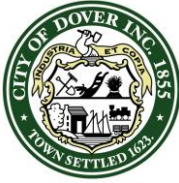
Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Dennis Ciotti City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Robert Carrier		
Deputy Mayor, Dennis Ciotti, Ward 2		
Councilor Michelle Moffet Lipinski, Ward 1		



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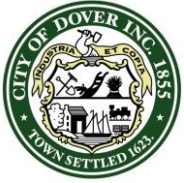
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor John O'Connor, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

The amendments provided to the Council for ratification are derived from suggestions raised by General Code, as part of the migration to its Code/Ordinance management system. In addition, the Planning Board responded to community concerns regarding the architecture in downtown Dover. After working with the public, a steering committee and a consultant, amendments to the ordinance were developed, including updates to the use and dimensional tables. These tables are referenced in amendment 6 and attached herein.

Also included in the background is the required report of findings to the Board, and a copy of the letter mailed to each property owner in Dover. After public hearings in February, the Planning Board adopted corresponding amendments to the Site and Subdivision Regulations on February 26, 2019.

Amendment #	Section	Summary	Why
2	170-6	Amend definitions for Child Care Home and Porch and Fence	Correct a reference to a section in the site regs, and update definition – As recommended by General Code
3	170-8	Update the date of the Zoning Map to match codification	For consistency. *Date will reflect the ratification date.
4	170-25	Correct Floodplain Development reference	Correct a reference to a section in the ordinance – As recommended by General Code
5	170-27.1	Revise the definition of Certified Wetlands Scientist to meet state statute	Adding language per RSA 310-A:76 – As recommended by General Code
6	170-12	Complete footnote on HR table, update CWD footnotes, replace the CBD tables with updated ones	Footnote is missing a final clause, extend buffer protections in CWD, and coordinate with Arch. Design Standards into tables.
7	170-20	Update the streetscape requirements	Updates to public art and aesthetics requirements

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Amendment #	Section	Summary	Why
8	170-20	Update architectural guidelines for downtown buildings to standards	Strengthen architectural requirements, especially at ground floor level, adding provisions for solar ready and green roof technologies
9	170-30.2	Amend the listed fees to refer to the Fee Schedule	Locate all fees in one location – As recommended by General Code
10	170-33	Revise the height of fences from 6 to 8 feet	To be consistent with the height allowed in all sections – As recommended by General Code.
11	170-53	Amend the listed fees to refer to the Fee Schedule	Locate all fees in one location – As recommended by General Code

The Planning Board created a steering committee in the summer of 2018 to review the existing architectural design guidelines in hopes of using grant funding from PlanNH to update the guidelines into Standards. Over the fall and winter the consultant, Resiliency Planning, worked to draft language, which was presented as a first draft to the Planning Board on February 26, 2019. The Steering Committee and consultant revised language in March, presenting an updated draft to the Board on April 9, 2019. On May 14th the Planning Board posted the amendments, making them temporarily the legal requirements. This triggered staff to mail the attached letter to all property owners encouraging attendance at two public hearings (June 11 and 25). Two residents attended and provided feedback, which was incorporated into the amendments, which were finally adopted after a third public hearing on July 23.

The Planning Board unanimously adopted amendments. Per Chapter 170 section 53 G, the City Council now holds a public hearing, and review of the amendments. It may adopt the amendments as a whole, or separate the elements into 10 separate votes. As the amendments are comprehensive in nature, the Council may WAIVE a second letter to all property owners, by majority vote. The Council may overturn the amendments, via a vote of not less than two-thirds (2/3) of its membership present and voting.

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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 Section 170-7 “Establishment of Districts”, to add a new “Gateway” (G) district to subsection A (3) “Mixed Use”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to add a new subsection (f) and purpose statement to subsection B (3) to read as follows:

“(f) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (eg Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Central Business District” (CBD) to “Gateway” (G) District an area of approximately 109 acres located along XXXX and XXX Drive, consisting of Map X lots X, X, X, and Map C lot C.”

AND



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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Office” (O) to “Gateway” (G) District an area of approximately .77 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 29 lots 1, 5, 6 and 7”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from Urban Density Multi-Residential District (RM-U) to “Gateway” (G) District an area of approximately .38 acres located along Reservoir Street and Mount Vernon Street, consisting of Map 30 lots 141-B”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Restricted Industrial” (I-1) to “Gateway” (G) District an area of approximately 24 acres located along Locust Street and Rutland Street, consisting of Map 15 lots 35, 36, 37, 38, 39, 41, 42, 21, and 62 as well as the portion of Map 15 lots 40, 45 and 51 zoned I-1”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Restricted Industrial” (I-1) to “Gateway” (G)

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District an area of approximately 9.4 acres located along Oak Street, consisting of the portions of Map 24 lot 2-A and Map 26 lot 3-1 zoned I-1”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Thoroughfare Business” (B-3) to “Gateway” (G) District an area of approximately 21.9 acres located along Portland Avenue and Oak Street, consisting of Map 25 Lots 43, 43-A, 43-C, 43-D, 43-E, 43-F, 43-G, 43-H, 47, and 48 and the portion of Map 25 lots 43-B, 46 zoned B-3.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Office” (O) to “Gateway” (G) District an area of approximately 25 acres located along New Rochester Road, consisting of Map 39 lots 17, 18, 29, 26, 27, 28, 29, 36, 37, 38, 39, 49, 50, 51, 52, 63, 64, 69A, 69E, 69F, 69I, 69J, 69K, 99, 100, 101, and 106 and Map 40 lots 4, 5, 6, 13, 14, 15, 16, 35, 35-A, 36, 37 and 38 and the portions of Map 39 lots 34, 47, 53, 61, 66, 75, 102, 103, 104 and 105 and Map 40 lots 2, 7, 12, 38, 38B, 38F, 47 and 17 zoned O”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Neighborhood Business” (B-1) to “Gateway” (G) District an area of approximately 5.2 acres located along Dover Point Road and Old Dover Point Road, consisting of Map M lots 24, 24-A, 25, 26, 48, and 49.”

AND



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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Highway Business” (B-5) to “Gateway (G) District an area of approximately 30 acres located along Central Avenue, consisting of Map 15 lots 4, 19, 20 and 71 and Map 16 lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 13-A and 38 and Map 17 lots 76 and 76-E-1.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “Gateway” (G) District an area of approximately 7.4 acres located along Durham Road, consisting of Map H lot 11, and Map I lot 7”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Gateway” (G) District an area of approximately 17.2 acres located along Cataract Avenue and Rutland Street, consisting of Map 13 lots 23, 24, 25, 26, 27, and Map 15 lots 14, 15, 16, 17, 18, 58, 59, 60, 61, 63, 65, 66A, 15-1, 66.”

AND

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



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“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Suburban Density Multi-Residential” (RM-SU) to “Gateway” (G) District an area of approximately 7.9 acres located along Cataract Avenue and Rutland Street, consisting of Map 14 lots 14, 16, 17, 17-A, and Map 15 lotS 12, 13, 13-A, 13-B.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-20 “Central Business District Regulations” as a whole by replacing any instance of the term “Downtown Gateway Sub-district ” with Gateway District”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Downtown Gateway” table and replace it with a “Gateway” table, in the same order as 170-7, to read as attached:

3. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Restricted Industrial” (I-1) district from subsection A (2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Restricted Industrial” (I-1) district from subsection B (2) (e) “Nonresidential”, eliminating the purpose statements [1] and [2] and renumbering subsequent items to reflect the elimination.

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from Restricted Industrial (I-1) to Urban Density Multi-Residential District (RM-U) District an area of approximately 4.2 acres located along

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Maple Street, consisting of Map 30 lots 19, 19-A and 19-B, and the portion of Map 30 lots 4 and 18 zoned I-1”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Restricted Industrial” (I-1) table in its entirety.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by eliminating Section 170-19 “Flexible Uses in the I-1 District” in its entirety and replacing it with a “reserved” notation.

4. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Hotel/Retail” (B-4) District an area of approximately 20 acres located along Indian Brook Drive, Alder Lane, Wilbroad Ave and Glenwood, consisting of Map D lots 18-3, 18-4, 18-5, 18-6, 18-9, 18-10 and the portion of Map D lots 18-7 and 18-8 from the Centerline of Indian Brook drive into the lot 200’ and the portion of Map D lots 19 and 20, the portion of the lot between the Indian Brook Drive centerline and 400; from Glenwood.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Executive and Technology Park” (ETP) District an area of approximately 14 acres located along Sixth Street, consisting of Map E lots 20, 20-D, 73, 73-A, and the portion of Map E lot 19 up to 400’ from the Sixth Street centerline and Map E lots 19 and 19B.”

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5. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Neighborhood Business” (B-1) district from subsection A (2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to remove the “Neighborhood Business” (B-1) district from subsection B (2) (a) “Nonresidential”, eliminating the purpose statements and renumbering subsequent items to reflect the elimination.

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Neighborhood Business” (B-1) to “Thoroughfare Business” (B-3) District an area of approximately .5 acres located along Weeks Lane, consisting of Map 39 lot 4 and Map 38 lot 38.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Medium Density Residential” (R-12) to “Thoroughfare Business” (B-3) District an area of approximately .4 acres located along Pinecrest Lane, consisting of Map 38 lots 38 Lots 41 and 42.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Neighborhood Business” (B-1) table in its entirety.

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6. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Rural Residential” (R-40) to “Hotel/Retail” (B-4) District an area of approximately 39 acres located along Durham Road and Mast Road, consisting of Map H lots 4-2, 4-B, 4-G, 4-L, 5 and 5A and Map I lot 22A, and the portion of Map I lot 22 that is 225’ off the centerline of Mast Road and 194’ off Durham Road.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “Hotel/Retail” (B-4) District an area of approximately 3.4 acres located along Durham Road and Mast Road, consisting of Map I lots 20-E, 20-F, 20-G, 20-H, 21, and 20-J.”

AND

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

7“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-20) to “Suburban Density Multi-Residential” (RM-SU) District an area of approximately 2.3 acres located along Surrey Run, consisting of Map I lot 20I”

AND

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



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“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Rural Residential” (R-40) to “Office and Assembly” (I-4) District an area of approximately 29 acres located off Durham Road and Spruce Lane, consisting of a portion of Map I lot 27.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Office and Assembly” (I-4) District an area of approximately 45 acres located along Durham Road, consisting of Map I lots 22D, 24, 122, 123, 129, 131 and 132.”

7. AMENDMENT

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Low Density Residential” (R-12) to “Rural Restricted Industrial District” (I-2) District an area of approximately 101 acres located along Littleworth Road and Old Littleworth Road, consisting of Map H lots 25, 26, 26-1, 26A, 27, 28A, 28, 28-1, 29-A, 29-A-1, 29-A-2, 29-A-3, 29-A-4, 29-A-5, 30, 31 and 31-A, and Map 11 lots 1 and 2A and the portion of Map G lot 5 zoned R-20”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Rural Restricted Industrial District” (I-2) District an area of approximately 54 acres located along Knox Marsh Road, consisting of Map H lots 32, 32A-1, 32A-2, 33, 33A, 33B, 33-B, 33-C, 33-E and 34.”



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8. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Rural Restricted Industrial” (I-2) District to “Commercial Manufacturing” (CM) District in subsection A(2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Rural Restricted Industrial” (I-2) District to “Commercial Manufacturing” (CM) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Rural Restricted Industrial” (I-2) table and replace it with the “Commercial Manufacturing” (CM) District, in the same order as 170-7, to read as attached:

9. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Thoroughfare Business” (B-3) District to “Commercial” (C) District in subsection A (2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Thoroughfare Business” (B-3) District to “Commercial” (C) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Thoroughfare Business” (B-3) table and replace it with the “Commercial” (C) District, in the same order as 170-7, to read as attached:

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AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Highway Business” (B-5) to “Commercial” (C) District an area of approximately 30 acres located along •Indian Brook Drive, New Rochester Rd and Willand Pond Ave, consisting of Map 39 lots 9, 11, 11-B, 15, 16, 76, 79, 80, 81, 82, 83, 93, 94, 95, 96, 97 and 113-B.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Commercial” (C) District an area of approximately 108 acres located along Indian Brook Drive, Heather Lane and Sixth Street, consisting of Map D lots 16-A, 16-F, 16-G, 17, 17-B, 17-C , 17-D, 17-E, 17-F , 18, 18-10, and the portion of Map D lots 16 and 16-B that is within 400’ of the centerline of Sixth Street.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Office and Assembly” (I-4) District an area of approximately 72.3 acres located along Sixth Street, consisting of Map D lots 5A and 15 and the portion of Map D lot 16 and 16-B that is further than 400’ from the centerline of Sixth Street.”

AND



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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Commercial” (C) District an area of approximately 77 acres located along Knox Marsh Road, consisting of Map H lots 37, 37-A, 37-B, 37-C, 38, 38-A, 38-B, 39, 40-B, 40, 40-6, 40-C, 40-C-1, 40-D, 40-E, 40-F, 40-G, and the portion of Map H lot 35-D that is zoned B-4.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Hotel/Retail” (B-4) to “Commercial” (C) District an area of approximately 48 acres located along Durham Road and Mast Road, consisting of Map H lots 1, 1-B, 2, 2B, 3, 4N, 4-1 and 4-3.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Hotel/Retail” (B-4) and “Highway Business” (B-5) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Hotel/Retail” (B-4) and “Highway Business” (B-5) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Hotel/Retail” (B-4) table and “Highway Business” (B-5) table.

10. AMENDMENT



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Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Office and Assembly” (I-4) District to “Innovative Technology” (IT) District in subsection A(2) “Nonresidential”.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to rename the “Office and Assembly” (I-4) District to “Innovative Technology” (IT) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Office and Assembly” (I-4) table and replace it with the “Innovative Technology” (IT) District, in the same order as 170-7, to read as attached:

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Executive Technology Park” (ETP) to “Innovative Technology” (IT) District an area of approximately 406 acres located along Sixth Street, consisting of Map E lots 24, 24-1, 26-B, 27-1, 27-A, 27-B, 27-C, 17-D, 27-E, 28, 29, 31, 32, 32-1, 32-2, 32-4, 33, 70A and 70B.”

AND

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

“The official Zoning Map of the City of Dover, New Hampshire, dated September 11, 2019, is amended by changing from “Executive Technology Park” (ETP) to “Innovative Technology” (IT) District an area of approximately 102 acres located along Pointe Place, consisting of Map K lots 18A-10, 19, 19-1, 19-2, 19-3, 19-4, 19-5, 19-7 and Map M lots

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4, and 4-OPN, and the portion of Map K lots 19-C, 19-B, 22, 23, 24, 25, 25-B zoned ETP.”

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Executive Technology Park” (ETP) District in subsection A(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to eliminate the “Executive Technology Park” (ETP) District in subsection B(2).

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-12 “Applicability of tables of use and dimensional regulations by district”, to remove the “Executive Technology Park” (ETP) District table.

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-15 “Recreation Space and Separation between Use Requirements”, to amend sub section F as follows:

“F. All screening and setback requirements pursuant to this section shall not be binding in the ~~ETP II~~ or any Mixed Use Zoning District.”

11. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-21 “Small Wind Energy Systems” to update and amend as follows:

“ 170-21. ~~SMALL WIND~~ Alternative ENERGY SYSTEMS.

A. Authority/Purpose:

This ~~SMALL WIND~~ Alternative ENERGY SYSTEMs ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate ~~SMALL WIND~~ Alternative ENERGY SYSTEMS in appropriate locations, while protecting the public’s health, safety and

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welfare. In addition, this ordinance provides a permitting process for ~~SMALL WIND~~ Alternative ENERGY SYSTEMs to ensure compliance with the provisions of the requirements and standards established herein.

B. Procedure for Review:

- (1) Building Permit: ~~SMALL WIND~~ Alternative ENERGY SYSTEMs and met TOWERs are an ACCESSORY USE permitted in all zoning districts where STRUCTUREs of any sort are allowed. No ~~SMALL WIND~~ Alternative ENERGY SYSTEM shall be erected, constructed, or installed without first receiving a BUILDING permit from the Building Inspector. A BUILDING permit shall be required for any physical MODIFICATION to an existing ~~SMALL WIND~~ Alternative ENERGY SYSTEM. Met TOWERs that receive a BUILDING permit shall be permitted on a temporary basis not to exceed three (3) years from the date the BUILDING permit was issued.
- (2) Consumer Use. For the purposes of this Section, Alternative energy systems are intended to be incidental and subordinate to a use on the same parcel and shall supply electrical power principally for on-site consumption.
 - a. To the extent net metering is allowed, excess power may be contributed to the grid. Should the excess power contributed exceed 125% of the power required on site for one year, the use shall be considered no longer be incidental and subordinate, and shall require Technical Review.
- (3) Application: Applications submitted to the Building Inspector shall contain a site plan with the following information where appropriate:
 - (a) Property lines and physical dimensions of the APPLICANT’s property.
 - (b) Location, dimensions, and types of existing major STRUCTUREs on the property.
 - (c) Location of the proposed ~~SMALL WIND~~ Alternative ENERGY SYSTEM, including, foundations, guy anchors and associated equipment.
 - (d) TOWER foundation blueprints or drawings.
 - (e) TOWER blueprints or drawings.

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- (f) SETBACK requirements as outlined in this ordinance.
- (g) The RIGHT-OF-WAY of any public road that is CONTIGUOUS with the property.
- (h) Any overhead utility lines.
- (i) SMALL WIND ENERGY SYSTEM:
 - i. Specifications, including manufacturer, model, rotor diameter, TOWER HEIGHT, TOWER type, nameplate generation capacity.
 - ii. SMALL WIND ENERGY SYSTEMs that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.
 - iii. Sound level analysis prepared by the WIND GENERATOR manufacturer or qualified engineer.
 - iv. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code.
 - v. Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
- (j) Solar Panel Systems
 - i. Specifications, including manufacturer, model, type, nameplate generation capacity.
 - ii. Solar Panels that will be connected to the POWER GRID shall include a copy of the application for interconnection with their electric utility provider.
 - iii. Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the NH State Building Code, as well as applicable Electric Code.

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(k) List of ABUTTERs to the APPLICANT’s property.

- (4) ABUTTER and Regional Notification: In accordance with RSA 674:66, the Building Inspector shall notify all ABUTTERs and the local governing body by certified mail upon application for a BUILDING permit to construct an ~~SMALL WIND~~ Alternative ENERGY SYSTEM. The public will be afforded 30 days to submit comments to the Building Inspector prior to the issuance of the BUILDING permit. The Building Inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the Building Inspector shall follow the procedures set forth in RSA 36:57, IV.

C. SMALL WIND ENERGY SYSTEM Standards:

- (1) The Building Inspector shall evaluate the application for compliance with the following standards;
- (a) SETBACK: The SETBACK shall be calculated by multiplying the minimum SETBACK requirement number by the SYSTEM HEIGHT and measured from the center of the TOWER base to property line, public roads, or nearest point on the foundation of an occupied BUILDING.

Minimum SETBACK Requirements			
Occupied BUILDINGs on Participating Landowner Property	Occupied BUILDINGs on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

- (i) SMALL WIND ENERGY SYSTEMs must meet all SETBACKs for principal STRUCTUREs for the zoning district in which the system is located.
- (ii) Guy wires used to support the TOWER are exempt from the SMALL WIND ENERGY SYSTEM SETBACK requirements.

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- (b) TOWER: The maximum TOWER HEIGHT shall be restricted to thirty five (35) feet above the tree canopy within three hundred (300) feet of the SMALL WIND ENERGY SYSTEM. In no situation shall the TOWER HEIGHT exceed one hundred fifty (150) feet.

- (c) Sound Level: The SMALL WIND ENERGY SYSTEM shall not exceed sixty (60) decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as severe wind storms and utility outages.

- (d) SHADOW FLICKER: SMALL WIND ENERGY SYSTEMs shall be sited in a manner that does not result in significant SHADOW FLICKER impacts. Significant SHADOW FLICKER is defined as more than thirty (30) hours per year on abutting occupied BUILDINGS. The APPLICANT has the burden of proving that the SHADOW FLICKER will not have significant adverse impact on neighboring or adjacent uses. Potential SHADOW FLICKER will be addressed either through siting or mitigation measures.

- (e) SIGNS: All SIGNS including flags streamers and decorative items, both temporary and permanent, are prohibited on the SMALL WIND ENERGY SYSTEM, except for manufacturer identification or appropriate warning SIGNS.

- (f) Code Compliance: The SMALL WIND ENERGY SYSTEM shall comply with all applicable sections of the New Hampshire State BUILDING Code.

- (g) Aviation: The SMALL WIND ENERGY SYSTEM shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.

- (h) Visual Impacts: It is inherent that SMALL WIND ENERGY SYSTEMs may pose some visual impacts due to the TOWER HEIGHT needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner’s access to the optimal wind resources on the property.

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- (i) The APPLICANT shall demonstrate through project site planning and proposed mitigation that the SMALL WIND ENERGY SYSTEM’s visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, WIND GENERATOR design or appearance, buffering, and screening of ground mounted electrical and control equipment. All electrical conduits shall be underground, except when the financial costs are prohibitive.
- (ii) The color of the SMALL WIND ENERGY SYSTEM shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.
- (iii) A SMALL WIND ENERGY SYSTEM shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the APPLICANT shall provide a copy of the FAA determination to establish the required markings and/or lights for the SMALL WIND ENERGY SYSTEM.
- (i) Approved WIND GENERATORS: The manufacturer and model of the WIND GENERATOR to be used in the proposed SMALL WIND ENERGY SYSTEM must have been approved by the California Energy Commission or the New York State Energy Research and Development Authority, or a similar list approved by the state of New Hampshire, if available.
- (j) Utility Connection: If the proposed SMALL WIND ENERGY SYSTEM is to be connected to the POWER GRID through NET METERING, it shall adhere to RSA 362-A:9.
- (k) Access: The TOWER shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum HEIGHT of eight (8) feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- (l) Clearing: Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation and maintenance of the SMALL

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WIND ENERGY SYSTEM and as otherwise prescribed by applicable laws, regulations, and ordinances.

D. Solar Panel Standards

- a. Lot Coverage: solar systems do not constitute an increase to lot coverage unless the panel(s)/collector(s) and supporting structures constitute a building.
- b. Placement of solar systems:
 - i. The height of a roof mounted solar panel shall not be counted towards the maximum permitted height of the structure it is affixed to the zoning district.
 - ii. Ground-mounted solar panels, shall not be located in the front yard and shall meet or exceed required side and rear yard setbacks for accessory buildings.
 - iii. In no case shall a ground mounted unit exceed 20 feet in height.
 - iv. When solar storage batteries are included as part of the solar energy system, they must be housed in a secure space or enclosure meeting the requirements of the City's building and electrical codes when in use and, when no longer used, shall be disposed of in accordance with all applicable City, state and federal laws and regulations.

E. ~~D~~. Abandonment:

- (1) At such time that a SMALL WIND ENERGY SYSTEM is scheduled to be abandoned or discontinued, the APPLICANT will notify the Building Inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.
- (2) Upon abandonment or discontinuation of use, the owner shall physically remove the SMALL WIND ENERGY SYSTEM within ninety (90) days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Building Inspector. “Physically remove” shall include, but not be limited to:

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- (a) Removal of the WIND GENERATOR and TOWER and related above-grade STRUCTUREs.
- (b) Restoration of the location of the SMALL WIND ENERGY SYSTEM to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.
- (3) In the event that an APPLICANT fails to give such notice, the system shall be considered abandoned or discontinued if the system is out-of-service for a continuous twelve (12) month period. After the twelve (12) months of inoperability, the Building Inspector may issue a Notice of Abandonment to the owner of the SMALL WIND ENERGY SYSTEM. The owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. After review of the information provided by the owner, the Building Inspector shall determine if the SMALL WIND ENERGY SYSTEM has been abandoned. If it is determined that the SMALL WIND ENERGY SYSTEM has not been abandoned, the Building Inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.
- (4) If the owner fails to respond to the Notice of Abandonment or if, after review by the Building Inspector, it is determined that the SMALL WIND ENERGY SYSTEM has been abandoned or discontinued, the owner of the SMALL WIND ENERGY SYSTEM shall remove the WIND GENERATOR and TOWER at the owner’s sole expense within 3 months of receipt of the Notice of Abandonment. If the owner fails to physically remove the SMALL WIND ENERGY SYSTEM after the Notice of Abandonment procedure, the Building Inspector may pursue legal action to have the SMALL WIND ENERGY SYSTEM removed at the owner’s expense.

F. ~~E~~. Violation:

It is unlawful for any person to construct, install, or operate a SMALL WIND ENERGY SYSTEM that is not in compliance with this ordinance. SMALL WIND ENERGY SYSTEMs installed prior to the adoption of this ordinance are exempt from this ordinance except when MODIFICATIONS are proposed to the SMALL WIND ENERGY SYSTEM.

G. Penalties:

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Any person who fails to comply with any provision of this ordinance or a BUILDING permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by RSA 676:17.

AND

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

“Alternative energy System means a system where energy is derived from a renewable natural source, such as the sun, wind, tides, or waves.”

“Energy storage is the capture of energy produced at one time for use at a later time. A device that stores energy is generally called an accumulator or battery. Energy comes in multiple forms including radiation, chemical, gravitational potential, electrical potential, electricity, elevated temperature, latent heat and kinetic. Energy storage involves converting energy from forms that are difficult to store to more conveniently or economically storable forms.”

“Geothermal energy means a system generating electricity by tapping into steam or hot water reservoirs underground; the heat is used to drive an electrical generator.”

“Ground mounted solar means a system installed on the ground rather than on the roof of a building. This allows the solar panels to be placed anywhere on the property and mounted at any height, from a few inches to many feet off the ground. Ground mounted solar may include motorized ground-mounts that track the sun throughout the day, ensuring the panels are facing the sun at all times.”

“Rooftop solar mean a photovoltaic system that generates electricity by capturing solar thermal energy and is mounted on the rooftop of a residential or commercial building or structure”

12. AMENDMENT

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

“170-27.2. TRANSFER OF DEVELOPMENT RIGHTS.



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- 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~~ IT or ~~B-4~~ CM 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~~ IT or ~~B-4~~ CM zoning district. The RECEIVING AREA is defined to be all remaining land in be any ~~I-4~~ IT or ~~B-4~~ CM 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-

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20 residential zoning districts. The RECEIVING AREA is defined to be all non-R-40 or R-20 zoning districts east of the Spaulding Turnpike which allow residential development.

- a. If the units created are purchased, the receiving area may be any zoning district that allows residential development.

E. Procedural Requirements.

- (1) At the discretion of the PLANNING BOARD, an APPLICANT for development approval within the RECEIVING AREA of the defined Industrial TDR DISTRICT may apply the performance standards specified in Subsection F below in return for the acquisition of land or DEVELOPMENT RIGHTS from the SENDING AREA within the same TDR DISTRICT. The performance standards for the Residential TDR DISTRICT are outlined in Subsection G below.
- (2) A certified boundary survey of the associated land in the SENDING AREA shall be submitted as a supplement to the site plan or subdivision plan for development within the RECEIVING AREA.
- (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~~ may 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 and H 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.
 - a. The determination of whether a proposed TDR project requires a sketch plan review shall be made by the Director of Planning and Community Development based on initial discussions with the applicant. The



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determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning, including a review of known conditions, including: traffic, existing layout/topography, environmental. This determination shall be included in the staff report to the Board. If the applicant does not agree with the Director's determination, they may appeal the decision to the Board at its next meeting.

- b. If the sketch plan requires an environmental Conditional Use Permit to develop homes, the applicant must appear before the Conservation Commission for review and endorsement prior to the Planning Board's review.

- (5) A perpetual easement or restrictive covenant shall be recorded at the Strafford County Registry of Deeds that preserves the designated OPEN SPACE within the SENDING AREA. Said easement or covenant may allow for the continuance of existing residential and agricultural activities, and may allow for utility and access crossings in accordance with subsection 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 IT~~ or ~~B-4 CM~~ 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.

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- (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~~ IT or ~~B-4~~ CM 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) Annually, the City shall update a document identifying the cumulative cost per acre spent to preserve OPEN SPACE within the City of Dover. This list shall be kept on file in the Department of Planning and Community Development, and coordinated with the Conservation Commission. This cost shall become the value at which DEVELOPMENT RIGHTS may be purchased.
- (2) Proceeds from the purchase of DEVELOPMENT RIGHTS, shall be placed into the Conservation Fund to be used to purchase future property or easements, or monitor easements, and not into the general fund.
- (3) A residential TRANSFER OF DEVELOPMENT RIGHTS APPLICANT may pursue one of the following methods for TRANSFERING DEVELOPMENT RIGHTS.
 - (a) Single Family Detached method



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- 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.

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

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, unless the formula defined in item ii 1. is utilized.
 5. The development plan shall be laid out in a design that meets the requirements for block length and cu de sac length.
- ii. The transfer shall equate to one of the following calculations:
 1. For construction of units no larger than six hundred (600) square feet of total living area, including the base calculated units, there shall be no density limit. The monthly cost of said units shall conform to the HUD Fair Market Rent rates, for Dover, published annually by the New Hampshire Housing Finance Authority, and there shall be no TDR fee collected for said unit(s).
 2. 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.
 3. For construction of units no larger than fourteen hundred (1,400) square feet, of total living area, one and a half (1.5) unit 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.~~



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Total living area shall mean the size of the home (in square feet) based upon the exterior dimensions, excluding unconditioned spaces.

- 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.
- vi. The plan shall be considered a subdivision application. Prior to submission, a determination by the Director of Planning and Community Development shall be made whether to follow the minor or major subdivision regulations.

(b) 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).
 - a. In mixed use or multi-family zones, the base density shall be derived from the underlying zoning, and not through a formula.
 - b. If the additional unit(s) resulting from TDR 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, there shall be no fee collected for said unit(s).
- (ii) The transfer shall equate to one (1) unit per acre preserved, or purchased. If the end result is a village themed residential/~~non-residential commercial~~ project, whereby 35% of the square footage being created is non-residential the transfer shall equate to one (1) unit per 2,500 square feet ~~tenth (10th)~~ of an acre preserved or purchased.
- (iii) Any development approved by the Planning Board after July 1, 2020, which will create a manufacturing or assembly facility over 40,000 square feet, may create and transfer one (1) unit per 2,000 square feet of building approved. The transfer shall not be completed prior to the issuance of the Certificate of Occupancy for the additional space.

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(iv) The plan shall be treated as a site plan application, unless otherwise determined by the Director of Planning and Community Development, prior to final submission.

(4) Regardless of the method utilized, the minimum LOT size requirement may be waived by the PLANNING BOARD for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS.

(5) Regardless of the method utilized, the setbacks shall be:

MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS		
STREET Sides of Units	STREET Sides of Units	Abutting A STREET	Abutting A <u>SIDE LOT</u> LINE	<u>Abutting A</u> <u>REAR LOT</u> <u>LINE</u>
20 feet	20 feet	20 feet	10 feet	<u>30 feet</u>

(6) Regardless of the method utilized, the minimum FRONTAGE requirement may be waived by the PLANNING BOARD, to no less than forty feet (40') for land subjected to the TRANSFER OF DEVELOPMENT RIGHTS provided that paved Paved access to all developed areas shall be 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) A continuous visual buffer shall be created along the perimeter of the parent parcel, which shall include a thirty (30) foot no cut, no disturb buffer.

(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)

(c) Is created on property served by public water and sanitary sewer

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13. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-28.2 “Residential-Commercial Mixed Use (RCM) Overlay” to update and amend as follows:

A. “Purpose and intent.

- (1) The Residential-Commercial Mixed Use Overlay District is designed as an overlay district that allows a mixture of residential use and commercial uses on one parcel. In order for a developer to utilize these regulations, the Planning Board shall have granted a conditional use permit. The district includes options which enable and encourage greater flexibility in the design of residential housing ~~for older persons~~ with commercial projects. The overlay permits development of large tracts of land on a development-plan basis which allows flexibility in internal road design, with reduced dwelling lot sizes and modified dimensional requirements.
- (2) The mixed residential and commercial uses are intended to be complementary to one another and to create a sense of community between the mixed uses. Housing and commercial uses can be developed to provide appropriate use of land, facilitate the economical and efficient provision of public services, promote open space conservation, protect the natural and scenic attributes of the land, and expand opportunities for the development of housing ~~for older persons, as defined under RSA 354-A:15,~~ outside the traditional residential developments.

B. Conditional use permit.

- (1) Conditional use approval 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:
 - (a) The applicant demonstrates that the development complies with the design guidelines that are outlined in § 153-16 of the Site Review Regulations. These guidelines encourage a context-sensitive development, which encourages components that act as one project and not as two adjacent projects.
 - (b) The applicant demonstrates that the development poses no detrimental effects on surrounding properties. Potential areas of impact that need to be analyzed include, but are not limited to, vehicular traffic, noise, property value, visual blight, natural resources degradation, light pollution, and offensive emissions such as dust, odor, or smoke.
 - (c) The applicant shall submit a fiscal impact analysis as defined in § 157-21C(1)(b) of the Land Subdivision Regulations. The analysis shall demonstrate that the project is at least a cost-neutral project for the City at present and 10 years from the occupation.



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- (2) Conditional use approval 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.
- C. Location. The Residential-Commercial Mixed Use Overlay District shall include any parcel located within the CM, IT B-4, I-4 or ETP R-40 zone which is greater than 50 acres and has the ability to connect into municipal water and sewer.
- D. Permitted uses. The following uses are permitted:
- (1) Principal uses.
 - (a) ~~Housing for older persons as that term is defined under RSA 354 A:15 and 42 U.S.C. § 3607(b)(2) and the regulations adopted thereunder in the following settings:~~
 - (3) Single-family dwelling, including the use of manufactured housing.
 - (4) Two-family dwelling.
 - (5) Three- to four-family dwelling.
 - (6) Multifamily dwelling.
 - (7) Manufactured housing parks (permitted outright without a special exception).
 - B. Public and private utilities.
 - C. Nonresidential uses as allowed as follows:
 - (1) Any use allowed in the underlying zone ~~that is compatible with housing for older persons.~~
 - (2) Barber or beauty shop.
 - (3) Bank.
 - (4) Eating/drinking establishments (no drive-through service).
 - (5) Bed-and-breakfast.
 - (6) Office.
 - (7) Retail store.
 - (8) Theater.
 - (9) Adult day care.
 - (10) Nursing homes ~~(in areas not serviced by City water and sewer utilities at a density of one bedroom per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one bedroom per 7,500 square feet of land).~~
 - (11) Congregate care facilities ~~(in areas not serviced by City water and sewer utilities at a density of one unit per 10,000 square feet of land; in areas serviced by City water and sewer utilities at a density of one unit per 7,500 square feet of land).~~
 - (12) Other uses compatible with housing ~~for older persons~~ may be approved via Conditional Use, using the criteria in 170-20 B(2).



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- (13) Nonresidential uses in existence at the adoption of this section on adjacent parcels shall be allowed to expand within the development if conceptually shown on the approved plan.
- (2) Accessory uses.
- (a) Recreational facilities.
 - (b) "Community building," defined as a building used as a place of meeting, recreation or social activity typically for use by the residents of a particular development.
 - (c) Maintenance buildings.
 - (d) Rental and sales offices.
- E. Procedural concepts.
- (1) The developer shall prepare a development plan, which locates the proposed types of nonresidential and residential development, utilities, access roads, and public ways. The parcels comprising the development may be under separate ownership but shall be treated as one development and shall be bound by the approval granted for the entire development plan. If approval is granted, individual lots must be developed as part of the larger development plan and phasing outlined below, and not separately. The development plan must identify the percentage of the nonresidential uses, residential uses and open space. Nonresidential and/or mixed-use uses must comprise at least 55% of the total proposed floor area for the development (outdoor display areas may be counted towards the minimum required floor area) residential uses must not exceed 45% of the total proposed floor area for the development. Nonresidential uses within projects located in the CM district must be 90% manufacturing and assembly in nature. A building shall be considered "mixed-use," provided that at least 50% of the floor area of the first floor is reserved as commercial space and provided that such commercial space is located roughly in the front half of the building and extends the length of the building facade. Residential accessory uses (e.g. mechanical, storage, laundry, etc.) are permitted to be located within the back half of the first floor of any mixed-use building.
 - (2) A minimum of 20% of the area of the original tract shall be reserved as open space and identified as such on the development plan. Fifty percent of the required open space (as defined in § 157-60) must be usable uplands and reasonably accessible to all property owners in the project. Any open space provided above 20% may be mixed wetlands and upland.
 - (3) Residential uses require that the calculation of permitted density shall be completed through the submission of a yield plan (as defined in § 157-60) applied to the development lot and not individually to the internal dwelling lots.
 - (4) For residential development that includes single family homes over 1,001 square feet of total living area, two-family, three- to four-family or multifamily dwellings,



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density shall be based upon calculating one unit per 40,000 square feet of contiguous upland, and using 150 feet of frontage on a public roadway.

- (5) For single-family residential homes 1,000 or less square feet of total living area, development, or two-family dwellings density shall be based upon calculating one unit per 10,000 square feet of contiguous upland, and using 100 feet of frontage on a public roadway.
- (6) The development plan may be phased for a term of five years. The phasing plan shall contain provisions which promote the mixed use of the site consistent with Subsection A. For the purposes of this section, development shall include:
 - (a) Construction of structures;
 - (b) Environmental remediation;
 - (c) Site preparation or demolition;
 - (d) Roadway utility or recreation and common area design and construction; and
 - (e) Bonding or other security for site development.
- (7) The phasing plan shall provide that no more than 50% of the residential development may be occupied prior to completion of between 25% and 50% of the nonresidential structures, as negotiated between the Planning Board and the developer, and included in the Conditional Use Approval.
- (8) Provided that the developer is making reasonable efforts to develop the site, the Planning Board may extend the initial five-year phasing period, provided a request for extension is submitted before the expiration of the initial five-year phasing term.
- (9) Residential development plan guidelines.
 - (a) The developer shall be permitted to allocate permitted density among internal dwelling lots in a flexible and creative manner. The sum total of the permitted density shall not exceed the permitted density of the development lot or legal lot, unless the additional density is derived from the Transfer of Development Rights Ordinance. Layouts may include individual lots or a cluster of units without lot lines.
 - (b) Dwelling layouts shall be so designed that parking is screened from external roadways by garages, building locations, grading or screening. Major topographical changes or removal of existing trees shall be avoided wherever possible, and water, wetlands, and other scenic views from the external streets shall be preserved as much as possible.
 - (c) Where possible, it is desirable and encouraged to mix residential and nonresidential uses. This may be achieved through situating the buildings close to each other, or though allowing structures to house residential, preferably on the second or above floor, with nonresidential on the first floor. Creativity and flexibility is encouraged, and the development plan may offer another option for mixing uses. ~~Units created through the TDR program are~~



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~~not required to be housing for the elderly, as that term is defined under RSA 354-A:15 and 42 U.S.C. § 3607(b)(2).~~

- (d) All residential development must adhere to architectural design guidelines. Said standards will reflect a New England village motif and include structures with peaked roofs and architectural shingles. The guidelines for this development are included in Chapter 153, Site Review Regulations,
- (e) All manufactured houses shall adhere to the standards outlined in Chapter 101, Manufactured Home Parks, with the exception of §§ 101-3, 101-4, 101-5, 101-6, and 101-7F, which shall be controlled by the provisions hereof and unless noted below. Where there is a difference in the requirements between this overlay district and the provisions of Chapter 101, Manufactured Home Parks, the provisions of the overlay district shall apply.
- (10) Nonresidential development plan guidelines.
 - (a) The general character of the nonresidential structures within the development lot is intended to be a pedestrian-friendly setting, with emphasis on the natural characteristics of the site. The site design should create a sense of character and cohesiveness through landscaping, facade treatment, and signage.
 - (b) The guidelines for this development are included in Chapter 153, Site Review Regulations, § 153-16.

F. Standards and regulations.

- (1) Internal roads. As part of the approval of the conditional use permit, the Planning Board shall determine whether internal roads shall be public or private. If a road is determined to be private, no municipal services shall be provided other than public safety, utilities maintenance, and regulatory services. Unless noted below, roadways shall conform to the street design criteria laid out in the Code.
 - (a) Minimum internal right-of-way.
 - (1) Maximum residential: 35 feet.
 - (2) Maximum nonresidential: 50 feet.
 - (b) Minimum pavement width.
 - (1) Minimum residential: 20 feet.
 - (2) Minimum nonresidential: 28 feet.
 - (3) Minimum sidewalk pavement width: five feet.
 - (4) Minimum bike/Segway[®]/golf cart path width: five feet.
 - (c) Minimum tangent length at intersections: 75 feet.
 - (d) Maximum street angle at intersections: 60°.
 - (e) Minimum center-line radius: 100 feet.
 - (f) Minimum tangent length between reverse curves: 50 feet.

(2) Dimensional requirements.

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(a) Nonresidential/mixed-use buildings.

[1] Minimum structure setback from external lot line: 50 feet.

Expanding existing nonresidential uses are not held to this setback.

[2] Minimum structure setback from external right-of-way: 50 feet.

[3] Maximum nonresidential building height: 55 feet.

[4] For all other dimensional requirements for nonresidential structures and parking setbacks refer to the underlying zone.

(b) Residential dwellings.

[1] Minimum structure and parking setback from external lot line: 50 feet.

[2] Minimum structure and parking setback from external row: 100 feet.

[3] Maximum residential building height: 35 feet.

[4] Minimum frontage on internal road: 40 feet.

[5] Minimum setbacks:

[a] Front yard setbacks: 20 feet.

[b] Distance between buildings: 24 feet.

(c) There shall be no minimum lot size of frontage for internal lots created.

(3) Parking.

(a) All dwelling units shall require two independently accessible parking spaces per unit, except that the congregate-care and nursing-home requirements shall be as otherwise defined by this chapter. Nonresidential uses shall comply with parking requirements defined by this chapter.

(b) Overnight parking shall not be permitted on internal roadways.

(c) Parking shall be utilized and available to all components of the Development Plan, through the recording of access and parking easements.”

14. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-32 “Signs”, to amend sub sections A-K as follows:

A. “SIGNs permitted in CBD and CWD Districts. ~~No SIGN in the CBD Downtown Gateway sub-district shall be illuminated after 9:00 p.m. or before 6:00 a.m.~~ (See table for overview of permitted SIGNs.)

(1) WALL SIGNs¹

(a) An additional one (1) square foot of SIGN AREA per one (1) foot of BUSINESS FRONTAGE shall be permitted, provided that the character of the

¹ See Figure 6 of the SIGN Diagrams, Part II, included at the end of this Chapter.

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SIGN conforms to mill motif design criteria. Refer to Subsection O for applicable criteria.

B. SIGNS permitted in ~~B-3~~ C district. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected upon each FRONTAGE, provided that the BUILDING complies with applicable SETBACKS.
- (b) One (1) FREESTANDING SIGN shall be permitted for every principal entryway to a SHOPPING CENTER. Such SIGNAGE shall be a distance of five hundred (500) feet apart.
- (c) Each FREESTANDING SIGN shall not exceed sixteen (16) feet in HEIGHT, except as provided for below, and shall be permanently affixed to the ground. Notwithstanding, FREESTANDING SIGNS fronting on the Spaulding Turnpike shall not exceed thirty (30) feet in HEIGHT.
- (d) Notwithstanding, no FREESTANDING SIGN shall be allowed on Old Rochester Road.

~~C. SIGNS permitted in B-1 districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNS.)~~

~~(1) PROJECTING SIGNS~~

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

D. SIGNS permitted in O and Gateway districts. No SIGN shall be illuminated after 9:00 p.m. or before 6:00 a.m. (See table for overview of permitted SIGNS.)

- (1) SIGNS shall only be illuminated by constant EXTERNAL ILLUMINATION. The lighting element shall be shielded and shall illuminate only the SIGN.

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E. SIGNS permitted in ~~I-1, I-2~~, CM I-4 districts. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

- (a) Where a PRINCIPAL BUILDING fronts on more than one (1) STREET, one (1) FREESTANDING SIGN may be erected upon each FRONTAGE, provided that the BUILDING complies with applicable SIGNAGE SETBACKS.
- (b) Two (2) FREESTANDING DEVELOPMENT IDENTIFICATION SIGNS shall be permitted per approved industrial park, provided that the combined square footage of such SIGNS does not exceed five hundred (500) square feet in area, and that, if on a CORNER LOT, such SIGNS shall be set so as to not materially impede vision.

F. SIGNS permitted in ~~ETP IT and B-4~~ districts. (See table for overview of permitted SIGNS.)

(1) FREESTANDING SIGNS

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

~~G. SIGNS permitted in the B-5 District. (See table for overview of permitted SIGNS.)~~

~~(1) FREESTANDING SIGNS.~~

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

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

AND

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-32 “Signs”, to amend sub section Q as follows:

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

- (1) TEMPORARY SIGNs are prohibited in all residential zoning districts (R-40, R-20, R-12, RM-SU, RM-U, HR, and CBD-R) ~~and the NEIGHBORHOOD Business District (B-1).~~ Where permitted TEMPORARY SIGNs are subject to the following regulations:
 - (i) One-week TEMPORARY SIGN permits are valid for a consecutive seven (7) day period and may be obtained once every three (3) months, for a maximum of four (4) one-week TEMPORARY SIGNs per year. If the permit is not used in one (1) quarter, it shall not be carried over to the next quarter.
 - (ii) The TEMPORARY SIGN shall be limited to twenty-four (24) square feet in size and shall not be placed in such a manner so as to create a traffic or safety hazard. Banner type TEMPORARY SIGNs are permitted only in the ~~B-3 and B-5~~ C Zoning Districts.”

15. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-33 “Fence Review and Regulations”, to amend sub section C as follows:

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“C. Exceptions. The provisions described in Subsection A shall not apply in ~~Industrial (I-2)~~ Commercial Manufacturing (CM), ~~Restricted Industrial (I-1)~~, ~~Thoroughfare Business (B-3)~~ Commercial (C), Central Business (CBD), Gateway (G), OFFICE (O), and Cochecho Waterfront (CWD) Zoning Districts, or whenever the ZONING BOARD OF ADJUSTMENT, as a condition attached to the granting of a variance or special exception to this Chapter, requires for screening purposes a FENCE exceeding eight (8) feet.”

16. AMENDMENT

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising Section 170-7 “Establishment of Districts”, to replace as a whole, based upon the preceding amendments, follows:

“A. Districts. The City of Dover is hereby divided into the following districts:

(1) Residential.

HR Heritage Residential District
R-40 Rural Residential District
R-20 Low-Density Residential District
R-12 Medium-Density Residential District
RM-SU Suburban Density Multi-residential District
RM-U Urban Density Multi-residential District

(2) Nonresidential. **[Amended 8-22-2018 by Ord. No. 2018.08.08-009]**

C Commercial District
CM Commercial Manufacturing
IT Innovative Technology

(8) Mixed-use.

G Gateway
H Hospital
LBW Little Bay Waterfront District
O Office District
CBD Central Business District
CWD Cochecho Waterfront District

(9) Overriding.

CD Conservation District
URD Urban Renewal District
RRD Riverfront Residential Overlay District
GWP Groundwater Protection District
HWD Hazardous Waste Landfill District



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RCM Residential-Commercial Mixed-Use
SRD Scenic Road Overlay District
TDR Transfer of Development Rights
TEL Telecommunications Facilities
WPD Wetland Protection District

D. District purpose statements.

- (1) Residential districts. The residential districts are intended to provide a wide range of residential units to provide the citizens of Dover with a balance of housing choices, with varying housing types, densities and costs. The goal is to preserve and create City neighborhoods that are safe and promote harmonious development.
 - (a) Rural Residential District (R-40). The purpose of this residential district is to provide for conventional single-family neighborhoods in the more rural areas of the City. These areas have larger lot sizes (one or more acres) and the homes are most likely served by on-site septic systems and wells, but there are some portions of the district that have municipal sewer and water. New subdivisions are designed as open space developments with reduced lot sizes allowed in return for the permanent preservation of open space. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, hospitals, elementary schools, high schools and child-care facilities.
 - (b) Low-Density Residential District (R-20). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 20,000 square feet. The homes in this district are likely served by municipal sewer and water, but there are some areas that still have on-site septic systems and wells. These districts are located near major roadways. The development of parcels with at least 15 acres can be done as open space subdivisions. Agriculture and farming are promoted in this district. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools and child-care facilities.
 - (c) Medium-Density Residential District (R-12). The purpose of this residential district is to provide for conventional single-family neighborhoods on lots not less than 12,000 square feet. The homes in this district are almost all served by municipal sewer and water. Many of the neighborhoods surrounding the elementary schools are in this district and have a sidewalk system that is conducive to children walking to school. The development of parcels with at least five acres can be done as open space subdivisions. Some nonresidential uses that are compatible with single-family homes are permitted, including churches, elementary schools, high schools, colleges and child-care facilities.
 - (d) Suburban Density Multi-Residential District (RM-SU) The purpose of this residential district is to provide an environment suitable for a variety of



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moderate-density housing types, including single-family, two-family, three- to four-family and multifamily dwellings. These districts are suburban neighborhoods located along major roadways outside of the center of the City. The homes in this district are almost all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, elementary schools, high schools, and child-care facilities.

- (e) Urban Density Multi-Residential District (RM-U). The purpose of this residential district is to provide an environment suitable for a variety of moderate/high-density housing types, including single-family, two-family, and three- to four-family dwellings. These districts are urban neighborhoods located close to the downtown area and contain many historic homes that are built close to the sidewalks and streets. The homes in this district are all served by municipal sewer and water. Some nonresidential uses that are compatible with residences are permitted, including churches, funeral parlors, elementary schools, high schools, and child-care facilities.

- (g) Heritage Residential District (HR).

- (a) These primarily residential neighborhoods surrounding the Silver Street area exhibit a rare collection of interesting architecture. While primarily Victorian and characterized by wide porches, bay windows, steep roofs, and intricate and involved woodwork, there are noteworthy Colonial buildings as well. In both instances, their original occupants were likely community leaders, whether early tavern keepers, or later senior managers and foremen from the mill facilities that lined the Cochecho River, as well as other community professionals.

- (b) The common theme through all of these designs is both the massing and the placement of these structures in a manner that is compatible with what had gone before. It is the intent that in this district, new construction, replacement construction, and new additions should continue that tradition of compatibility with the existing neighborhood.

F. Nonresidential districts. The nonresidential districts are intended to provide suitable areas for commercial, service, retail, office and industrial developments, to provide employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high quality design is encouraged.

- (1) Commercial District (C). The purpose of this business district is to provide an environment that encourages efficient and attractive automobile-oriented commercial development along major highways outside of the downtown. The minimum lot size of 20,000 square feet encourages moderately sized commercial uses. The district provides economic development opportunities for a mix of land uses, including retail sales, personal services, restaurants,



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automobile sales, hotels, offices, banks, and theaters. Other commercial uses and multifamily dwellings are allowed by special exception.

- (2) Commercial/Manufacturing District (CM). The purpose of this industrial district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, storage, warehousing, wholesaling and shipping activities that expand the economic base of the City and provide employment opportunities. This area is the location of one of the first industrial parks in the City, located off Littleworth Road and Knox Marsh Road in a more rural area. The smaller minimum lot size of 20,000 square feet also encourages business uses such as publishing, hotels, vehicle refueling/recharging stations, restaurants, car sales, offices, and personal services.
- (3) Innovative Technology (IT). The purpose of this district is to provide appropriate locations for manufacturing, assembly, fabrication, packaging, distribution, laboratory, testing facility, warehousing, wholesaling, publishing and shipping activities that expand the economic base of the City and provide employment opportunities. These areas are located along major collector roads away from the downtown area. The newer business parks are located in this district. The minimum lot size in this district is two acres, which encourages larger assembling and manufacturing users.
- (3) Mixed-use districts. The mixed use districts are intended to provide suitable areas for a mixture of urban neighborhoods containing residential, commercial, service, retail, and office uses. The mixed-use development is intended to create a sense of community between the mixed uses and facilitate the economical and efficient use of land. The districts are intended to provide housing and employment opportunities for citizens of Dover and the region, to enhance property values, and expand the tax base. Development that uses land efficiently and has high- quality design is encouraged.
 - (a) Gateway (G). The purpose of this district is to mark a transition point where you move from the less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (eg Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.
 - (b) Hospital (H). The purpose of the Hospital District is to provide appropriate locations for hospitals and medical offices associated with a hospital. This district also encourages other health care services and various housing



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facilities providing levels of service for older persons. Single- and two- family residential uses are permitted along with commercial uses such as offices, banks, funeral parlors, assembly halls, and schools.

- (c) Little Bay Waterfront District (LBW). The purpose of this mixed-use district is to provide locations for a mixture of residential and commercial uses on the waterfront parcels along a portion of the shores of the Little Bay. The small minimum lot size encourages a mix of various-sized commercial uses, with water-related uses, such as marinas, specifically permitted. Single- and two-family homes are allowed in recognition of the historically residential use of the area. Three- or four-family dwellings are allowed only as part of a mixed-use building. Businesses that take advantage of the unique location along Little Bay are encouraged.
- (d) Office District (O). The purpose of this Office District is to provide appropriate locations for a mixture of residential and office uses along higher-volume streets. The remaining large historic homes are no longer suitable for single-family residential due to the high traffic. This district is a transition area between the more commercial areas and the urban residential areas on the side streets. Residential uses up to four dwelling units per structure are permitted, along with commercial uses such as offices, banks, funeral parlors, churches, schools, hospitals, nursing homes and congregate-care facilities. The density for residential uses is about eight units per acre, and in new buildings, residential is only allowed on the second floor or higher.
- (e) Central Business District (CBD). The purpose of this district is to provide the appropriate locations for context-sensitive zoning. The form-based code in this district is intended to foster a vital main street both for itself and for its adjacent neighborhoods through a lively mix of uses, with shop fronts, sidewalk cafes, and other commercial uses at street level, overlooked by canopy shade trees, upper story residences and offices. The district has an increased emphasis on the form and placement of structures and a decreased emphasis on the function(s) contained within them.
- (f) Cochecho Waterfront District (CWD). The purpose of this mixed use district is to provide appropriate locations for a mixture of residential and commercial uses on the waterfront parcels along the downtown portion of the Cochecho River. This district has very flexible dimensional requirements, with no minimum lot size, frontage or setback requirements and a density of 43 dwelling units per acre. Several water-related land uses are permitted in the district, including marinas, waterborne passenger transportation facilities and water-related education and resource centers. The architecture of the waterfront areas should encourage the development of marine-, history- or tourism-related land uses and activities, which take



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advantage of the unique characteristics of the waterfront as well as its central location and proximity to historic areas.

- (4) Overriding districts. The purpose of the overriding districts is to provide an additional layer of land use regulation or protection in certain sensitive areas of the City. The requirements of these overlay districts are in addition to the underlying zoning districts. Most of the districts are intended to protect environmentally sensitive areas. For specific purpose statements, review the text of each overriding district.”

17. TAKES EFFECT

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

AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Sponsored by:	Councilor Dennis Ciotti City Council Planning Board Representative
Approved as to Legal Form and Compliance:	Joshua M. Wyatt City Attorney		
Recorded by:	Susan Mistretta City Clerk		

DOCUMENT HISTORY:

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

DOCUMENT ACTIONS:

VOTING RECORD		
Date of Vote:	YES	NO
Mayor, Robert Carrier		



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Deputy Mayor, Dennis Ciotti, Ward 2		
Councilor Michelle Moffet Lipinski, Ward 1		
Councilor Deborah Thibodeaux, Ward 3		
Councilor Joshua Manley, Ward 4		
Councilor Dennis Shanahan, Ward 5		
Councilor Fergus Cullen, Ward 6		
Councilor Lindsey Williams, At Large		
Councilor John O'Connor, At Large		
Total Votes:		
Resolution does does not pass.		

ORDINANCE BACKGROUND MATERIAL:

Permitted Uses

- ADULT DAY CARE
- AUTO SERVICE STATION
- Bank
- Barber and Beauty Shop
- CHILD CARE FACILITY
- Clinic
- COMMERCIAL PARKING FACILITY
- COMMERCIAL RECREATION
- Computer and data processing
- Eating and Drinking Establishment [3]
- Farm
- HOTEL / MOTEL
- New Car Sales
- OFFICE
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility [4]
- PUBLISHING FACILITY
- Retail Store
- Theater
- USED CAR LOT [5]
- Veterinary Office, Animal Hospital or KENNEL

Uses Permitted by Special Exception

- ADULT BOOKSTORE AND/ OR VIDEO STORE
- ADULT CABARET
- Conversion of Existing Dwelling to Accommodate not more than 2 units
- DWELLING, MULTI-FAMILY
- VEHICLE REFUELING AND RECHARGING STATION

Sign Regulations

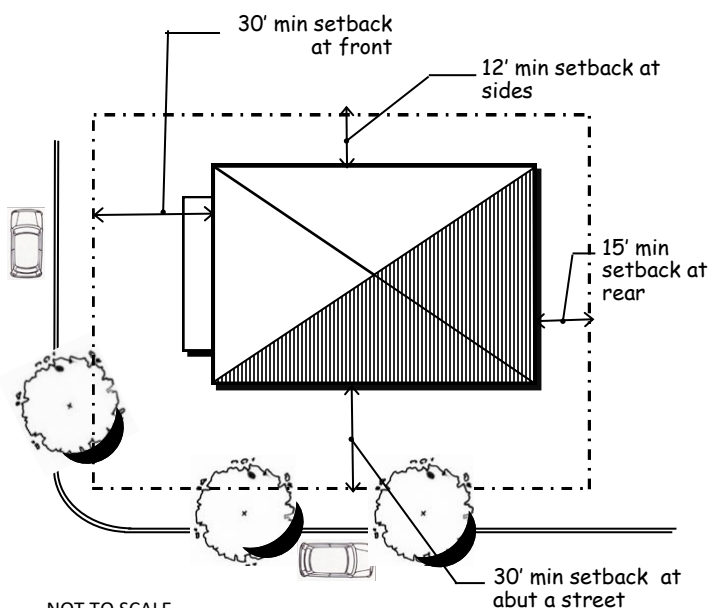
Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	(Max size 60 sf, max height 16 ft. One SIGN per side of frontage. FREESTANDING signs shall be located on low planter walls or be monument SIGNS.)
PROJECTING	permitted (max size 8 sf)
WALL/ Awning	(Provide building signage that is proportional to the SCALE of the tenant façade, Max 1 sf for each lineal foot of business FRONTAGE)
Temporary	permitted (max ht 4 ft, max size 32 sf)

Dimensional Regulations [1] [2]

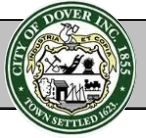
LOT	
Minimum LOT Size	20,000 sf
Maximum COVERAGE	50%
Minimum FRONTAGE	125 ft
PRINCIPAL	
Front SETBACK	30 ft
Abut a Street SETBACK	30 ft
Side SETBACK [6]	12 ft
Rear SETBACK [6]	15 ft
OUTBUILDING/ ACCESSORY USE	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING	40 ft max
OUTBUILDING	40 ft max

*Parking areas shall be set back at least twenty-five (25) feet from property lines.

Principal Building Placement



SIGNS shall be designed and located to be visible from both pedestrian and vehicular areas, and shall be designed to further the design theme of the building and be consistent with any SIGN package. Paint SIGN backgrounds and SIGN cabinets to complement building colors.)



Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
 - [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
 - [3] If the eating and drinking establishment has drive-in services, said service shall be setback either 50' from a residential abutting lot line, or 100' from the abutting residential structure whichever is greater. [Added 1-22-2003 by Ord. No. 35].
 - [4] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
 - [5] Permitted if an accessory use to a new car dealership. [Amended 8-1-90 by Ord. 8-90]
 - [6] A vegetated buffer of no less than fifty feet (50') must be established and maintained along the C/R-12 zoning boundary abutting the southern property line of the Tax Assessor's Map 37, Lot 38. The buffer must be populated with existing vegetation, where available, and where existing vegetation is not available or not adequate, the buffer shall be improved to provide visual screening on a year-round basis for the benefit of the residential uses abutting the B-3 Zoning District. The buffer may feature new landscaping vegetation and materials, berms, fences, walls and other screening techniques, with a preference toward preserving existing healthy trees, where feasible. Buildings, impervious surfaces, mechanical equipment, parking and storage and display of goods and materials are prohibited in the buffer. Following installation, the buffer must be adequately maintained by the owner(s) of Tax Assessor's Map 37, Lot 38.
- D. The proposed use shall comply with all other state statutes, and city ordinances and codes.
- DWELLING, MULTI-FAMILY:** Provided that the lot contain at least five thousand (5,000) square feet for each dwelling unit. Dwelling units are allowed only in mixed use buildings, where 35% of the overall square footage of the building is non-residential.
- VEHICLE REFUELING/RECHARGING STATIONS:**
- A. The use of land for VEHICLE REFUELING/RECHARGING STATION may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.
 - B. The minimum lot size shall be eighty thousand (80,000) square feet; the minimum lot width shall be one hundred fifty (150) feet. Thirty three percent (33%) of the subject parcel shall be open/green space.
 - C. The total permitted sign area shall not exceed one-hundred (100) square feet, inclusive of the canopy and fueling equipment.
 - D. If a drive-in thru service is proposed, said facility shall be setback either fifty (50) feet from a residential abutting lot or one-hundred (100) feet from the abutting residential structure, whichever is greater. Additionally, adequate vegetative or fence screening shall be constructed. Audible ordering system design features shall include, but not be limited to; non-audible ordering systems (touchpad or human contact) shall be utilized, and hours of operation for the drive-in portion of the business shall be limited to 6:00 a.m. to 9:00 p.m.
 - E. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

ADULT BOOKSTORE AND/OR VIDEO STORE, ADULT CABARET [Added 10-20-93 by Ord. No. 28-93]: ADULT BOOKSTORE AND/OR VIDEO STORE AND ADULT CABARET shall be subject to the following conditions:

- A. An ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be at least 500 feet from a parcel of land containing an existing residential use.
- B. An ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be at least 1000 feet from a parcel of land containing a school, church, community park or public recreational area.
- C. No ADULT BOOKSTORE, VIDEO STORE OR CABARET shall be permitted within 1000 ft. of an existing similar use.

Commercial Manufacturing (CM) District

Created: MM-DD-2020 by Ord. No. 2020-MM.DD-##,



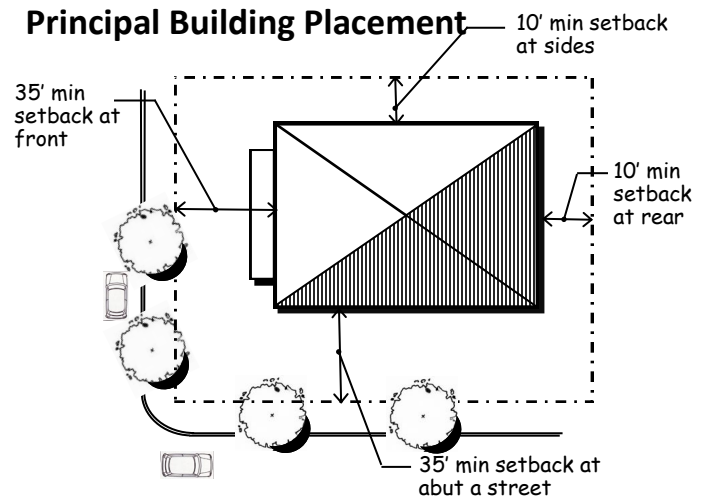
Permitted Uses

- ADULT DAY CARE
- CHILD CARE FACILITY
- COMMERCIAL RECREATION
- Eating and Drinking Establishment [5]
- Establishments for the manufacture assembly, services and re-pair of the products listed below and other uses of a similar nature:
 - ◊ Drugs
 - ◊ Office, computing and accounting machines
 - ◊ Radio and television receiving equipment
 - ◊ Communication equipment
 - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
 - ◊ Measuring and controlling instruments
 - ◊ Optical instruments and lenses
 - ◊ Surgical, medical and dental instruments and supplies
 - ◊ Photographic equipment and supplies
 - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- FARM [6]
- Fuel, Oil, or Gas Storage
- Helicopter Take Offs & Landings [7]
- HOTEL/MOTEL
- Industry
- LIGHT INDUSTRY
- OFFICE
- Open Storage [8]
- PERSONAL SERVICE ESTABLISHMENT
- Public Utility
- PUBLISHING FACILITY
- Research Institutions
- Retail Sale of Agricultural or Farm Products Raised on Site
- Trucking Terminal
- WAREHOUSING
- WHOLESALING

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size	20,000 sf
Maximum LOT COVERAGE	50%
Minimum FRONTAGE	100 ft
PRINCIPAL BUILDING	
Front SETBACK [3]	35 ft
Abut a Street SETBACK	35 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
OUTBUILDING/ACCESSORY USE	
Front SETBACK	35 ft
Abut a Street SETBACK	35 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
BUILDING HEIGHT	
PRINCIPAL BUILDING [4]	50 ft max
OUTBUILDING/ACCESSORY USE	40 ft max

Principal Building Placement



NOT TO SCALE

Uses Permitted by Special Exception

- AUTO SERVICE
- VEHICLE REFUELING AND RECHARGING STATION

Uses Permitted by Conditional Use

- Alternative Treatment Center
- Educational Institution, Post Secondary
- Hotel/Motel
- SELF-SERVICE STORAGE FACILITY

Sign Regulations

Size	CM District
Total SIGNS permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each 100 sf of leased space (if less than 700 sf of leased space, then 6 sf max)
Type	
FREESTANDING	permitted, provided that the principal building is set back at least 35 ft (max size 100 sf, max ht 30 ft)
PROJECTING	permitted
WALL/ Awning	permitted
Temporary	permitted



Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] The maximum building heights may be increased to seventy- five (75') feet provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
 - B. The building is located a minimum of 150 feet from a Residential District.
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.
- [5] If the eating and drinking establishment has drive-in services, said service shall be setback either 150' from a residential abutting lot line, or 200' from the abutting residential structure whichever is greater.
- [6] Shall not include the raising and sale of FARM ANIMALS; the breeding, boarding, and training of equines, and equine riding instruction; the commercial raising, harvesting, and sale of fresh water fish or other aquaculture products; and/or the breeding of poultry or game birds.
- [7] Helicopter take offs and landings are allowed subject to the following conditions:
 - A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
 - B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
 - C. The facility shall be accessory to the principal use located on the lot.
 - D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.
- [8] Provided that safety precautions be implemented so to prevent the endangerment of people and property adjacent to said storage. Screening, of at least six (6) feet in height, of all open storage shall be accomplished through use of a fence, wall or vegetal (evergreens) material.

Special Exception Criteria (see 170-52(C)(3) for additional regulations)

VEHICLE REFUELING AND RECHARGING and AUTO SERVICE STATIONS:

- A. The use of land for vehicle refueling/recharging station may only be permitted upon the determination that the property values of adjacent land will not be compromised. Any vehicle refueling/recharging station which discontinues operations for a period in excess of one hundred eighty (180) days shall be required to file a new application for a special exception with the Zoning Board of Adjustment. Such conditions may include, but need not be limited to, the provision of adequate and properly maintained screening around land so used.

- B. The minimum lot size shall be eighty thousand (80,000) square feet, the minimum lot width shall be one hundred fifty (150) feet. Thirty-three percent (33%) of the subject parcel shall be open/green space.
- C. The total permitted sign area shall not exceed one hundred (100) square feet.
- D. No fuel storage tanks may be constructed or enlarged closer than one-hundred (100) feet to any Conservation District, and two hundred (200) feet to a secondary groundwater protection zone.

Conditional Use Permit Criteria

An *Alternative Treatment Center*, as defined in RSA 126:X-1, I, shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

- A. An Alternative Treatment Center shall not be located within one thousand (1,000) feet of the property line of a public or private elementary or secondary school or designated drug free school zone.
- B. The Alternative Treatment Center shall be located in a permanent BUILDING and may not be located in a trailer, MANUFACTURED HOME, cargo container, or any STRUCTURE that has axles with wheels. DRIVE-IN SERVICES are prohibited.
- C. Hours of operation shall be limited to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.
- D. The Alternative Treatment Center shall provide for the proper disposal of cannabis remnants or byproducts, which remnants or byproducts shall not be placed in the facility's exterior refuse containers.
- E. The APPLICANT shall provide a detailed narrative and floor plan, as well as any other relevant documentation, describing how the Alternative Treatment Center shall be secured. The security plan must take into account the measures that will be taken to ensure the safe delivery of any product to the facility (including permitted times for delivery), how the product will be secured on site, and how patient transactions will be facilitated in order to ensure safety. The security plan shall be reviewed and approved by the City of Dover Police Department.
- F. The use of cannabis on the premises is prohibited.
- G. The Alternative Treatment Center shall emit no cannabis related fumes, vapors or odors which can be smelled or otherwise perceived from beyond the LOT LINES of the property where the facility is located.

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

- A. The minimum front SETBACK shall be double the SETBACKS required in the district.
- B. Any storage unit BUILDING visible from the STREET shall be located to be perpendicular to the STREET, with no storage unit doors facing the STREET.
- C. If adjacent to a residential district or a LOT containing a residential use, the facility shall:
 - i. Be limited to a one story STRUCTURE with a height no more than twenty (20) feet.
 - ii. Restrict the hours of operation to 9 am to 9 pm, Monday through Friday, and 10 am to 6 pm on Saturday and Sunday.
 - iii. Not hold auctions or sales of contents of storage containers.
 - iv. Have screening sufficient to block the view of the BUILDINGS from abutting parcels and shall prohibit lighting from shedding onto abutting parcels.
 - v. All setbacks shall be double the setbacks required in the district, not just the front setback.
- D. The architectural design standards of Chapter 153-14L(8)(b) shall be adhered to.

Gateway District

The information included in this table represents the requirements for development in this district; see Section 170-20 for additional requirements (Adopted 12/9/2009 per O-2009.09.09-15, Amended 09/11/2019 per O-2019.08.28-12).



STATEMENT OF PURPOSE

A gateway is an area that marks a transition point where you move from one existing condition to another. In terms of land use, Gateways generally indicate transition points from a less developed area (the highway, the rural landscape, etc.) to a more formal, densely developed urban core (multi-story buildings, civic buildings, etc.). In Dover the primary Gateways (Central Avenue north and south of the downtown core, Broadway, and Portland Avenue) are generally dominated by commercial activity, with buildings of a lower height than those located downtown. Some residual residential activity occurs occasionally as stand-alone buildings, but frequently residential activity is located above ground floor commercial uses. A modest distance between the building and the street exists, with a fair amount of landscaping.

DIMENSIONAL REGULATIONS*

Principal Building	
Lot Size	N/A
Lot Coverage	50%
Frontage Build-Out	60% min.
Front Primary BUILD TO LINE	5 ft. min - 20 ft. max
Front Secondary BUILD TO LINE	5 ft. min - 20 ft. max
Side Setback	5 ft. min
Rear Setback	0 ft. min
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	5 ft. min
Rear Setback	10 ft. min
Private Frontages	
Common Yard	Permitted
Porch and Fence	Permitted
Terrace/Lightwell	Permitted
Stoop	Permitted
Shopfront/Awning	Permitted
Gallery	Not permitted
Height of Building	
Principal Building	4 story max, 2 story min
Outbuilding/Accessory	2 story max

*CUP (170-20B) may be used to adjust standards.

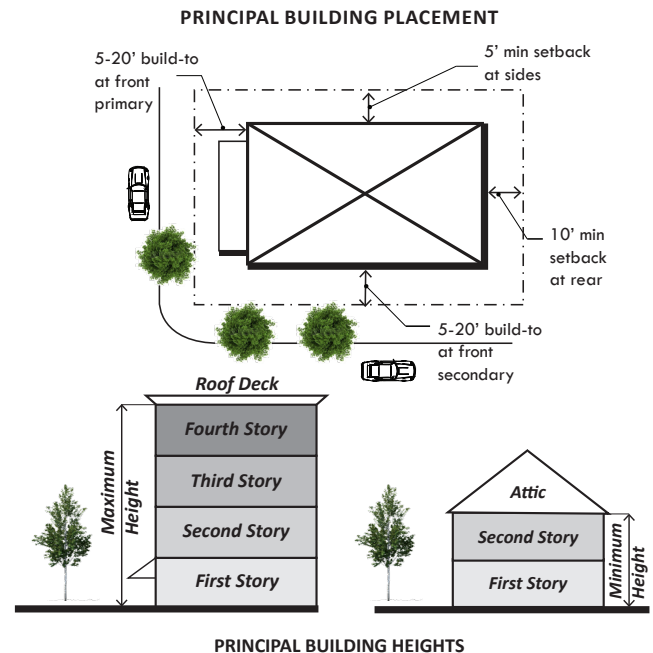
PARKING LOCATION STANDARDS (SEE 153-14)

New construction resulting in additional square footage or an increase in residential units must comply with parking standards for the new portion of the building only.

PERMITTED USES*

Use	
Residential	Permitted; density: 4,000 sf. per unit**
Lodging	Permitted, up to 12 rooms, 13+ rooms if CUP is granted.
Daycare	Adult and child permitted. Institutional not permitted.
Professional Services & Offices	Permitted
Eating & Drinking Establishments	Permitted
Retail/Personal Services	Permitted
Industrial	Permitted on Broadway via CUP
Civic	Permitted
Drive-Thru Services	Not Permitted
Other	Via Conditional Use Permit

*CUP (170-20B) may be used to adjust standards.



SIGN REGULATIONS

Sign Size & Quantity	
Total signs permitted	2
Total area of all signs	24 sf
Sign Type	
Freestanding	Permitted- 16 ft. max ht. or to bottom of second floor window sills (whichever is lowest)
Projecting	Permitted- 10 ft. min. above sidewalk, 25 ft. max height, 24 sq. ft. max.
Wall/Awning	Permitted
Temporary	Permitted per- 170-32.Q (1)

ARCHITECTURAL STANDARDS*

Preserving and enhancing the architectural tradition, history, and visual appeal of the Central Business District is integral to maintaining the character and identity of our community. Buildings designs and materials should enhance the appearance of Dover, reinforce pedestrian character where appropriate, reflect a consistency found within the sub-district, neighboring buildings, and natural and cultural resources. Building design should also minimize potential aesthetic conflicts between residential and nonresidential uses and between single family and multifamily uses. Architectural Standards are not intended to stifle creativity or variety, but produce designs respectful of place and context. **For more information, please see Section 2 of Dover's CBD Architectural Design Guidelines.**

The following **Architectural Standards** must apply for a residential building with 5 units or more and all mixed use/non-residential uses. Applicants will also be expected to prepare a narrative explaining how the project meets all of the architectural standards.

Required Ground Floor Standards:

- No less than 30% of the façade shall be windows.
- A pedestrian entrance shall be required at the street side or front façade.
- Residential uses permitted.
- The use of ground floor exterior lighting on the building should offer a feeling of warm security and increase safety to pedestrians without being overwhelming.

Required Building Standards:

- Building designs shall be harmonious with neighboring structures in terms of mass, width, height, proportion, spacing, and setback.
- All exterior walls that front on a public way with adjacent pedestrian traffic/infrastructure must incorporate wood, brick, stone or a suitable contemporary material appropriately detailed within the first 20 vertical feet.
- Large structures shall be broken into smaller masses to provide human scale, variation, and depth.
- The design of the building shall incorporate views that are directed to the street and garden/courtyard rather than adjacent neighbors.
- Buildings shall be placed at or near the street, along the outer edge of their sites, to ensure the unity of those streets and to encourage and facilitate pedestrian activity.
- Building design shall enhance the pedestrian environment and streetscape.
- Utility elements shall be screened in an aesthetically pleasing manner.
- Use of architectural details and changes in depth are included on building elevations to increase visual interest and scale.
- Garages shall not face the street.
- Solar/Green Roof Standard:
 - All buildings must be solar ready
 - Commercial and mixed use buildings that are 25,000 sq ft or more must also incorporate solar panels and a green roof on at least 30 percent of the roof area.

Optional Standards:

- Use of elements that accentuate and/or provide coverage at the entry such as canopy, porch, recessed entry, etc. are encouraged.
- Ornamental roof features that exceed the allowed building height are subject to the CUP process.
- Energy efficient design techniques, LEED standards, or an equivalent standard are encouraged.
- Other integrated green infrastructure elements are encouraged.
- Approved public art is encouraged.

**CUP (170-20B) may be used to adjust standards.*

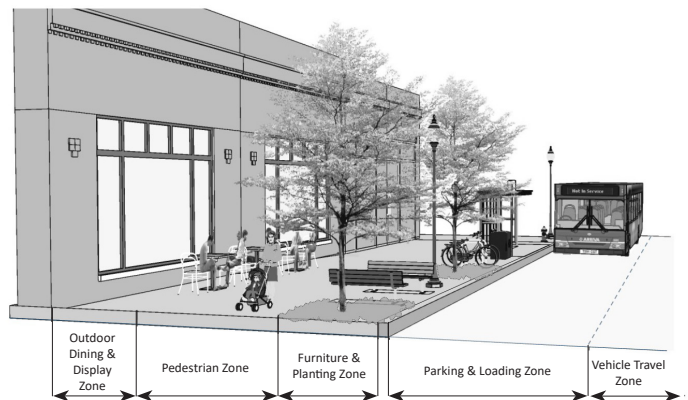
STREETSCAPE STANDARDS

Streetscape standards were crafted to ensure streets in mixed use areas of the CBD have a relationship with adjacent buildings, accommodate pedestrians and bicyclists, and are compatible with the character of Dover's neighborhoods. All street elements must be consistent with Dover Streetscape and Landscape Standards. **For more information on streetscape standards, please see Section 3 of Dover's CBD Architectural Design Guidelines.**

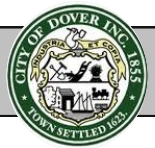
- Sidewalks shall be brick and a minimum of 5 feet wide.
- Street trees shall be planted at an average spacing of 25 to 30 feet on center. Planting method shall allow for maximum root zone space where possible. Existing healthy street trees shall be protected, if possible.
- Unpaved ground area along the frontage shall be planted with appropriate groundcover or shrubs, no bare ground permitted. Low Impact Development techniques such as rain gardens, bioretention areas, tree boxes and other green infrastructure techniques shall be incorporated into these landscaped areas and maintained to ensure 5' wide walkway.
- Projects shall be designed to maintain and enhance, the quality of vehicular, bicycle and pedestrian circulation and safety on affected public streets.
- Street furniture shall be provided as follows:
 - 1 bench for every 75 feet of frontage.
 - At least 1 waste bin at each block corner.
 - 1 bike rack per non-residential project.
- Lighting and mechanical equipment standards per 170-20(E)(3)(d).

**CUP (170-20B) may be used to adjust standards.*

STREETSCAPE ELEMENTS



**** Density: 3,000 sf. per unit if part of a mixed-use building with 35 percent nonresidential uses. 2,000 sf. per unit if rents conform to HUD fair market rent rates for Dover, as published by the New Hampshire Housing Finance Authority.**



Permitted Uses [10] [11] [12] [13] [14]

- Adult Day Care
- CHILD CARE FACILITY
- Computer and data processing
- Eating and Drinking Establishments [7]
- Establishments for the manufacture assembly, services and repair of the products listed below and other uses of a similar nature:
 - ◊ Drugs
 - ◊ Office, computing and accounting machines
 - ◊ Radio and television receiving equipment
 - ◊ Communication equipment
 - ◊ Electronic components and Engineering, laboratory, scientific and research instruments and associated equipment
 - ◊ Measuring and controlling instruments
 - ◊ Optical instruments and lenses
 - ◊ Surgical, medical and dental instruments and supplies
 - ◊ Photographic equipment and supplies
 - ◊ Electrotherapeutic, electro-medical and X-ray apparatus
- EXCAVATION
- FARM [8]
- Laboratories (scientific, medical chemical) and testing facilities devoted to experimental production, research, product development or similar activity
- OFFICE
- Public Utility [9]
- PUBLISHING FACILITY
- Veterinary Office, Animal Hospital or KENNEL [10]
- WAREHOUSING
- WHOLESALING

Dimensional Regulations [1] [2]

LOT	
Minimum LOT Size [3]	2 acres
Maximum LOT COVERAGE [4]	33%
Minimum FRONTAGE	200 ft [3]
PRINCIPAL BUILDING	
Front SETBACK [5]	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	50 ft
Rear SETBACK	50 ft
OUTBUILDING/ACCESSORY USE*	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT OF BUILDING	
PRINCIPAL BUILDING [6]	55 ft max
OUTBUILDING	55 ft max

*Parking areas shall be set back at least twenty-five (25) feet from property lines. [Added 7-8-87 by Ord. No. 15-87]

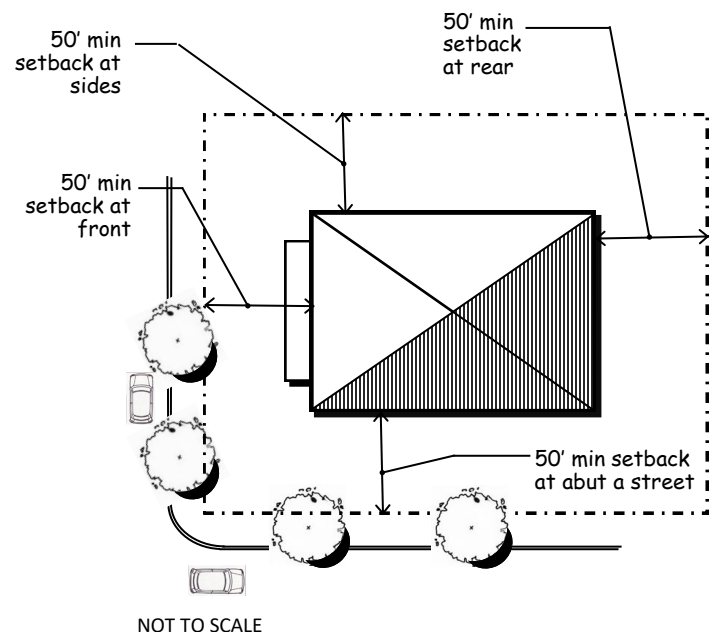
Uses Permitted by Conditional Use

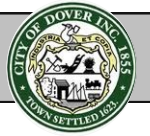
- Educational Institution, Post Secondary
- Helicopter Take Offs & Landings
- Personal Service Establishment
- SELF-SERVICE STORAGE FACILITY

Sign Regulations

Size	IT District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	1 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	permitted, provided that the principal building is setback at least 75 ft (max ht 16 ft, max size 100 sf)
PROJECTING	Not permitted
WALL/ Awning	permitted
Temporary	permitted

Principal Building Placement





Footnotes

- [1] Refer to 170-13 and 170-14 for exceptions to lot size, frontage and setback requirements.
- [2] All land containing wetlands shall not be counted in determining the gross land area of a lot for the purposes of minimum lot size or minimum density requirements for residential uses. The minimum non-wetland portion of any newly created lot shall be contiguous. For the purposes of this calculation, wetlands shall include areas that meet the definition of wetland in the NH Code of Administrative Rules – Wt. 101.87 and the 1987 Federal Manual For Identifying Jurisdictional Wetlands. [Amended 1-22-2003 by Ord. No. 35]. Wetland buffers shall only be allowed to count for 40 percent of the minimum lot size required.
- [3] Not applicable to lots off internal or private roadways
- [4] At least thirty-three percent (33%) of the site shall be maintained as open space, either landscaped or left natural. A maximum of thirty-three percent (33%) of the site can be covered by buildings. [Added 10-26-88 by Ord. No. 18-88]
- [5] See Section 170-15.
- [6] The maximum building heights may be increased to seventy-five (75') feet provided the following conditions are met:
 - A. The additional building height above fifty (50') feet is necessary to meet an industrial function.
 - B. The building is located a minimum of 200 feet from a Residential District.
 - C. The Planning Board has granted preliminary approval to the development proposal containing the taller building.
 - D. The building is for a permitted use, and not one granted by special exception, conditional use permit or variance.
- [7] No Drive Thru Allowed
- [8] Where FARM ANIMALS are raised and boarded, shelters to house said animals shall not be less than one hundred (100) feet from any property boundary.
- [9] The utility facility shall be appropriately fenced to protect the public. Landscaping materials shall be required to provide a visual screen from any structures and storage within. [Amended 10-28-88 by Ord. No. 18-88]
- [10] Shelters and runs used to house and/or contain animals shall be no closer than one hundred (100) feet from any property line and must support a minimum tract size of one hundred thousand (100,000) square feet. [Amended 8-1-90 by Ord. 8-90]
- [11] Parking areas shall be screened from public streets and existing residential uses so as to minimize the visibility of such areas. Screening may consist of vegetation, earth berms, fencing or any combination of the above.
- [12] The allowed activities shall not be obnoxious or offensive by reason of emission of dust, odor, smoke, gas, noise or similar cause. Prior to site plan approval, the applicant shall submit evidence to the Planning Board identifying waste products to be generated by on-site activities. A plan for removal of the waste shall be approved by the Planning Board. Developments that will use, store or generate hazardous chemicals shall identify such chemicals prior to site plan approval. A plan for storage and use of hazardous chemicals shall be approved by the Planning Board. Plans pertaining to waste or hazardous chemicals shall verify compliance with applicable federal, state and local regulations.
- [13] A residential structure located within the Innovative Technology District and existing prior to 7-8-1987 may be increased up to twenty percent

(20%) of the gross floor area of habitable space. New dwelling units shall not be allowed. Furthermore, customary accessory structures shall be allowed within the Innovative Technology District, but must remain within seventy-five (75) feet of the nonconforming residential structure.

- [14] Development within the IT District shall conform to design standards contained in Chapter 153, entitled Site Review, Chapter 153-15.

Conditional Use Permit Criteria

The following uses shall be allowed if a Conditional Use Permit is granted by the PLANNING BOARD upon a finding that the following criteria are met:

Self Storage Facility

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

Helicopter take offs and landings:

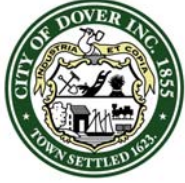
- A. There shall be a distance of one thousand (1,000) feet between any existing residential structure and any proposed helicopter landing pad.
- B. Except in the case of an emergency, no helicopter take offs or landings shall occur between the hours of 9:00 p.m. and 7:00 a.m.
- C. The facility shall be accessory to the principal use located on the lot.
- D. All facilities shall be located and designed so that the operation thereof will not adversely affect adjacent residential areas, particularly with respect to noise levels.

Educational Institution, Post Secondary:

- A. The school is a trade/vocational/career technical school
- B. The school is accredited by the State of New Hampshire

Personal Service Establishments:

- A. The use is part of a larger retail/office or service center
- B. The use is complimentary to the adjacent advanced manufacturing or assembly uses



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P20-21

Application Type: Minor Lot Line Adjustment
Applicant(s): 150 Venture Drive LLC
Owner(s): 150 Venture Drive LLC
Location: Venture Drive and Sandy Lane (Map D, Lots 9A & 11A)
Meeting Date: April 14, 2020

INTENT: To adjust the lot line between two lots. Lot 9A would increase from 306,214 s.f. to 376,715 s.f. and lot 11A would decrease from 612,577 s.f. to 542,076 s.f..

LOTS/UNITS PROPOSED: N/A

AGENDA ITEM #: 4-A

ACREAGE: Existing: Proposed:
9A: 7.03 ac 8.65 ac
11A: 14.06 ac 12.44 ac

ZONING DISTRICT: IT (formerly I-4)

EXISTING: Foster's Publishing Building

PROPOSED LAND USE: N/A

SURROUNDING LAND USE: Industrial,
Vacant, Spaulding Turnpike

ZBA ACTION: None

ATTACHMENTS: Application materials
including LLA Plan

APPLICATION IS COMPLETE: Yes

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

PERMITS REQUIRED: None

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant is proposing to adjust the lot line between the two existing lots. Lot 9A (Venture Drive) and lot 11A (Sandy Lane). Lot 9A would increase from 306,214 s.f. (7.03 ac) to 376,715 s.f. (8.65 ac) and lot 11A would decrease from 612,577 s.f. (14.06 ac) to 542,076 s.f. (12.44 ac). The frontage does not change from the existing frontage for either lot.

Consistency with Land Use Regulations

Chapter 157-18 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 Planning Board accept the application for review, open the public hearing, and table the public hearing to April 28th.

P20-21 150 Venture Dr. LLA

**Property Information**

Property ID D0011-A00000
Location SANDY LN
Owner 150 VENTURE DRIVE LLC
Land Use 440



**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.

Geometry updated 10/18/2019
Data updated Daily



City of Dover, New Hampshire

MINOR LOT LINE ADJUSTMENT APPLICATION

[Revision Date: June 4, 2019]

Office Use Only

Project #:

Date Received:

Amount Paid:

Time Received:

APPLICANT INFORMATION

Name of Applicant: 150 Venture Drive LLC Telephone # 603-978-5500

Address of Applicant: 194 Dover Point Road, Dover, NH 03820

FIRST PROPERTY OWNER AND PARCEL INFORMATION

Name of 1st Property Owner (if different from applicant): _____ Telephone # _____

Address of 1st Property Owner: _____

Address of Property: _____

Assessor's Map # D Lot(s) # 9a

Property Deed: Book 3851 Page: 308

Zoning District(s) I-40 Overlay District(s) Wetlands

Size of Existing Parcel (sq. ft.): 306,214 Size of Proposed Parcel (sq. ft.): 376,715

SECOND PROPERTY OWNER AND PARCEL INFORMATION

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

Address of 2nd Property Owner: _____

Address of Property: _____

Assessor's Map # D Lot(s) # 11a

Property Deed: Book 3851 Page: 304 & 308

Zoning District(s) I-40 Overlay District(s) Wetlands

Size of Existing Parcel (sq. ft.): 612,577 Size of Proposed Parcel (sq. ft.): 542,076

THIRD PROPERTY OWNER AND PARCEL INFORMATION

Name of 3rd Property Owner (if different from applicant): _____ Telephone # _____

Address of 3rd Property Owner: _____

Address of Property: _____

Assessor's Map # _____ Lot(s) # _____

Property Deed: Book _____ Page: _____

Zoning District(s) _____ Overlay District(s) _____

Size of Existing Parcel (sq. ft.): _____ Size of Proposed Parcel (sq. ft.): _____

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

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) _____

Address _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

CONSERVATION EASEMENT HOLDER (s)

Name of Easement Holder: _____ Telephone # _____

Address Easement Holder: _____

Name of 2nd Easement Holder: _____ Telephone # _____

Address 2nd Easement Holder: _____

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: Patricia A. Foster Date: 3/20/2020

Signature of Second Property Owner: _____ Date: _____

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: [Signature] Date: 3-24-20

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: Patricia A. Foster Date: 3/20/2020

Assessor's Map # _____ Lot(s) # _____

Property Deed: Book _____ Page: _____

Zoning District(s) _____ Overlay District(s) _____

Size of Existing Parcel (sq. ft.): _____ Size of Proposed Parcel (sq. ft.): _____

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

SURVEYOR INFORMATION

Berry Surveying & Engineering
Kenneth A. Berry LLS

Name of Surveyor and Company (Licensed in N.H.) Christopher R. Berry PM

Address 335 Second Crown Point Road, Barrington Telephone #: 603-332-2863
NH 03825

Professional License #: 805 E-mail address: crberry@metrocast.net
k.berry@berrysurveying.com

CONSERVATION EASEMENT HOLDER (s)

Name of Easement Holder: City of Dover Telephone # 603-742-2121

Address Easement Holder: 288 Central Ave, Dover, NH 03820

Name of 2nd Easement Holder: _____ Telephone # _____

Address 2nd Easement Holder: _____

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: _____ Date: _____

Signature of Second Property Owner: _____ Date: _____

Signature of Applicant (if different from owner): _____ Date: _____

Signature of Agent: _____ Date: _____

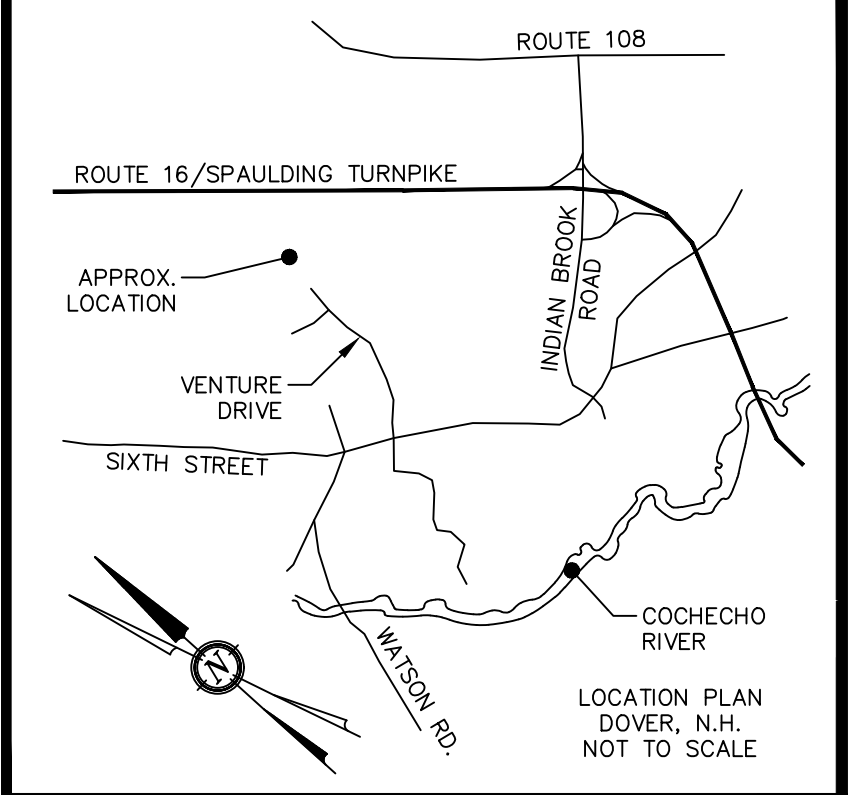
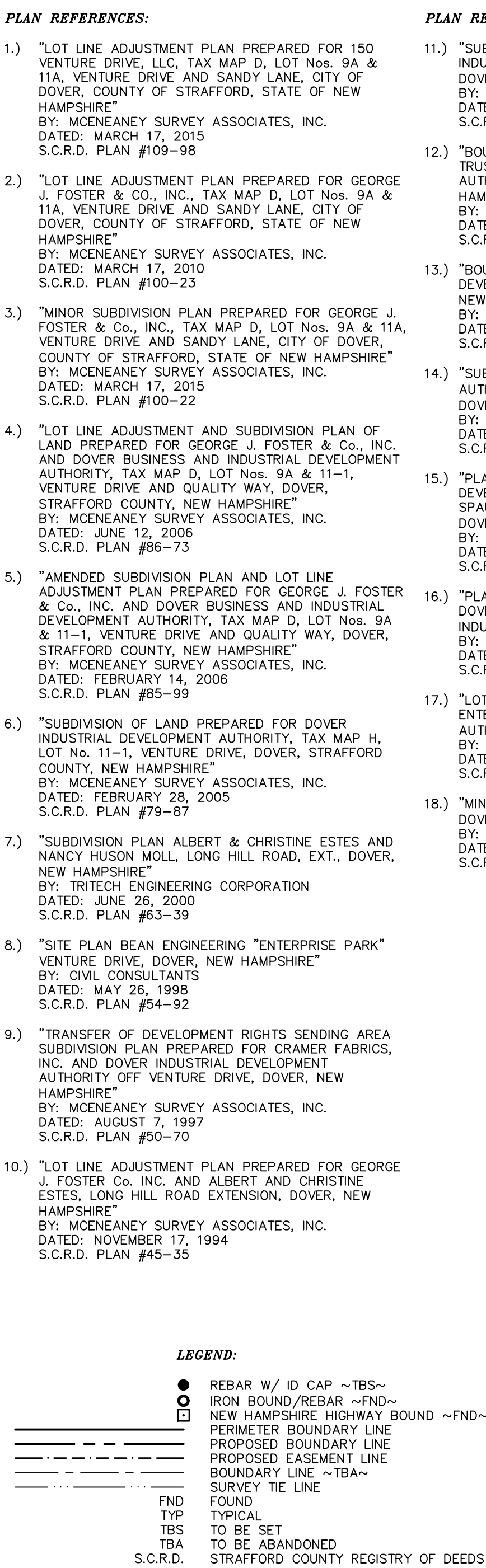
AUTHORIZATION TO ENTER SUBJECT PROPERTY

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

Signature of Property Owner: _____ Date: _____

P20-21 150 Venture Drive

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
D0009-A00SND	VENTURE DR	150 VENTURE DRIVE LLC		192 DOVER POINT RD	DOVER	NH	03820
D0009-A01000	VENTURE DR	150 VENTURE DRIVE LLC		192 DOVER POINT RD	DOVER	NH	03820
D0009-A01SND	VENTURE DR	150 VENTURE DRIVE LLC		192 DOVER POINT RD	DOVER	NH	03820
D0011-000000	127 VENTURE DR	APW PROPERTIES LLC		9 CAPITOL ST	CONCORD	NH	03301
D0011-001000	VENTURE DR	DOVER BUSINESS & IND DEV AUTHORITY		288 CENTRAL AVE	DOVER	NH	03820
D0011-003000	111 VENTURE DR	MERCHANDISE CENTRAL LLC		111 VENTURE DR	DOVER	NH	03820
D0011-009000	10 INNOVATION WY	HEINE USA		10 INNOVATION WAY	DOVER	NH	03820
D0011-A00000	SANDY LN	150 VENTURE DRIVE LLC		192 DOVER POINT RD	DOVER	NH	03820
A0052-000000	49 SANDY LN	GAGNON JOSHUA & JENNIFER TRUSTEE	ROMANS 1136 TRUST	49 SANDY LN	DOVER	NH	03820
A0052-000001	51 SANDY LN	JOHNSTONE MARK E TRUSTEE	JOHNSTONE MARK E 2014 TRUST	51 SANDY LN	DOVER	NH	03820
A0052-C00000	43 SANDY LN	HEBERT ANDREA		43 SANDY LN	DOVER	NH	03820



NOTES:

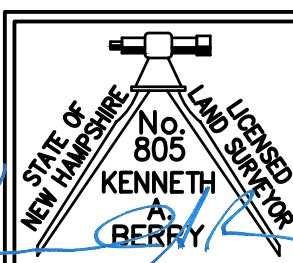
- 1.) OWNER: A.) 150 VENTURE DRIVE, LLC
192 DOVER POINT ROAD
DOVER, NH 03820

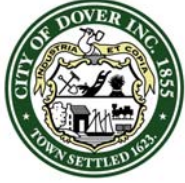
B.) 150 VENTURE DRIVE, LLC
192 DOVER POINT ROAD
DOVER, NH 03820
- 2.) A.) TAX MAP D, LOT 9A

B.) TAX MAP D, LOT 11A
- 3.) LOT AREA: A.) 306,214 Sq. Ft., 7.03 Ac. EXISTING
376,715 Sq. Ft., 8.65 Ac. PROPOSED

B.) 612,577 Sq. Ft., 14.06 Ac. EXISTING
542,076 Sq. Ft., 12.44 Ac. PROPOSED
- 4.) S.C.R.D. A.) BOOK 3851, PAGE 308

B.) BOOK 3851, PAGE 304 & 308
- 5.) ZONING: I-40, ASSEMBLY AND OFFICE
FRONTAGE ~ 400.0'
MINIMUM LOT SIZE ~ 5 Ac.
MAX. LOT COVERAGE ~ 33%
PRINCIPAL BUILDING:
FRONT SETBACK ~ 75.0'
REAR SETBACK ~ 75.0'
SIDE SETBACK ~ 75.0'
HEIGHT OF BUILDING ~ 40.0'
OUTBUILDING/ACCESSORY USE:
FRONT SETBACK ~ 75.0'
REAR SETBACK ~ 10.0'
SIDE SETBACK ~ 10.0'
HEIGHT OF BUILDING ~ 55.0'
- 6.) I HEREBY CERTIFY THAT, TO THE BEST OF MY
KNOWLEDGE & BELIEF, THIS PARCEL DOES NOT FALL
WITHIN THE FLOOD PLAIN HAZARD REF.: FEMA
COMMUNITY # ~ 330145, MAP# ~ 33017C03010; DATED:
SEPTEMBER 30, 2015.
- 7.) VERTICAL DATUM BASED ON NAVD88 ELEVATIONS.
HORIZONTAL COORDINATES BASED ON NAD83.
COORDINATES GATHERED USING TOPCON HIPER SR
SURVEY GRADE GPS RECEIVERS.
- 8.) THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE
RESULT OF A CLOSED TRAVERSE PERFORMED IN
MARCH OF 2020, WITH AN ERROR OF CLOSURE OF 1
PART IN 116,430.
- 9.) THE PURPOSE OF THIS PLAN IS TO SHOW A LOT LINE
REVISION BETWEEN TAX MAP D, LOTS 9A & 11A. LOT
9-A IS SERVICED BY MUNICIPAL WATER AND SEWER.
LOT 11-A IS CURRENTLY VACANT.
- 10.) THIS IS A 1 SHEET PLAN SET, THIS SHEET WILL BE
RECORDED AT THE STAFFORD COUNTY REGISTRY OF
DEEDS. FOR MORE INFORMATION ON THIS LOT LINE
REVISION, CONTACT THE CITY OF DOVER PLANNING
DEPARTMENT, 288 CENTRAL AVE, DOVER, NH 03820,
(603) 516-6008.
- 11.) THERE ARE NO KNOWN VARIANCES OR CONDITIONAL
USE PERMITS ASSOCIATED WITH EITHER PROPERTY.

REVISION	DATE	DESCRIPTION
LOT LINE REVISION PLAN LAND OF 150 VENTURE DRIVE, LLC VENTURE DRIVE & SANDY LANE DOVER, N.H. <i>TAX MAP D, LOTS 9A & 11A</i>		
 STATE OF NEW HAMPSHIRE NO. 805 KENNETH A. BERRY LICENSED LAND SURVEYOR SIGNATURE BERRY SURVEYING  & ENGINEERING 335 SECOND CROWN POINT RD. BARRINGTON, N.H. (603)332-2863		
SCALE : 1 IN. EQUALS 100 FT.		
DATE : MARCH 24, 2020		
FILE NO. : DB 2019-152		



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P20-22

Application Type: Minor Subdivision
Applicant(s): STF Development Corp
Owner(s): STF Development Corp
Location: Snow's Court (Assessor's Map 32, Lot 35A)
Meeting Date: April 14, 2020

INTENT: To subdivide one lot into two. This application is the result of a condition of approval from P19-52 (CUP to allow a building in the wetland buffer). The intention relayed to staff is for the subdivided parcel to be donated to the City.

LOTS/UNITS PROPOSED: One single family

AGENDA ITEM: # 4-B

ACREAGE: 0.92 ac

ZONING DISTRICT: R-12

EXISTING LAND USE: Vacant

PROPOSED LAND USE:
Residential

SURROUNDING LAND USE:
Residential and Cochecho River

ZBA ACTION: N/A

ATTACHMENTS:

- Subdivision Application Materials including plans

APPLICATION IS COMPLETE: Yes

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

PERMITS REQUIRED: N/A

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant proposes to subdivide lot 32/25A into two lots. The new lot areas would be 0.43 acres (lot 35A) and 0.50 acres (lot 35A-1). The Planning Board conditionally approved a Conditional Use Permit to allow a building within the wetland buffer at their March 27th meeting. This subdivision is a condition of that approval.

The new lots meet the frontage and area requirements and will be served by municipal water and sewer.

As this is a minor subdivision, it did not go before the Technical Review Committee.

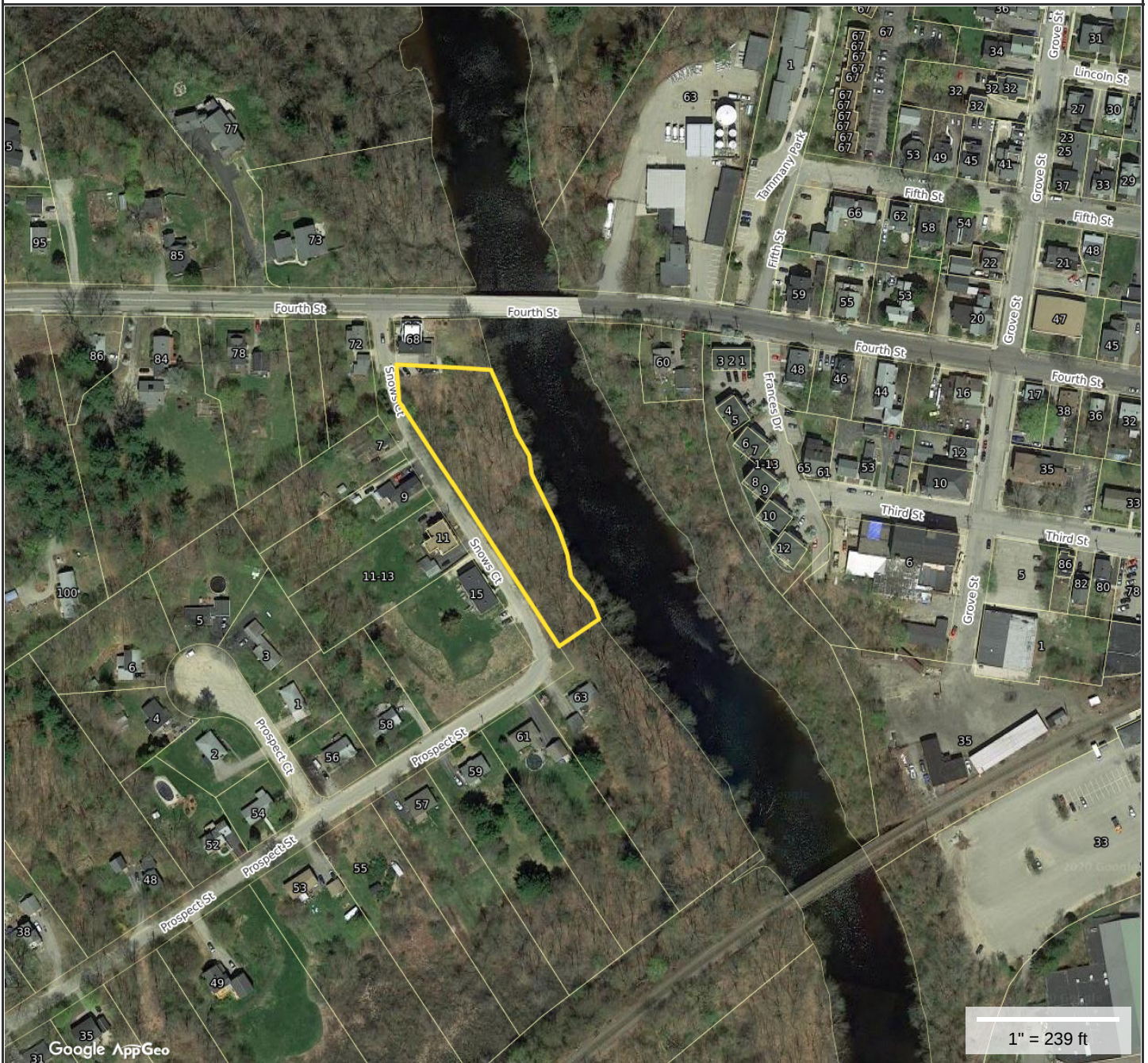
Consistency with Land Use Regulations

Chapter 157-15 of the Land Subdivision Regulations of the City Code provides for subdivisions of existing lots. This plan is consistent with the regulations.

STAFF RECOMMENDATION:

The Planning Department recommends the Planning Board accept the application, open the public hearing, and table the public hearing until April 28th.

P-20-22 Snows Court Subdivision

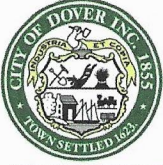
**Property Information**

Property ID 32035-A00000
Location SNOW'S CT
Owner STF DEVELOPMENT CORP
Land Use 130

**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.

Geometry updated 10/18/2019
Data updated Daily



City of Dover, New Hampshire

MINOR SUBDIVISION APPLICATION

[Revision Date: August 02, 2017]

Office Use Only

Project #:

Date Received:

Amount Paid:

Time Received:

APPLICANT AND OWNER INFORMATION

Name of Applicant: STF Development Corp Telephone # 603-742-2121

Address of Applicant: 242 Central Ave, Dover, NH 03820

Name of Property Owner (if different from applicant): Same as above Telephone # _____

Address of Property Owner: _____

E-Mail Address: _____

PROPERTY INFORMATION

Address of Property: Snows Court

Assessor's Map # 32 Lot(s) # 35A

Zoning District(s) R-12 Overlay District(s) Flood Plan & Conservation Overlay

Size of Parcel: _____ Property Deed: Book 2515 Page: 207

Existing Use of Property: Vacant Land

SUBDIVISION INFORMATION

Existing Number of Lots: 1 Proposed Number of Lots: 2

City Water? ☒ Yes ☐ No How far is city water from the property? +/- 30 feet

City Sewer? ☒ Yes ☐ No How far is city sewer from the property? +/- 30 feet

Highway Access (check where applicable): ☒ City Street ☐ State Highway

Estimated Length of Proposed Roads: N/A feet Public or Private Road? N/A

WAIVER REQUESTS

Subdivision Regulations section(s) to be waived: N/A

Justification for waiver request(s) (attach additional sheets as needed): N/A

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) Kenneth A. Berry, PE, LLS
Berry Surveying & Engineering

Address 335 Second Crown Point Rd, Barrington, NH 03825 Telephone #: 603-332-2863

Professional License #: 805 E-mail address: K.Berry@BerrySurveying.com

ENGINEER INFORMATION

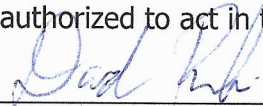
Name of Engineer and Company (Licensed in N.H.) Kenneth A. Berry, PE, LLS
Berry Surveying & Engineering

Address 335 Second Crown Point Rd, Barrington, NH 03825 Telephone #: 603-332-2863

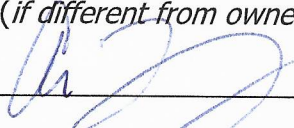
Professional License #: 14243 E-mail address: K.Berry@BerrySurveying.com

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. Furthermore, I/We submit that the existing conditions sheet of the plan represents the lot in question, and that no alteration of the site shall take place during Planning Board review up to and including the pre-construction meeting. As applicant or as agent, I attest that I am duly authorized to act in this capacity.

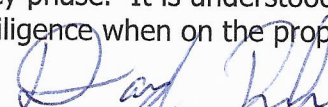
Signature of Property Owner:  Date: 6/30/2019

Signature of Applicant (if different from owner): _____ Date: 6/30/2019

Signature of Agent:  Date: 6/30/2019

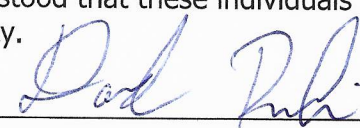
AUTHORIZATION TO ENTER SUBJECT PROPERTY

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:  Date: 6/30/2019

AUTHORIZATION TO COMPLETE THE PROJECT ON SUBJECT PROPERTY

I, and my successors, hereby authorize the City of Dover and its assigns to enter my property for the purpose of completing the site work as required by the approved plan should the letter or credit or other surety be called. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner:  Date: 6/30/2019

Signature of Applicant (if different from owner): _____ Date: 6/30/2019

CERTIFICATION OF FEES

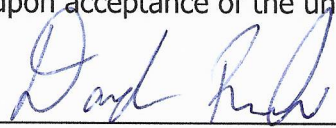
I, and my successors, hereby certify that I understand that the City of Dover collects impact fees, utility investment fees and inspection fees for projects developed in Dover. Said fees must be paid before a Certificate of Occupancy can be obtained for a structure, unless a different payment schedule is agreed to by the applicant and the City prior to approvals being issued by the Dover Planning Board. Additionally, should the property be in "Current Use" it will be subject to the Land Use Change Tax.

Signature of Property Owner:  Date: 6/30/2019

Signature of Applicant (*if different from owner*): _____ Date: 6/30/2019

CERTIFICATION OF PUBLIC ROADWAY ACCEPTANCE

I, and my successors, hereby certify that I understand that the acceptance of a roadway as a public road is an action of the City Council in its sole and complete discretion. In order for the City Council to consider accepting a road as public, it must be free of encumbrances. No roadway with private utility easements shall be accepted as a public road by the City unless the easements are expunged prior to the transfer of land to the City. License agreements for any and all private utilities within the right of way may be granted by the City upon acceptance of the unencumbered roadway consistent with applicable state law.

Signature of Property Owner:  N/A Date: 6-30-19

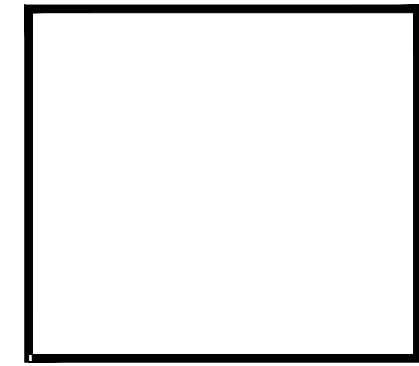
Signature of Applicant (*if different from owner*): _____ Date: _____

P20-22 Snows Court

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
10001-B00000	59 PROSPECT ST	KENNEDY EDWARD J & MARGARET TRUSTEES	KENNEDY EDWARD J AND MARGARET IRREV TRUS	59 PROSPECT ST	DOVER	NH	03820
10001-C00000	61 PROSPECT ST	JACQUES ARMAND P & DIXIE L TRUSTEES	JACQUES ARMAND AND DIXIE REVOCABLE LIVIN	61 PROSPECT STREET	DOVER	NH	03820
10001-D00000	63 PROSPECT ST	SHAHEEN THOMAS H		356 BENHAM RD	GROTON	CT	06340
31003-000000	60 FOURTH ST	MURPHY CAROL	O'REILLY JOHN R.	60 FOURTH STREET	DOVER	NH	03820
32002-000000	FOURTH ST	GEORGE EDWARD J FAMILY TRUST		151 ROBERTS RD	ROLLINSFORD	NH	03869
32003-000000	78 80 FOURTH ST	EIGHTY FOURTH STREET LLC	C/O REYNOLDS	PO BOX 396	DOVER	NH	03821
32032-000000	11 13 SNOW'S CT	SNOW'S COURT CONDOMINIUMS	C/O WHITE CREST DEVELOPERS LLC	79 EXETER RD	NORTH HAMPTON	NH	03862-2002
32033-000000	9 SNOW'S CT	CHENEY CATHERINE ANN		9 SNOWS CT	DOVER	NH	03820
32034-000000	7 SNOW'S CT	PERKINS DOROTHY S	PERKINS DANIEL O	7 SNOW'S COURT	DOVER	NH	03820
32035-000000	68 FOURTH ST	ARRIGONI SCOTT A &	ARRIGONI ELLEN A	400 SLIGO RD	ROLLINSFORD	NH	03869-5812
32036-D00000	73 FOURTH ST	JAFFE MARTIN J &	JAFFE CAROLE	73 FOURTH ST	DOVER	NH	03820
32031-000000	15 SNOW'S CT	HELLO SNOWS COURT LLC		PO BOX 504	PORTSMOUTH	NH	03801
31002-000000	63 FOURTH ST	OSTERMAN PROPANE LLC		18 SPRING ST	BRUNSWICK	ME	04011
31003-A00000	FOURTH ST	CITY OF DOVER		288 CENTRAL AV	DOVER	NH	03820-4169
32032-000001	11 SNOW'S CT	COLLINS KAREN E		11 SNOW'S CT	DOVER	NH	03820
32032-000002	13 A SNOW'S CT	MARTIN KARLA A		11-13 SNOW'S CT UNIT 13A	DOVER	NH	03820
32032-000003	13 B SNOW'S CT	RITCHINGS DOUGLAS J &	RITCHINGS ROBERTA A	13 B SNOW'S COURT	DOVER	NH	03820
32001-000000	72 FOURTH ST	LAW GERORGE JR & GLENNA TRUSTEES	LAW GEORGE JR AND GLENNA TRUSTS	72 FOURTH ST	DOVER	NH	03820
		BERRY SURVEYING & ENGINEERING		35 SECOND CROWN POINT	BARRINGTON	NH	03825
		STF DEVELOPMENT		242 CENTRAL AVENUE	DOVER	NH	03820

JURISDICTIONAL WETLANDS WERE DELINEATED BY CYNTHIA BALCIUS OF STONEY RIDGE ENVIRONMENTAL LLC IN JANUARY, 2019, UTILIZING THE FOLLOWING STANDARDS:

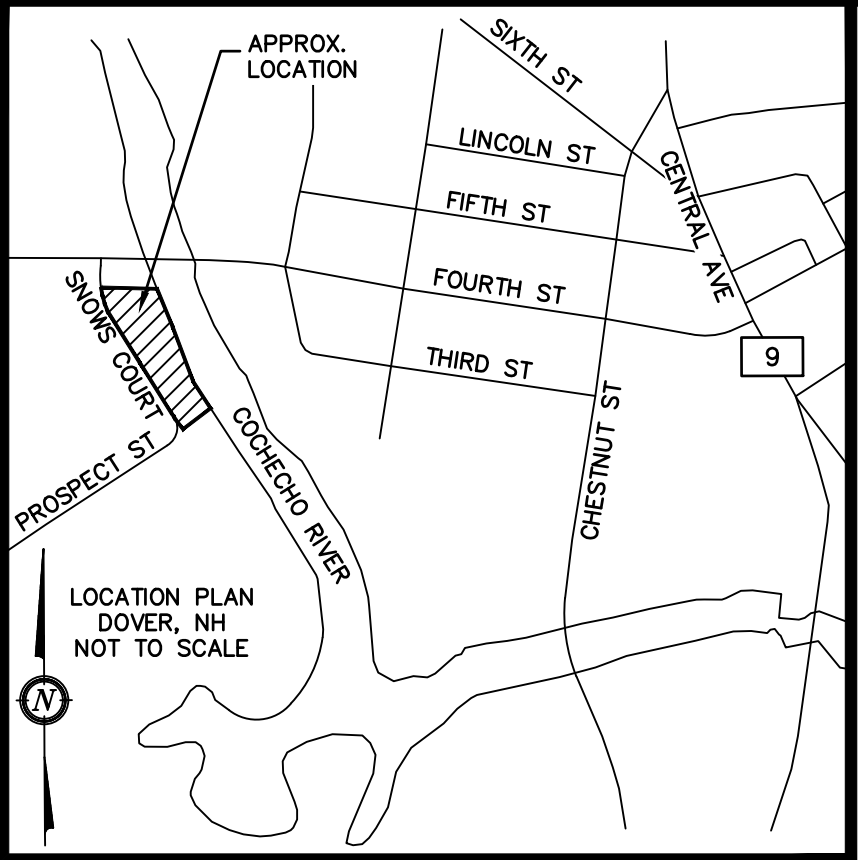
- 1) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 7.0. 2010. L.M. VASILAS, G.W. HURT, AND C.V. NOBLE (EDS.). UNITED STATES DEPARTMENT OF AGRICULTURE, NATURAL RESOURCES CONSERVATION SERVICE, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS.
- 2) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND. VERSION 3. APRIL 2004. NEIWPCC WETLANDS WORKGROUP. WILMINGTON, MA 01887.
- 3) NORTH AMERICAN DIGITAL FLORA: NATIONAL WETLAND PLANT LIST, VERSION 2.1.0 (HTTP://WETLAND_PLANTS.USACE.ARMY.MIL.). U.S. ARMY CORPS OF ENGINEERS, ENGINEER RESEARCH AND DEVELOPMENT CENTER, COLD REGIONS RESEARCH AND ENGINEERING LABORATORY, HANOVER, NH, AND BONAP, CHAPEN HILL.
- 4) STATE OF NEW HAMPSHIRE 2014 WETLAND PLANT LIST. LICHVAR, R.W., M. BUTTERWICH, N.C. MELVIN, AND W.N. KIRCHNER. 2014. THE NATIONAL WETLAND PLANT LIST: 2014 UPDATE OF WETLAND RATINGS. PHYTONEURON 2014-41:1-42.
- 5) CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, JANUARY 1987. WETLANDS RESEARCH PROGRAM TECHNICAL REPORT Y-87-1.
- 6) REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION. JANUARY 2012, VERSION 2. U.S. ARMY CORPS OF ENGINEERS. ENVIRONMENTAL LABORATORY ERDC/EL TR-12-1.
- 7) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. DECEMBER 1979. L. COWARDIN, V. CARTER, F. GOLET, AND E. LAROE. US DEPARTMENT OF THE INTERIOR, FISH AND WILDLIFE SERVICE. FWS/OBS-79/31.



STONEY RIDGE ENVIRONMENTAL, LLC.
CYNTHIA BALCIUS, CWS #61

PLAN REFERENCES:

1. "WHITE ENTERPRISES INC. PLAN OF LOTS, PROSPECT ST., DOVER NEW HAMPSHIRE" BY: GL DAVIS & ASSOCIATES DATED: APRIL, 1968 S.C.R.D. PLAN #9A, POCKET #9, FOLDER #2
2. "PLAN OF LAND OF LEWIS & SARAH BROWN, EASTERLY SIDE OF SNOWS COURT, DOVER, N.H." BY: G.A. CRAWFORD DATED: APRIL 27, 1955 S.C.R.D. PLAN #55, POCKET #3, FOLDER #1
3. "PLAN OF LAND, GERARD R. COTE, DOVER, N.H." BY: GL DAVIS & ASSOCIATES S.C.R.D. PLAN #55, POCKET #2, FOLDER #15



NOTES:

- 1.) OWNER: STF DEVELOPMENT CORPORATION 242 CENTRAL AVENUE DOVER, NH 03820
- 1A.) APPLICANT: STF DEVELOPMENT CORPORATION 242 CENTRAL AVENUE DOVER, NH 03820
- 2.) TAX MAP 32, LOT 35A
- 3.) LOT AREA: 40,592 Sq. Ft., 0.92 Ac.
- 4.) S.C.R.D. BOOK 2515, PAGE 207
- 5.) ZONING: (R-12) MEDIUM DENSITY RESIDENTIAL DISTRICT MINIMUM FRONTAGE ~ 100' MINIMUM LOT SIZE ~ 12,000 Sq. Ft. FRONT BUILD TO LINE ~ 15'-25' REAR SETBACK ~ 30' SIDE SETBACK ~ 15' WETLANDS BUFFER ~ 50.0' MAX. BUILDING HEIGHT: 35' MAX. LOT COVERAGE: 30%
- 6.) I HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE & BELIEF, PART OF THIS PARCEL DOES FALL WITHIN THE FLOOD PLAIN FLOOD HAZARD REF.: FEMA COMMUNITY #330145, MAP #33017C0310E, DATED: SEPTEMBER 30, 2015
- 7.) THE FEMA FLOOD ZONE IS AT ELEVATION 46.4', LOCATED ACROSS THE STREET.
- 8.) VERTICAL DATUM BASED ON NAVD88 ELEVATIONS. HORIZONTAL COORDINATES BASED ON NAD83. COORDINATES GATHERED USING TOPCON HIPER SR SURVEY GRADE GPS RECEIVERS.
- 9.) THE BOUNDARY LINES SHOWN ON THIS PLAN ARE THE RESULT OF A CLOSED TRAVERSE PERFORMED BY THIS OFFICE IN FEBRUARY OF 2019, WITH AN ERROR OF CLOSURE OF 1 PART IN 21612.70.
- 10.) THE INTENT OF THIS PLAN IS TO SHOW THE BOUNDARIES OF A PROPOSED 2 LOT SUBDIVISION ON TAX MAP 32, LOT 35A.
- 11.) THIS IS A 9 SHEET PLAN SET WITH SHEET 3 WILL BE RECORDED AT THE STRAFFORD COUNTY REGISTRY OF DEEDS. SHEET 3 WILL BE ON FILE AT THE CITY OF DOVER OR THIS OFFICE. FOR MORE INFORMATION ON THIS SUBDIVISION, CONTACT THE CITY OF DOVER PLANNING DEPARTMENT, 288 CENTRAL AVENUE, DOVER, NH 03820, (603) 516-6008.
- 12.) BOTH LOTS WILL BE SERVICED BY MUNICIPAL WATER AND SEWER.
- 13.) OWNER TO WORK WITH CITY ENGINEER ON PROPOSED WATER AND SEWER UTILITIES FOR THE PROPOSED LOT.
- 14.) NHDES SUBDIVISION APPROVAL NOT REQUIRED DUE TO THE SITE BEING SERVICED BY MUNICIPAL WATER AND SEWER.
- 15.) SEE SHEET 5 FOR ALL OTHER STANDARD SUBDIVISION NOTES ON FILE AT THE DOVER PLANNING.

LEGEND:

- IRON BOUND ~TBS~
- IRON PIPE ~FND~
- CONCRETE BOUND ~FND~
- UTILITY POLE
- GUY WIRE
- ⊕ TEMPORARY BENCH MARK (T.B.M.)
- SURVEY TIE LINE
- PROPOSED BOUNDARY LINE
- BUILDING SETBACK LINE
- APPROXIMATE ABUTTING BOUNDARY LINE
- 100' CONSERVATION DISTRICT
- 50' PRIMARY BUILDING SETBACK LINE (NHDES)
- 150' NATURAL WOODLAND BUFFER LINE (NHDES)
- FEMA FLOODWAY LINE
- CONCRETE HEADWALL OR RETAINING WALL
- FND
- TYP
- S.C.R.D. STRAFFORD COUNTY REGISTRY OF DEEDS

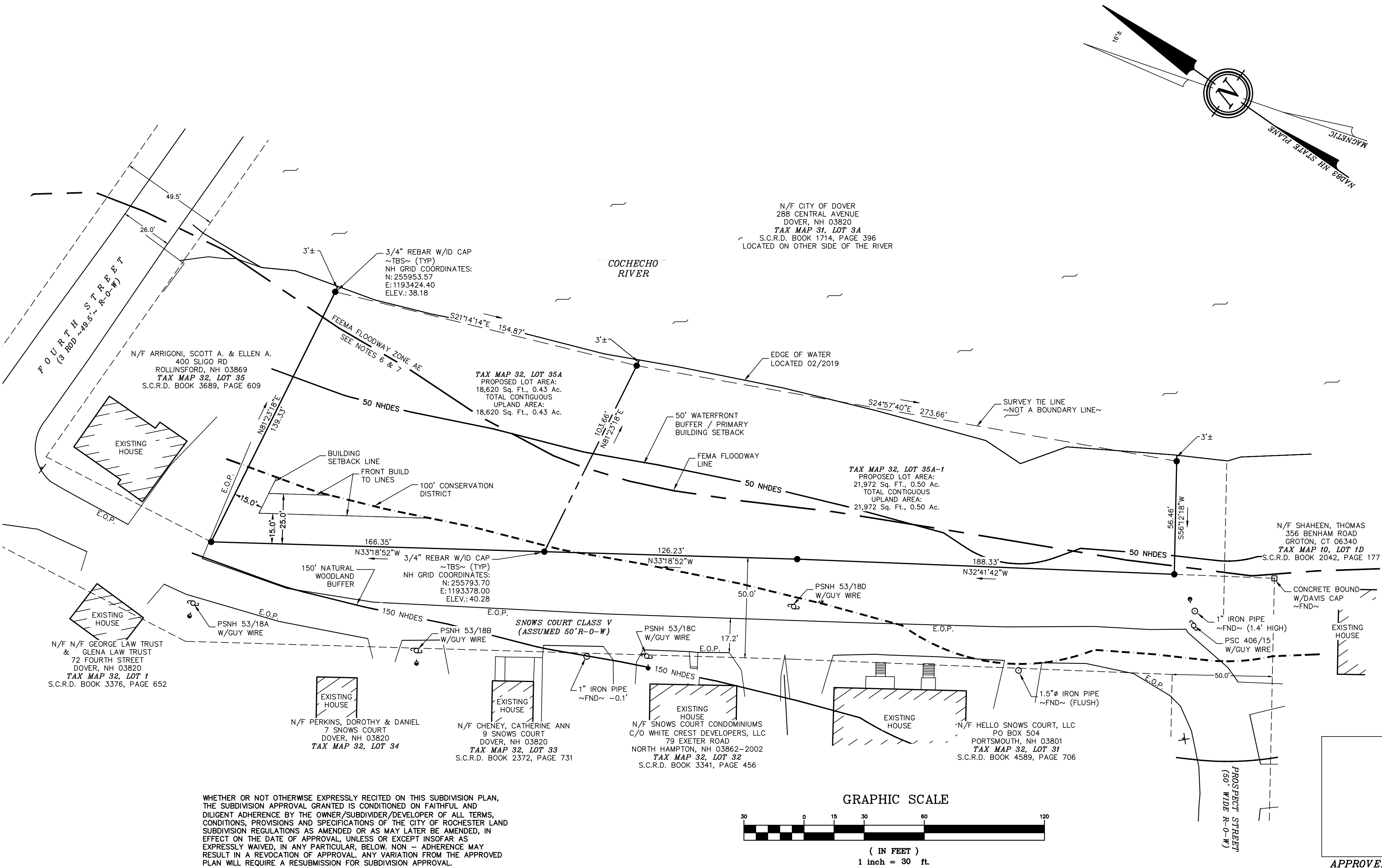
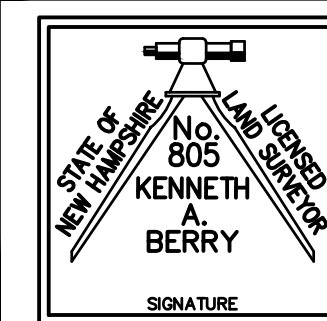
I CERTIFY THAT THIS PLAT EXCEEDS THE MINIMUM REQUIREMENT FOR ACCURACY AND COMPLETENESS OF THE STATE OF N.H. AND OF THE CITY OF DOVER, N.H. - 1:10,000 -

KENNETH A. BERRY LLS 805 DATE

REVISION	DATE	DESCRIPTION

SUBDIVISION PLAN
LAND OF
STF DEVELOPMENT CORPORATION
SNOWS COURT
DOVER, N.H.
TAX MAP 32, LOT 35A

BERRY SURVEYING & ENGINEERING
335 SECOND CROWN POINT ROAD
BARRINGTON, NH 03825 (603)332-2863
SCALE : 1 IN. EQUALS 30 FT.
DATE : JUNE 14, 2019
FILE NO. : DB 2019 - 013



WHETHER OR NOT OTHERWISE EXPRESSLY RECITED ON THIS SUBDIVISION PLAN, THE SUBDIVISION APPROVAL GRANTED IS CONDITIONED ON FAITHFUL AND DILIGENT ADHERENCE BY THE OWNER/SUBDIVIDER/DEVELOPER OF ALL TERMS, CONDITIONS, PROVISIONS AND SPECIFICATIONS OF THE CITY OF ROCHESTER LAND SUBDIVISION REGULATIONS AS AMENDED OR AS MAY LATER BE AMENDED, IN EFFECT ON THE DATE OF APPROVAL, UNLESS OR EXCEPT INSOFAR AS EXPRESSLY WAIVED, IN ANY PARTICULAR, BELOW. NON - ADHERENCE MAY RESULT IN A REVOCATION OF APPROVAL. ANY VARIATION FROM THE APPROVED PLAN WILL REQUIRE A RESUBMISSION FOR SUBDIVISION APPROVAL.