

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, June 23, 2020**
Meeting Time: **7:00 pm**

1. CITIZENS' FORUM

2. APPROVAL OF THE PRIOR MINUTES

- June 9, 2020 Regular Meeting Minutes

3. OLD BUSINESS

- A. Public Hearing and possible vote on 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 5th public hearings on these amendments.*
- B. Public Hearing and possible vote on 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 an 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 5th public hearings on these amendments.*
- C. Consideration and possible vote of a Request to use Transfer of Development Rights for a Subdivision for Robert Baldwin, Assessor's Map I, Lot 30, zoned R-40, located at 144 Mast Road. (Proposal is to subdivide one lot into four by purchasing three units via TDR)*(P20-35)

4. NEW BUSINESS

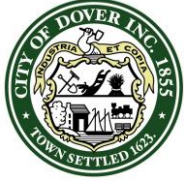
- A. Consideration and acceptance of a Minor Subdivision for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (1 new lot) *(P20-26)
- B. Consideration and acceptance of a Conditional Use Permit for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (Proposal is to allow a front build out of 44.5%, where a 60% minimum is required). *(P20-37)
- C. Consideration and acceptance of a Conditional Use Permit for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (Proposal is to allow a 21.5% lot coverage, where 50% is required).*(P20-38)
- D. Consideration and acceptance of a Conditional Use Permit for Thomas & Evelyn Backowies, Assessor's Map 26, Lot 9, zoned Gateway, located at 99-101 Broadway. (Proposal is to allow 2.5% lot coverage, where 50% is required). *(P20-39)

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.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE

Application Type: Zoning Amendments - Syntax
Applicant(s): City of Dover
Owner(s): City of Dover
Location: N/A
Meeting Date: June 23, 2020

INTENT: To amend Chapter 170, entitled “Zoning Ordinance” of the code of the City of Dover. Amendments include revising terms, syntax and numbering.

LOTS/UNITS PROPOSED: N/A

AGENDA ITEM #: 3-A

ACREAGE: N/A

ZONING DISTRICT: N/A

EXISTING LAND USE: N/A

PROPOSED LAND USE: N/A

SURROUNDING LAND USE: N/A

ZBA ACTION: None

ATTACHMENTS: Posted Amendments

APPLICATION IS COMPLETE: Yes

NOTICES SENT: Letter mailed to all residents in March

PERMITS REQUIRED: N/A

WAIVERS REQUESTED: N/A

Summary of Request and Background

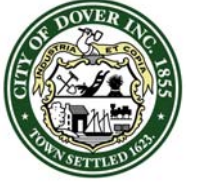
These Amendments are a result of consultation with General Code, the City’s code management vendor. Similar to the work by the Planning Board in 2019, a result of these amendments will be renumbering Chapter 170. The new chapter will be Chapter 151.

Consistency with Land Use Regulations

Chapter 170-53 of the Zoning Ordinance allows for amendments to the Zoning Code Per subsection D, notice was made to all property owners by mail. Furthermore 4 Public Hearings were held in April and May.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board hold a final public hearing and vote to approve the amendments. You can separate the question and vote on each item or vote as a package.

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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) “Downtown Gateway sub-district” 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



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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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Ordinance Title: Updating the Dover Zoning Ordinance
Chapter: 170

Chapter 170 of the Code of the City of Dover, entitled Zoning, is hereby amended by revising 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 the divided by the minimum lot size, and the whole number value is the base number, with no rounding.
 - a. This base number is not required to be restricted by the requirements in subsection iii, 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



CITY OF DOVER

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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		



CITY OF DOVER

CITY OF DOVER – ORDINANCE

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

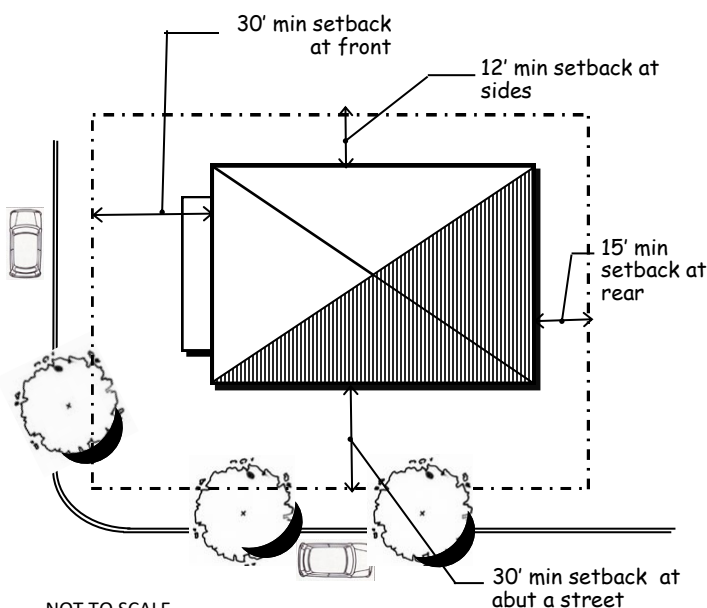
Size	C District
Total signs permitted	2 [per tenancy, and is for lot (excluding development identification signs)]
Total area permitted	2 sf for each lineal foot of business FRONTAGE (see 170-32 for regulations for businesses bordering the Spaulding Turnpike)
Type	
FREESTANDING	(Max size 60 sf, max height 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]

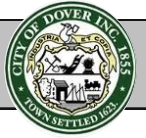
LOT	
Minimum LOT Size	20,000 sf
Maximum COVERAGE	50%
Minimum FRONTAGE	125 ft
PRINCIPAL	
Front SETBACK	30 ft
Abut a Street SETBACK	30 ft
Side SETBACK [6]	12 ft
Rear SETBACK [6]	15 ft
OUTBUILDING/ ACCESSORY USE	
Front SETBACK	50 ft
Abut a Street SETBACK	50 ft
Side SETBACK	10 ft
Rear SETBACK	10 ft
HEIGHT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



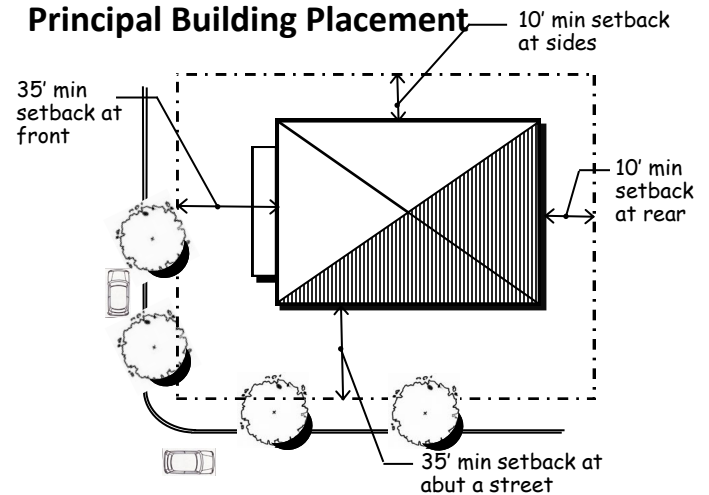
Permitted Uses

- ADULT DAY CARE
- CHILD CARE FACILITY
- COMMERCIAL RECREATION
- Eating and Drinking Establishment [5]
- Establishments for the manufacture assembly, services and 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
- 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.

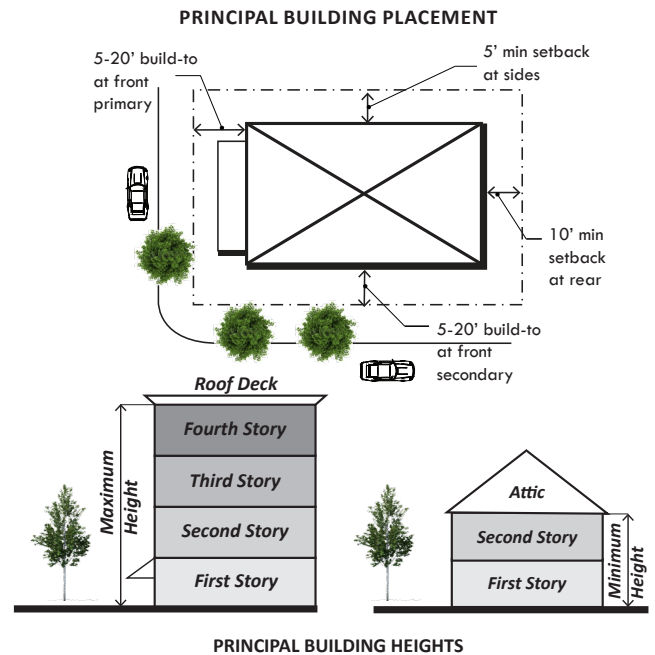
PARKING LOCATION STANDARDS (SEE 153-14)

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.*

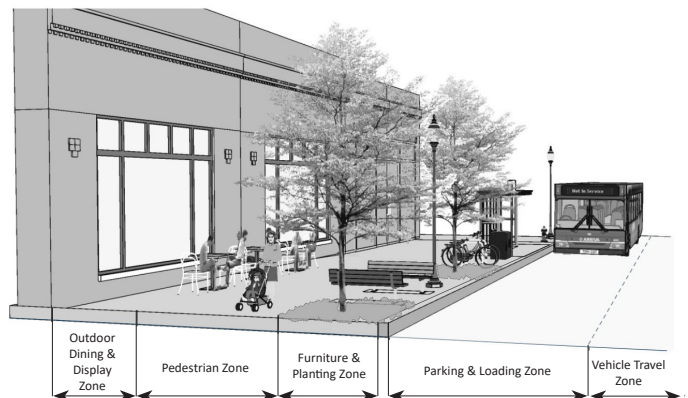
STREETSCAPE STANDARDS

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.**

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 |

Uses Permitted by Conditional Use

- ## Principal Building Placement

50' min setback at front

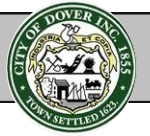
50' min setback at rear

50' min setback at sides

50' min setback at about a street

NOT TO SCALE

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



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

REZONING 2020

MARCH 4, 2020

HOW DID WE GET HERE?

- January 2018: Planning Board Goals Set
- February: Rezoning Subcommittees created
- February 2018 to August 2019: Subcommittees draft reports
- August 27 2019: Subcommittee submits report
- September 2019 – February 2020: Staff drafts language.
- February 11, 25, 2020: PB Posts amendments

WHAT'S NEXT?

- Area Rezoning Neighborhood meetings
- Planning Board Public Hearing
- Public Comment Period
- Deliberations and Vote by Planning Board
- Recommendations sent to City Council
- City Council Public Hearing
- Deliberations and Vote by City Council

REZONING – SYNTAX AND RESTACKING

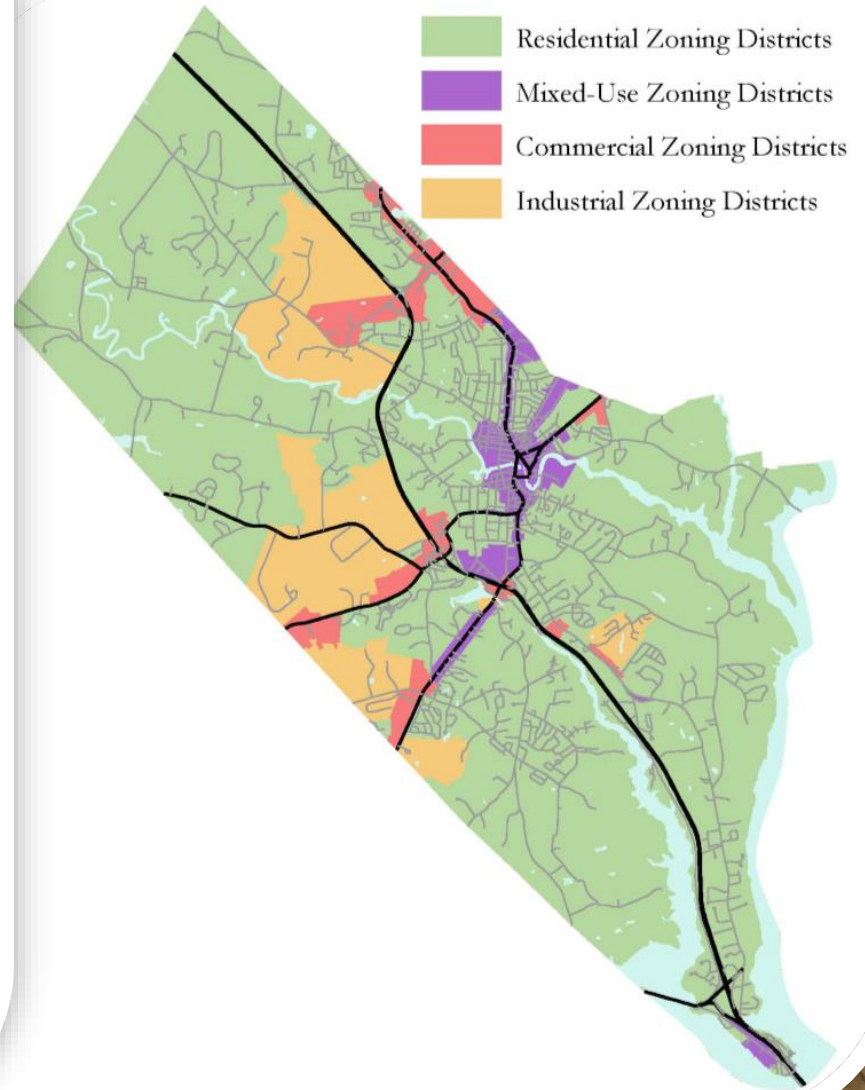
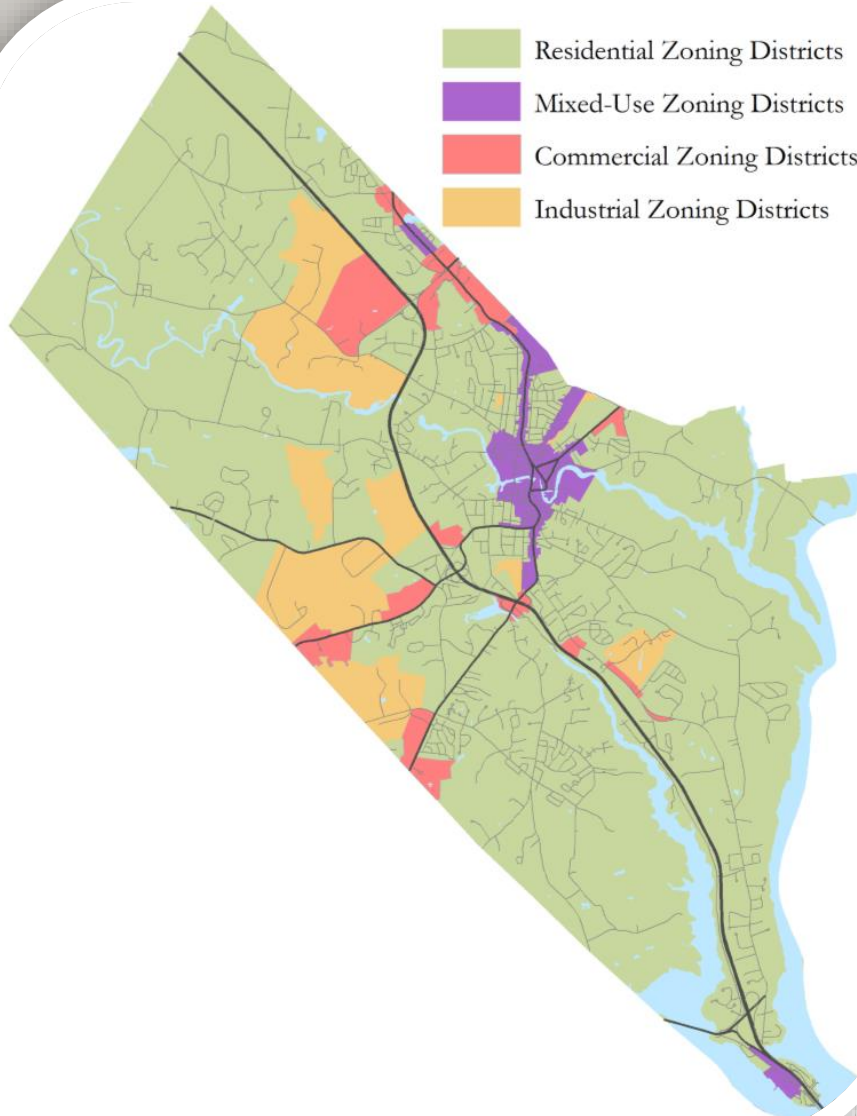
- “Comprehensive Development Plan” to “Master Plan”
- “Engineering Department” to “Community Services Department”
- Chapter “149” to Chapter “153”
- NH Administrative Rule “Wt 101.103” to “ENV Wt.101.113”

- Converting numbered bullet points to letters
- Adding lettered bullets to sections previously not indexed

- Article II changes from “Word Uses” to “Terminology”

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made ~~by the~~ in the enforcement of this Chapter

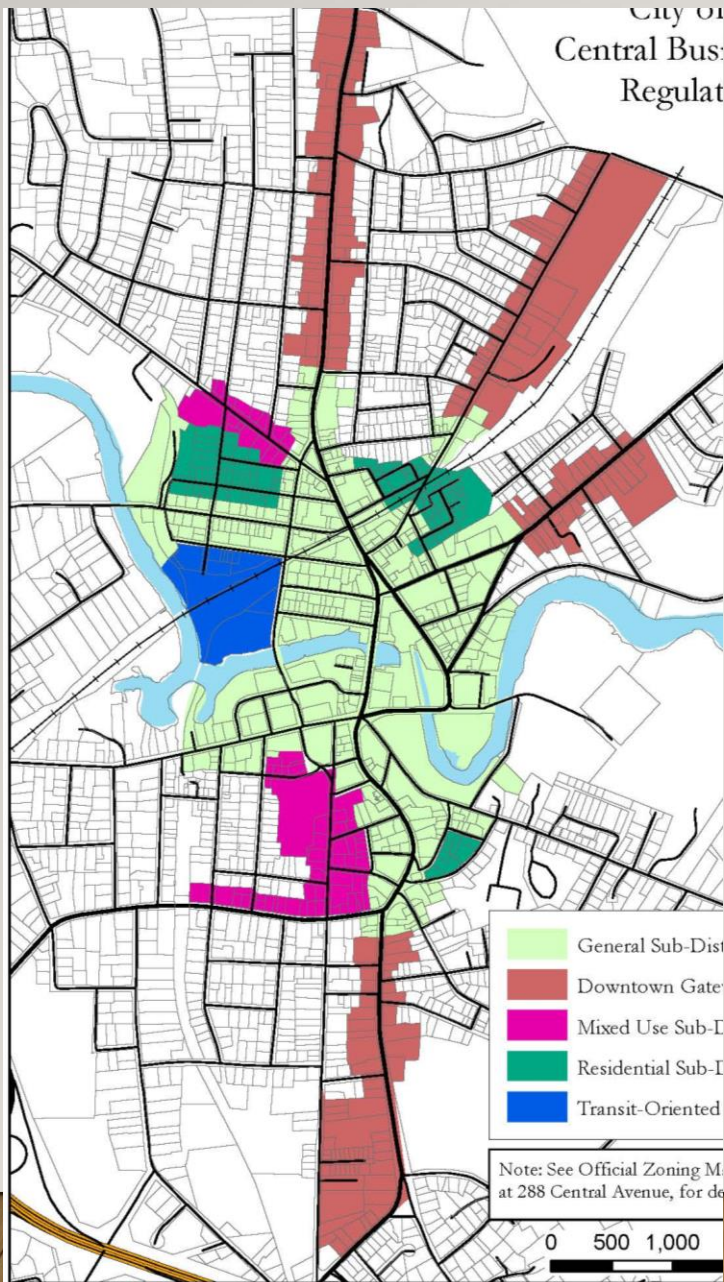
REZONING – SUBSTANTIVE



REZONING – ACREAGE

	2019		2020	
	Ac	% of City	Ac	% of City
Commercial	775	4%	583	3%
Industrial	1,836	10%	2,112	11%
Mixed use	571	3%	704	4%
(Nonres.	3,182	17%	3,399	18%)
Residential	15,410	83%	15,193	82%

	2019		2020	
	Ac	% of City	Ac	% of City
Single	14,447	78%	14,231	77%
Multi	963	5%	962	5%



CREATE GATEWAY

Create standalone Gateway zone, incorporating Downtown Gateway sub district.

Changes 109 acres, all mixed use from a sub district of the Central Business District to a standalone district and then adds other areas to the new district.

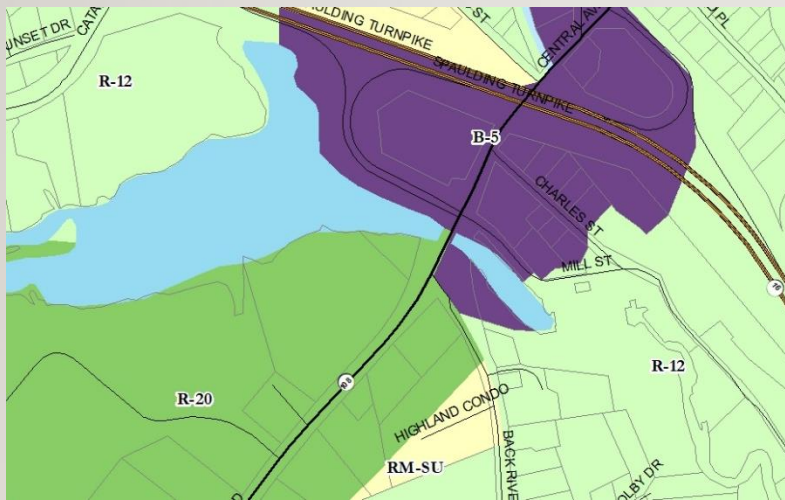
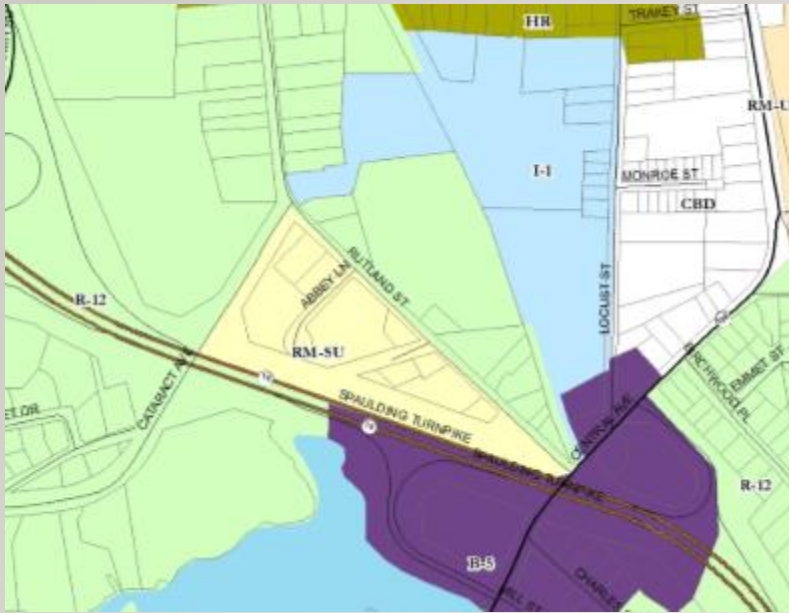
Create Gateway

Rezone area between Locust Street and Spaulding Turnpike from I-1, R-12 and RM-SU and B-5 to Gateway

Changes 90 acres, 35 of which is residential, 30 is commercial and 25 is industrial to the new standalone mixed use district.

Rezone area on Durham Rd at Back River from R20 to Gateway

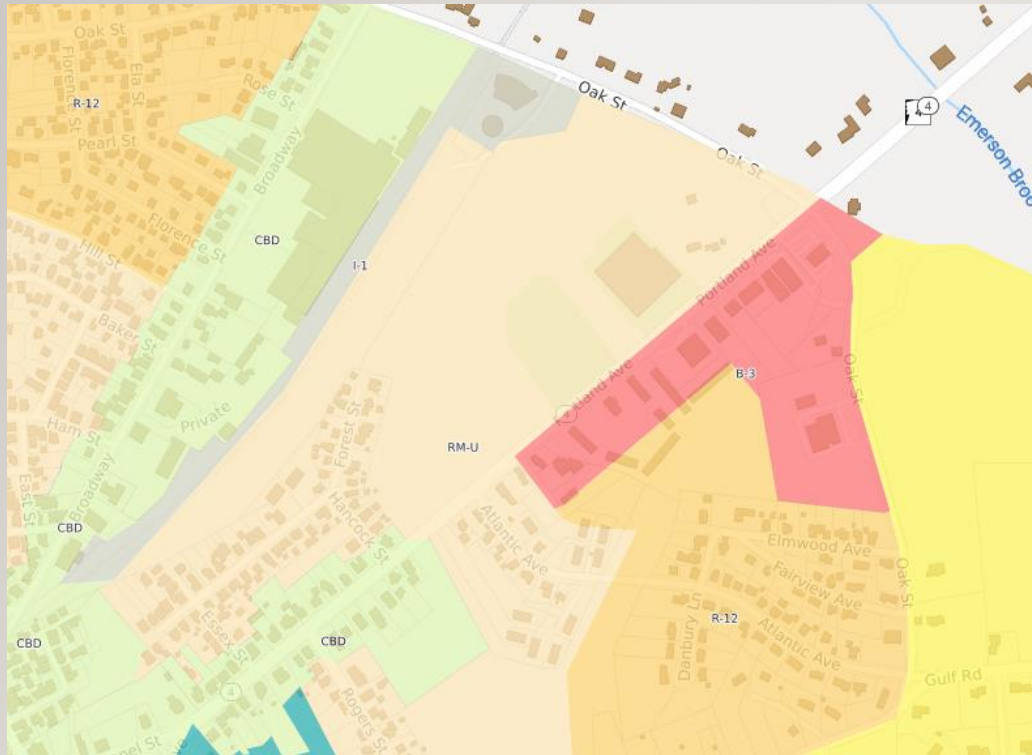
Changes 7 acres all residential to the new standalone mixed use district.



Create Gateway

Rezone area off Oak Street and Portland Avenue from I-1, and B-3 to Gateway

Changes 31 acres, which is residential, 22 is commercial and 9 is industrial to the new standalone mixed use district.



Create Gateway

Rezone area along New Rochester Road from O to Gateway



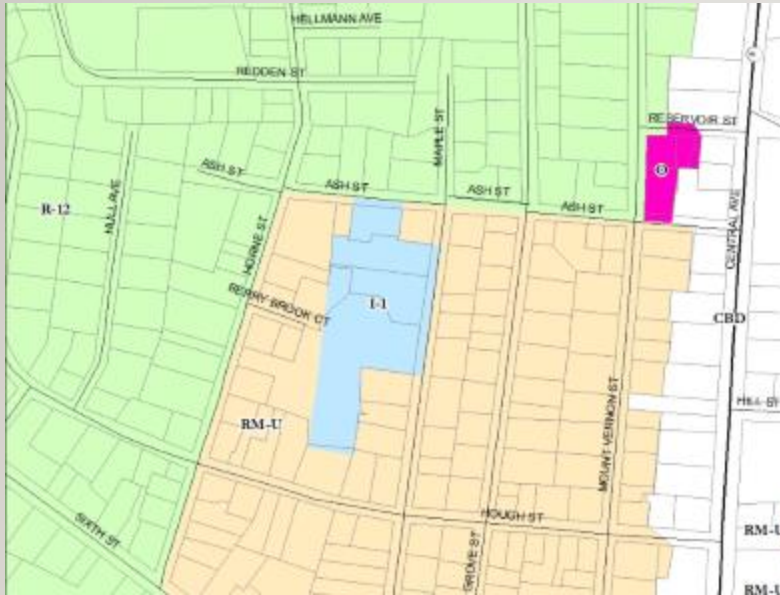
Changes 25 acres, which are mixed use to the new standalone mixed use district.

Rezone area on Dover Point Road to Gateway



Changes 5 acres all commercial to the new standalone mixed use district.

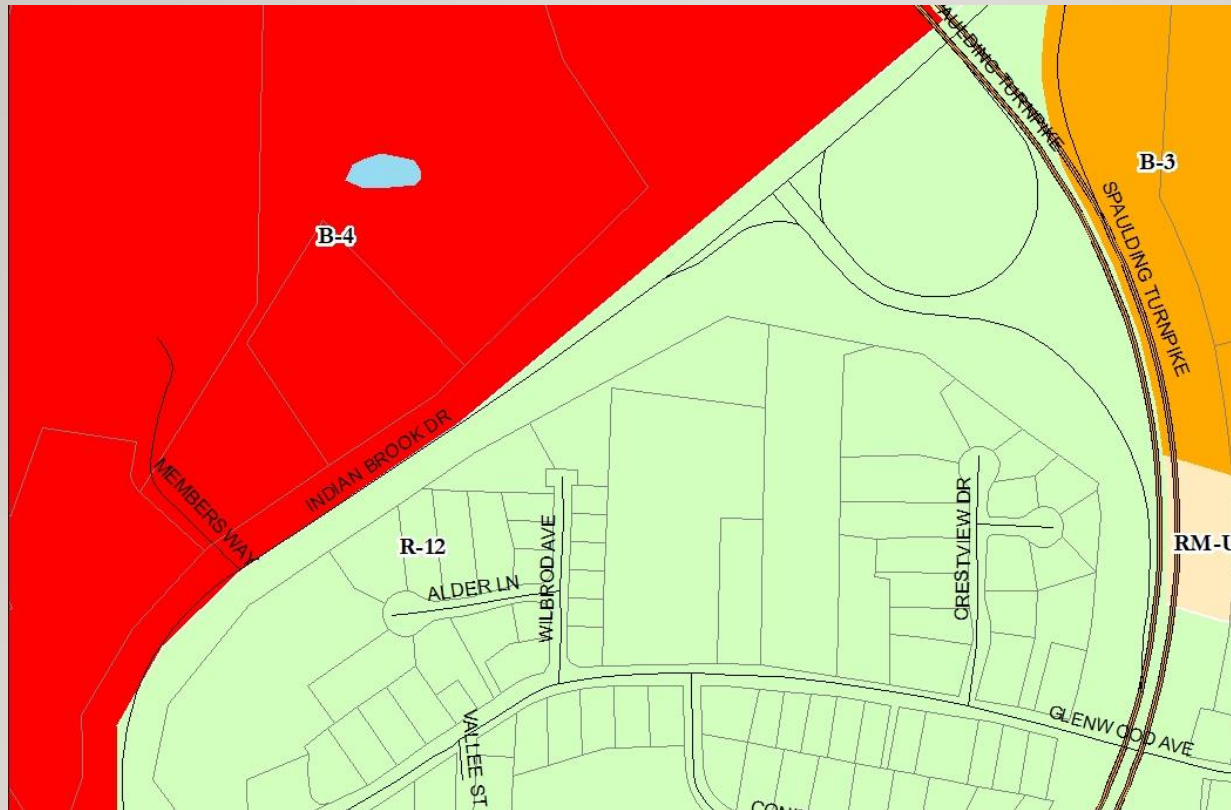
ELIMINATE I-1:



Rezone area between Maple Street and Horne Street to RM-U

Changes 4 acres, all industrial, to residential to meet neighborhood context.

INDIAN BROOK:



Rezone R-12 area along
Indian Brook Drive to B-4

Changes 20 acres, 12 usable,
residential to commercial*

Sixth Street:



Rezone R-12 area along Sixth Street to ETP

Changes 14 acres, 10 usable, all residential to commercial*

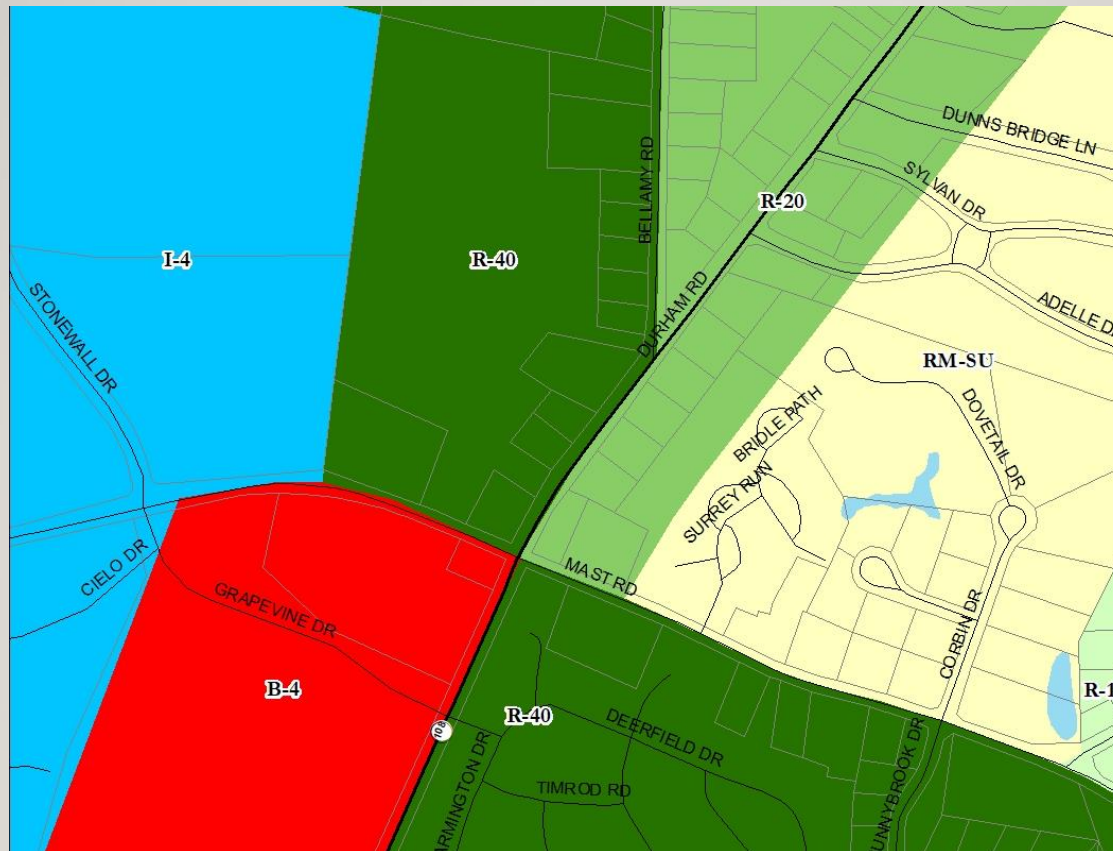
Weeks Crossing

Rezone area along Pine Crest and Week's Lane to B-3 from R-12 and B-1

Changes 1.5 acres, which are commercial and residential to commercial



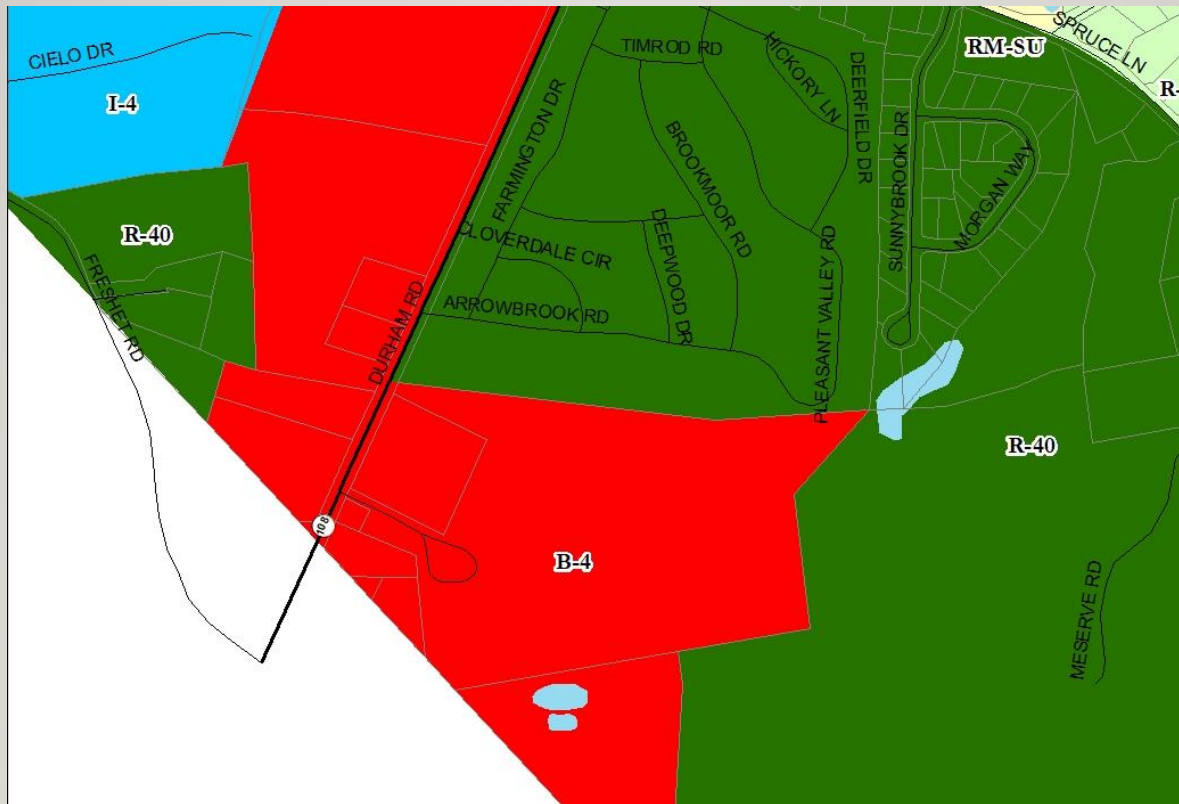
Durham Road/Mast Road



Rezone area along Mast Road
and Durham Road intersection
to B-4

Changes 46 acres, all residential. 43
becomes commercial, 3 stays
residential*

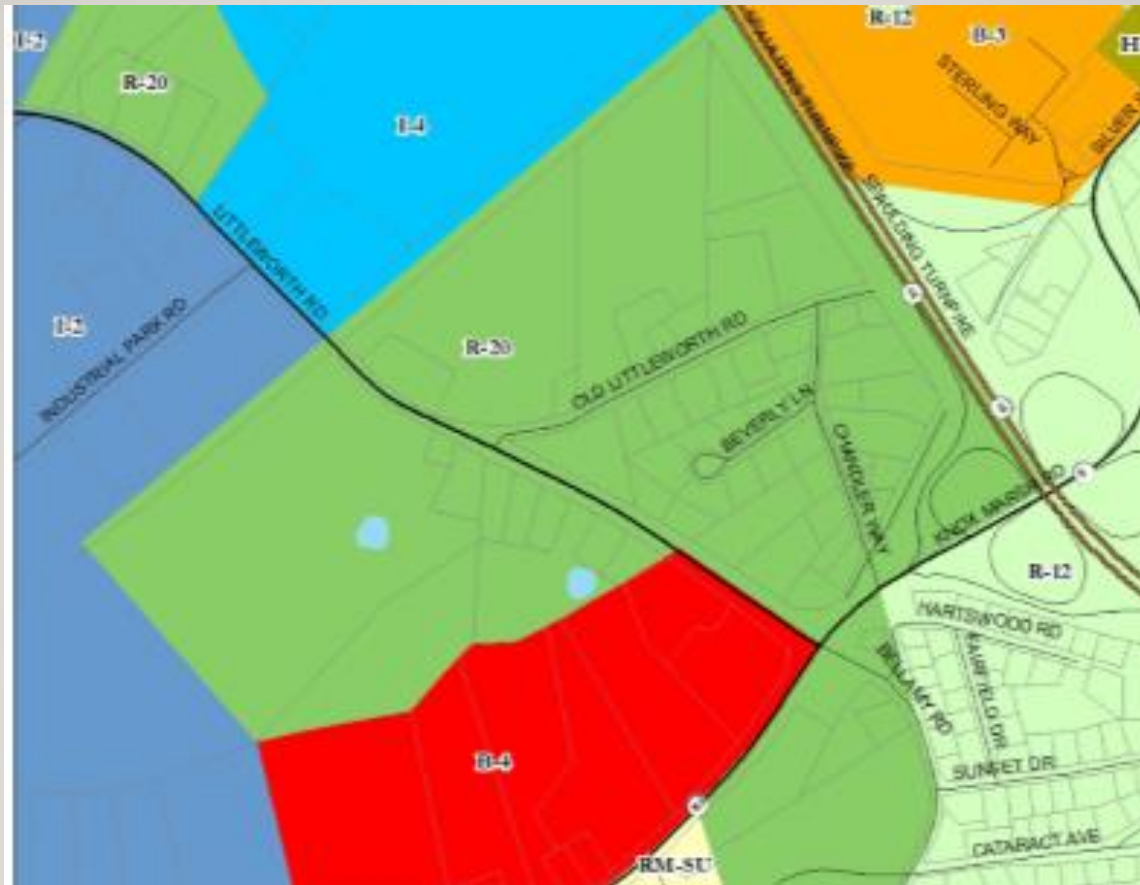
Durham Road



Rezone area along Durham
Road and Spruce Lane
intersection to I-4

Changes 74 acres, 29 residential to
industrial.*

Littleworth Road



Rezone area along Littleworth and Knox Marsh Road to I-2

Changes 155 acres, 101 residential, to industrial. 54 from Commercial to industrial*

Name Changes/Consolidation

- Amendment 8
 - Re name rural industrial (I-2) to Commercial Manufacturing (CM)
 - Updates uses
- Amendment 9
 - Rename Thoroughfare Business (B-3) to Commercial (C)
 - Rezone Highway Business (B-5) to Commercial (C)
- Rezone Hotel/Retail (B-4) to Commercial (C)
- Consolidates all Commercial zones into one, using B-3 as basis
- Amendment 10
 - Rename Office and Assembly (I-4) to Innovative Technology (IT)
 - Rezone Executive Technology to Innovative Technology (IT)

Updates

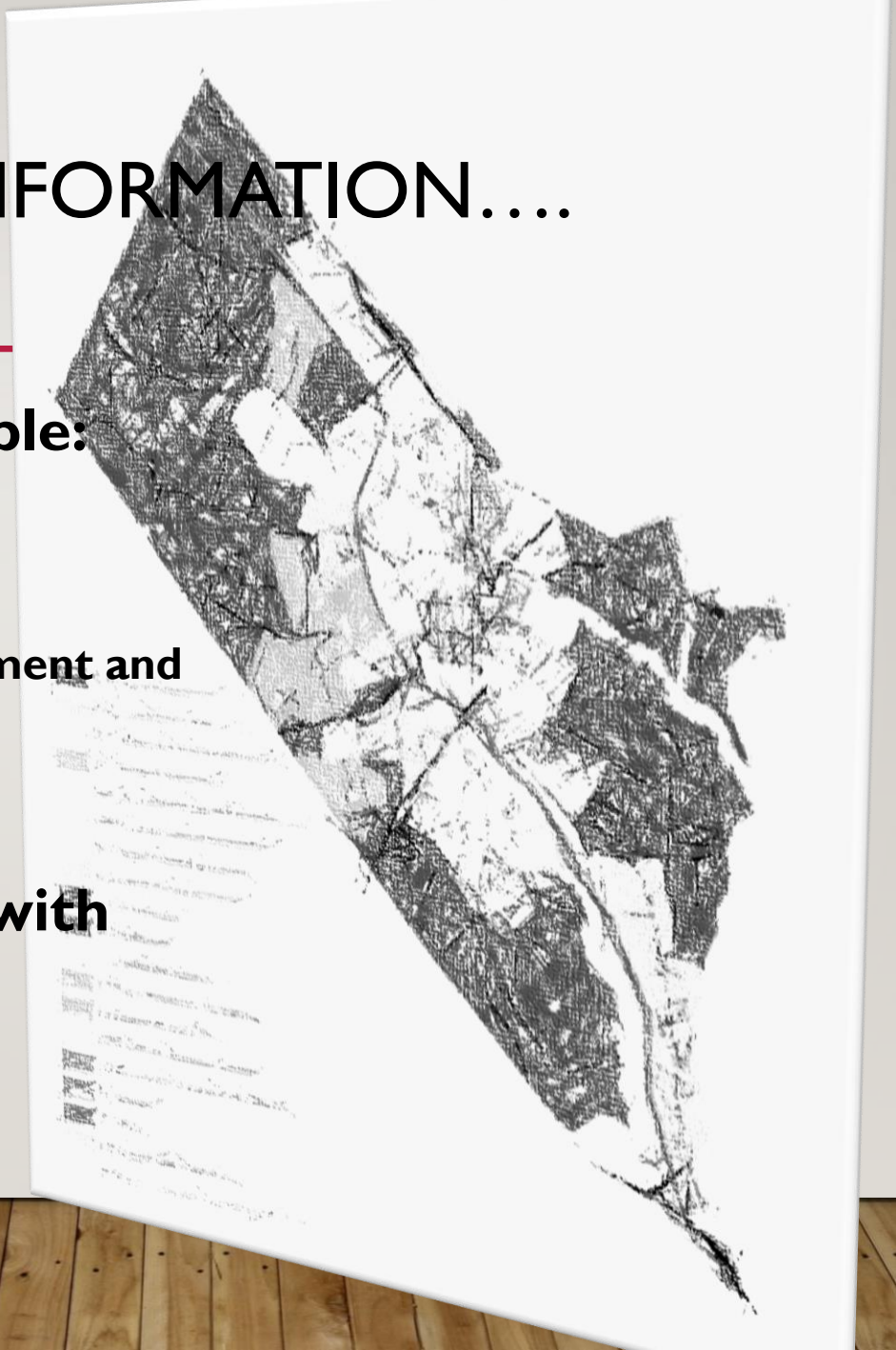
- Amendment 11
 - Revise Small Wind Energy Systems to Alternative Energy Systems
 - Adds Solar Power
 - Reviewed by Eng Com.
- Amendment 13
 - Revise RCM to allow on lots 50 acres or larger in IT, CM districts
- Amendment 14
 - Removes age restriction on units
 - Requires industrial/manufacturing for uses in CM
 - Clarifies Sewer needs for Adult Care
 - Bonus units if 1,000 sf or less
 - Clarifies parking is shared by all components

TDR Updates

- Removes rounding of units
- Adds provision for 600 sf homes, at no cost, if cost meets HUD guidelines
- Clarifies Total Living Area
- Removes sale only
- Caps number of SF units allowed for purchase
- Clarifies application style
- Sets thresholds for submission (4+ units)
- Allows multi-family to be no charge if rent meets HUD guidelines
- Clarifies commercial requirements in mixed use
- Allows creation of 1 unit per 2,000 sf created of assembly or manufacture over 40,000 sf
- Removes cluster style
- Increases rear setback/ abutter screening
- Requires utilities

FOR MORE INFORMATION....

- **The full text is available:**
 - **On the City's Web Site:**
www.dover.nh.gov
 - **In the Planning Department and City Clerks Office**
 - **At the Public Library**
- **Please call 516-6008 with further questions.**



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).



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	10 ft. min
Rear Setback	15 ft. min
Outbuilding	
Front Setback	20 ft. min + bldg. setback
Side Setback	10 ft. min
Rear Setback	15 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	2 story max, 2 story min*
Outbuilding/Accessory	2 story max

*CUP (170-20B) may be used to adjust standards. For building height, must demonstrate consistency with adjacent structures.

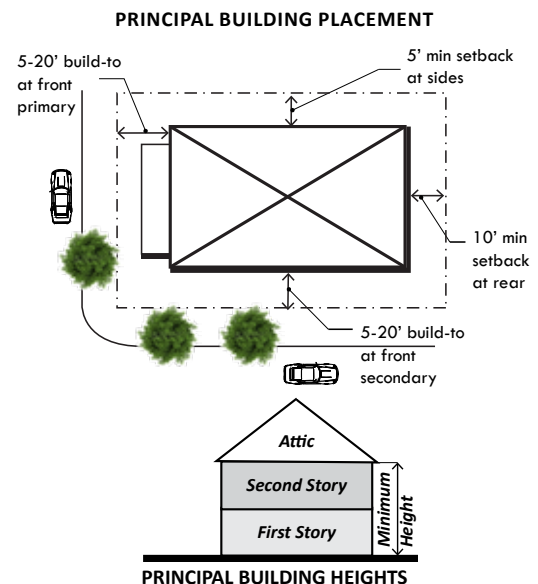
PARKING LOCATION STANDARDS (SEE 153-14)

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. Must be 150' from residential. 13 or more rooms are permitted with CUP.
Daycare	Adult and child permitted. Institutional not permitted.
Professional Services & Offices	Permitted; limited to 4,000 sf. per unit
Eating & Drinking Establishments	Permitted; limited to 4,000 sf. per unit
Retail/Personal Services	Permitted; limited to 4,000 sf. per unit
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.
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.**

Rooming houses and manufactured homes are considered other uses.



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P20-35

Application Type: Transfer of Development Rights
Applicant(s): Robert Baldwin
Owner(s): Robert Baldwin
Location: 144 Mast Rd. (Tax Map I, Lot 30)
Meeting Date: June 23, 2020

INTENT: To subdivide one lot into four. One lot would contain the existing house and would be 0.95 acres. The other three lots would contain 0.35 acres, 0.24 acres, and 0.61 acres. The Board would first need to vote to grant the selling of 3 units via TDR.

LOTS/UNITS PROPOSED: TDR to buy 3 additional units

AGENDA ITEM #: 3-A

ACREAGE: Parent lot is 2.50 acres

ZONING DISTRICT: R-40

EXISTING LAND USE: Residential

PROPOSED LAND USE: Additional residential

SURROUNDING LAND USE: Residential

ZBA ACTION: None

ATTACHMENTS: Application materials and TDR Plan, staff memo regarding TDR review

APPLICATION IS COMPLETE: Yes

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

PERMITS REQUIRED: N/A

WAIVERS REQUESTED: N/A

Summary of Request and Background

Per Chapter 170-27.2.G(3)(a), the applicant is requesting that the Board vote on the plan indicating the additional 3 lots can be created and one unit on each lot can be built.

The site plan shows the existing residential building on the parent lot with 3 new lots being subdivided for three new residential dwellings.

This is the first application under the posted TDR amendment language. This project does not need a conditional use permit, as the wetlands area is not impacted by the subdivision.

At its June 9th meeting the Board inquired about the driveway format. In speaking with the Building Official he noted that if this is a private driveway, the width may be 16' but the third unit does not meet the fire Code, due to distance to Mast Road, so a note documenting how it will comply would be needed, and the hammer head should be removed. Alternatively, the driveway can be a private road and widened to 20' and then one leg of the hammer head can be removed.

Consistency with Land Use Regulations

Chapter 170-27.2 of the Zoning Ordinance allows for developments to buy additional units through the process of Transfer of Development Rights. The process allows the applicant to come to the Board with a plan indicating the TDR subdivision which is treated as Site Plan for the TDR Regulations.

STAFF RECOMMENDATION:

The Planning Department recommends that the Planning Board accept the application, open the public hearing, close the public hearing, and vote to approve the application of TDR to the Site Plan with the following conditions:

Conditions to be Met Prior to Granting the TDR:

1. Payment of the TDR fee (\$26,804)

Conditions to be Met Prior to Signing of the Plans:

2. The applicant shall provide a digital version of the plan to the Planning Department.
3. The applicant shall provide homeowners association documents to be reviewed and approved by the Assistant City Manager in consultation with the City's General Legal Counsel. Documentation shall include common space, roadway, perimeter screening, visitor parking, stormwater infrastructure maintenance/operation, private roadway and conversion process, calculation used to determine reserve amount in the treasury, prior to converting ownership and maintenance obligations, including stormwater, open space,



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P20-35

Application Type: Transfer of Development Rights
Applicant(s): Robert Baldwin
Owner(s): Robert Baldwin
Location: 144 Mast Rd. (Tax Map I, Lot 30)
Meeting Date: June 23, 2020

and roadway maintenance, and deed/easement requirements per Section 170.27.2.

4. The Applicant shall revise the final plat to
 - a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, Certified Wetland Scientist and Landscape Architect stamps and signatures
 - c. Note the location of the nearest hydrant
 - d. Add a private road name acceptable to the Building Official and update the design of the driveway to either be a 20' private road, and reduce the size of the turnaround, or add a note about how lot 3 will meet the Fire Code, and remove the turnaround
 - e. Add Planning file number P20-35 to the plan set.
 - f. Add note regarding deed restrictions per TDR Zoning Regulations to the final plan set (ie restricted to 1,400 s.f., of total living area).
 - g. Add a note that the 10' side setback is within the 30' no cut no disturb buffer for lots 1 and 3.
 - h. Remove either note 12 or 28 on sheet 5
 - i. Correct common site plan note 28, and add notes 33 and 34
 - j. Revise note 19 on sheet 5 to add that the project sign shall indicate that the road is proposed to be private and is intended to remain private with no City services.
 - k. Indicate a wetlands buffer placard on lot 3 at the wetlands buffer
 - l. Include the house layout presented to the Planning Board on 6/9/20

Conditions to be Met Prior to Construction Activity:

5. The wetlands buffer placard shall be placed on lot 3.

Conditions to be Met Prior to the Issuance of a Building Permit:

6. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Conditions to be Met Prior to Occupancy:

8. Issuance of a Certificate of Occupancy.
9. Documentation that the HOA has been created and is in place.
10. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision

144 Mast Road

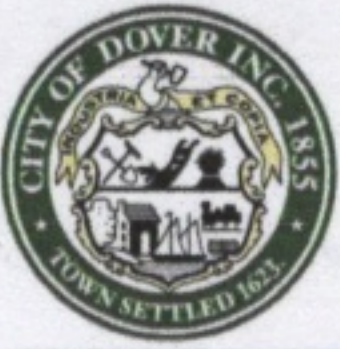
**Property Information**

Property ID I0030-000000
Location 144 MAST RD
Owner BALDWIN ROBERT S
Land Use 101

**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 5/20/2020
Data updated Daily



City of Dover, New Hampshire CONDITIONAL USE PERMIT APPLICATION

[Revision Date: May 18, 2017]

Office Use Only	Project #: _____	Date Received: _____
	Amount Paid: _____	Time Received: _____

APPLICANT AND OWNER INFORMATION

Name of Applicant: David and Elizabeth Kish Telephone # (603) 767-0168

Address of Applicant: 100 Post Rd, Greenland, NH 03840

E-Mail Address: Kishrental@gmail.com

Name of Property Owner (if different from applicant): 6-8 Atkinson Street, LLC Telephone # (603) 767-0168

Address of Property Owner: PO Box 602, Greenland, NH 03840
★ We will be closing on this property on or before June 15 2020.

PROPERTY INFORMATION

Assessor's Map # 1-22 Lot(s) # 0-0

Address of Property: 6-8 Atkinson St.

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

Existing Use of Property: Mixed: 3 dwellings, 1 office

CONDITIONAL USE PERMIT INFORMATION

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

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

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

Applicants request permission to convert
first floor commercial space into a dwelling.
★ Please see attachment for Impact Statements

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

Name of Professional That Prepared Plans: _____

Address _____ Telephone #: _____

Professional License #: _____ E-mail address: _____

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 ^{Future} Property Owner: _____ Date: 5/21/20

Signature of Applicant (if different from owner): Elizabeth Fish Date: 5/21/20

Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

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

Signature of Property Owner: _____ Date: _____

**CITY OF DOVER CONDITIONAL USE
LIST OF ABUTTERS**

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

Owner:

TAX MAP	LOT #	PROPERTY OWNER	MAILING ADDRESS
1-22	0-0	6-8 Atkinson Street, LLC	PO Box 602, Greenland, NH 03840

Applicant (if different from owner):

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS
David + Liz Kish	6-8 Atkinson Street, LLC	100 Post Rd, Greenland, NH 03840

Surveyor and/or Engineer/Professional Agent:

NAME	COMPANY	MAILING ADDRESS

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS

We understand that the Planning Board has concerns about the proposed use being fit with the existing building and the neighborhood as referenced below from the Dover Zoning Code:

(2) Conditional use approval for relief from the use standards herein may be granted by the PLANNING BOARD (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

(a) The requested use shall be compatible with abutting uses and the surrounding NEIGHBORHOOD.

We are seeking relief from the Planning Board to convert a small first floor commercial space into a residential dwelling in the Central Business District. We present three main points for the basis of our request.

Point 1:

See Exhibit A: First Floor Plan

We would like the Board to consider that the vast majority of the first floor of 6-8 Atkinson Street is a residential dwelling. I have included the first floor plan to illustrate the current use. There is a common entryway for the three residential dwellings and commercial business to share. The use of this entryway by the commercial lessee and its potential clients is not a good fit for the tenants who reside at this property. The conversion of the commercial space into a residential dwelling is more suitable to the property as a whole.

Point 2:

See Exhibit B: The Surrounding Neighborhood

At first glance, it's easy to say that 6-8 Atkinson Street is surrounded by other commercial properties and thereby it should remain mixed-use. We acknowledge that two of its direct abutters are large commercial properties (140 Washington Street and 57 Atkinson Street). However, we are asking the Planning Board to view 6-8 Atkinson Street as a member of a little neighborhood consisting of 10 Atkinson, 14 Atkinson, 39 Saint Thomas and 33 Saint Thomas. These other properties that are within a stone's throw of 6-8 Atkinson are located in the Commercial Business District and are **exclusively residential multi-family homes**.

Point 3:

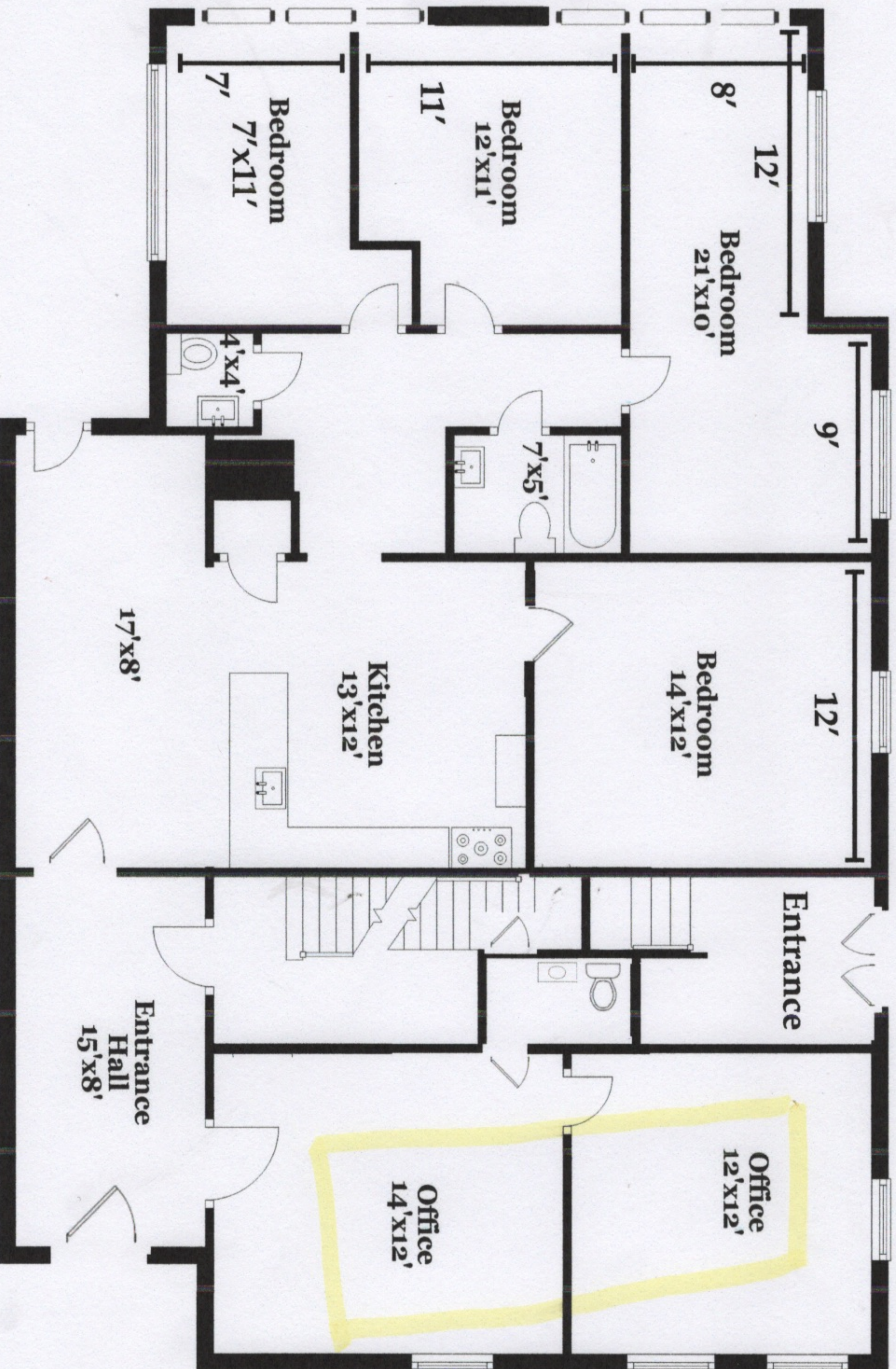
As a final point, we are deeply concerned about the economic impact of Covid-19 on small businesses. We fear that it will be extremely difficult to keep this outdated commercial space occupied given that it is located on the outskirts of downtown and small business owners have so many modern new spaces available to lease in the Dover commercial business district. This commercial space cannot compete with the new options that are emerging on the market seemingly everyday.

Based on the above points, we humbly request that the Planning Board permit us to make this conversion.

Respectfully,
David and Elizabeth Kish
6-8 Atkinson Street, LLC

Exhibit A
First Floor: 6-8 Atkinson St.

Proposed Conversion
to Dwelling





City of Dover, NH

Property ?

Zoom To

Share

Print

Property Quick Search



Search

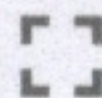
Selection

Themes

Markup



Unsaved Markup



? (http://help.mapgeo.io/)

Exhibit B



Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
01002-000000	59 ST THOMAS ST	NORTHERN NEW ENGLAND TELEPHONE OPERATION	C/O FAIRPOINT COMMUNICATIONS INC TAX DEP	770 ELM ST	MANCHESTER	NH	03101
01003-000000	57 ST THOMAS ST	NORTHERN NEW ENGLAND TELEPHONE OPERATION	C/O FAIRPOINT COMMUNICATIONS INC TAX DEP	770 ELM ST	MANCHESTER	NH	03101
01008-009000	180 WASHINGTON ST	FOURNIER DEAN A TRUSTEE	FOURNIER DEAN A REVOCABLE LIVING TRUST	42 ELM ST	DOVER	NH	03820-3941
01011-000000	14 18 ATKINSON ST	CRP PROPERTIES LLC	C/O SCOTT PETTIS	PO BOX 8506	PORTSMOUTH	NH	03802
01012-000000	39 41 ST THOMAS ST	SAINT THOMAS LLC		32 MOSES CARR RD	ROLLINSFORD	NH	03869
01013-000000	33 35 ST THOMAS ST	ARSENAULT MARK B& MELISSA A TRUSTEES	ARSENAULT FAMILY REVOCABLE TRUST	19 WHITEHORSE DRIVE	RYE	NH	03870
01014-000000	25 ST THOMAS ST	STATE OF NH DEPT OF ADMIN SERVICES		25 CAPITOL ST	CONCORD	NH	03301
01020-000000	140 WASHINGTON ST	TRELA ASSOCIATES	C/O SHAHEEN AND GORDON PA	PO BOX 977	DOVER	NH	03821-0977
01023-000000	10 12 ATKINSON ST	CRISP DENNIS M		1265 MEADERBORO RD	FARMINGTON	NH	03835-4222
01025-000000	133 WASHINGTON ST	U S TREASURY		133 WASHINGTON ST	DOVER	NH	03820
01037-000000	163 WASHINGTON ST	DOVER BAPTIST CHURCH		151 WASHINGTON STREET	DOVER	NH	03820
01038-000000	151 WASHINGTON ST	DOVER BAPTIST CHURCH		151 WASHINGTON ST	DOVER	NH	03820
09017-000000	23 ATKINSON ST	23 ATKINSON ST LLC		PO BOX 301	DOVER	NH	03821-0301
09057-000000	61 73 LOCUST ST	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
09059-000000	22 ATKINSON ST	CITY OF DOVER		288 CENTRAL AVE	DOVER	NH	03820
		DAVID & ELIZABETH KISH		100 POST ROAD	GREENLAND	NH	03840



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P20-26

Application Type: Minor Subdivision
Owner(s): Thomas & Evelyn Backowies
Applicant(s): Thomas & Evelyn Backowies
Location: 99 – 101 Broadway (Tax Map 26, Lot 9)
Meeting Date: June 23, 2020

INTENT: To subdivide one lot into two. The new lot areas would be 0.18 acres or 8,000 s.f. and 0.78 acres or 33,977 s.f.

LOTS/UNITS PROPOSED: 1 new lot

AGENDA ITEM #: 4-A

AREA: Parent lot is 0.96 ac

ZONING DISTRICT: Gateway

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential, Commercial, Industrial

ZBA ACTION: None

ATTACHMENTS: Minor Subdivision Plan

APPLICATION IS COMPLETE: Yes

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

PERMITS REQUIRED: Conditional Use

WAIVERS REQUESTED: None

Summary of Request and Background

The applicant is proposing to subdivide one lot into two. Currently, there are two structures with 3 units on the lot. One of the structures, with two units would be placed on a lot, and the second structure would be placed on a second lot. Both lots meets the density of the district. A shared access easement would be provided

The lots are proposed to be served by public water and sewer.

As a Minor Subdivision, this application did not appear before the Planning Board.

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 that the Planning Board remove the item from the table, re-open the public hearing, and vote to approve the minor subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat.
2. Provide a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
3. The three Conditional Use Permits must be approved.
4. The applicant shall revise the plat to:
 - a. Add Planning file number P20-26 to the title block
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures for recording at Strafford County Registry of Deeds.
 - d. Add 2 wetland buffer placards, one on each side of the structure on lot 2, and one at the end of the driveway, and a final one along the 18' long section (displayed as L2) facing the driveway.
 - e. Show existing water services
 - f. Update note 6 to indicate what the provided zoning information is and update the minimum lot size.
 - g. Add Common notes 15 (water/sewer) and 33 topography)
5. The 16' of the attached storage building shall be removed, as per note 4.

P20-26, 36-39

**Property Information**

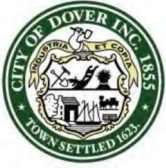
Property ID 26009-000000
Location 99 101 BROADWAY
Owner BACKOWIES THOMAS L &
Land Use 105



**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 5/20/2020
Data updated Daily



City of Dover, New Hampshire

MINOR SUBDIVISION APPLICATION

[Revision Date: June 4, 2019]

Office Use Only

Project #: _____

Date Received: _____

Amount Paid: _____

Time Received: _____

APPLICANT AND OWNER INFORMATION

Name of Applicant: Thomas L. & Evelyn K. Backowies Telephone # 603-749-6464

Address of Applicant: 61 Fieldstone Drive Dover, NH 03820

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

Address of Property Owner: SAME

E-Mail Address: tebacko@aol.com

PROPERTY INFORMATION

Address of Property: 99-101 Broadway

Assessor's Map # 26 Lot(s) # 9

Zoning District(s) CBD - Downtown Gateway Overlay District(s) _____

Size of Parcel: 41,977 s.f. (.96 ac.) Property Deed: Book 4346 Page: 950

Existing Use of Property: Residential

SUBDIVISION INFORMATION

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

City Water? ☒ Yes ☐ No How far is city water from the property? AT STREET

City Sewer? ☒ Yes ☐ No How far is city sewer from the property? AT STREET

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: NONE

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

SURVEYOR INFORMATION

Name of Surveyor and Company (Licensed in N.H.) Kevin M. McEneaney, LLS
McEneaney Survey Associates of New England
Address 24 Chestnut Street Dover, NH 03820 Telephone #: 603-742-0911
Professional License #: Kevin M. McEneaney, LLS NH 661 E-mail address: kevin@surveynh.com

ENGINEER INFORMATION

Name of Engineer and Company (Licensed in N.H.) N/A
Address _____ Telephone #: _____
Professional License #: _____ E-mail address: _____

LANDSCAPE ARCHITECT INFORMATION

Name of Landscape Architect and Company (Licensed in N.H.) N/A
Address _____ Telephone #: _____
Professional License #: _____ E-mail address: _____

SOIL SCIENTIST INFORMATION

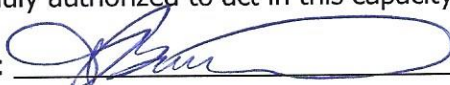
Name of Soil Scientist and Company (Licensed in N.H.) N/A
Address _____ Telephone #: _____
Professional License #: _____ E-mail address: _____

CONSERVATION EASEMENT HOLDER N/A

Name of Easement Holder: _____ Telephone # _____
Address 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. 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: 4/30/2020

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

Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

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

Signature of Property Owner:  Date: 4/30/2020

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: 4/30/2020

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

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: 4/30/2020

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



City of Dover, New Hampshire MINOR SUBDIVISION SUBMISSION CHECKLIST

[Revision Date: May 18, 2019]

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

Plan Review Fees are due along with three (3) full size and twelve (12) half size (11x17), folded, copies of the plan set and materials, 3 weeks prior to the Planning Board meeting. Abutter/Notice Fees will be invoiced and are due 28 hours prior to Planning Board.

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

APPLICANT: Thomas L. & Evelyn K. Backowies File Number: P20-

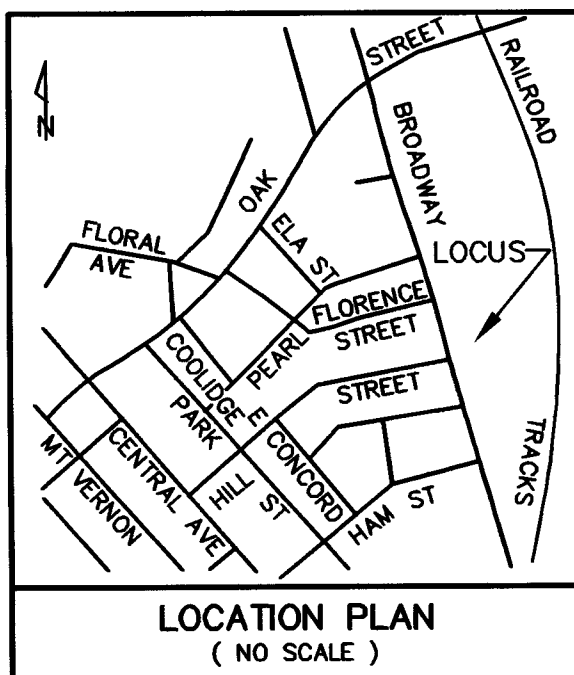
PROJECT TITLE: Minor Subdivision

PROPERTY LOCATION: 99-101 Broadway Tax Map: 26 Lot: 9

	Where/How Provided	Reviewed
1. Completed and signed Application form	X	
2. Plan Review Fees are provided	X	
3. Electronic copy of the surveyed plat layout	X	
4. Electronic copy of supplementary materials and application	X	
5. Waiver requests to the Subdivision Regulations, with written justification	N/A	
6. Conditional Use Permit applications	N/A	
7. Fifteen folded copies of subdivision plan w/scale of not less than 1"=50' or 1"=100' for larger subdivisions. Plans shall contain the following items as appropriate:	1 - 22x34, 4-11x17	
Location map at appropriate scale	X	
Proposed subdivision name and title and Planning File #	X	
Date, north arrow and scale	X	
Names of all abutting property owners	X	
Name and address of owners and/or applicants	X	
Signature & stamp of NH licensed land surveyor and/or engineer	X	
Zoning District boundaries, including any special or overlay districts	N/A	
Location of Conservation District areas	N/A	
Location, names and widths of existing and proposed streets, including pavement widths, grades, curbs and crosswalks	X	
Location and widths of existing & proposed easements & right of ways	X	
Location and widths of existing and proposed sidewalks	X	
Existing and proposed property lines with dimensions and bearings tied into Dover's Geographic Information System coordinate system	X	
Existing and proposed lot areas in square feet	X	
Existing and proposed topographic information at two foot intervals	N/A	
Existing and proposed buildings and structure locations	X	
Minimum building setbacks or build to lines on all lots	X	
Location and size of existing and proposed electric, telephone, gas cable and other underground utilities	X	

	Explain How Provided	Reviewed
Existing and proposed water lines and fire hydrants, including materials and capacity needed	X	
Location and materials of sanitary sewage facilities within project site and projected additional peak hour sewer load	N/A	
Existing and proposed septic system, including test pit locations and results and NHDES subdivision permit number	N/A	
Existing and proposed stormwater lines and facilities	N/A	
Location of Flood Hazard Zone	N/A	
Location of all bodies of water and watercourses	N/A	
Location of wetlands and buffers	X	
Existing natural features and/or significant vegetation on property	N/A	
Soil types	N/A	
Map and lot numbers for existing and proposed lots as assigned by Tax Assessor	X	
Location of all land offered for dedication for public use or land to be held in common by property owners of the subdivision	N/A	
Location, material and size of existing and proposed permanent monuments	X	
Existing railroad lines	N/A	
Note regarding solid waste disposal	N/A	
All applicable Dover Common Subdivision notes	X	
8. Construction Detail Sheets shall contain the following information (if appropriate):	N/A	
Profiles showing existing & proposed elevations along the center lines of proposed streets & within 100' of intersections with existing streets		
Profiles showing the locations & a typical cross-section detail of streets		
Location of street trees, street lighting poles and street signs		
Location, size and invert elevations of existing and proposed sanitary sewers, stormwater drains and fire hydrants		
Location and size of all water, gas and other underground utilities		
9. Additional Information if appropriate	N/A	
Stormwater Management Plan depicting the existing and proposed storm drainage system and engineered drainage analysis		
Stormwater Management System Operation and Maintenance Plan		
Letter to Serve from Public and Private Utilities		
Erosion and Sedimentation Control Plan		
Proposed restrictive covenants or homeowners association documents		
Dates and permit numbers of all required state and federal permits		
If wetland buffer, indicate placards locations, as applicable		
Provide additional exhibits/technical data determined appropriate by the Planning Board or its staff as required		

REVIEWED BY: _____ DATE _____



LEXINGTON HILL INVESTMENTS, LLC
136 COUNTY FARM ROAD
DOVER, NH 03820
4125 / 232

GARY R BOISSE
P.O. Box 755
SOMERSWORTH, NH 03878-0755
2787 / 344

JONATHAN S. MICHAUD
92 BROADWAY
DOVER, NH 03820
4304 / 034

LEGEND

I.R. (set) - IRON ROD W/ PLASTIC I.D. CAP (SET)
M.N. (set) - MAGNETIC NAIL (SET)
I.P. (fnd) - IRON PIPE (FOUND)
S.F. - SQUARE FEET
Ac. - ACRE
(TYP.) - TYPICAL
± - MORE OR LESS
S.C.R.D. - STRAFFORD COUNTY REGISTRY OF DEEDS
○ - UTILITY POLE
- WETLANDS
- EDGE OF WETLAND
A03 - WETLAND I.D. FLAG No.
SMH - SEWER MANHOLE
WG - WATER GATE VALVE
WSO - WATER SHUT OFF
HYD. - FIRE HYDRANT
CMP - CORRUGATED METAL PIPE
(tbs) - TO BE SET

NO.	DATE	DESCRIPTION	BY	CHK
REVISIONS				
17-2144	SUBDIVISION	17-02	48-56	
PROJECT NO	TYPE	FIELDBOOK & PAGES		

No.	Bearing	Distance
L1	S60°11'33"E	15.71'
L2	N29°11'14"E	11.77'

No.	Central Angle	Radius	Arc Length	Chord Length	Chord Bearing
C1	4°05'11"	2818.65'	201.03'	200.98'	S35°50'28"W

REFERENCE PLANS:

- RIGHT-OF-WAY AND TRACK MAP - BOSTON AND MAINE R.R. OPERATED BY THE BOSTON AND MAINE R.R. STATION 3548+57 TO STATION 3601+37. SCALE: 1" = 100'; DATED: JUNE 30, 1914; BY: OFFICE OF VALUATION ENGINEER, BOSTON, MASS. ON FILE WITH BOSTON & MAINE CORPORATION.
- LAND IN DOVER, N.H. - BOSTON AND MAINE CORPORATION TO KIDDER PRESS COMPANY, INC. SCALE: 1" = 50'; DATED: APRIL 1966; BY: ENGINEER OF DESIGN. RECORDED S.C.R.D. PLAN 54, POCKET 2, FOLDER 1.
- LAND IN DOVER, N.H., BOSTON AND MAINE RAILROAD TO DANIEL F. AND ARMANDE D. RICHARD, J.F. KERWIN - ASST CHIEF ENGR. SCALE: 1" = 50'; DATED: AUGUST 1961. RECORDED S.C.R.D. BOOK 743, PAGE 214.
- LOT LINE ADJUSTMENT PLAN OF LAND, LAND IN DOVER, NEW HAMPSHIRE, BOSTON AND MAINE CORPORATION TO NRBA REALTY; SCALE: 1" = 40'; DATED: OCTOBER 15, 1993 AND REVISED: 12-23-93; BY: CIVILWORKS, INC. RECORDED S.C.R.D. PLAN 43-79.
- LOT LINE ADJUSTMENT PLAN OF LAND, LAND IN DOVER, NEW HAMPSHIRE BOSTON AND MAINE CORPORATION TO NRBA REALTY, INC. SCALE: 1" = 40'; DATE: MARCH 30, 2004, REVISED THROUGH 5/12/04; BY: CIVILWORKS, INC. RECORDED S.C.R.D. PLAN 75-49.
- ALTA / ACSM LAND TITLE SURVEY - GOSS INTERNATIONAL AMERICAS INC., OAK STREET AND BROADWAY, DOVER, NEW HAMPSHIRE. SCALE: 1" = 60'; DATED: DECEMBER 26, 2007; BY: TRITECH ENGINEERING CORPORATION. RECORDED S.C.R.D. PLAN 93-5 & 93-6.

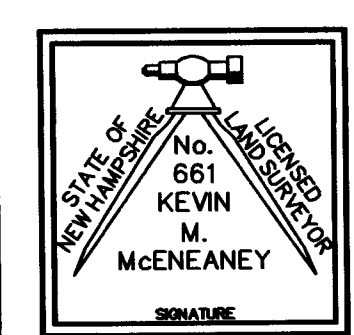
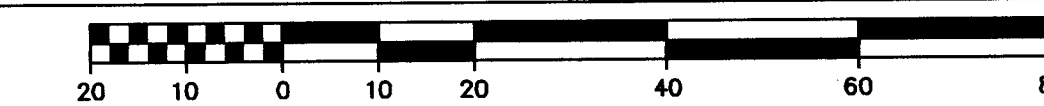
NOTES:

- OWNERS OF RECORD:
THOMAS L. BACKOWES
EVELYN K. BACKOWES
61 FIELDSTONE DRIVE
DOVER, NEW HAMPSHIRE 03820
S.C.R.D. VOL. 4346, PAGE 950
OWNERS SIGNATURE
- 26 / 9 - DENOTES TAX MAP AND PARCEL NUMBER.
- PLAN INTENT: TO SUBDIVIDE THE SUBJECT PARCEL INTO TWO (2) LOTS AS SHOWN. LOTS ARE SERVED BY MUNICIPAL SEWER AND WATER SERVICES.
- APPROXIMATELY 16 FEET OF THE ATTACHED STORAGE BUILDING IS TO BE REMOVED TO ACCOMMODATE THE FIVE (5) FOOT MINIMUM SETBACK REQUIREMENT FROM THE PROPOSED PROPERTY LINE.
- TOTAL PARCEL AREA: 41,977 S.F. / 0.96 Ac.
- ZONING DISTRICT: CBD DOWNTOWN GATEWAY SUB-DISTRICT
MINIMUM LOT SIZE = N/A
MINIMUM LOT COVERAGE = 50 PERCENT
FRONTAGE BUILD-OUT = 60 PERCENT MIN.
FRONT BUILD-OUT = 5 FEET MIN., 20 FEET MAX.
SIDE SETBACK = 5 MIN.
REAR SETBACK = 0 FEET MIN.
BUILDING HEIGHT = 2 STORY MIN., 4 STORY MAX.
- THE SUBJECT PARCEL IS LOCATED OUTSIDE THE 0.2 PERCENT ANNUAL CHANCE FLOODPLAIN AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY NUMBER 330145; PANEL 0330; SUFFIX E; MAP NUMBER 33017C0330E; EFFECTIVE DATE SEPTEMBER 30, 2015.
- BASIS OF BEARING IS NH STATE PLANE (NAD83) BASED ON GPS OBSERVATION DATED AUGUST 4, 2004.
- JURISDICTIONAL WETLANDS IDENTIFIED AND FLAGGED BY DAMON BURT, N.H.C.W.S. #163 OF FRAGGLE ROCK ENVIRONMENTAL SERVICES, MAY 6, 2017 AND FIELD LOCATED BY McENEANEY SURVEY ASSOCIATES, INC.
- TAX MAP AND LOT NUMBERS ARE TO BE ASSIGNED BY THE DOVER ASSESSING DEPARTMENT. STREET ADDRESSES ARE TO BE ASSIGNED BY THE BUILDING OFFICIAL.
- LOT 2 /9-1 WILL BE SUBJECT TO AN ACCESS EASEMENT OF 2,006 S.F. BENEFITTING LOT 26/9.

MINOR SUBDIVISION OF LAND
PREPARED FOR
THOMAS L. & EVELYN K. BACKOWES
TAX MAP 26, LOT No. 9
99-101 BROADWAY
CITY OF DOVER
COUNTY of STRAFFORD
STATE of NEW HAMPSHIRE

DOVER PLANNING FILE No. P 20-

DRAWN BY: KJP FILE: MSA\2144\20-2144
SCALE: 1" = 20' DATE: MARCH 12, 2020



McEneaney
Survey
Associates
of NEW ENGLAND

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

SURVEYING - PLANNING - CONSULTING

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



CITY OF DOVER

PLANNING BOARD - STAFF MEMO FILE #P20-37, 38, 39

Application Type: Conditional Use Permit
Applicant(s): Thomas & Evelyn Backowies
Owner(s): Thomas & Evelyn Backowies
Location: 99 – 101 Broadway (Tax Map 26, Lot 9)
Meeting Date: June 23, 2020

INTENT: To obtain 3 Conditional Use Permits (CUPs) to subdivide one lot into two. One CUP is a front build out of 44.5%, where a 60% minimum is required, the second is to allow a 21.5% lot coverage, where 50% is required, and the final is to allow 2.5% lot coverage, where 50% is required.

LOTS/UNITS PROPOSED: One new lot

AGENDA ITEM: # 4-B, C and D

AREA: Parent lot is 0.96 ac

ZONING DISTRICT: Gateway

EXISTING LAND USE: Residential

PROPOSED LAND USE: Residential

SURROUNDING LAND USE: Residential, Commercial, Industrial

ZBA ACTION: None

ATTACHMENTS: Minor Subdivision Plan

APPLICATION IS COMPLETE: Yes

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

PERMITS REQUIRED: Conditional Use

WAIVERS REQUESTED: None

Summary of Request and Background

A vote for each CUP must be taken, for the purpose of this application review, the memo reviews them as a whole, as they are all tied together and as part of the minor subdivision plat.

The parent lot has a large area of wetlands and wetlands buffers on it, which limits the development potential of the lot. Most of that area will be conveyed to the newly created lot, and as such the lot coverage will not be met for the new lot. Furthermore the lot coverage of lot one is limited by the existing structure and need for driveway access. Finally, the intent is to use the existing structures, which already do not meet the frontage buildout.

Consistency with Land Use Regulations

The Zoning ordinance provides for Conditional Use Permits to allow alteration of the required dimensional regulations in the Gateway Zone. This proposal is consistent with those standards.

STAFF RECOMMENDATION 20-37:

The Planning Department recommends the Planning Board accept the application, open the public hearing, and vote to approve the Conditional Use Permit with the following condition:

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

1. P20-26 must be approved.
2. The final plat shall note the granting of the Conditional Use Permit for frontage build out.

STAFF RECOMMENDATION 20-38:

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

1. P20-26 must be approved.
2. The final plat shall note the granting of the Conditional Use Permit for lot coverage for lot 1.

STAFF RECOMMENDATION 20-39:

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

1. P20-26 must be approved.
2. The final plat shall note the granting of the Conditional Use Permit for lot coverage for lot 2.

P20-26, 36-39

**Property Information**

Property ID 26009-000000
Location 99 101 BROADWAY
Owner BACKOWIES THOMAS L &
Land Use 105

**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 5/20/2020
Data updated Daily



City of Dover, New Hampshire

CONDITIONAL USE PERMIT APPLICATION

[Revision Date: May 18, 2017]

Office Use Only	Project #:	_____	Date Received:	_____
	Amount Paid:	_____	Time Received:	_____

APPLICANT AND OWNER INFORMATION

Name of Applicant: Thomas L. & Evelyn K. Backowies Telephone # 603-749-6464

Address of Applicant: 61 Fieldstone Drive Dover, NH 03820

E-Mail Address: tebacko@aol.com

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

Address of Property Owner: SAME

PROPERTY INFORMATION

Assessor's Map # 26 Lot(s) # 9

Address of Property: 99-101 Broadway

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

Existing Use of Property: Residential

CONDITIONAL USE PERMIT INFORMATION

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

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

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

Gateway District : To allow a front build out of 44.5%, where a 60% minimum is required.

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

NONE REQUESTED

Name of Professional That Prepared Plans: Kevin M. McEneaney, LLS
McEneaney Survey Associates of New England

Address 24 Chestnut Street Dover, NH 03820 Telephone #: 603-742-0911

Professional License #: Kevin M. McEneaney, LLS NH 661 E-mail address: kevin@surveynh.com

SIGNATURES

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

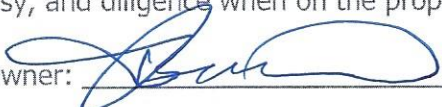
Signature of Property Owner:  Date: 6/1/2020

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

Signature of Agent: _____ Date: _____

AUTHORIZATION TO ENTER SUBJECT PROPERTY

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

Signature of Property Owner:  Date: 6/1/2020

CITY OF DOVER CONDITIONAL USE LIST OF ABUTTERS

Pursuant to RSA 676:4, the State Law of New Hampshire, the City of Dover is required to notify the applicant, abutters (including holders of conservation easements), and any professional whose seal is on the plan, of the public hearing by certified mail, return receipt requested. Staff will provide the abutter information, while the applicant must provide accurate contact information for the owner, applicant and professional agents representing the project.

Owner:

TAX MAP	LOT #	PROPERTY OWNER	MAILING ADDRESS
26	9	Thomas L. & Evelyn K. Backowies	61 Fieldstone Drive Dover, NH 03820

Applicant (if different from owner):

APPLICANT NAME	APPLICANT COMPANY	MAILING ADDRESS

Surveyor and/or Engineer/Professional Agent:

NAME	COMPANY	MAILING ADDRESS
Kevin M. McEneaney, LLS	McEneaney Survey Associates	24 Chestnut Street Dover, NH 03820

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	MAILING ADDRESS



City of Dover, New Hampshire

CONDITIONAL USE PERMIT APPLICATION

[Revision Date: May 18, 2017]

Office Use Only

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PROPERTY INFORMATION

Assessor's Map # 26 Lot(s) # 9

Address of Property: 99-101 Broadway

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

Existing Use of Property: Residential

CONDITIONAL USE PERMIT INFORMATION

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

- | | | |
|--|---|--|
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| ☐ Groundwater Protection | ☐ Off-Street Parking and Loading | ☐ Alternative Treatment Center |
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Address of Property Owner: SAME

PROPERTY INFORMATION

Assessor's Map # 26 Lot(s) # 9-1

Address of Property: 99-101 Broadway

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Existing Use of Property: Residential

CONDITIONAL USE PERMIT INFORMATION

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Owner:

TAX MAP	LOT #	PROPERTY OWNER	<u>MAILING ADDRESS</u>
26	9-1	Thomas L. & Evelyn K. Backowies	61 Fieldstone Drive Dover, NH 03820

Applicant (if different from owner):

APPLICANT NAME	APPLICANT COMPANY	<u>MAILING ADDRESS</u>

Surveyor and/or Engineer/Professional Agent:

NAME	COMPANY	<u>MAILING ADDRESS</u>
Kevin M. McEneaney, LLS	McEneaney Survey Associates	24 Chestnut Street Dover, NH 03820

Conservation Easement Holder:

TAX MAP	LOT #	NAME OF EASEMENT HOLDER	<u>MAILING ADDRESS</u>

P20-26 99-101 Broadway

Property ID	Location	Owner 1	Owner 2	Owner Address 1	City	State	Zip
24002-A00000	121 OAK ST	BOSTON & MAINE RR		IRON HORSE PARK HIGH STREET	NORTH BILLERICA	MA	01862
26006-000000	121 BROADWAY	121 BROADWAY LLC		340 CENTRAL AVE STE 202	DOVER	NH	03820
26007-A00000	107 BROADWAY	121 BROADWAY LLC		340 CENTRAL AVE STE 202	DOVER	NH	03820
26008-000000	103 BROADWAY	FORD PAUL &	FORD KRISTIN	PO BOX 724	GREENLAND	NH	03840
26010-000000	95 BROADWAY	WILLOW AND FERN LLC		95 BROADWAY	DOVER	NH	03820
26011-000000	89 BROADWAY	DOVER BROADWAY REALTY LLC		PO BOX 669	DOVER	NH	03821-0669
26012-000000	85 BROADWAY	NRBA REALTY INC		PO BOX 669	DOVER	NH	03821-0669
27168-000000	5 HILL ST	RUMINSKI TYLER J		5 HILL ST	DOVER	NH	03820
27169-000000	96 98 BROADWAY	LEXINGTON HILL INVESTMENTS LLC		136 COUNTY FARM RD	DOVER	NH	03820
27170-000000	102 104 BROADWAY	LEXINGTON HILL INVESTMENTS LLC		136 COUNTY FARM ROAD	DOVER	NH	03820
27171-000000	2 4 FLORENCE ST	CARRIER ROBERT C TRUSTEE	CARRIER ROBERT C REVOCABLE LIVING TRUST	22 HILL ST	DOVER	NH	03820-3111
27202-000000	3 5 BAKER ST	BORNSTEIN SUMNER TRUSTEE	3-5 BAKER STREET REALTY TRUST	3333 LAKEVIEW PKWY	VILLA RICA	GA	30180
27203-000000	88 90 BROADWAY	STOLZENBERG NICOLE ELISE		25 LAUREL LN	SOMERSWORTH	NH	03878-1112
27204-000000	92 BROADWAY	MICHAUD JONATHAN S		92 BROADWAY	DOVER	NH	03820
27205-000000	94 94A BROADWAY	BOISSE GARY R		PO BOX 755	SOMERSWORTH	NH	03878-0755
27206-000000	4 HILL ST	WINWARD DARCY		4 HILL ST	DOVER	NH	03820
26009-000000	99 101 BROADWAY	BACKOWIES THOMAS L &	BACKOWIES EVELYN K	61 FIELDSTONE DR	DOVER	NH	03820
		MCENEANEY SURVEY ASSOCIATES OF KEVIN M MCENEANEY LLS		24 CHESTNUT STREET	DOVER	NH	03820