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**SUBDIVISION OF LAND**

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[**HISTORY:** Adopted by the City Council 05-23-79 as Ord. 16-79<sup>1</sup>; Adopted by the Planning Board on 08-26-86; Last amended by Planning Board on 05-08-2018; Amendments noted where applicable.]

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<sup>1</sup> Editor's note, formally Chapter 13 of the 1951 Code

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## **ARTICLE I**

### **GENERAL PROVISIONS**

#### **155-1. Title.**

This Chapter shall be known and may be cited as the "Land SUBDIVISION Regulations" of the City of Dover.

#### **155-2. Legislative Authority. [Amended per Planning Board on 05-08-2018]**

This Chapter are adopted by the Dover PLANNING BOARD pursuant to the authority granted by the RSA, 674:35 and 236:13, and by Chapter 41 Planning Board of the City of Dover ORDINANCES.

#### **155-3. Purpose. [Amended per Planning Board on 05-08-2018]**

For the purpose of providing for the orderly growth and development of the City of Dover and affording adequate facilities for the housing, transportation, distribution, comfort, health, safety and welfare of persons living within the jurisdiction of the municipality, this Chapter prescribes guidelines for the SUBDIVISION or RESUBDIVISION of land within the jurisdiction of the City of Dover and sets forth the procedures, requirements, standards and specifications with respect thereto. Furthermore, it establishes an administrative procedure by which the location, method and materials used to provide vehicular access to and from city streets onto private property are subject to the review and approval of the Community Services Director.

#### **155-4. Interpretation.**

The standards contained in this Chapter shall be interpreted as minimum requirements, and compliance with said minimum requirements shall in no instance obligate the PLANNING BOARD to approve any particular application solely on that basis. Only after the PLANNING BOARD is fully satisfied that a proposed application is in the best public interest will the application be approved.

#### **155-5. Applicability.**

Whenever any SUBDIVISION of land is proposed, before any contract for the sale of any part thereof is executed and before any permit for the erection of a structure in such proposed SUBDIVISION shall be granted, the subdividing OWNER or his/her authorized agent

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shall apply for and secure approval of such proposed SUBDIVISION in accordance with the rules and regulations contained herein.

### **155-5A. Scattered or Premature Development.** [Added per Planning Board on 01-14-2003]

The PLANNING BOARD may provide against such scattered or premature SUBDIVISION of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services or necessitate the excessive expenditure of public funds for the supply of such services.

### **155-6. Nonresidential and Multi Family Dwellings Subdivision Review.**

Anyone who desires to subdivide PARCELS for nonresidential use or for MULTI-FAMILY DWELLINGS of more than two (2) units per structure, shall comply with the rules and regulations set forth in this Chapter. Prior to the issuance of a BUILDING PERMIT by the BUILDING OFFICIAL for nonresidential and MULTI-FAMILY DWELLING development of a SITE, all provisions pursuant to the City of Dover SITE PLAN REVIEW Regulations shall be met.

## **ARTICLE II**

### **APPLICATION PROCEDURES FOR MAJOR SUBDIVISIONS**

#### **155-7. Applicability.** [Amended per Planning Board on 09-08-87, 02-10-2003 and 02-10-2004]

A. MAJOR SUBDIVISION - The following rules and regulations shall pertain to the SUBDIVISION of land into four (4) or more separate PARCELS. In addition, a SUBDIVISION of fewer LOTS shall be considered major if in the judgment of the Planning Director the proposed SUBDIVISION may present significant engineering/planning problems or there is the likelihood of further SUBDIVISION of any of the PARCELS at a later date. The PLANNING BOARD reserves the right to review the Planning Director's decision to consider a SUBDIVISION to be major, if the APPLICANT disagrees with the decision.

(1) Any proposed development within an R-40 District shall be required to follow the procedures outlined in Article IV 155-22 "OPEN SPACE SUBDIVISION" for said proposed development.

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(2) Any proposed development in an R-20 or R-2012 District that meets the minimum LOT size requirement for an OPEN SPACE SUBDIVISION shall be required to follow the procedures outlined in Article IV 155-22 "OPEN SPACE SUBDIVISION" for said proposed development.

B. MINOR SUBDIVISION - In the case where a proposed SUBDIVISION or RESUBDIVISION of a PARCEL would create three (3) or fewer LOTS in a four year time period, the PLANNING BOARD may implement an expedited review of the application procedure. See Article III, Section 155-15 for an explanation and definition of the procedure.

C. MINOR LOT LINE ADJUSTMENT - In the case where a LOT LINE adjustment would create a LOT that is smaller than the minimum LOT size required for an OPEN SPACE SUBDIVISION, the PLANNING BOARD shall require that any SUBDIVISION of the resulting LOTS, in a four year time period follow the procedures outlined in Article IV 155-22 "OPEN SPACE SUBDIVISION"

### **155-8. Preliminary Consultation.**

It is suggested that all SUBDIVISION applicants meet with the Planning Director or the TECHNICAL REVIEW COMMITTEE on an informal basis, or with the PLANNING BOARD at a regularly scheduled BOARD meeting, prior to submitting a FORMAL APPLICATION. A "SKETCH MAP" may be submitted by the APPLICANT to facilitate discussion. The limits of the preliminary consultation shall be directed at review of the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements of the City's ORDINANCES and regulations. Preliminary consultation and review shall not bind either the APPLICANT or the PLANNING BOARD (RSA 676:4 II). A formal public notification is not required for preliminary consultation.

### **155-9. Application Submittal and Review.** [Amended per Planning Board on 08-26-2008 and 03-23-2010]

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

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

B. Include one electronic copy and fifteen (15) copies of the PRELIMINARY PLAT layout and the PLAT CONSTRUCTION DETAIL SHEETS as more fully described in 155-28 and 155-30 respectively, in this Chapter. Transmit a PDF of the SUBDIVISION PLAT via e-mail to [dover-planning@dover.nh.gov](mailto:dover-planning@dover.nh.gov). (Note: Only six

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(6) copies of the PRELIMINARY PLAT need to be submitted initially for review by the TECHNICAL REVIEW COMMITTEE. However, fifteen (15) copies are required for submission of the COMPLETE APPLICATION to the PLANNING BOARD). [Amended per Planning Board 05-24-16]

- C. Include a fee in an amount to be determined in accordance with the fee schedule outlined in 155-53 of this Chapter.
- D. Comply in all respects with Article VIII of this Chapter, except where a waiver may be specifically authorized by the PLANNING BOARD.
- E. Be filed with the Director of Planning at least fifteen (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.
- F. Be reviewed and evaluated by the TECHNICAL REVIEW COMMITTEE as to the completeness of the information submitted by the APPLICANT. Particular attention will be given to the arrangement, location and width of STREETS, topography and soil data, method of sewage disposal, water provision, on-site drainage, preservation of on-site vegetal elements, LOT size and arrangement, the present and future development of adjoining lands and conformity with the MASTER PLAN and other relevant City ORDINANCES. This review by the TECHNICAL REVIEW COMMITTEE may be eliminated if in the judgment of the Planning Director, such a review is not warranted. The Director shall provide a written explanation to the PLANNING BOARD for said elimination of this review.
- G. Include special investigative studies, review of documents and other matters, if required for particular applications. Reasonable fees to cover the cost of such studies or reviews shall be charged to the APPLICANT (RSA 676:4-I (g)).
- H. The Planning Director shall include a written memorandum indicating whether or not the application has sufficient information for the BOARD to begin formal consideration. The memorandum shall inform the BOARD of the findings of the Planning Director and/or the TECHNICAL REVIEW COMMITTEE'S review indicating areas of particular concern.
- I. Traffic Impact Assessment and Analysis – All proposed MAJOR SUBDIVISIONS shall be reviewed by the TECHNICAL REVIEW COMMITTEE and/or PLANNING



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BOARD to ascertain that adequate provisions have been made by the APPLICANT for traffic safety. To facilitate this review, the APPLICANT shall provide a Traffic Impact Assessment and Analysis to document existing traffic conditions in the vicinity of a proposed development project, to describe the volume and effect of projected traffic generated by the proposed project, and to identify measures proposed to mitigate any adverse impacts on traffic. All analyses must meet the minimum requirements of a “Standard” analysis. If any of the following thresholds apply, then an “Advanced” analysis must be completed:

- (1) Trip generation exceeding 1,000 average daily trips or 100 peak hour trips. Peak hour is defined as any of the following:
  - (a) AM peak hour (7-9 AM);
  - (b) PM peak hour (4-6 PM);
  - (c) Saturday midday peak hour (11AM-1PM); and
  - (d) peak hour generator for certain land uses (e.g., school, movie theater) if it falls outside the three previously listed periods. Analysis of Saturday midday peak only applies to retail uses.
- (2) The Planning Department may require an “Advanced” analysis because of special circumstances.

The requirements for a “Standard” or an “Advanced” analysis are contained in the Planning Department document entitled, “City of Dover Traffic Impact Assessment and Analysis Standards”. This document is available in the Planning Department and can be found on the City web-site. Applicants are strongly encouraged to consult with the staff of the Planning Department early in the project design regarding the scoping of the Traffic Impact Assessment and Analysis, including consideration of the study area boundary and any special considerations for the area that the development is proposed. A draft of the Traffic Impact Assessment and Analysis shall be completed prior to the final TECHNICAL REVIEW COMMITTEE meeting so that it can be included in the discussion. A complete version of the analysis shall be finished prior to the first meeting at which the application will be presented to the PLANNING BOARD so that ABUTTERS and the PLANNING BOARD will have an opportunity for review.

**155-10. Actions by the Board/Public Hearings.** [Amended per Planning Board on 03-23-2010]

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- A. The PLANNING BOARD shall, by a majority vote of its members present, accept an application to subdivide at its regularly scheduled meeting only if the application has been submitted in accordance with 155-9. Notice of said PUBLIC MEETING shall be provided to the APPLICANT, ABUTTERS and the public in accordance with 155-2011 (RSA 676:4-I (d)).
- B. The BOARD shall begin formal consideration of the application within thirty (30) days after submission and acceptance of the completed application. The BOARD shall act to approve, conditionally approve or disapprove within sixty-five (65) days after accepting the application subject to extension or waiver as set forth in paragraph C below (RSA 676:4-I (c)).
- C. The PLANNING BOARD may apply to the City Council for an extension not to exceed an additional sixty-five (65) days before acting to approve, conditionally approve, or disapprove an application. The APPLICANT may waive the time period requirements for PLANNING BOARD action and consent to such extension as may be mutually agreeable (RSA 676:4-I(f)).
- D. No application, shall be approved or disapproved without a PUBLIC HEARING on said application except as noted in 155-2010 .F below. Notice of the PUBLIC HEARING shall be provided in accordance with 155-11.
- E. Following a PUBLIC HEARING on a SUBDIVISION application, the BOARD shall approve, conditionally approve, disapprove or table the proposed SUBDIVISION application. If approved or conditionally approved, the requirements of 155-12 and 155-13 shall be met. If the BOARD denies the preliminary plans, the APPLICANT shall be notified in writing as to the reasons for denial.
- F. A PUBLIC HEARING is not required for disapprovals of applications based upon failure of the APPLICANT to supply information required by the regulations, including: ABUTTERS identification, failure to meet reasonable deadlines established by the BOARD, or failure to pay fees required by the BOARD (RSA 676:4 – I (e)(2)).

### **155-11. Public Notice Requirements.**

- A. No SUBDIVISION application shall be accepted or acted on by the PLANNING BOARD without giving due notice to the public. Such notice will be given in the following manner:
- B. The APPLICANT and all ABUTTERS shall be notified by certified mail of the date upon which the application will be formally submitted to the BOARD. The

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APPLICANT and all ABUTTERS shall also be notified in the same manner concerning the date of the PUBLIC HEARING. If notice of the PUBLIC HEARING has been included in the notice of submission or any prior notice, additional public notice of the PUBLIC HEARING is not required. Nor shall additional notice be required of a recessed PUBLIC HEARING if notice is provided at the PUBLIC HEARING, (including date, time and place) when the hearing will be resumed.

- C. Notice shall be mailed at least ten (10) calendar days prior to submission.
- D. Notice to the general public shall be at the same time by advertising in a newspaper of general circulation or by posting. The notice shall include a general description of the proposal which is the subject of the application and shall identify the APPLICANT and the location of the proposal.
- E. All costs of notice, including mailing, posting or publishing, shall be paid by the APPLICANT. Failure to pay such costs shall constitute valid grounds for the PLANNING BOARD to terminate further consideration and to disapprove the application without a PUBLIC HEARING.

**155-12. Reserved.** [Amended per Planning Board on 03-23-2010]

**155-13. Reserved.** [Amended per Planning Board on 03-23-2010]

**155-14. Final Plat Certification; Recording, Performance and Maintenance Guaranty.** [Amended per Planning Board on 09-11-90, 09-28-93, 01-14-2003, 04-22-2003, 08-26-2008, 3-23-2010, 01-24-2012 and 12-18-12]

- A. The APPLICANT shall submit to the Planning Department an electronic copy, a digital CAD file and five (5) copies of the FINAL PLAT layout for PLANNING BOARD Chairman's signature within ninety (90) days of receipt of FINAL PLAT approval by the PLANNING BOARD. The Planning Director may grant one ninety (90) day extension if circumstances arise beyond the control of the APPLICANT. An extension denial by the Planning Director can be appealed to the PLANNING BOARD. Any additional extensions can only be granted by the PLANNING BOARD. The Planning Department shall file a signed unfolded paper copy of the FINAL PLAT with the Office of the Registry of Deeds of Strafford County within thirty (30) days of the date of said signing. All applicable handling and recording fees charged by the Registry of Deeds shall be paid by the APPLICANT.
- B. The FINAL PLAT layout shall conform to the specifications detailed in 155-29.

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- C. Every FINAL PLAT application granted approval shall be deemed to be an amendment of or an addition to the City of Dover OFFICIAL MAP and a part thereof. Approval of a FINAL PLAT application shall not be deemed to constitute or effect an acceptance by the City of the dedication of any STREET, open space, or parks shown upon the FINAL PLAT layout.
- D. The APPLICANT shall file, an irrevocable letter of credit or an ESCROW agreement as required by 155-25 prior to the issuance of a Building Permit, or as per the judgment of the PLANNING BOARD, prior to the start of construction of any IMPROVEMENTS.
- E. An APPLICANT may, at the discretion of the PLANNING BOARD, be required to enter into an ESCROW agreement with the City as security for the performance of its obligation under 155-25, in lieu of filing an IRREVOCABLE LETTER OF CREDIT. Such ESCROW agreements shall be executed on forms provided by the City Engineer.

## **ARTICLE III**

### **APPLICATION PROCEDURES FOR MINOR SUBDIVISIONS**

#### **155-15. Applicability.** [Amended per Planning Board on 10-08-87]

- A. The following rules and regulations for MINOR SUBDIVISIONs shall pertain to those PARCELS of land which, through SUBDIVISION or RESUBDIVISION, are divided into three (3) or fewer LOTS within a four (4) year time period. These LOTS may be for BUILDING development purposes or for proposals which do not include the creation of LOTS for BUILDING development purposes (RSA 676:4-III). In addition, it must be determined that the MINOR SUBDIVISION:
  - (1) Would create only LOTS fronting on existing STREETS;
  - (2) Would require no new STREETS;
  - (3) Would require no extension of municipal facilities;
  - (4) Would require no public IMPROVEMENTS;
  - (5) Would have no adverse impact on the remainder of the PARCEL or any adjoining land;
  - (6) Would not conflict with any portion of the MASTER PLAN, Zoning ORDINANCE or this Chapter.

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- B. The determination of whether a proposed SUBDIVISION is MAJOR or MINOR shall be made by the Planning Director based on initial discussions with the SUBDIVIDER. The determination, made in writing, shall be made prior to the submittal of any plans and shall specify the Director's reasoning. If the APPLICANT does not agree with the Director's determination, he/she may appeal the decision to the BOARD at its next meeting.
- C. The determination may be revised by the BOARD at any time prior to acceptance of the FINAL PLAT.

### **155-16. Preliminary Consultation.**

Prior to formal submission of an application, a SUBDIVIDER may discuss his/her proposal with the Planning Director, TECHNICAL REVIEW COMMITTEE or PLANNING BOARD as per 155-8.

### **155-17. Application Submittal and Review.** [Amended per Planning Board on 08-26-2008]

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

- A. Be made on forms available at the PLANNING BOARD office.
- B. Include fifteen (15) copies and an electronic copy of a FINAL PLAT layout as described in 155-29 of this Chapter. Additional information/data may be requested by the PLANNING BOARD for the proper review of said MINOR SUBDIVISION.
- C. Include fifteen (15) copies of the PLAT CONSTRUCTION DETAIL SHEETS, if appropriate, as described in 155-37 of this Chapter.
- D. Where city sewer service is not available, the APPLICANT shall provide evidence that all proposed LOTS are of a sufficient size to support individual waste systems as described in 155-42.
- E. Include a fee in an amount to be determined in accordance with the fee schedule contained in 155-53 of this Chapter.
- F. Be filed with the Director of Planning at least fifteen (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The

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

G. PRELIMINARY PLATS are required for MINOR SUBDIVISIONS.

### **155-18. Application Submittal and Review for Minor Lot Line Adjustments and Boundary Agreements.** [Amended per Planning Board 08-26-2008 and 03-23-2010]

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

- A. Be made on forms available at the PLANNING BOARD office.
- B. Include fifteen (15) copies and an electronic copy of a surveyed PLAT layout that contains the following information:
  - (1) Date, approximate true North point and scale.
  - (2) Name, address and signature of OWNER and stamp of registered New Hampshire surveyor.
  - (3) Names of OWNERS of record of abutting properties or developments.
  - (4) Square footage within newly adjusted LOT LINES.
  - (5) LOT LINES with accurate dimensions and bearings of a sufficient scale to determine readily the location bearing and length of all lines.
  - (6) Zoning information and BUILDING SETBACK LINES for the zone.
  - (7) Location map.
  - (8) Existing structures.
- C. Be filed with the Director of Planning at least fifteen (15) calendar days prior to a regularly scheduled meeting of the BOARD. Included with the application shall be the names and mailing addresses of all ABUTTERS as indicated in city records. The names of all ABUTTERS shall be obtained from City records or the Strafford County Registry of Deeds not more than five (5) calendar days before the date of filing. In addition to the ABUTTERS list, three duplicate sets of adhesive mailing labels for all ABUTTERS shall be submitted for use by staff in preparing certified mailings.

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- D. Include a fee in an amount to be determined in accordance with the fee schedule contained in Section 155-53 of this Chapter.
- E. LOTS created under the Cluster SUBDIVISION with LOT LINES method of OPEN SPACE SUBDIVISIONS (formerly 155-22.D (3)), shall not be allowed to have LOT LINE ADJUSTMENTS completed if the LOT LINE ADJUSTMENT would alter the area of Open Space approved at the time of SUBDIVISION.

### **155-19. Actions by the Board/Public Hearings.**

- A. The PLANNING BOARD shall, by a majority vote of its members present, accept a COMPLETE APPLICATION for a MINOR SUBDIVISION at its regularly scheduled meeting only if the application has been submitted in accordance with 155-17.
- B. After accepting a COMPLETE APPLICATION, the BOARD may at the same meeting, proceed with a PUBLIC HEARING on the application providing that the APPLICANT, ABUTTERS and public have been notified of the hearing in accordance with 155-11.
- C. If the PLANNING BOARD does not hold a PUBLIC HEARING on the day of submission and acceptance of a completed application, the BOARD shall begin formal consideration of the accepted application within thirty (30) days of the acceptance date.
- D. The PLANNING BOARD is not authorized to approve without a PUBLIC HEARING, MINOR LOT LINE ADJUSTMENTS or boundary agreements which do not create BUILDABLE LOTS. This provision may not be waived (RSA 676:4-I (C)(V)).
- E. A PUBLIC HEARING is not required for disapprovals of applications based upon failure of the APPLICANT to supply information required by the regulations, including: ABUTTERS identification, failure to meet reasonable deadlines established by the BOARD, or failure to pay fees required by the BOARD (RSA 674:4-I (e)(2)).
- F. After the PUBLIC HEARING, the BOARD may act to approve, conditionally approve, disapprove or table the proposed SUBDIVISION application. If approved, the APPLICANT shall file the approved PLAT in accordance with 155-14.
- G. Any APPLICANT that receives PLAT approval subject to CONDITIONS PRECEDENT, must comply with the CONDITIONS PRECEDENT by the time of

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submission of the FINAL PLAT. Additional PUBLIC HEARINGS, in accordance with 155-2011, will be held by the BOARD to determine if the APPLICANT has complied with all CONDITIONS PRECEDENT, except as noted below (RSA 676:4-I(i)).

- (1) A PUBLIC HEARING is not required to determine compliance with CONDITIONS PRECEDENT if the Planning Director certifies in writing to the BOARD that the APPLICANT has satisfactorily complied with the CONDITIONS PRECEDENT and that the conditions imposed by the BOARD were:
  - (a) Minor PLAT changes whether or not imposed by the BOARD as a result of a PUBLIC HEARING, compliance with which is administrative and which does not involve discretionary judgment; or
  - (b) Conditions which are in themselves administrative and which involve no discretionary judgment on part of the BOARD; or
  - (c) Conditions with regard to the APPLICANT'S possession of permits and approvals granted by other boards or agencies.
- (2) All other CONDITIONS PRECEDENT shall require a PUBLIC HEARING and notice as required in 155-11.

## **ARTICLE IV**

### **OPEN SPACE SUBDIVISIONS**

#### **155-20. Concept and Purpose.** [Amended per Planning Board on 07-05-88 and 04-25-00]

- A. An OPEN SPACE SUBDIVISION (OSS) represents a form of residential development where, instead of subdividing an entire tract of land into LOTS of conventional size and arrangement, a similar number of single-family housing units, duplexes in an R-12 zone, may, at the discretion of the PLANNING BOARD, be arranged on the land in a more innovative fashion which better fits the topography and natural attributes of the SITE. The remaining land in the tract which has not been built upon shall be set aside for municipal use or integrated among the housing units and reserved for useable COMMON OPEN SPACE. Said open space shall be held in a form of ownership that will prevent it from being further subdivided or developed.
- B. The purpose for establishing this section is to promote a development pattern that creates areas of useable and accessible open space, provides land for municipal use,



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prevents disruption of natural topography and drainage systems, maintains the rural and open character of the undeveloped area of the City; protect historically significant BUILDINGS, resources, and/or landscapes; protects valuable wildlife areas; allows for attractive SITE design and encourages a lesser and more practical utility and STREET network.

C. [Deleted per Planning Board in its entirety on 04-25-2000]

### **155-21. Approval Procedure.** [Amended per Planning Board on 07-2005-88 and 02-2010-2004]

- A. An OPEN SPACE SUBDIVISION with SUBDIVISION LOTS or cluster arrangements, shall be subject to the granting of a MAJOR SUBDIVISION approval pursuant to the regulations contained herein. A plan for an OPEN SPACE SUBDIVISIONS with cluster arrangements shall depict, in addition to the required contents of a SUBDIVISION PLAT, the locations of all proposed BUILDING SITES, roads, DRIVEWAYS, parking LOTS and other features determined by the PLANNING BOARD to be necessary for proper review of the plan.
- B. In specific cases the PLANNING BOARD may vary the provisions contained herein, provided the modifications are consistent with the concept and purpose stated in Section 155-20 above.

### **155-22. General Requirements.** [Amended per Planning Board on 07-2005-88, 3-19-91, 04-25-00, 02-2011-2003, 02-2010-2004, 08-26-2008 and 03-23-2010]

A. Location.

- (1) Any MAJOR SUBDIVISION within an R-40 District shall be required to adhere to the following procedures for said development.
- (2) Any proposed development in an R-20 or R-2012 District that meets the minimum LOT size requirement for an OPEN SPACE SUBDIVISION shall be required to adhere to the following procedures for said development.

B. Permitted uses shall be as follows:

- (1) All uses permitted in the ZONING DISTRICT within which the OPEN SPACE SUBDIVISION is located.
- (2) Open space, private or public, providing for both passive as well as active recreational facilities.

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C. Minimum project area permitted for an OPEN SPACE SUBDIVISION shall be as follows:

	<u><b>ZONING DISTRICT</b></u>	<u><b>Contiguous Acres Required</b></u>		
		<u><b>Residential Only</b></u>	<u><b>With Commercial</b></u>	
(1)				Projects meeting minimum
not	<b>R-40</b>	No Minimum	50 acres	
the	<b>R-20</b>	15 acres	50 acres	
acreage	<b>R-12</b>	5 acres	20 acres	

requirements of an OPEN SPACE SUBDIVISION shall follow these additional requirements:

- (a) A preliminary PUBLIC HEARING shall be conducted by the PLANNING BOARD prior to an APPLICANT’S formal submittal application for MAJOR SUBDIVISION approval. Prior to this preliminary PUBLIC HEARING, the APPLICANT shall submit two different design review plans for general discussion; one YIELD PLAN showing a SUBDIVISION plan based on conventional regulations, and a second plan design as an OPEN SPACE SUBDIVISION. At said preliminary PUBLIC HEARING the APPLICANT shall be responsible for demonstrating that the characteristics of their plan warrant consideration for development as an OPEN SPACE SUBDIVISION.
  - (i) The disposition of the PUBLIC HEARING shall be executed as per the procedure established in 155-2011.
  - (ii) Within thirty (30) calendar days from the date of PUBLIC HEARING the PLANNING BOARD shall render a determination as to whether the APPLICANT can process his/her application as an OPEN SPACE SUBDIVISION or as a conventional SUBDIVISION.
  
- b) An impact statement shall be submitted which details the probable effects of the SUBDIVISION on the following aspects of concern to the City:
  - (i) attendance at public schools;
  - (ii) increase in vehicular traffic;
  - (iii) changes in the number of legal residents;
  - (iv) increases in municipal costs;
  - (v) load on public utilities or future demand for them;
  - (vi) public safety;

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- (vii) changes in tax revenue;
- (viii) changes in surface drainage;
- (ix) increased consumption of groundwater;
- (x) increased refuse disposal;
- (xi) pollution of water or air;
- (xii) land EROSION or loss of tree cover;
- (xiii) disturbance to other aspects of the natural ecology;
- (xiv) blocking of views;
- (xv) harmony with the character of surrounding development; and
- (xvi) location of utilities.

### **D. Density**

- (1) **Density Allocation.** The maximum number of DWELLING UNITS permitted in an OPEN SPACE SUBDIVISION shall be determined by a submitted YIELD PLAN. The resultant number shall not allow a higher density than that provided by a conventional SUBDIVISION on the same PARCEL.

An OPEN SPACE SUBDIVISION may consist of the following:

- (a) A SUBDIVISION of land into reduced sized individual house LOTS.
- (b) Cluster SUBDIVISION. One PARCEL with individual detached SINGLE-FAMILY DWELLINGS located in a cluster arrangement.
- (c) [Deleted per Planning Board in its entirety on 08-26-2008]

### **2) Density Bonus**

- (a) If the proposed development is located in an R-40 or R-20 zone, and is greater than 50 acres, or is located within the R-2012 zone, and is more than 20 acres, a nonresidential component shall be allowed meeting the following the criteria:

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- (i) No more than fifty (50%) percent of the development SITE including open space, shall be devoted to parking, STREETS, BUILDINGS, and accessory structures.
- (ii) Non-residential uses allowed in the underlying district, as well as those listed below, shall be permitted as long as they are constructed to be compatible in scale and design with residential uses, be attractive and low key (in terms of BUILDING design, signage, lighting, and treatment of parking), and have a strong pedestrian orientation with a BUILDING footprint of not to exceed ten thousand (10,000) square feet.
  - a. Neighborhood scale personal service establishments, such as convenience stores, craft store, drug stores, beauty shops, tailors, laundromats, banking establishments;
  - b. Professional offices;
  - c. Medical care uses, including medical care office BUILDINGS;
  - d. Adult day care facilities;
  - e. Sales office for the sale or rental of property;
  - f. Restaurants without a drive up window;
  - g. Elderly assisted care may have a BUILDING footprint of not to exceed twenty thousand (20,000) square feet.
- (iii) Prohibited uses and designs. The following uses and designs are not permitted in an OPEN SPACE SUBDIVISION unless they are already allowed in the underlying ZONING DISTRICT under an existing permit or as existing non-conforming uses: commercial telecommunication towers/wireless communications facilities as a primary use, gravel pits, hospital, or wholesaling.
- (iv) The commercial uses delineated above may be located in a flexible spatial environment, assuring compatibility with residential uses and with the overall development design, provided that nonresidential uses do not exceed 33% of the net tract area of the OPEN SPACE SUBDIVISION. These limitations herein are maximums and should not be construed as by right permitted levels of development.

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(v) No BUILDING shall exceed four (4) stories in height (except for cupolas, dormers, BUILDING towers, and similar elements)

E. No structures or septic systems will be allowed to be built in the following areas: areas with a SLOPE greater than twenty (20) percent; areas within conservation districts; all FLOOD HAZARD AREAS, unless flood proofing standards can be met through construction practices, and; undevelopable wetlands as defined in Chapter 170 Zoning.

F. Dimensional Requirements.

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

<sup>1</sup> Does not apply to an existing house on the lot, if part of the total lot yield. [Amended 05/24/16 per Planning Board]

<b>MINIMUM DISTANCE AROUND INDIVIDUAL UNITS IN CLUSTERS</b>		<b>MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS</b>	
<b>STREET Sides of Units</b>	<b>Between Units</b>	<b>Abutting A STREET</b>	<b>Abutting A LOT LINE</b>
R-40 20 feet	30 feet	20 feet	20 feet
R-20 15 feet	25 feet	15 feet	15 feet
R-12 10 feet	20 feet	10 feet	10 feet

- (1) If a portion of a PARCEL of land is covered by a ZONING DISTRICT in which an OPEN SPACE SUBDIVISION is not permitted, this portion shall not be included in a proposed OPEN SPACE SUBDIVISION.
- (2) If a PARCEL of land is covered by more than one of the R-40, R-20 or R-2012 ZONING DISTRICTS, and more than fifty (50) percent of the PARCEL lies in the more restrictive district, the more restrictive regulations shall apply to the entire PARCEL.
- (3) FRONTAGE requirements shall not apply to cluster SUBDIVISIONS. Nevertheless, paved access suitable for emergency vehicles, and approved by the PLANNING BOARD, shall provide access from a city STREET or state highway

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to each of the units with the SUBDIVISION. All accessways shall be privately owned and comply with the private drive standards specified in Chapter 149, Site Review, of the Code of the City of Dover.

- (4) Notwithstanding the dimensional requirements outlined above, structures or DWELLING UNITS in a proposed OPEN SPACE SUBDIVISION must maintain the following minimum buffer distances from existing structures, DWELLING UNITS and external boundaries:

<b>ZONING DISTRICT</b>	<b>MINIMUM DISTANCE FROM EXISTING STRUCTURES OR DWELLING UNITS</b>	<b>MINIMUM DISTANCE FROM EXTERNAL BOUNDARIES</b>
R-40	100 Feet	50 Feet
R-20	75 Feet	40 Feet
R-12	50 Feet	30 Feet

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

- G. Project ownership. The subject land may be owned, leased or controlled either by a single person, corporation or by a group of individuals or corporations. An approved OPEN SPACE SUBDIVISION shall be binding on the project land and OWNER(S) and shall be so indicated on each individual deed.
- H. Additional considerations. In addition to the information required to be presented on the preliminary and FINAL PLAT layout (see 155-28 and 155-29), the following additional information shall be required.
- (1) Dimensions and locations of all proposed COMMON OPEN SPACES.
  - (2) The external dimensions of OPEN SPACE SUBDIVISION boundaries. (See 155-23)
  - (3) Appropriate documents defining the DEED RESTRICTIONS and other provisions under which all COMMON OPEN SPACES will be established.

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- (4) A fiscal analysis demonstrating that the submitted YIELD PLAN is realistic shall be required of the APPLICANT. At a minimum the following items shall be included:
- (a) potential road costs;
  - (b) potential utility costs;
  - (c) potential miscellaneous costs (to include the cost of moving existing structures.)
- I. Community Leach (Septic) Systems. An OPEN SPACE SUBDIVISION (OSS) may include a community or common leach system for the disposal of the effluent from household septic tanks. Such a system shall be installed by the SUBDIVIDER and shall be installed under the following conditions:
- (1) Community Leach Systems (CLS) may only be used in those areas of the appropriate zones served by the public water system of the city of Dover.
  - (2) All CLS's shall meet the design requirements of the State of New Hampshire Water Supply and Pollution Control Commission and this Chapter:
    - (a) Each structure shall have its own septic tank sized according to the requirements of the N.H. Water Supply and Pollution Control Commission. Access to the septic tank cover should be provided by risers as necessary and location shown on the "As-Built plan" submitted to the Dover City Engineer as described in J(3) below.
    - (b) Leach fields shall be located on land held in common by the property OWNERS to be used exclusively for wastewater disposal. Each area designated for wastewater disposal shall be large enough to accommodate the required leach field and associated fill as well as an alternate reserve leach field, should replacement of the original field become necessary. The leach field and reserve field must have suitable soil according to the N.H. Water Supply and Pollution Control Commission rules for sewage disposal system design.
    - (c) All piping connecting septic tanks to leach systems and other mechanical equipment such as pumps, valves, etc. shall meet the standards of the State of New Hampshire and the City of Dover as detailed in 155-42. All such equipment used by more than one DWELLING shall be placed in an EASEMENT which shall be deeded to the maintaining authority and such authority shall have the right to access at any time for the purposes of

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maintaining the system. All construction under this article shall be explicitly subject to the provisions of Article V of this Chapter.

- (d) The DEVELOPER and HOMEOWNERS ASSOCIATION are required to provide each new resident in the development a copy of the N.H. Department of Environmental Services pamphlet "You and Your Septic System".
- (3) Facility Ownership. At the conclusion of the construction of all piping, equipment and leach fields, a complete set of "As-Built" drawings of the systems will be filed with the City Engineer. The OWNERS of the CLS shall also comply with the following requirement:
- (a) Whether or not the DEVELOPER has opted to establish a cooperative legal entity to own and manage the common space, such an entity shall be set up to own and manage the common leach system. The By-Laws of such an entity shall be established in accordance with state law governing such organizations (New Hampshire RSA 479A:1-23 inclusive as amended) and shall include the provisions of Article IV, paragraph 155-23.E, "Requirements of a Homeowner's Association", by substituting the words "common leach system" for "COMMON OPEN SPACE" in those regulations.
- (4) Facility Maintenance Requirements. The following requirements shall be made part of any HOMEOWNERS ASSOCIATION agreement:
- (a) The OWNER of the common leach system shall maintain a service contract with a licensed septic system service and installation contractor to perform the required maintenance. Such a contract shall detail the periodic maintenance to be performed on the distribution/collection system including leach fields, distribution boxes, pumps, and collection pipes, etc. The service contract shall provide for an annual report to the City Engineer by the licensed septic system installer detailing the condition of the system and any repairs made that year or anticipated at the time of the report. A copy of the service contract shall be delivered to the City Engineer for review at least 30 days before it goes into force.
  - (b) The OWNER of the common leach system shall collect from the users of the system an annual fee equal to the cost of repairs and an amount sufficient to establish a reasonable cost of replacement reserve. The fee should be assessed annually based upon the previous years' experience and the forth coming service contract amount.



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(c) The maintaining authority shall keep a record of each individual septic tank, showing its location and the frequency of its pumping. As a guide to maintenance, each tank should be pumped at least once in every five (5) year period and not more frequently than every two (2) years.

(d) No structure shall be built on a LEACH FIELD LOT.

### **155-23. Common Open Space.** [Amended per Planning Board on 07-2005-88 and 04-25-2000]

- A. General COMMON OPEN SPACE shall be set aside for the use and benefit of the residents in an OPEN SPACE SUBDIVISION, or dedicated to a public or non-profit organization. Generally the open space shall be useable for recreation and integrated into the layout and design of the SUBDIVISION. The location and configuration of the open space shall be at the discretion of the PLANNING BOARD.
- B. External Boundaries. A BUFFER ZONE of one hundred (100) feet shall be provided along the perimeter of the subject tract that fronts existing public roadways and a BUFFER ZONE equal to the external boundaries required by Chapter 155-22-F-4 shall be provided along the perimeter of the subject tract that abuts all adjacent parcels. If said perimeter is predominantly open land, it shall be suitably landscaped at the discretion of the PLANNING BOARD. Should the PLANNING BOARD find that the unique topography and other SITE conditions warrant a certain degree of flexibility in the extent of the required BUFFER ZONE, a waiver of the affected portion of said buffer will be taken under consideration. [Amended 12-18-12 per Planning Board]
- C. Open Space Requirements.
- (1) The COMMON OPEN SPACE for an OPEN SPACE SUBDIVISION that contains SUBDIVISION LOTS shall be depicted on the SUBDIVISION PLAT as bounded by property lines and as being exclusive of: house LOTS; STREETS, DRIVEWAYS and parking LOTS; STORMWATER collection ponds; land area dedicated to septic systems, and; EASEMENTS and RIGHTS-OF-WAY for STORMWATER drainage ways, STREETS or and utilities. The COMMON OPEN SPACE for an OPEN SPACE SUBDIVISION that contains DWELLING UNITS in cluster arrangements on a single PARCEL shall be depicted on the SUBDIVISION PLAT as land area exclusive of: DWELLING UNITS and accessory structures; STREETS, DRIVEWAYS and parking lots; areas required for minimum buffers around DWELLING UNITS; land area required for septic systems; area covered by EASEMENTS or RIGHTS-OF-WAY for STORMWATER drainage systems, STREETS or utilities, and; STORMWATER

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collection ponds. The legal and spatial disposition of such open space is at the sole discretion of the PLANNING BOARD.

- (2) The area of the open space shall equal or exceed the total allowed reduction in the LOT sizes within the OPEN SPACE SUBDIVISION and shall be permanently dedicated as open space, or for municipal use as agreed upon. A minimum of 50% of the total open space land must be usable uplands and reasonably accessible to all property OWNERS in the project.
- (3) The open space shall be deeded to the City of Dover for municipal use, deeded to a non-profit organization, or a DEED RESTRICTION or EASEMENT shall be placed upon all COMMON OPEN SPACE, so that all said open space remains open space in perpetuity and shall never be developed or further subdivided. Acceptance of ownership of deeded open space is at the discretion of the City or non- profit organization.
- (4) Said DEED RESTRICTIONS and documents shall be placed on file with the City Clerk upon receipt of PLANNING BOARD SUBDIVISION approval and duly recorded at the Strafford County Registry of Deeds, where appropriate.
- (5) The required COMMON OPEN SPACE shall be owned and maintained by the DEVELOPER until it is owned in one or more of the following ways:
  - (a) By the City of Dover, subject to acceptance by the City.
  - (b) By a private, nonprofit organization (such as the Nature Conservancy or Audubon Society), which has as its purpose the preservation of open space through ownership and control; provided, however that the residents within the OPEN SPACE SUBDIVISION have access to the COMMON OPEN SPACE for appropriate recreational uses.
  - (c) By a private, nonprofit corporation, association or other nonprofit legal entity such as homeowner's association, established by the APPLICANT for the benefit and enjoyment of the residents of the SUBDIVISION and over which said residents have control.
  - (d) No privately owned recreation structures shall be built in the open common space without the approval of the PLANNING BOARD.
  - (e) Current Use Limitation: The common land areas, open space areas and natural areas in an approved development are considered to be a part of the residential use of such development and shall not be considered to be "open space land"; "farmland"; "wetlands"; "recreation land"; "floodplain"; or "wild

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land: within the meaning of RSA 79-A except where such consists of actively operated farmland.

- D. In the event that an OPEN SPACE SUBDIVISION is to be of the cooperative legal entity, all COMMON OPEN SPACE shall be governed in accordance with the requirements of the New Hampshire RSA 479A:1-23 inclusive as amended.
- E. Requirements of a homeowner's association.
- (1) The financial and administrative obligations for future maintenance of COMMON OPEN SPACE and other common facilities shall be clearly stated, adequate and enforceable by the City, at the association's expense, in the event of negligence.
  - (2) In the event that the homeowner's association established to own and maintain COMMON OPEN SPACE or any successor organization shall fail to maintain the COMMON OPEN SPACE/facilities in a reasonable order and condition, the PLANNING BOARD may serve written notice upon such organization and shall demand that any deficiencies of maintenance be cured in thirty (30) days of receipt of said notice. In addition, a trustee shall be designated by the homeowners' association to insure that proper care of said COMMON OPEN SPACE is continued. The trustee's responsibilities shall include, but not be limited to, passive and active recreational areas, retention ponds, drainage EASEMENTS and common septic disposal systems.
  - (3) In the event that the maintenance deficiencies have not been resolved within said prescribed time limits, the cost of maintenance by another party, other than the City of Dover, shall become a tax lien on the properties within the SUBDIVISION. Entry and maintenance of said COMMON OPEN SPACE shall not exceed a period of one (1) year.
  - (4) Before the expiration of said year, the PLANNING BOARD shall, upon its initiative or upon the request of the organization heretofore responsible for the maintenance of the COMMON OPEN SPACE, call a PUBLIC HEARING upon fifteen (15) days' notice to such organization or to the residents and OWNERS of the development, at which hearing such organization or the residents or OWNERS of the development shall show cause why such maintenance by the third party shall not, at the election of the City, continue for a succeeding year.
    - (a) If the PLANNING BOARD determines that said organization is able to maintain said COMMON OPEN SPACE in a reasonable condition, the City

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shall cease to have such space maintained at the end of the prescribed time limit.

- (b) If the PLANNING BOARD determines that such organization is not able to maintain said COMMON OPEN SPACE in a reasonable condition, the City may continue to have such land maintained by a third party for a succeeding year, subject to a similar hearing and determination in each year thereafter. The decision of the PLANNING BOARD in each such case shall constitute the final administrative decision subject to judicial review.
- (5) The cost of such maintenance shall be assessed proportionately against the properties within the development that have a right of enjoyment of the COMMON OPEN SPACE and shall become a tax lien on said properties. The City, at the time the third party enters upon said COMMON OPEN SPACE for the purpose of maintenance, shall file a notice of such lien in the office of the City Assessor and the Registrar of Deeds for Strafford County upon the properties affected by such lien within the development, and the same shall be discharged by the City upon payment as with other liens.

## **ARTICLE V**

### **REQUIRED IMPROVEMENTS AND AGREEMENTS**

**155-24. Performance Requirements.** [Amended per Planning Board on 11-15-91, 06-13-95, 08-26-2008, 03-23-2010 and 01-24-2012]

- A. All SITE IMPROVEMENTS in the approved SUBDIVISION or part thereof shall be constructed and/or installed within five (5) years of the date of FINAL PLAT approval in accordance with the requirements specified herein, unless such time is extended by written mutual consent of the APPLICANT and the PLANNING BOARD. Such IMPROVEMENTS shall not be considered complete until officially approved by the City Engineer and Community Services Director, or accepted by the City Council, as appropriate. Responsibility for uninspected and unimproved utilities will be that of the DEVELOPER. [Amended 12-18-12 per Planning Board]
- B. The PLANNING BOARD may grant time extensions, not to exceed one (1) year each. The APPLICANT shall appear before the PLANNING BOARD and document that the following criteria are met:
  - (1) The proposed project is consistent with the City MASTER PLAN.

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- (2) Surrounding conditions (ie. traffic flow, school capacity, water/sewer demand) have not changed to the point of requiring reanalyzing of the proposed project.
  - (3) The proposed project complies with current City, State and Federal regulations, ORDINANCES and statutes.
  - (4) Notification of ABUTTERS shall be required of all first time extension requests. Said notification shall be by certified mail and shall be at the expense of the APPLICANT.
- C. BUILDING certificates of occupancy, shall be issued by the BUILDING OFFICIAL for all residential and/or nonresidential units only upon the receipt of a written memorandum cosigned by the Planning Director, the Community Services Director or the City Engineer and the Fire Chief or designee as to the adequacy of all required IMPROVEMENTS servicing the subject PARCEL or PARCELS.
- (1) A CERTIFICATE OF OCCUPANCY shall be issued, provided that all required roads, utilities and other IMPROVEMENTS servicing the subject PARCEL have been constructed and/or installed in accordance with city specifications.
  - (2) A CERTIFICATE OF OCCUPANCY may be issued if only minor IMPROVEMENTS are needed to complete the project and if the completion of these IMPROVEMENTS have been delayed due to factors, such as the weather, beyond the control of the DEVELOPER. The DEVELOPER must demonstrate to the Planning Director, the Community Services Director or the City Engineer and the Fire Chief or designee, the reason these IMPROVEMENTS were not completed. In addition, the DEVELOPER must demonstrate that the lack of these IMPROVEMENTS as well as the eventual construction of the IMPROVEMENTS will not impede the protection of public health and safety and that an IRREVOCABLE LETTER OF CREDIT will be posted to cover the cost of these IMPROVEMENTS, as outlined in 155-24. The DEVELOPER must also indicate the time that will be required to make the necessary IMPROVEMENTS.
- D. Construction activities and storage of BUILDING materials shall only be carried on in such a manner and at such times that shall render said activities not unduly objectionable to adjacent properties. Hours of construction shall be determined during the pre-construction meeting and documented on a site construction sign along with the contact information for the general contractor. Said signage shall be located and approved by the City Engineer or Director of Planning and Development prior to construction land disturbance.

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- E. Approved SUBDIVISIONS shall be protected from future amendments in regulations and ORDINANCES in accordance with RSA 674:39. In order to be protected under RSA 674:39, the OWNER shall have completed active and substantial development, which is defined as the construction of basic infrastructure to support the development, including road construction to a minimum of gravel base, utilities placed in underground conduits, construction of all drainage IMPROVEMENTS, installation of all EROSION and SEDIMENT control measures, and the construction of at least one complete BUILDING foundation. Substantial completion shall be deemed to have occurred when CERTIFICATEs OF OCCUPANCY for at least seventy-five percent (75%) of the houses within the SUBDIVISION have been issued by the Building Official, the top coat of the roadway and sidewalk have been completed and off-site IMPROVEMENTS specified in the SUBDIVISION approval have been completed or a surety has been provided to the City to insure completion of all unfinished off-site improvements. [Amended 05-24-16 per Planning Board]
  
- F. All SUBDIVISION IMPROVEMENTS which require blasting of land shall meet the requirements of Chapter 149-10.F, prior to any blasting occurring.

### **155-25. Performance Guaranty.**

- A. An IRREVOCABLE LETTER OF CREDIT that will be considered to have automatically been "called" unless the individual or institution advancing the surety obtains a CERTIFICATE OF COMPLETION from the City prior to the expiration date of the security, or an ESCROW agreement shall be filed by the SUBDIVIDER with the City Clerk after FINAL PLAT approval, within the time requirements set forth in 155-14 of this Chapter.
  
- B. Such PERFORMANCE GUARANTY shall be in an amount up to one hundred and twenty (120% ) percent of the cost of construction as determined by the City Engineer to secure to the City the satisfactory construction and installation of the required IMPROVEMENTS.
  
- C. Construction and installation of required IMPROVEMENTS must be satisfactorily executed within the time constraints imposed by the PLANNING BOARD, or the APPLICANT shall forfeit said PERFORMANCE GUARANTY, and the surety shall be used to complete and/or install such IMPROVEMENTS in accordance with the requirements specified herein. If an extension of such time limit is required, the APPLICANT shall notify the PLANNING BOARD at least thirty (30) days prior to said completion date. The PLANNING BOARD shall have the discretion to extend said completion date and/or increase the limit of the PERFORMANCE GUARANTY.

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### **155-26. Maintenance Guaranty.** [Amended per Planning Board on 08-26-2008, 01-24-2012, and 05-08-2018]

An IRREVOCABLE LETTER OF CREDIT to guaranty that all SITE work was properly done shall be posted by the APPLICANT with the Community Services Department, which shall place the letter of credit with the City Treasurer. Such MAINTENANCE GUARANTY shall be in an amount of two percent of the estimated project cost prepared by the City Engineer plus the full cost of replacement for all street trees and other landscaping required for three (3) years after a CERTIFICATE OF COMPLETION is issued. If such repairs are needed and are not satisfactorily installed by the DEVELOPER, then such guaranty shall be used to complete and/or install such IMPROVEMENTS in accordance with the requirements specified herein.

### **155-27. Inspection of Improvements.** [Amended per Planning Board on 03-23-2010]

All SITE IMPROVEMENTS shall be subject to inspection by and approval of the Community Services Director, City Engineer and the Planning Director, as appropriate, who shall be notified by the DEVELOPER at least seventy-two (72) hours prior to the start of construction. Inspections will be conducted by said officials or their designee following a request by the DEVELOPER. No underground installation shall be covered until inspected by the appropriate City department. Any IMPROVEMENTS covered without inspection shall be considered not accepted. All fees and costs connected with inspection for the review of plans, construction and specifications shall be paid for by the DEVELOPER, at a rate set forth in the City of Dover Adopted Fee Schedule, as amended annually.

## **ARTICLE VI**

### **LAYOUT SPECIFICATIONS AND CONSTRUCTION DETAILS**

### **155-28. Preliminary Plat Layout.** [Amended per Planning Board on 08-26-2008, 03-23-2010, and 01-24-2012]

The PLANNING BOARD, in considering an application for the SUBDIVISION of land, shall be guided by the following considerations and standards. A PRELIMINARY PLAT layout submitted to the PLANNING BOARD shall be drawn to a convenient scale, not less than one (1) inch equals fifty (50) feet, and shall show the following information:

- A. A location or locus map drawn at a suitable scale showing the entire SUBDIVISION and its relation to the surrounding area.

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- B. Proposed SUBDIVISION name and location.
- C. Names and addresses of the OWNER, APPLICANT and the REGISTERED LAND SURVEYOR who prepared the PRELIMINARY PLAT layout.
- D. The names of all adjoining property OWNERS of record or names of condominium association officers.
- E. The date, approximate true North point and scale.
- F. The location and approximate dimensions of all existing property lines, including the entire area proposed to be subdivided and the remainder of the tract not subdivided, if any.
- G. All relevant features, including soils information, existing structures, STREETS, railroads, bodies of water, watercourses and significant vegetation, that may influence the design of the SUBDIVISION.
- H. Contours shall be at two-foot intervals, shown in dotted lines for the existing natural surface and in solid lines for proposed final grade, together with the final grade elevations shown in figures at all LOT corners. If the existing grades are not to be changed, then the contours in these areas shall be solid lines. Upon request, contours delineating existing surface shall be extended one hundred (100) feet beyond the limits of the SUBDIVISION boundaries and shall be related to the United States Geological Survey, provided that bench marks exist within one-half (1/2) mile of the boundary of the SUBDIVISION.
- I. Limits of special districts, including zoning, shall be shown within the scope of the layout.
- J. STREETS and RIGHTS-OF-WAY on and adjoining the SITE of the proposed SUBDIVISION, showing all names, and including STREET roadway and RIGHT-OF-WAY widths, approximate gradients, types and widths of pavements, curbs, sidewalks, crosswalks and other pertinent data, including the functional classification of all proposed STREETS.
- K. Locations and dimensions of all property proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semipublic, or community purpose. The City will not accept the ownership or maintenance of any land used to retain or impound STORMWATER RUNOFF.
- L. The locations and results of soil percolation tests if individual sewage disposal systems are proposed.



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- M. Proposed locations of all utilities, including water mains, storm and sanitary sewer mains, catch basins and culverts, streetlights, fire hydrants, etc.
- N. The one hundred (100) year flood elevation data shall be provided for that portion of the SUBDIVISION located within a "Special FLOOD HAZARD AREA" as designated on the Flood Boundary and Flooding Maps and Flood Insurance Rate Maps for the City of Dover, dated May 17, 2005, or later.
- O. A detailed Landscape Operations and Maintenance plan, developed in accordance with the requirements of Chapter 155-36-E and Chapter 155-36-F. Plans shall provide for the proper management of landscaping, ensuring that landscaping is not unintentionally damaged as a result of snow removal or general traffic, pedestrian or otherwise, flow. [Amended per Planning Board on 05-08-2018]
- P. A neighborhood plan on an aerial photograph, showing all property lines within a distance determined by the Planning Director during initial consultations, and how the project relates to abutting uses. This sheet should show the proposed layout of the SUBDIVISION. [Amended 05-24-16 per Planning Board]
- Q. Reserved [Amended per Planning Board on 05-08-2018].

### **155-29. Final Plat Layout.** [Amended per Planning Board on 01-14-2003, 08-26-2008, 03-23-2010 and 01-24-2012]

- A. FINAL PLAT layouts shall be drawn to a scale of not less than one (1) inch equals fifty (50) feet, provided that the resulting drawing shall not exceed thirty-four (34) inches in the longest dimension. A scale of up to one hundred (100) feet to one (1) inch may be used for such larger SUBDIVISIONS. Five (5) black or blue line prints of the FINAL PLAT layout shall be submitted per requirements specified in 155-14.
- B. Information to be shown on FINAL PLAT layout shall include all of the information on the PRELIMINARY PLAT, as required by Chapter 155-28, and the following information:
  - (1) Proposed SUBDIVISION name or identifying title which shall not duplicate or closely approximate that of any other development in the City.
  - (2) Locations and widths of all STREETS and sidewalks, together with names of STREETS, STREET numbers for all structures and location, dimensions and status of all EASEMENTS proposed by the SUBDIVIDER.
  - (3) LOT areas in square feet.

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- (4) LOT LINES with accurate dimensions and bearings of a sufficient scale to determine readily the location, bearing and length of all lines. The survey information shall be tied into the City's Geographical Information System coordinate system if the benchmarks exist within one-half (1/2) mile of the PARCEL being subdivided.
- (5) Radius of all curves and length of arcs.
- (6) Location, material and approximate size of all permanent monuments.
- (7) The accurate outline of all property which is offered or to be offered for dedication for public use, with the purpose intended thereon, and of all property that is proposed to be reserved by deed covenant for the common use of the property OWNERS of the SUBDIVISION.
- (8) Minimum BUILDING line SETBACK on all LOTS.
- (9) A STORMWATER Management and EROSION Control Plan prepared in accordance with the design standards in Chapter 155-35, if it is determined to be necessary by the TECHNICAL REVIEW COMMITTEE during its review process, as outlined in Chapter 155-9.F or Chapter 155-16.
- (10) Where proposed, show location of sanitary system.
- (11) All elevations shall be referenced to the United States Geological Survey.
- (12) All dimensions shall be shown in feet and decimals of a foot.
- (13) All proposed restrictive covenants.
- (14) Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law.
- (15) An approved SUBDIVISION does not absolve the SUBDIVIDER or subsequent OWNER from conforming with the regulations, ORDINANCES and laws of the City of Dover, the State of New Hampshire or the U.S. Government. Specifically before construction, City and/or State approval of the design of any leach field, septic system of sewer system or sewer system connection well and City approval of DRIVEWAY access and BUILDING codes must be obtained.
- (16) An index of sheets on the cover sheet with an asterisk (\*) next to sheets that are to be recorded at the Strafford County Registry of Deeds. [**Amended 05/24/16 per Planning Board**]

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### **155-30. Construction Detail Sheets.** [Amended per Planning Board on 01-24-2012]

Construction detail sheets shall show the following information, except that where requirements have been waived, applicable specifications may be omitted:

- A. Profiles showing existing and proposed elevations along the center line of all **STREETS**. Where a proposed **STREET** intersects an existing **STREET** or **STREETS**, the elevations along the center line of the existing **STREET** or **STREETS**, within one hundred (100) feet of the intersection, shall be shown. All elevations shall be referenced to the United States Geological Survey.
- B. Plans and profiles showing the locations and a typical section of **STREET** pavements, including curbs and gutters, sidewalks, manholes and catch basins; the location of **STREET** trees, street lighting standards and **STREET** signs; the location, size and invert elevations of existing and proposed sanitary sewers, **STORMWATER** drains and fire hydrants; the exact location and size of all water, gas and other underground utilities or structures; and the location and elevation of the one hundred year floodplain, where applicable.

## **ARTICLE VII**

### **GENERAL REQUIREMENTS AND DESIGN STANDARDS**

#### **155-31. Minimum Standards; Waiver.**

In considering application for the **SUBDIVISION** of land, the **PLANNING BOARD** shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the **PLANNING BOARD** only under circumstances set forth in 155-51 herein.

- A. Character of land. Land to be subdivided shall be of such character that it can be used safely for **BUILDING** purposes without danger to health or peril from fire, flood, soil failure or other hazard.
- B. Specifications for required **IMPROVEMENTS**. All required **IMPROVEMENTS** shall be constructed or installed to conform to the City's specifications.

#### **155-32. Street Layout.** [Amended per Planning Board on 01-24-2012]

- A. Width, location and construction. **STREETS** shall be of sufficient width (see attached Standard Road Cross-Section), suitably located and adequately constructed to conform with the **MASTER PLAN** and to accommodate the projected traffic and afford access for firefighting, snow-removal and other road maintenance equipment.

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The arrangement of STREETS shall be such as to avoid imposing undue hardship on adjoining properties and shall be coordinated so as to comprise a convenient system. In the event a SUBDIVISION adjoins or includes an existing STREET which does not conform to widths as required by this Chapter or by the MASTER PLAN of the City of Dover, the DEVELOPER shall dedicate sufficient land to bring such STREET into conformity. SUBDIVISIONS along one (1) side of any such STREET or highway shall be required to dedicate only one-half (1/2) of the required extra width.

- B. Arrangement. The arrangement of STREETS and/or right- of-way in a SUBDIVISION shall provide for the continuation of STREETS and/or RIGHTS-OF-WAY of adjoining SUBDIVISIONS and for the proper protection of such accessways into adjoining properties which are not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services, such as sewer, water and drainage facilities. Continuations or extensions of existing STREETS and/or RIGHTS-OF-WAY shall be of widths equal to or greater than those appurtenances now existing; provided, however, that such IMPROVEMENTS conform to those standards contained herein 155-32.A. Where, in the opinion of the PLANNING BOARD, topographic or other conditions make such continuance undesirable or impractical, the above conditions may be modified.
- C. LOCAL STREETS. LOCAL STREETS (minor) shall be so arranged that their use by through traffic shall be avoided.
- D. Provision for future RESUBDIVISION. Where a tract is subdivided into LOTS substantially larger than the minimum size required in the ZONING DISTRICT in which a SUBDIVISION is located, the PLANNING BOARD may require that STREETS and LOTS be arranged so as to permit future RESUBDIVISION in accordance with the requirements contained in this Chapter.
- E. Dead-end STREETS (cul-de-sac). The creation of dead- end or loop residential STREETS shall be encouraged whenever the PLANNING BOARD finds that such type of development will not interfere with normal traffic circulation in the area. In the case of dead-end STREETS, where needed or desirable, the PLANNING BOARD may require the reservation of a twenty (20) foot wide EASEMENT to provide for continuation of pedestrian traffic and utilities to the next STREET.
- F. BLOCK size. BLOCKS general shall not be less than five hundred (500) feet nor more than one thousand two hundred (1,200) feet in length. In general, no BLOCK width shall be less than twice the normal LOT depth. In BLOCKS which exceed eight hundred (800) feet in length, the PLANNING BOARD may require the reservation of an EASEMENT through the BLOCK to provide for the crossing of pedestrian traffic

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and underground utilities where needed or desired and may further specify, at its discretion, that a paved footpath be included.

- G. Intersections with COLLECTOR or major ARTERIAL roads. Local (minor) or secondary STREET openings into such roads shall, in general, be at least four hundred (400) feet apart. Intersections of more than two (2) STREETS at any one (1) point shall not be allowed without PLANNING BOARD approval.
- H. STREET jogs. STREET jogs with center-line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- I. Angle of intersection. In general, all STREETS shall join each other so that for a distance of at least one hundred (100) feet the STREET is approximately at right angles to the STREET it joins. No STREET shall intersect another STREET at an angle of less than sixty degrees.
- J. Reverse curves. A minimum tangent of one hundred (100) feet shall be required between reverse curves on ARTERIAL and COLLECTOR STREETS.
- K. Relation to topography. The STREET plan of a proposed SUBDIVISION shall bear a logical relationship to the topography of the property, and all STREETS shall be arranged so as to obtain as many of the BUILDING SITES as possible at or above the grade of the STREETS. Grades of STREETS shall conform as closely as possible to the original topography.
- L. Special treatment along major ARTERIAL STREETS. Where a SUBDIVISION abuts or contains an existing or proposed major ARTERIAL STREET, the PLANNING BOARD may require limited-access STREETS, reverse FRONTAGE with screen planting contained in a nonaccess reservation along the rear property line, deep LOTS with rear service alleys or such other treatments may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

**155-33. Street Design.** [Amended per Planning Board on 08-11-92, 11-28-95, 01-14-2003, 08-26-2008, 12-18-12, and 05-08-2018]

- A. Widths of RIGHTS-OF-WAY. STREETS shall be the following widths:

TYPE OF STREET	MINIMUM RIGHT-OF-WAY	MINIMUM PAVEMENT	
		RESIDENTIAL	NONRESIDENTIAL
ARTERIAL STREETS (major)	70	36	36

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COLLECTOR STREETS	60	32	32
LOCAL STREETS – up to 5 LOTS	50	20*	28
LOCAL STREETS – 6 to 20 LOTS	50	24**	28
LOCAL STREETS – 21 or more LOTS.	50	28***	28

\*No on STREET parking will be allowed.

\*\*Parking must be restricted to one side of the road only.

\*\*\*The PLANNING BOARD may allow a reduction to twenty-four (24) feet if the SUBDIVISION is designed to provide a one hundred (100) foot SETBACK from the existing public RIGHT-OF-WAY for any structures on the CORNER LOTS created at the intersection(s) of the proposed SUBDIVISION STREET and the existing public STREET.

- B. IMPROVEMENTS. STREETS shall be graded and improved with pavements, curbs and gutters, sidewalks, storm drainage facilities, water mains, sewers, streetlights and signs, STREET trees and fire hydrants, except where waivers may be requested, and the PLANNING BOARD may waive, subject to appropriate conditions, such IMPROVEMENTS as it considers may be omitted without jeopardy to the public health, safety and general welfare. All STREET lights, STREET trees, mailboxes, newspaper bins, trash receptacles, or any other type of obstruction, shall be placed in the grass between the sidewalk and the curb. Pedestrian EASEMENTS shall be improved as required by the City Engineer or designee. Such grading and IMPROVEMENTS shall conform to the design specifications set forth in Articles VII and VIII.
- C. Utilities. The PLANNING BOARD shall, whenever possible, require that underground utilities be placed in the STREET RIGHT-OF-WAY to simplify location and repair of lines when they require attention. The SUBDIVIDER shall install underground service connections to the property line of each LOT within the SUBDIVISION for such required utilities before the STREET is paved.
- D. Utility EASEMENTS. Where topography is such as to make impractical the inclusion of utilities within the STREET RIGHT-OF-WAY, perpetual unobstructed EASEMENTS at least thirty (30) feet in width shall be provided with satisfactory access to the STREET. EASEMENT of greater width may be required where more than one utility is located in the same EASEMENT. Wherever possible, EASEMENTS shall be continuous from BLOCK to BLOCK. Such EASEMENTS shall be cleared and graded where required.
- E. No tree, shrub or BUILDING shall be placed or erected in any EASEMENT for utility or drainage purposes, except at the OWNER’S risk as to all costs for demolition, removal or reconstruction or by arrangements made with the City

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Engineer and the Community Services Director. The proper authorities may have free access to and use of the EASEMENTS at any time. Any planting of trees within the STREET RIGHT-OF-WAY shall be in accordance with a plan approved by the Community Services Director.

- F. Curve radii at STREET intersections. STREET RIGHT-OF-WAY lines at intersections shall be rounded by curves of at least thirty (30) foot radius for local residential STREETS and at least thirty-five (35) foot radius for all other STREETS, unless otherwise specified by the PLANNING BOARD.
- G. Grades. No LOCAL STREET grade shall be in excess of eight (8) percent and no COLLECTOR STREET grade shall be in excess of four (4) percent, except as otherwise approved by the PLANNING BOARD due to adverse topographic conditions. For adequate drainage, the minimum grade of any new STREET shall not be less than one-half of one (0.5) percent. No STREET shall support a grade in excess of three (3) percent within seventy-five (75) feet of its point of intersection with any other STREET.
- H. Changes in grade. All changes of grade shall be connected by vertical curves of such length and radius so as to provide smooth transition and proper sight distance.
- I. Steep grades and curves; visibility of intersections. A combination of steep grades and curves shall be avoided. In order to provide visibility for traffic safety, that portion of any CORNER LOT (whether at an intersection entirely within the SUBDIVISION or of a new STREET with an existing STREET) shall be kept cleared of all growth, except isolated trees, and obstructions above a level three (3) feet higher than the center line of the STREET. If necessary, ground shall be excavated to achieve visibility.
- J. Dead-end STREETS (CUL-DE-SAC). Unless topography indicates a need for an alternative length, STREETS shall not be less than five hundred (500) feet nor exceed one thousand (1,000) feet in length and shall terminate in a CUL-DE-SAC. The exact form of the CUL-DE-SAC shall be aesthetically pleasing as well as functional. The RIGHT-OF-WAY limits at the CUL-DE-SAC shall be as necessary to ensure adequate property within which to properly maintain the area. The exact configuration and dimension of the CUL-DE-SAC shall be approved by the PLANNING BOARD. Temporary dead-end STREETS, such as in phased construction, may require temporary turnaround facilities. Hammer head designed dead end STREETS are not acceptable for public roadways.

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- K. Watercourses. Where a watercourse separates a proposed STREET from abutting property, provision shall be made for access to all LOTS by means of culverts or other structures of suitable design.
- L. Where a SUBDIVISION is traversed by a watercourse, drainageway, channel or stream, there shall be provided, upon request, a STORMWATER EASEMENT or drainage RIGHT-OF-WAY. In no case shall it be less than thirty (30) feet in width.
- M. If a roundabout is proposed for inclusion, a professional engineer with traffic engineering certifications must design the roundabout in conformance with “Roundabouts: An Informational Guide” as adopted and amended by the Federal Highway Administration.

### **155-34. Street Names.** [Amended per Planning Board on 01-24-2012]

- A. Type of name. All STREET names and addresses for LOTS and/or BUILDINGS shall be shown on a preliminary and FINAL PLAT layout and shall be approved by the PLANNING BOARD. In general, STREETS shall have names and LOT numbers.
- B. Names to be substantially different. Proposed STREET names shall be substantially different so as not to be confused in sound or spelling with present names, except those STREETS that join or are in alignment with STREETS or an abutting property shall bear the same name.
- C. Where a subdivision will create a private roadway, the RIGHT OF WAY name shall end in Drive.

### **155-35. Stormwater Management, Erosion Control, and Flood Hazards.**

[Amended per Planning Board 08-26-2008, 03-23-2010, 01-24-2012, and 05/24/2016]

- A. Purpose shall comply with the standards contained in Chapter 149 – Site Plan Regulations, Section 149-14(A)(1) as amended.
- B. STORMWATER Management  
  
STORMWATER Management shall comply with the standards contained in Chapter 149-Site Plan Regulations, Section 149-14(A)(2) and 149-14(A)(3)(a) through (c) as amended.
- C. STORMWATER Management System Operation and Maintenance Plans



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

### **D. EROSION and Sedimentation Control**

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

### **E. Flood Hazards**

(1) SUBDIVISIONS involving land designated as special FLOOD HAZARD AREAS shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:

- (a) Permits. Prior to preliminary approval, the PLANNING BOARD shall review the proposed development to assure that all necessary permits have been received from those government agencies from which approval is required by Federal and State law including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
- (b) Minimization of Flood Damage. Sufficient evidence (constructions drawings, grading and land treatment plans) shall be submitted so as to allow the PLANNING BOARD to determine that:
  - (i) All such proposals are consistent with the need to minimize flood damage;
  - (ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, and constructed to minimize or eliminate flood damage;
  - (iii) Adequate drainage is provided so as to reduce exposure to flood hazards; and,
  - (iv) New and replacement water and sewer systems (including on-site systems) are located, designed, and constructed to minimize infiltration and avoid impairment.
- (c) Elevation and flood-proofing records. The SUBDIVIDER shall obtain and maintain records of elevations and flood-proofing levels for all new or substantially improved structures, whether or not such structures contain a basement.

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

### **155-36. Parks, Open Space, Natural Features.** [Amended per Planning Board on 01-14-2003 and 03-23-2010]

- A. Open space provision. The minimum requirements concerning the provision of open space facilities in SUBDIVISIONS shall be as specified herein and in Chapter 170 Zoning.
- B. Reservation of park areas.
- (1) Where a proposed park, playground, open space or other public use is shown in the MASTER PLAN or the Open Space Plan and is located, in whole or in part, in a SUBDIVISION, the PLANNING BOARD may require the dedication or reservation of such area within the SUBDIVISION.
- (2) If no such areas are so delineated within the boundaries of a SUBDIVISION, the PLANNING BOARD may, where appropriate, require that the PLAT layout show SITES of a character, extent and location suitable for the development of a park, playground or other recreation purpose. Said area(s) shall not exceed fifteen (15) percent of the total area of the SUBDIVISION and shall have a sufficient legal restriction to assure permanence of use for open space and maintenance with respect thereto. The PLANNING BOARD shall consult with the Director of Parks and Recreation prior to the reservation of such land.
- C. Reserve strips. Reserve strips of land which might be used to control access from the proposed SUBDIVISION to any neighboring property, or to any land within the SUBDIVISION itself shall be prohibited.
- D. Preservation of natural features. The PLANNING BOARD shall, whenever possible, establish the preservation of those natural features which add value to residential/commercial developments and to the community, such as tree masses, watercourses, historic SITES, vistas and similar irreplaceable assets.
- E. STREET tree planting. Any newly constructed roadway that is the result of a MAJOR SUBDIVISION shall include the planting of deciduous shade selected from the City of Dover's approved list of STREET trees. The trees, with a minimum height at planting of eight feet, shall be planted within the RIGHT-OF-WAY along the FRONTAGE of all developed LOTS where residential development is to take place. In accordance with a Landscaping Plan submitted by the APPLICANT (which also

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takes into account the character of the area), the PLANNING BOARD and the Community Services Director shall duly approve the planting of such vegetal elements at staggered intervals on opposite sides of the STREET.

- F. **Perimeter Landscaping.** In order to reduce the visual impact of new SUBDIVISIONS to abutting properties, the PLANNING BOARD shall require an APPLICANT for a MAJOR SUBDIVISION to prepare a perimeter landscaping plan. The purpose of the landscaping plan shall be to provide natural vegetation screening along the perimeter of the original LOT(S) being subdivided. Whenever possible, existing trees and shrubs shall be preserved and used to satisfy the screening requirements. The landscaping plan shall depict the species and sizes of the proposed trees and shrubs and identify any existing plants that will be preserved. Any trees proposed to be planted, shall have a minimum height of eight feet at the time of planting. Trees and shrubs shall include a mix of deciduous and evergreen species and shall be species tolerant to the climatic conditions of Dover. The PLANNING BOARD may allow alternative screening methods such as a combination of fencing, plantings and earthen berms only if preferred by the abutting property OWNER(S). Vegetation used as a buffer for screening purposes must maintain understory.

## **ARTICLE VIII**

### **DESIGN SPECIFICATIONS**

#### **155-37. Construction Plans and Specifications.**

- A. Before final approval is granted for any SUBDIVISION, the DEVELOPER shall submit a complete set of PLAT CONSTRUCTION DETAIL SHEETS and specifications to the City Engineer for evaluation. The details on each sheet shall be numbered or lettered. Once approved by the City Engineer, the DEVELOPER shall not alter or vary the construction documents without prior consultation with the City Engineer. [Amended 05/24/16 per Planning Board]
- B. As a minimum, the PLAT CONSTRUCTION DETAIL SHEETS and specification shall incorporate the requirements of this Chapter.

#### **155-38. Utility Construction Standards.** [Amended per Planning Board on 01-24-2012]

- A. All utilities shall be installed on or before the completion of the roadway base course. Work shall be constructed with the deepest utility being installed first and working up to the road surface. The Community Services Department shall be notified seventy-two (72) hours prior to the start of any construction. All subsurface work shall be visually inspected by the City Engineer or designee prior to back filling.

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- B. These inspections shall be completed during normal working hours within a twenty-four (24) hour period after notification. Covering work before it has been inspected shall be sufficient cause for rejection. Final testing of subsurface utilities for acceptance by the city shall be completed prior to paving the road surface. All testing and inspections shall be at the expense of the DEVELOPER. Material samples and/or product certification sheets shall be supplied to the City Engineer or designee upon reasonable notice.
  
- C. Any site improvements which require blasting of land shall follow the requirements of 149-10.F.

### **155-39. Reference Monuments.**

Utility and STREET IMPROVEMENTS shall be provided by the SUBDIVIDER in accordance with the standards and requirements described hereinafter. The standards contained hereinafter shall be considered as minimum requirements, and nothing contained herein shall be construed to imply that the SUBDIVIDER cannot construct or provide IMPROVEMENTS of a higher quality.

- A. The DEVELOPER shall provide permanent reference monuments along the side of STREET RIGHTS-OF-WAY and reference pins along the side of any EASEMENT.
  
- B. Monument specifications.
  - (1) Permanent monuments shall be of stone or reinforced concrete six by six by fifty-four (6x 6x 54) inches, with a drillhole in the center, set in such a manner so that they will not be disengaged by frost; if of concrete, the mix shall be Class A.
  
  - (2) All reference pins shall be of ferrous metal, one-half (1/2) inch in diameter or larger and a minimum of twenty-four (24) inches in length. The pin may be solid, hollow, round, square or any other standard configuration normally used by surveyors. The pin shall be driven into the ground and shall not protrude above the ground surface more than one and one-half (1 1/2) inches.

### **155-40. Street Improvements.** [Amended per Planning Board on 09-2008-87 and 01-24-2012]

- A. General. In general, all new STREETS within the SUBDIVISION and all work to be undertaken thereon shall be designed and constructed according to the specifications adopted by the New Hampshire Department of Transportation. All plans for such IMPROVEMENTS shall be submitted for approval or approval with modifications to the City Engineer.

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- B. Grading roadway and side SLOPES. The roadway and side SLOPES thereof shall be considered as part of a SITE's IMPROVEMENTS and as such shall be constructed substantially in accordance with the STREET crosssectional design standards. Side SLOPES shall not exceed one-foot vertical rise per every two (2) feet of horizontal length without retaining structure or other special considerations. If the depth of fill is over five (5) feet, the contractor may be required to perform certain operations to ensure that major settlement will occur prior to continuing construction.
- C. All backfill in trenches and fill for roadbeds shall be thoroughly compacted to ninety-five (95%) percent of optimum density, unless otherwise specified in the approval specifications. All compaction is subject to testing by the City Engineer or designee.
- D. STREET construction standards. All STREETS within the jurisdictional authority of the City, with the exception of state highways, shall be improved in accordance with the following minimum criteria and shall further be arranged and constructed in accordance with the provisions set forth hereinafter:
- (1) Base course.
    - (a) The depth of the base course shall be as shown on the standard road cross section.
    - (b) Base course shall not be constructed during freezing weather or on a wet or frozen subgrade. Blading and rolling shall be required to provide a smooth, even and uniformly compacted course true to cross section and grade. A minimum SLOPE of the finished base course shall be one-half (1/2) inch per foot or as may be required on curves or on superelevations.
    - (c) Any portion of the base course material which is not accessible to means of proper compaction with rolling equipment shall be compacted thoroughly by methods satisfactory to the Community Services Department. All yielding or unstable material shall be excavated as directed and brought up to grade with satisfactory material.
    - (d) At all times during construction, the subgrade and all ditches shall be constructed and maintained so that the roadbed will be effectively drained to prevent EROSION.
    - (e) The top four (4) inches of the base course shall not contain stones over three (3) inches in diameter. The gravel pit shall be acceptable to the City.
    - (f) In areas with excessive clay, water or loam base, the depth of the base course shall be more than the minimum depth. The base course depth and required

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base drainage shall then be properly designed by the SUBDIVISION engineer and approved by the City Engineer (e.g., by increasing base depth as needed or road underdrains, or both).

- (g) Design depth shall be based on current engineering practices, using percolation results obtained during the wet season, soil-bearing capacity and type.
- (h) Samples of all gravel materials and gradation analysis to be used in project shall be submitted to the City Engineer's office upon request.

### **(2) STREET Paving.**

- (a) STREET paving shall be accomplished by placing a minimum of four (4) inches in two (2) courses of hot asphalt concrete for streets that are to become public streets. The minimum thickness of each course shall be as shown on the standard cross section which shall be placed with a self-propelled mechanical spreader and compacted with a minimum ten ton tandem roller. Paving shall be allowed between April 15 and November 15 only and shall not be placed unless the atmospheric temperature in the shade is above forty (40°) degrees Fahrenheit and the mixture delivered to the spreader has a temperature above two hundred and fifty (250°) degrees Fahrenheit. Pavement shall not be placed on wet or frozen roadbeds. Unless otherwise specified, paving regulations shall be the same as those specified in the State of N.H. Department of Transportation standard specifications for roads and bridge construction, adopted and approved, latest edition. In special instances, when it has been determined that there is an emergency situation; the above requirements may be waived by the Community Services Director. The PLANNING BOARD shall be notified of any waivers by the Planning Director.
- (b) The hot asphalt concrete shall consist of the following materials: the aggregate shall be as indicated in New Hampshire Department of Transportation Specifications; bituminous material shall be an asphalt cement AC 85-20100, unless otherwise designated on the plans ordered; and the percentage of bituminous material shall be determined at the plant SITE to ensure proper control. This is in no way to relieve the contractor from designing a road pavement for a higher classification of traffic which would require a heavy pavement for strength or a different design mix as approved by the Community Services Department.

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- (c) The SUBDIVIDER shall be required to improve ARTERIAL and COLLECTOR STREETS only to the width required by the current and immediate needs of his SUBDIVISION consistent with the standards and specifications herein contained.
- (d) Alleys, where permitted or required, shall have not less than a four (4)-inch bituminous-concrete surface and a sixteen (16)-inch base course as required for STREETS.
- E. Where a subdivision will create a public roadway, a sign shall be erected on the site alerting those traveling the roadway that they are on a roadway that is not accepted or maintained by the City of Dover, and they travel at their own risk. Said signage shall be located and approved by the City Engineer or Director of Planning and Community Development prior to land disturbance.

### **155-41. Storm Sewers and Drainage Appurtenances.** [Amended per Planning Board on 08-26-2008 and 01-24-2012]

All areas of a SUBDIVISION shall be graded to prevent ponding of water or eroding of property. In addition to the installation of curbs or gutters along the STREETS as required by 155-47, storm sewers or other drainage appurtenances shall be constructed throughout the entire SUBDIVISION to carry off water from all inlets and catch basins and be connected to an adequate outfall. The STORMWATER drainage system shall be separate and independent of the sanitary sewer system and shall be in accordance with drainage laws of the State of New Hampshire. Included in the overall design shall be any work necessary in order to provide adequate and satisfactory drainage along the side of any existing STREET which is adjacent to the SUBDIVISION. The plans and specifications for the disposing of STORMWATER and the construction thereof shall be approved by the City Engineer. Manholes will be required upon request, to be located between catch basins.

#### **A. Design.** [Amended 05/24/16 per Planning Board]

- (1) Proper sizing of culverts, pipes, etc., shall be by acceptable established engineering practice.
- (2) Design storm frequency requirements shall be as follows:
  - (a) Major streams, rivers, bridges, culverts: one hundred (100) year storm or flood of record.
  - (b) Minor brook culverts: fifty (50) year storm.
  - (c) Storm sewers: ten (10) year storm.

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- (3) A sample set of the calculations used in sizing the various pipes and a list of the variables used must be submitted to the City Engineer's office. Failure to include this information could result in a delay of the review process.

**B. Standards of construction.**

- (1) All IMPROVEMENTS shall meet the specifications of American Association of State Highway Transportation Officials (AASHTO) in regards to material and strength requirements.
- (2) Catch basins or drop inlets shall be equal to New Hampshire Standard Type A with three (3) foot sumps or four (4) foot sumps with hoods if required by the City Engineer.
- (3) Minimum-size pipe shall be twelve (12) inches in diameter for storm drains. Minimum size culvert shall be fifteen (15) inches diameter.
- (4) All pipes shall be one (1) of the following: [Amended 05/24/16 per Planning Board]

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

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

- (5) There shall be a three (3) foot minimum cover over all pipes.
- (6) Culvert headwalls/endwalls, when required, shall be either concrete or mortar rubble masonry.
- (7) EROSION protection of ditches or pipe outlets shall be provided where soil and/or velocity conditions warrant protection by paving or use of stone.
- (8) No STORMWATER pipe, catch basin, drainage inlet or other pipes (floor drains) used to drain surface water shall be connected to any sanitary sewer system.

**155-42. Sanitary Sewers.** [Amended per Planning Board on 01-24-2012]

- A. Each LOT in the SUBDIVISION shall be provided at the property line with a connection to the public sanitary sewer system. This connection to be shown with tie-in distances on the as-built plans. The construction of the sewer system shall conform



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to the approved plans and specifications and all work must be properly inspected and approved by the City Engineer or representative. In general, the design of municipal sewer lines shall follow the guidelines presented in the Water Pollution Control Federation Manual of Practice No. 9.

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

Such approval notwithstanding, the PLANNING BOARD on the advice of a sanitary system engineer of its own choice, may approve or disapprove or, approve with modifications such plans if it deems such State approved plans insufficient and may make additional requirements. In no case will DISCHARGE of pollutants into surface water or wetlands be permitted, nor will any system which utilizes mechanical or powered devices be permitted unless a copy of a service contract, prepaid at least twelve (12) months in advance, giving the City or any Citizen thereof the power to call for repairs, or a bond in lieu thereof, shall be submitted to the PLANNING BOARD, and after approval such contract shall be renewed annually. It shall be understood that failure to renew and/or non-repaired failure of such sewage system shall be grounds for eviction of residents whether OWNERS or tenants, unless and until the system is rendered functional.

- C. An adequate sanitary sewer shall be designed by a qualified REGISTERED ENGINEER to handle all of the present and future development incorporated in a SUBDIVISION. A manhole shall be installed at each change of alignment in the pipe and/or beginning or end, as well as each change of grade, but at intervals not to exceed three hundred (300) feet. Manhole frames and covers shall be of heavy-duty type. Manholes shall be precast and watertight.
- D. Any sewer lift station required for a SUBDIVISION shall be designed by a qualified REGISTERED ENGINEER as to its capacity and type. Final approval of the type of station shall be specified by the Community Services Department. All manuals pertaining to said lift station (i.e., operation, service guaranty) shall be turned over to the City. All lift stations shall be duplex pump-type installations unless specifically approved otherwise. The decision to accept any sewer lift station is entirely a City option and shall be based on the recommendations of the City Engineer, Community Services Director and the Dover Utilities Commission to the PLANNING BOARD. The owner of a private system shall maintain a service contract (contact information to be provided to the City) with a licensed service provider to perform the required

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maintenance. The service contract shall provide for an annual report to the City Engineer detailing the condition of the system and maintenance report.

- E. All pipes shall be sized and have proper bearing material under them. All trenches shall be opened by the DEVELOPER for inspection by the Community Services Department prior to approval. House connections shall be made in a workmanlike manner and, tees shall be supplied in the main. Should a tap be required, it shall be completed by use of a mechanical tapping machine. All joints shall be tight fitting and sealed. Inspections shall be completed on a normal workday within a forty-eight (48) hour period after notification. Lateral connections shall be through a tee (wye) or cast-iron saddle. All joints of said sewer system shall be cemented or consist of a suitable locking-type joint to prevent the seepage of water either in or out. Minimum SLOPE of a sanitary sewer shall be established to maintain a minimum average velocity of two (2) feet per second.
  
- F. Materials selected for sewer construction shall be of the following types:
  - (1) Pipe:
    - (a) Reinforced concrete, not recommended.
    - (b) Ductile iron, force mains and heavy loads.
    - (c) PVC; SDR 35 minimum with cement joints not allowed.
  - (2) Manholes; may be precast-concrete-sections construction. Manhole covers shall be heavy-duty type and preferably self-sealing.
  - (3) Sewer services; at main, to be wyes or tees; if tapped, must use cast-iron sewer saddles of approved design.
  
- G. Construction standards shall be clearly emphasized in the specifications and attention shall be directed to the bedding material and backfill requirements. Suitable compaction as required by the City Engineer shall be provided. All sewer lines laid at a grade less than zero and one-hundredth (0.01) shall be set with a laser. All lateral connections which use sewer saddles, shall be tapped with a mechanical tapping machine and suitably sealed. All manholes shall be made watertight with brick invert. All joints between pipes and with manholes shall be cemented or consist of an adequate locking type joint to prevent water seepage in or out of the system.
  
- H. All pipes shall be inspected as approved as required under by 155-38. Tests to be performed shall include but not be limited to air or smoke testing of lines, water or vacuum testing of manholes and visual television inspection of all mains.

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### **155-43. Water Mains and Fire Hydrants.** [Amended per Planning Board on 09-08-87 and 01-24-2012]

- A. All SUBDIVISIONs in the City of Dover shall provide municipal water service when available or required by the PLANNING BOARD. Installation of all water mains is subject to the approval of the Water Department.
- B. When City water is supplied, each LOT shall have a separate connection brought to the LOT LINE, equipped with an outside stop and capped until ready for use. All house service lines shall be connected to the main by the use of tapped couplings. The DEVELOPER shall provide ties for the end of the service and the outside stop to the City Engineer's office for each LOT in the development.
- C. When City water is available and/or required the system shall be designed by a qualified REGISTERED ENGINEER. Each system shall be designed to handle the expected flows, domestic and fire, for present and future development within the SUBDIVISION.
- D. In general, the design of City water mains shall follow the guidelines prescribed by the American Waterworks Association (AWWA). In addition, thrust BLOCKS shall be supplied as necessary and gate valves shall be provided on all sides of junctions with other mains. All waterlines shall be installed with a minimum of five (5) feet of cover. The minimum size of a water main shall be eight (8) inches in diameter. The water main shall be sized to provide adequate fire flow to the proposed development and any future development. The design size must be approved by the City Engineer.
- E. Materials selected for water construction shall be America made, meet American Waterworks Associations standards and shall meet the following minimum requirements:
  - (1) Pipe and fittings. All pipe shall be cement-lined ductile iron pipe, Class 52. All fittings shall be ductile iron. All fittings and pipe shall be American Waterworks Association standard Class 140, coal-tar dipped or greater. All valve boxes shall be ductile iron and of the sliding type, tar- coated, both inside and out. All gate valves shall be Mueller or Clow and must open counter-clockwise.
  - (2) Hydrants. All hydrants shall be Eddy manufacture and subject to the following additional details. All hydrants shall be or iron body. All hydrants shall be the improved type with breakable flanges, painted red body with silver reflective domes and nozzles. All hydrants shall open counterclockwise, with the direction of opening cast on the head of the hydrant. All hydrants shall have a valve opening of five and one-fourth (5 1/4) inches, hose nozzles conforming to the

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National Standard of nozzles and two and one-half inches and one (1) four and one-fourth (4 1/4) inch steamer nozzle. Hydrants shall be long enough to accommodate a minimum bury of five and one-half (5 1/2) feet and equipped with six (6) inch pipe connections. All hydrants shall be plugged.

- F. Construction standards shall be clearly emphasized in the specifications. Attention should be directed to bedding and backfill requirements. Various gates and other fittings shall be installed in conformance with manufacturer's specifications. Hydrants shall be installed not less than one (1) foot nor more than three (3) feet from the curb and so installed that the center of the hydrant steamer nozzle shall be at least eighteen (18) inches above the finish grade. All hydrant gate valves shall be installed with anchoring tees to the water main with the top of the box flush with finish grade.
- G. The Superintendent of the Water Department shall be notified at least forty-eight (48) hours prior to any construction involving water mains. All new pipes shall be inspected as provided by 155-38. Tests to be performed shall include but not be limited to water sampling and testing for contamination.

### **155-44. Street Markers and Traffic Signs.** [Amended per Planning Board on 01-24-2012]

All regulatory signs shall be installed in conformance with the Uniform Code for Traffic Signs. A permanent STREET marker shall be placed at each intersection designating the names of the STREETS entering said intersection and shall comply with the specifications as provided by the City. All STREET signs shall be of the approved size, color and type set forth by the Community Services Department and shall be purchased at a nominal rate from the Department or other suitable source of supply. The signs shall be installed at the expense of the DEVELOPER and done to the satisfaction of the Community Services Department. If a roadway is to remain private, a private sign marker shall be added to the street sign.

### **155-45. Telephone, Electric Utilities and Street Lights.** [Amended per Planning Board on 01-24-2012]

For subdivisions that include the construction of a new road, all utility lines for telephone and electric service shall be placed underground in the RIGHT-OF-WAY or in rear-lot EASEMENTS. Where telephone and electric service lines are placed underground entirely throughout a subdivided area, said conduits or cables shall be placed within EASEMENTS or dedicated public ways in a manner which will not conflict with other underground services. They shall be a minimum of five (5) feet from any other utility. Wherever possible, underground services will be placed under grassed areas rather than paved areas. Further, all transformer boxes shall be located so as not to be unsightly or hazardous to the public. Additionally, all STREET lighting fixtures and poles shall be approved by the Community Services Director or

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designee. The most energy efficient STREET lighting shall be installed. [Amended 12/18/12 per Planning Board]

### **155-46. Sidewalks.** [Amended per Planning Board on 08-11-92 and 11-28-95]

A sidewalk is required on at least one side of a STREET in the URBAN CORE and may be required by the PLANNING BOARD on both sides of the STREET where it is deemed appropriate. Sidewalks shall be of bituminous concrete or portland cement concrete. Bituminous concrete shall not be less than two and one half (2 1/2) inches in thickness and placed over a six-inch gravel base. Portland cement concrete sidewalks shall not be less than four (4) inches in thickness, reinforced by eight by eight (8 X 8) - six by six (6 x 6) wire mesh and placed on a suitable base not less than twelve (12) inches thick. Portland cement concrete sidewalks that cross DRIVEWAYS shall be not less than six (6) inches thick and meet all the standards listed above. All sidewalks shall be five (5) feet in width and constructed adjacent to the property line within the STREET RIGHT-OF-WAY. Sidewalks shall be designed to be free from obstruction; all STREET lights, STREET trees, mailboxes, newspaper bins, trash receptacles, or any other type of obstruction, shall be placed in the grass area between the sidewalk and the curb. [Amended 12/18/12 per Planning Board]

### **155-47. Curbs.** [Amended per Planning Board on 08-11-92; PUBLIC HEARING held 11-28-95]

- A. All new and improved STREETS within the URBAN CORE shall be provided with granite curbs. When the curb forms one (1) edge of a sidewalk, the granite curbing shall be vertical and five (5) inches by seventeen (17) inches. Curbs used to define DRIVEWAY entrances shall be tapered as per standard Road Cross Section Graphic.
- B. Granite SLOPE edge curb shall be installed as specified in Section 609 of the State of New Hampshire Standards for Road and Bridge Construction; minimum cross section of stone to be four by twelve (4 x 12) inches.

### **155-48. Private Roads.** [Amended per Planning Board on 03-23-2010 ]

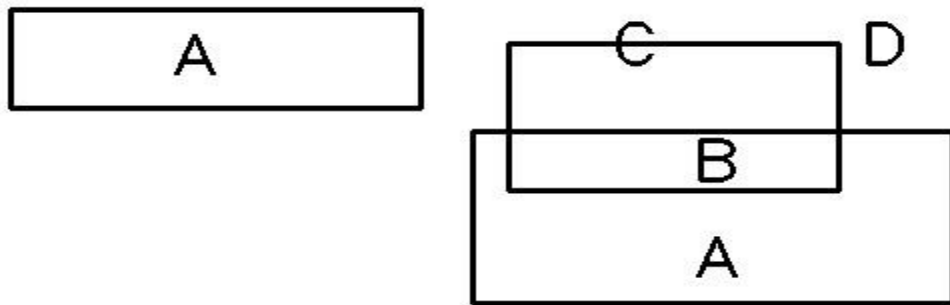
- A) PRIVATE ROADS shall be designed and constructed pursuant to the following criteria:

	3 and 4 PARCELS	5 or more PARCELS in R-2012, R-20, R-40, RM-SU, RM-U or Nonresidential Districts
RIGHT-OF-WAY Width (feet)	30	50
Road Width (feet)	16	24-32*
Base Course	12 inches bank-run gravel (A)	12 inches bank-run gravel (A) 6 inches crushed gravel (B)

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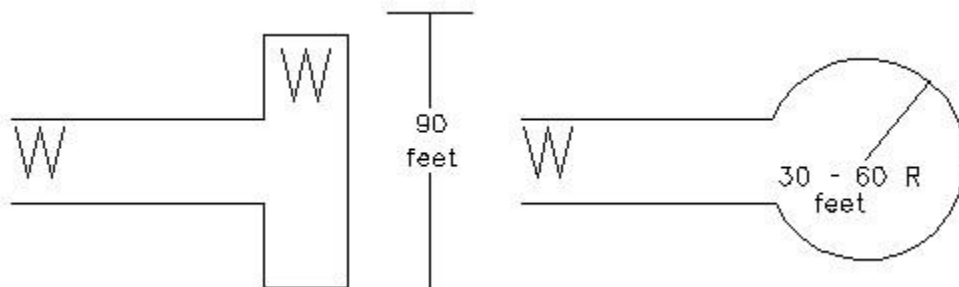
	3 and 4 PARCELS	5 or more PARCELS in R-2012, R-20, R-40, RM-SU, RM-U or Nonresidential Districts
		1 ½ inch binder and inch topcoat (C) 3 foot gravel shoulder (D) (A road profile shall be submitted with SUBDIVISION applications. Said profile shall be rendered by a qualified REGISTERED ENGINEER.)

Standard Roadway Cross Section



\*Notes: The width of the roadway shall be determined by the SITE's physical characteristics and the layout and density of the proposed development.

- B. The subdividing of LOTS along such RIGHTS-OF-WAY shall only be approved upon the condition that no City services will be rendered until said private RIGHT-OF-WAY is built in accordance with the City STREET construction specifications. (See Articles VII and VIII.)
- C. CUL-DE-SAC shall be designed and constructed as depicted below:



W = Required roadway width. R = Required radius width.

- D. The physical constraints of a specific tract shall dictate the BOARD'S consideration thereon.

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### **155-49. Required Changes.**

Changes in the terms and specifications contained in PLANNING BOARD approval of the IMPROVEMENT aspects of a SUBDIVISION application may be required in the event subsequent excavations reveal subsurface conditions which require special attention, e.g., underground water requiring side drains, etc. All such changes must be approved by the City Engineer, Planning Director and the Community Services Directors.

### **155-50. As-Built Plans.** [Amended per Planning Board on 01-14-2003 and 08-26-2008]

- A. The DEVELOPER shall be responsible for submitting an "AS BUILT" DRAWING of the project to the City Engineer's Office. The drawings shall include all items as required in the final plan with as-built locations, dimensions and sizes. Also included on the "AS-BUILT" DRAWINGS shall be water and sewer locations, depths and ties. The AS-BUILT DRAWINGS shall be submitted in mylar and digital formats and shall be tied into the City's GIS coordinate system.
- B. If a STREET is to become a public roadway, prior to the City Engineer processing the request and advising the City Council on whether to accept STREET or not, the DEVELOPER shall be responsible for submitting a recordable deed and any associated fees to the City Engineer's office. Once the City Council has accepted the STREET, the DEVELOPER shall be notified and the City Engineer shall record the deed with the Strafford County Registry of Deeds within ten (10) days of acceptance. Upon registration, a signed original copy of the deed shall be filed with the City Clerk's office and a copy submitted to the DEVELOPER.

### **155-51. Driveways.** [Added per Planning Board on 05-08-2018]

- A) The provisions of this Section apply to the construction, reconstruction, alteration, surfacing or resurfacing of any DRIVEWAY which intersects with the right-of-way of any city-owned, city maintained way and/or other private way. Section 152-8 of the City Code, referring to licensing requirements, applies to all paving contractors or related construction enterprises engaged in the retailing of DRIVEWAY paving services to the general public within Dover's city limits.
- B) It shall be unlawful to construct, reconstruct, alter, surface or resurface any DRIVEWAY in a manner which affects the size, elevation or grade of such DRIVEWAY until the Community Services Director has reviewed and approved of such construction or alteration and has issued a written permit for such work. No permit shall be required for any existing DRIVEWAY, entrance or approach unless the grade, elevation, location or width of said DRIVEWAY is changed. For purposes of this section, any DRIVEWAY so constructed, reconstructed, altered, surfaced or resurfaced as indicated above which

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abuts or is clearly designed to provide access to a public way as defined by RSA 259:125 shall be presumed to be situated within the right-of-way.

- (1) Pursuant to this section, a written construction permit application must be obtained from and filed with the Community Services Department by any landowner or by their paving contractor, if they are employing one, affected by the provisions of this Chapter.
  - (2) Before any construction or alteration work is commenced, said permit application shall have been reviewed and approved and a construction permit issued by the Community Services Director. Said permit shall:
    - (i) Describe the location, area and width, of the DRIVEWAY, as well as the entrance, exit or approach. The location shall be selected to most adequately protect the safety of the traveling public.
    - (ii) Describe any drainage structures, traffic control devices and channelization islands to be installed by the applicant.
    - (iii) Establish grades that adequately protect and promote street drainage and permit a safe and controlled approach to the street in all seasons of the year.
    - (iv) Include any other terms and specifications necessary for the safety of the traveling public.
- C) The following Construction Standards must be adhered to for DRIVEWAYS:
- (1) Unless an ALL SEASON SIGHT DISTANCE of four hundred (400) feet in both directions along the street can be obtained, the Community Services Director shall not permit more than one (1) access to a single parcel of land, and this access shall be at that location determined to be safest. The Community Services Director shall not give final approval for use of any additional access until it has been demonstrated that the four-hundred-foot ALL SEASON SIGHT DISTANCE has been approved.
  - (2) Within twenty (20) feet of the point where the DRIVEWAY intersects the public right-of-way, the maximum slope of a DRIVEWAY to four (4) or fewer dwelling units shall not exceed twelve percent (12%) and the maximum slope for other DRIVEWAYS shall not exceed eight percent (8%).
  - (3) With the exception of shared DRIVEWAYS, no DRIVEWAY, including any flare, shall be within five (5) feet of a side property line.
  - (4) The angle of the DRIVEWAY with respect to the pavement edge shall not be less than sixty (60) degrees to ninety (90) degrees, except that a smaller angle may be used for entrance DRIVEWAYS along a divided street, permitting only one-way operation of the DRIVEWAY.



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- (5) At rural intersections, the minimum distance between the nearest edge of the DRIVEWAY and the crossroad edge of pavement, measured along the edge of pavement, shall be one hundred (100) feet. At urban intersections, this minimum distance may be reduced to twenty-five (25) feet. DRIVEWAYs to be located on the opposite side of T-intersections shall generally conform to the urban- intersection standard. The Community Services Director shall have the authority to increase these distances if, in their opinion, such action is necessary for the protection of traffic. The distances may also be modified, if justifiable on the basis of specific site conditions, including Lot size.
- (6) The type of construction where the DRIVEWAY meets the edge of the traveled way shall be commensurate with existing conditions with respect to drainage and curb configuration and shall be subject to the approval of the Community Services Director. The property owner shall be responsible for the proper installation and maintenance of all drainage facilities (DRIVEWAY culvert, swale, etc.) and the DRIVEWAY bed that lies between the edge of the traveled way and the parcel's property line
- (7) In no case shall the permitted DRIVEWAY construction cause water to stand on the pavement, shoulders or within the street right-of-way limits. In those cases where property development increases drainage runoff such that existing street drainage structures are insufficient to adequately dispose of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding within the street right-of-way or adjacent lands thereto.
- (8) No construction permit shall allow a residential DRIVEWAY entrance, exit or approach to be constructed more than twenty-two (22) feet in width.
- (9) Where the Community Services Director finds that an unnecessary hardship may result from the strict compliance with these regulations, they may modify the above regulations so that substantial justice may be achieved and the public interest secured, provided that such modifications shall not have the effect of nullifying the intent and purpose of this Chapter may be allowed.

## **ARTICLE IX**

### **ADMINISTRATION AND ENFORCEMENT**

**155-52. Waivers.** [Amended per Planning Board on 03-23-2010]

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- A. The PLANNING BOARD may waive specific provisions of this Chapter. The PLANNING BOARD may only grant a waiver if the PLANNING BOARD finds, by majority vote, that:
  - (1) Strict conformity would pose an unnecessary hardship to the APPLICANT and the waiver would not be contrary to the spirit and intent of the regulations; or
  - (2) Specific circumstances relative to the SUBDIVISION, or conditions of the land in such SUBDIVISION, indicate that the waiver will properly carry out the spirit and intent of the regulations.
- B. In granting waivers, the PLANNING BOARD may require such conditions as will in the BOARD'S judgment, secure substantially the objectives of the standards or requirements of this Chapter.
- C. Procedures. A petition for any such waiver shall be submitted in writing by the APPLICANT at the time when the application is filed for consideration by the PLANNING BOARD. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the petitioner. The basis for any waiver granted by the PLANNING BOARD shall be recorded in the minutes of the PLANNING BOARD.

### **155-53. Enforcement.**

The enforcement of this ORDINANCE shall be in the manner enacted by the Dover City Council as authorized by RSA 676:17.

### **155-54. Fees.** [Amended per Planning Board on 11-15-91, 01-14-2003, 08-26-2008, 03-23-2010, 01-24-2012, and 05-08-2018]

- A. Application Fees. Any application for approval of a SUBDIVISION shall be accompanied by a non-refundable fee per new LOT as set forth in the City of Dover Adopted Fee Schedule, as amended annually, to cover the cost of reviewing the application. An application for a MINOR LOT LINE ADJUSTMENT or boundary change shall be accompanied with a non-refundable fee as set forth in the City of Dover Fee Schedule, as amended annually. In addition, the APPLICANT shall be responsible for paying the cost of mailing certified notices to ABUTTERS as well as paying the cost of advertising or posting the application.
- B. Additional Fees. Any APPLICANT may be required to pay additional reasonable fees, as well as the fees for notice under 155-53 .A, as imposed by the BOARD to cover costs of special investigative studies, review of documents and other matters which may be required by a particular application (RSA 676:4-I (g)). A fee as set

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forth in the City of Dover Adopted Fee Schedule, as amended annually, shall be charged the APPLICANT for staff time spent reviewing requests for time extensions to approved SUBDIVISIONs, per Chapter 155-24.

- C. Inspection Fees. All fees and costs connected with inspections and engineering review of plans and specifications for IMPROVEMENTS shall be paid for by the APPLICANT, at a rate determined by the City Engineer and the Community Services Director. Where the APPLICANT/owner fails to comply with the payment of fees, inspections will not be conducted nor will CERTIFICATE OF OCCUPANCY awarded until full payment has been made.
  
- D. Driveway Violation/Penalties/Cost of Restoration. Any action taken which violates provisions of 155-51 shall be fined, as per the Schedule of Fees. The landowner shall be liable for the cost of restoration of the affected public street to a condition which conforms to the provisions of this chapter to the satisfaction of the Community Services Director. If a landowner fails to ensure that the above said conformance is accomplished within thirty (30) days of receiving written notification from the Community Services Director, the restoration shall be accomplished by the city and charged to the landowner.

### **155-55. Adoption.** [Amended per Planning Board on 03-23-2010]

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

### **155-56. Interpretation and Conflict.**

In matters of judgment or interpretation of the requirements of this Chapter, the opinion and decision of the BOARD shall prevail. In any place where this Chapter are in conflict with any other regulations, ORDINANCES or law in effect in the City, the more restrictive regulations or provisions shall prevail.

### **155-57. Separability.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter shall be held to be invalid or unconstitutional by any court of competent authority, such holding shall not affect, impair, or invalidate any other section, subsection, paragraph, sentence, clause, or phrase of this Chapter.

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### **155-58. Amendments.**

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

### **155-59. Appeals. [Amended per Planning Board on 05-08-2018]**

- A. Any person aggrieved by a decision of the Community Services Director, regarding DRIVEWAYS may request a hearing before the Planning Board on the merits of their case. After a properly noticed public hearing, the Planning Board shall hear the facts in the case and vote to confirm, reject or modify the decision of the Community Services Director. The decision of the Planning Board shall be final.
- B. As provided for in RSA 677:15, any persons aggrieved by any decision of the PLANNING BOARD concerning a PLAT or SUBDIVISION may present to the Superior Court a petition, duly verified, setting forth that such decision is illegal or unreasonable in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the PLANNING BOARD.

## **ARTICLE X**

### **WORDS AND PHRASES**

#### **155-60. Word Usage.**

Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "BUILDING" shall include the word "structure", the word "shall" is mandatory; the word "may" is permissive.

#### **155-61. Definitions. [Amended per Planning Board on 09-2008-87, 08-11-92 by PUBLIC HEARING, 08-26-2008, 04-22-2003, 02-2010-2004, 03-23-2010, 01-24-2012, 12/-08-2012, 05/-24-2016, and 05-08-2018]**

The following definitions shall apply to this Chapter:

**ABUTTER** means:

- 1) The owner of record of a parcel of land located in New Hampshire and adjoins or is within two hundred (200) feet (including land across the street or stream) of the proposed site under consideration by the Board.
- 2) For the purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person or entity who is able to

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demonstrate that his land will be directly affected by the proposal under consideration.

3) In the case of an abutting property being under a condominium or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII. Additionally, for MAJOR and/or OPEN SPACE SUBDIVISIONS, the individual owners of units within the association, which are located within two hundred (200) feet of the common property line shall be notified only by first class mail.

4) For purposes of notification and receiving testimony, abutter means all affected towns and the regional planning commission in the case of a development having regional impact, as determined by the Board.

5) For purposes of notification, abutter ownership information for LOTS located in Dover, shall be obtained through the City's Tax Assessment Office.

**ALL SEASON SIGHT DISTANCE** – means a line which encounters no visual obstruction between two (2) points, each at a height of three (3) feet nine (9) inches above the pavement and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

**APPLICANT** means any person, agent, firm, association, partnership or corporation that makes application to the PLANNING BOARD for the SUBDIVISION of land pursuant to the rules and regulations of this Chapter.

**APPLICATION, COMPLETE** means an application for SUBDIVISION approval which contains sufficient information to invoke jurisdiction of the PLANNING BOARD. A COMPLETE APPLICATION shall include all the items listed in Section 155-9 for a MAJOR SUBDIVISION and Section 155-17 for a MINOR SUBDIVISION. The period for review does not start until a COMPLETE APPLICATION has been submitted by the SUBDIVIDER and accepted by the BOARD. The OWNER of the land must sign the application before it is filed with the PLANNING BOARD.

**APPLICATION, FORMAL** - See Application, Complete.

**AS-BUILT DRAWINGS** means drawings which delineate the specific location of SITE utilities.

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

## ***SUBDIVISION OF LAND***

**BLOCK** means a tract of land bounded by STREETS or by a combination of STREETS and public land, railroad rights of way, waterways or other barriers to the continuity of a development.

**BUFFER ZONE** means land area used to visibly separate one use from another or to shield or block noise, light or other nuisances. BUFFER ZONES may include such things as fences or berms as well as shrubs and trees.

**BUILDABLE LOT** means the smallest LOT area established by the zoning ORDINANCE on which a use or structure may be located in a particular district.

**BUILDING** means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind and which is constructed and permanently affixed on the land. Such "BUILDING" includes open porches, open breezeways and any other roofed areas. This in no way is to be construed to include a trailer, MANUFACTURED HOUSE or any other like product.

**BUILDING OFFICIAL** means the individual designated by the City of Dover to enforce BUILDING codes and development regulations.

**BUILDING PERMIT** means written permission issued by the proper City official authorizing the construction, repair, alteration or addition to a structure.

**CERTIFICATE OF COMPLETION** means a document issued by the proper City officials indicating that the IMPROVEMENTS required by the PLANNING BOARD have been satisfactorily completed.

**CERTIFICATE OF OCCUPANCY (CO)** means – See Chapter 68 of the Code of the City of Dover, titled “Building Construction”, Section 68-15. **COMMON LEACHING SYSTEM** means a system for the collection and processing via leach fields, the effluent from more than two septic tanks, including all of the pipes, valves and other equipment, land and EASEMENTS necessary for operating such a system. All of the leaching equipment will be in a single common ownership, though the septic tanks may not.

**CONDITIONS PRECEDENT** means a condition of approval that shall be satisfied before the submission of a final SUBDIVISION PLAT.

**CONDITIONS SUBSEQUENT** means a condition of approval that shall be satisfied after approval of a final SUBDIVISION PLAT.

**CONSTRUCTION PLAN** means the maps or drawings accompanying a SUBDIVISION PLAT and showing the specific location and design of IMPROVEMENTS to be installed in the SUBDIVISION in accordance with the

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requirement of the PLANNING BOARD as a condition of the approval of the SUBDIVISION PLAT.

**CUL-DE-SAC** means a short, minor LOCAL STREET, having only one end open for vehicular traffic and the other permanently terminated by a turnaround for vehicles.

**DEED RESTRICTION** - See RESTRICTED COVENANT

**DEVELOPER** means the OWNER of land proposed to be subdivided or his representative. Consent shall be required from the legal OWNERS of the property.

**DISCHARGE** means water or effluent released to a receiving waterbody.

**DRIVEWAY** means a private, paved or unpaved, road which is intended to provide vehicular access from a public or private way to a single primary building which is located on a single lot. This includes accessory uses off the main driveway used for parking/storage of motor vehicles. A "driveway" may service up to four (4) lots only if it complies with the terms and conditions of the Subdivision Ordinance, 155-51.

**DWELLING** means a structure or portion thereof which is used exclusively for human habitation.

**DWELLING, MULTI-FAMILY** means a DWELLING containing more than four (4) DWELLING UNITS.

**DWELLING, SINGLE-FAMILY** means a detached BUILDING containing (1) DWELLING UNIT only.

**DWELLING UNIT** means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the DWELLING UNIT for exclusive use of a single family maintaining a household.

**EASEMENT** means the right or privilege that a person may have in another person's property usually for the purposes of installing and maintaining utilities and drainageways.

**EROSION** means weathering of soil by running water, wind, or ice.

**ESCROW** means a conditional delivery of money by a DEVELOPER to a bank to be held until such time as the conditions of FINAL PLAT approval have been satisfactorily complied with.

**AGRICULTURE** - See NH RSA 21:34-a.II. AGRICULTURE shall not include marketing or selling at wholesale or retail, except where permitted as part of a roadside

## ***SUBDIVISION OF LAND***

farm stand or where the retail sale of agricultural or farm products raised on site is a permitted use. One SINGLE-FAMILY DWELLING shall be permitted as an accessory to the principal use.

**FLOOD HAZARD AREA** means that portion of land, as designated on the most current Flood Insurance Rate Maps or on the Flood Boundary and Floodway maps of the City of Dover, that, on the average, is likely to be flooded once every one hundred (100) years, i.e., that has a one percent (1%) chance of flood occurrence in any given year.

**FRONTAGE** means the linear distance measured along the front LOT LINE between the points of intersection with the side LOT LINES. "FRONTAGE" along CUL-DE-SACS shall be the linear distance at the appropriate front yard BUILDING set back depth from the front LOT LINE between the points of intersection with the side LOT LINES. For the purpose of measurement, LOT "FRONTAGE" shall be measured along the joining boundary of the front LOT LINE and a public RIGHT-OF-WAY.

**HOMEOWNERS ASSOCIATION** means a community association, other than a condominium association, which is organized in a residential development in which individual OWNERS share common interests in open space or facilities.

**IMPROVEMENT** means SITE grading, STREET work and utilities, including water, sewer, electric, gas and STORMWATER to be installed or agreed to be installed by the SUBDIVIDER on land to be used for public or private STREETS, and EASEMENTS or other purposes as are necessary for the general use of LOT OWNERS in the SUBDIVISION.

**LEACH FIELD LOT** means a LOT containing only leach fields and the equipment necessary to operate such. Found only in OPEN SPACE SUBDIVISIONS.

**LETTER OF CREDIT, IRREVOCABLE** means a conditional delivery of money by a DEVELOPER to a nominee mutually agreeable to the PLANNING BOARD and the DEVELOPER. The holder of the money will retain the money until release is authorized by the City or the money is "called", that is transferred to the City of Dover. The money will be called by the City if the DEVELOPER does not obtain a CERTIFICATE OF COMPLETION from the City prior to the expiration date of the security. Upon the expiration date, the money will be transferred to the City if a CERTIFICATE OF COMPLETION has not been received by the DEVELOPER from the City.

**LOT** means a parcel of land which fronts on and has ingress and egress by means of a public vehicular RIGHT-OF-WAY and is occupied by, or is intended to be occupied by, one (1) principal BUILDING and its accessory BUILDINGS or uses customarily incident to it, together with such open spaces and yards as are required by this Chapter. More than



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one (1) principal BUILDING may be placed on a LOT located in the Central Business District. More than one (1) principal BUILDING may also be placed on a LOT in all other districts with Planning Board approval for non-residential developments, multi-family dwelling developments, and OPEN SPACE SUBDIVISIONS.

**LOT, CORNER** means a LOT abutting upon two (2) or more STREETS at their intersection.

**LOT LINE** means a line of record bounding a LOT which divides one LOT from another LOT or from a public or private STREET or any other public space.

**LOT LINE ADJUSTMENT, MINOR** means a change in the LOT LINE that does not create a BUILDABLE LOT.

**MAINTENANCE GUARANTY** means an IRREVOCABLE LETTER OF CREDIT accepted by the City to assure that necessary IMPROVEMENTS will function as required for a specific period of time.

**MANUFACTURED HOUSING** means any structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. MANUFACTURED HOUSING shall not include presite built housing as defined in RSA 674:31-a.

**MASTER PLAN** means the plan or any portion thereof adopted by the City for the coordinated physical development, including, among other things, plans and programs regarding the location, character and extent of highways, transportation routes, bridges, public BUILDINGS or uses, utilities, schools, residential, commercial or industrial land uses, parks, forests, dams, drainage facilities and projects affecting the conservation of natural resources of the City.

**MANUFACTURED HOUSE PARK OR TRAILER PARK** means any plot of ground upon which two (2) or more MANUFACTURED HOUSES, occupied for DWELLING or sleeping purposes, are located.

**MANUFACTURED HOUSE SUBDIVISION** means any SUBDIVISION involving a division of land into two (2) or more LOTS, designed to accommodate one (1) or more individual MANUFACTURED HOUSES.

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**OFFICIAL MAP** means a map adopted in conformance with Chapter 674:9-14 of the New Hampshire revised Statutes Annotated, 1985, inclusive. Such "OFFICIAL MAP" is to be deemed to be final and conclusive with respect to the locations and widths of STREETS and the locations of parks shown thereon.

**OFFICIAL SUBMITTAL DATE** means an application shall be considered officially submitted only at the regular meetings of the PLANNING BOARD following the completion of the appropriate application procedure and the receipt of a written memorandum from the Planning Director certifying said application's technical review.

**OPEN SPACE, COMMON** means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and IMPROVEMENTS as are necessary, appropriate and approved by the PLANNING BOARD.

**OPEN SPACE SUBDIVISION** means an alternative form of residential development where, instead of subdividing an entire tract into LOTS of conventional size, a similar number of single-family housing units may be arranged on LOTS of reduced dimensions.

**ORDINANCE** means any legislative action, however denominated, of the City of Dover which has the force of law, including any amendment or repeal of any ORDINANCE.

**OWNER** means any person, group of persons, firm or firms, corporation or corporations or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this Chapter.

**PARCEL** means a LOT or tract of land.

**PERFORMANCE GUARANTY** means an IRREVOCABLE LETTER OF CREDIT or an ESCROW agreement accepted by the City as a guarantee that IMPROVEMENTS required as part of a SUBDIVISION approval are satisfactorily completed.

**PLANNING BOARD** means the PLANNING BOARD of the City of Dover. Also referred to as the BOARD.

**PLAT** means a map or plan of a subdivision or a site plan, prepared by a registered surveyor or engineer in compliance with all applicable provisions of the Zoning Ordinance (Ch. 170), the Site Review Regulations (Ch. 149), and the Subdivision Regulations (Ch. 155) of the City of Dover..

**PLAT CONSTRUCTION, DETAIL SHEETS** means drawings which delineate the proposed locations profiles and specifications of all existing and proposed SITE utilities.

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**PLAT, FINAL** means the final map of all or a portion of a SUBDIVISION which is presented to the PLANNING BOARD for final approval. May sometimes be referred to as FINAL PLAT layout.

**PLAT, PRELIMINARY** means a preliminary map indicating the proposed layout of the SUBDIVISION which is submitted to the PLANNING BOARD for consideration and preliminary approval. May sometimes be referred to as PRELIMINARY PLAT layout.

**PRIVATE ROAD** means a road constructed and maintained by a private OWNER or OWNERS, to be used for either public or private use which provides access to a public STREET. PRIVATE ROADS may service three (3) or four (4) adjacent PARCELS of land and shall be constructed in accordance with the specifications of this Chapter.

**PUBLIC HEARING** means a meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

**PUBLIC MEETING** means any scheduled meeting of the PLANNING BOARD.

**REGISTERED ENGINEER** means an engineer properly licensed and registered in the State of New Hampshire.

**REGISTERED LAND SURVEYOR** means a land surveyor properly licensed and registered in the State of New Hampshire.

**RESTRICTED COVENANT** means a restriction on the use of land usually set forth in the deed.

**RESUBDIVIDE** means the further division of LOTS or the relocation of LOT LINES of any LOT or LOTS within a SUBDIVISION previously made and approved or recorded according to law; or the alteration of any STREETS or the establishment of any new STREETS within any such SUBDIVISION, but not including conveyances made so as to combine existing LOTS by deed or other instrument.

**RIGHT-OF-WAY (ROW)** means a public or private area that allows for the passage of people, goods, and/or utilities. A public RIGHT-OF-WAY is a RIGHT-OF-WAY that is dedicated or deeded to the public for public use and under the control of a public agency. RIGHT-OF-WAY LINES means the lines that form the boundaries of the RIGHT-OF-WAY.

**RUNOFF** means precipitation, snowmelt, or irrigation that flows over the land, eventually making its way to a surface water (such as a stream, river or pond).

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**SEDIMENT** means eroded soil and rock material and plant debris, transported and deposited by RUNOFF.

**SETBACK LINE** means the area of a LOT measured from the LOT line to a BUILDING facade or elevation that is maintained clear of permanent structures, with the exception of allowed encroachments for stairs or porches.

**SITE** means any plot or PARCEL of land or combination of contiguous LOTS or PARCELS of land.

**SITE PLAN REVIEW** means the procedure by which the City reviews the development plan for one or more LOTS on which is shown the existing and proposed conditions of the LOT including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the PLANNING BOARD.

**SKETCH MAP** means a preparatory sketch to the preliminary SUBDIVISION PLAT layout to enable the SUBDIVIDER to save time and expense in reaching general agreement with the PLANNING BOARD as to the form of the PLAT and the objectives of this Chapter (See 155-8).

**SLOPE** means the degree of natural inclination of the existing ground.

**STREET** means a public or private way which is intended to provide vehicular access to two (2) or more LOTS and/or to two (2) or more primary BUILDINGS and which may or may not be continuous. Also included are terms such as avenue, boulevard, road, PRIVATE ROAD, lane, alley, highway, viaduct, freeway, court, way, and drive.

**STREET, ARTERIAL (Major)** means a STREET designed or utilized primarily for high vehicular speeds or for heavy volumes of traffic on a continuous route, with intersections at grade, and which may have direct access to abutting properties and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

**STREET, COLLECTOR** means a STREET which carries or is proposed to carry intermediate volumes of traffic from LOCAL STREETS to ARTERIAL STREETS and which may or may not be continuous.

**STREET, LOCAL** means a STREET used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary STREETS.

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

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** means a plan developed for a SITE or property that evaluates potential pollutant sources and designs and implements appropriate measures to prevent or control DISCHARGE of pollutants in STORMWATER RUNOFF.

**SETBACK** means the distance between the STREET RIGHT-OF-WAY LINES and the front line of a BUILDING.

**SUBDIVIDER** means any person, firm, partnership, association, corporation, estate or other group or combination acting as a unit dividing or proposing to divide land in a manner that constitutes a SUBDIVISION as herein defined.

**SUBDIVISION** means the division of the LOT, tract, or PARCEL of land into two (2) or more LOTS, PLATS, SITES, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease or BUILDING development. It includes RESUBDIVISION and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. A condominium conveyance, per RSA 356-B, shall not require PLANNING BOARD approval.

- A. **MAJOR** means a division of a LOT, tract or PARCEL of land into four (4) or more separate PARCELS, or a SUBDIVISION which required new STREETS, the extension of municipal facilities or the creation of any public IMPROVEMENTS (See Article II).
- B. **MINOR** means a division or redivision of a LOT, tract or PARCEL of land into three (3) or fewer PARCELS within a four (4) year time period, provided that there shall be no extension of STREETS or other significant IMPROVEMENTS required; or, any SUBDIVISION that, in the judgement of the PLANNING BOARD, will present no significant engineering and/or planning difficulties. (See Article III).

**TECHNICAL REVIEW COMMITTEE** shall be comprised of the PLANNING BOARD Chairperson, the Conservation Commission Chairperson, City Engineer, Fire Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence.

**URBAN CORE** means an area containing most of the following characteristics: Density of development that is more characteristic of city development than rural; STREETS with

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curbs and sidewalks; water and sewer utilities; and, an opportunity to walk to nearby stores, schools and service centers.

**YIELD PLAN** means a plan which demonstrates the maximum number of BUILDABLE LOTS achievable under conventional zoning, at the full density allowed in the district. The plan should be based upon maps showing the Conservation Areas consisting of wetlands, floodplains, and steep SLOPES. In addition to this information, LOTS should be laid out in the conventional format taking into consideration a roadway network and the minimum LOT size requirements, FRONTAGE and the contiguous upland areas. If the plan requires a waiver from these SUBDIVISION regulations, a preliminary PUBLIC HEARING shall be conducted by the PLANNING BOARD prior to an APPLICANT'S formal submittal application for MAJOR SUBDIVISION approval.

**ZONING DISTRICT** means a specifically delineated district with the City where regulations and requirements uniformly govern the use, placement, spacing and size of land and BUILDINGS.