



CITY OF DOVER

## CITY OF DOVER - ORDINANCE

Posted: March 27, 2018

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

1. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-2 “Legislative Authority”, to read as follows:

“These regulations are adopted by the Dover PLANNING BOARD pursuant to the authority granted by the RSAs 674:35 and 236:13, and by Chapter 41 Planning Board of the City of Dover ORDINANCES.”

2. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-3 “Purpose”, to read as follows:

“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.”

3. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-26 “Maintenance Guaranties”, to read as follows:

“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 ~~SITE IMPROVEMENTS are completed~~. 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.

4. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-28 “PRELIMINARY PLAT Layout”, Section O to read as follows:

“(O) Reserved 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.”

AND



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Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-28 “PRELIMINARY PLAT Layout”, deleting section Q as follows:

- Q. ~~Any project that creates more than ten (10) residential LOTS shall submit a fiscal impact analysis which details the probable effects of the SUBDIVISION on the following aspects of concern to the City:~~
- ~~(1) attendance at public schools;~~
  - ~~(2) increase in vehicular traffic;~~
  - ~~(3) changes in the number of legal residents;~~
  - ~~(4) increases in municipal costs;~~
  - ~~(5) load on public utilities or future demand for them;~~
  - ~~(6) public safety;~~
  - ~~(7) changes in tax revenue;~~
  - ~~(8) changes in surface drainage;~~
  - ~~(9) increased consumption of groundwater;~~
  - ~~(10) increased refuse disposal;~~
  - ~~(11) pollution of water or air;~~
  - ~~(12) land EROSION or loss of tree cover;~~
  - ~~(13) disturbance to other aspects of the natural ecology~~
  - ~~(14) blocking of views;~~
  - ~~(15) harmony with the character of surrounding development; and~~
  - ~~(16) location of utilities. Reserved~~

5. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-33 “Street Design”, Section J to read as follows:

“J. Dead-end STREETS (CUL-DE-SAC). Unless topography indicates a need for an alternative greater length, said public 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.

6. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-33 “Street Design”, by adding new Section M to read as follows:



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“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.

7. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-48 “Private Roads”, by adding new Section E to read as follows:
  - E) “A DRIVEWAY is a private way. Accordingly, no DRIVEWAY may subsequently be dedicated to the city as a public STREET until and unless the owner(s) of the property served by such DRIVEWAY make, at their expense, any improvements necessary to bring such roadway into conformance with the construction standards and specifications as set forth in Chapter 152 or this Chapter, for a public STREET. Compliance with all applicable zoning requirements shall also be met.”
8. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-51 “Waivers”, to section 155-52, and renumbering all subsequent sections.

And

Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by adding a new number 155-51 “Driveways”, within Article VIII, to read as follows:

### “155-51 Driveways

- 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 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



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his paving contractor, if he is 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 he determines 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.
- (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



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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 his opinion, such action is necessary for the protection of traffic. He may also modify these requirements, 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.”

9. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-54 “Definitions”, by adding new Section D to read as follows:

***“155-53. Fees [Amended per Planning Board on 11-15-91, 01-14-2003, 08-26-2008, 03-23-2010 and 01-24-2012]***

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 Schedule of Fees, as amended annually, to cover the cost of reviewing the application. An application for a



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MINOR LOT LINE ADJUSTMENT or boundary change shall be accompanied with a non-refundable fee as set forth in the City of Dover Schedule of Fees, 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 forth in the City of Dover Adopted Schedule of Fees, 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.”

10. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-59 “Appeals”, by adding new terms to read as follows:

***“155-59. Appeals.***

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



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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.”

11. Chapter 155 of the Code of the City of Dover, entitled Subdivision of Land, is hereby amended by revising 155-61 “Definitions”, by adding new terms to read as follows:

**ALL SEASON SIGHT DISTANCE** – 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.

**DRIVEWAY** – 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.