

DOVER CODE
SUBDIVISION OF LAND

Chapter 155
[AS ADOPTED 08/26/86]

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**ARTICLE I
GENERAL PROVISIONS**

155-1. Title.

This chapter shall be know and may be cited as the "Land Subdivision Regulations" of the City of Dover.

155-2. Legislative Authority.

These regulations are adopted by the Dover Planning Board pursuant to the authority granted by the New Hampshire Revised Statutes Annotated (RSA), as amended, 1985, Chapter 674:35 and by Chapter 13 of the City of Dover Ordinances as enacted December 31, 1951, with subsequent amendments.

155-3. Purpose.

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.

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 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 01-14-03 per Planning Board]

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.

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. **[Amended 02-10-04 per Planning Board]**

- 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. **[Amended 02-11-03 per Planning Board]**
- 2) Any proposed development in an R-20 or R-12 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. **[Amended 02-11-03 per Planning Board]**

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. **[Amended 09-08-87 per Planning Board].**

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" **[Added 02-10-04 per Planning Board].**

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.

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. (Note: Only six (6) copies of the preliminary plat need to be submitted initially for review by the Technical Review Committee. However, fifteen (15) copies will be required for submission of the complete application to the Planning Board). **[Amended 08-26-08 per Planning Board]**
- 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 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. **[Amended 08-26-08 per Planning Board]**.
- 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 judgement 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.

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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.

155-10. Actions by the Board/Public Hearings

- 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 155-11 (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 ninety (90) 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 ninety (90) days before acting to approve, conditionally approve, or disapprove an application. The applicant may waive the time period requirements for Planning Board action and consent to such extension as may be mutually agreeable (RSA 676:4-I(f)).
- D. No application, shall be approved or disapproved without a public hearing on said application except as noted in 155-10 (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

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:

- A. 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 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.

- B. Notice shall be mailed at least ten (10) calendar days prior to submission.
- C. 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.
- D. 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. Preliminary Plat Approval.

- A. Approval of the preliminary plat application shall not qualify the preliminary plat layout for recording with the Strafford County Registry of Deeds.
- B. Preliminary plat approval shall confer upon the applicant the following rights and privileges:
 - (1) That the approval for the preliminary plat application will remain in effect for a period not to exceed one (1) year.
 - (2) The applicant may, during this period, submit all or portions of said preliminary plat for final plat approval.
 - (3) In the event that the subdivision is being developed in phases, the applicant may, by prior written mutual agreement with the Planning Board, receive a preliminary plat approval for a period not to exceed two (2) years.
- C. Any applicant that receives preliminary plat approval subject to conditions precedent, must comply with the conditional precedent by the time of submission of the final plat. Additional public hearings, in accordance with 155-11, 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 judgement; or

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- (b) Conditions which are in themselves administrative and which involve no discretionary judgement 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.

155-13. Final Plats.

A. Within the time limitations previously specified in 155-12, the applicant shall file with the Planning Board an application for approval of a final plat. The application shall include the following elements:

- (1) Fifteen (15) copies of the final plat layout and the plat construction detail sheets, as described in 155-29 and 155-30, respectively, in this chapter.
- (2) Comply in all respects with the approved preliminary plat application.

B. Final plat applications shall be submitted in accordance with the provisions of 155-9.

155-14. Final Plat Certification; Recording, Performance and Maintenance Guaranty.

- A. The applicant shall submit to the Planning Department a mylar, 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 the signed mylar 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. [Amended per Planning Board 09-11-90, 09-28-93, 01-14-03, 04-22-03 and 08-26-08]
- B. The final plat layout shall be clearly and legibly reproduced on linen mylar, or any other permanent polyester base material, and shall conform to the specifications detailed in 155-29.
- 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, as per the judgement of the Planning Board, an irrevocable letter of credit or an escrow agreement as required by 155-25 and/or an irrevocable

letter of credit required by 155-26 prior to the start of construction of any improvements or the issuance of a building permit except for parcels situated on preexisting roadways.

- 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 Planning Director and shall be certified as to their sufficiency by the City Attorney.

**ARTICLE III
APPLICATION PROCEDURES FOR MINOR SUBDIVISIONS**

155-15. Applicability.

- 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 for (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: **[Amended 10-8-87 per Planning Board]**

- (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 these regulations.

- 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.

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. [Amended 08-26-08 per Planning Board]
- 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 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. [Amended 08-26-08 per Planning Board]
- G. Preliminary plats are required for minor subdivisions.

155-18. Application Submittal and Review for Minor Lot Line Adjustments and Boundary Agreements.

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: [Amended 08-26-08 per Planning Board]

- (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, two duplicate sets of adhesive mailing labels for all abutters shall be submitted for use by staff in preparing certified mailings
- 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 subsection 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.

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- 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 submission of the final plat. Additional public hearings, in accordance with 155-11, 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 judgement; or
 - (b) Conditions which are in themselves administrative and which involve no discretionary judgement 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 04-25-00 per Planning Board]

- 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. [Amended 07-05-88 per Planning Board]
- 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, 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. [Amended 07-05-88 and 04-25-00 per Planning Board]
- C. [Deleted in its entirety 04-25-00 per Planning Board]

155-21. Approval Procedure. [Amended 02-10-04 per Planning Board]

- 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. [Amended 07-05-88 per Planning Board]
- 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. [Added 07-05-88 per Planning Board]

155-22. General Requirements.

- A. Location. [Amended 02-11-03 per Planning Board]
 - 1. Any major subdivision within an R-40 District shall be required to adhere to the following procedures for said development.

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2. Any proposed development in an R-20 or R-12 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.

C. Minimum project area permitted for an open space subdivision shall be as follows:
[Amended 07-05-88, 02-11-03, and 02-10-04 per Planning Board]

<u>Zoning District</u>	<u>Contiguous Acres Required</u>	
	<u>Residential Only</u>	<u>With Commerical</u>
R-40	No Minimum	50 acres
R-20	15 acres	50 acres
R-12	10 acres	20 acres

- (1) Projects not meeting the minimum acreage 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.

- (1) The disposition of the public hearing shall be executed as per the procedure established in 155-11.
- (2) 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:

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.

D. Density Allocation. **[Amended 07-05-88, 04-25-00, and 02-10-04 per Planning Board]** 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:

1. A subdivision of land into reduced sized individual house lots.
2. Cluster subdivision. One parcel with individual detached single-family dwellings located in a cluster arrangement.
3. **[Deleted in its entirety 08-26-08 per Planning Board]**

D.1 Density Bonus **[Amended 08-26-08 per Planning Board]**

1. 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-12 zone, and is more than 20 acres, a nonresidential component shall be allowed meeting the following the criteria: **[Amended 02-11-03 and 02-10-04 per Planning Board]**

- (a) No more than fifty (50%) percent of the development site including open space, shall be devoted to parking, streets, buildings, and accessory structures.
- (b) 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 10,000 square feet.
 - i. Neighborhood scale personal service establishments, such as convenience stores, craft store, drug stores, beauty shops, tailors, laundromats, banking establishments;
 - ii. Professional offices;
 - iii. Medical care uses, including medical care office buildings;
 - iv. Adult day care facilities;
 - v. Sales office for the sale or rental of property;

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- vi. Restaurants without a drive up window;
- vii. Elderly assisted care may have a building footprint of not to exceed 20,000 square feet.

(c) 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.

(d) 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.

(e) 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 Dover's Zoning Ordinance. [Amended 07-05-88 per Planning Board]

F. Dimensional Requirements. [Amended 07-05-88, 02-11-03 and 02-10-04 per Planning Board]

ZONING DISTRICT	MINIMUM LOT SIZE FOR SUBDIVISION LOTS	MINIMUM FRONTAGE FOR SUBDIVISION LOTS	MINIMUM BUFFER ALONG FRONTAGE
R-40	20,000 SF	40	100
R-20	12,000 SF	30	100
R-12	8,000 SF	20	100

MINIMUM YARDS AROUND INDIVIDUAL UNITS IN CLUSTERS		MINIMUM BUILDING SETBACKS FOR SUBDIVISION LOTS	
Street Sides of Units	Other Sides of Units	Abutting A Street	Abutting A Lot Line
R-40 20	20	20	20
R-20 15	15	15	15
R-12 10	10	10	10

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- (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-12 Zoning Districts, and more than fifty (50) percent of the parcel lies in the more restrictive district 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 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: **[Added 04-25-00 per Planning Board]**

Minimum Distance from Existing Structures or Dwelling Units

<u>Zone</u>	<u>Distance</u>
R-40	100 feet
R-20	75 feet
R-12	50 feet

Minimum Distance from External Boundaries

<u>Zone</u>	<u>Distance</u>
R-40	50 feet
R-20	40 feet
R-12	30 feet

Whenever possible the natural vegetation shall be retained, or if required, vegetation shall be planted of sufficient size to shield the development from abutting properties.

- 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.

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- (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.
- (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: **[Amended 02-10-04 per Planning Board]**
 - (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: **[Amended 3-19-91 per Planning Board]**

- (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 these regulations:
 - (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 maintaining the system. All construction under this article shall be explicitly subject to the provisions of Article V of these regulations.

- (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 forthcoming service contract amount.
 - (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 year period and not more frequently than every two years.
 - (d) No structure shall be built on a leach field lot.

155-23. Common Open Space.

- A. General. [Amended 07-05-88 per Planning Board] 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. [Amended 07-05-88 per Planning Board] A buffer zone of one hundred (100) feet shall be provided along the perimeter of the subject tract that fronts existing public roadways. 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.
- C. Open Space Requirements. [Amended per Planning Board 07-05-88 and 04-25-00]
- (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; storm water collection ponds; land area dedicated to septic systems, and; easements and rights-of-way for storm water 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 storm water drainage systems, streets or utilities, and; storm water 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.
 - (6) No privately owned recreation structures shall be built in the open common space without the approval of the Planning Board.
 - (7) Current Use Limitation: The common land areas, open space areas and natural areas in an approved development are considered to be a part of the residential use of such development and shall not be considered to be "open space land"; "farmland"; "wetlands"; "recreation land"; "floodplain"; or "wild land: within the meaning of RSA 79-A except where such consists of actively operated farmland. **[Added 04-25-00 per Planning Board]**
- 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 associations'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'

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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 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 11-15-91, 06-13-95 and 08-26-08 per Planning Board]

- A. All site improvements in the approved subdivision or part thereof shall be constructed and/or installed within four (4) years of the date of final plat approval in accordance with the requirements specified herein, unless such time is extended by

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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.

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.
- (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.

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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 defined as the completion of all on-site and off-site improvements specified in the subdivision approval.

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.

155-26. Maintenance Guaranty. [Amended per Planning Board 08-26-08]

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 Finance Director/City Treasurer. Such maintenance guaranty shall be in an amount of two percent of the estimated project cost prepared by the City Engineer for two (2) years after 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.

155-27. Inspection of Improvements.

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.

**ARTICLE VI
LAYOUT SPECIFICATIONS AND CONSTRUCTION DETAILS**

155-28. Preliminary Plat Layout.

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 map to be drawn at a scale of one (1) inch equals one thousand (\$1,000) feet, showing the entire subdivision and its relation to the surrounding area within a radius of three thousand (3,000) feet. Said location map shall delineate all streets and other relevant physical/natural features that may either affect or be affected by the proposed development.
- 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.

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- 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 storm water runoff.
- L. The locations and results of soil percolation tests if individual sewage disposal systems are proposed.
- M. Proposed locations of all utilities, including water mains, storm and sanitary sewer mains, catch basins and culverts, streetlights, fire hydrants, etc.
- N. The 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 April 15, 1980, or later.
- O. Street address or numbers for each structure or dwelling unit that could be constructed on the site.
- P. A neighborhood plan, 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. **[Added per Planning Board 08-26-08]**
- Q. Any project that creates more than 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: **[Added per Planning Board 08-26-08]**
 - 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.

155-29. Final Plat Layout.

- 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. Four (4) 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 be as follows:
 - (1) Proposed subdivision name or identifying title which shall not duplicate or closely approximate that of any other development in the City.
 - (2) Date, approximate true North point and scale.
 - (3) Name, address and signature of owner, subdivider and stamp of registered land surveyor.
 - (4) Names of owners of record of abutting properties or developments.
 - (5) Locations, names and widths of existing streets, highways and easements, building lines, parks or other public property.
 - (6) 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.
 - (7) Lot areas in square feet.
 - (8) 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. [Amended 01-14-03 per Planning Board]
 - (9) Radius of all curves and length of arcs.
 - (10) Location, material and approximate size of all permanent monuments.
 - (11) 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

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that is proposed to be reserved by deed covenant for the common use of the property owners of the subdivision.

- (12) Minimum building line setback on all lots.
- (13) A Storm Water 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. [**Amended 08-26-08 per Planning Board**]
- (14) Where proposed, show location of water mains, hydrant plant and essential equipment.
- (15) Where proposed, show location of sanitary system.
- (16) All elevations shall be referenced to the United States Geological Survey, provided that bench marks exist within one-half (1/2) mile of the boundary of the subdivision.
- (17) All dimensions shall be shown in feet and decimals of a foot.
- (18) All proposed restrictive covenants.
- (19) The 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 April 15, 1980 or later.
- (20) Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law.
- (21) A location map at a scale of one (1) inch equals one thousand (1,000) feet, showing the entire subdivision and its relation to the surrounding area within a radius of three thousand (3,000) feet.
- (22) Zoning or special district classification.
- (23) All relevant features including existing structures, railroads, bodies of water, watercourses, significant vegetation, soil types and seasonally wet areas, that may influence the design of the subdivision.
- (24) 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.

155-30. Construction Detail Sheets.

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, provided that bench marks exist within one-half (1/2) mile of the boundary of the subdivision.
- 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, streetlighting standards and street signs; the location, size and invert elevations of existing and proposed sanitary sewers, storm water 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.

- 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. 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

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not conform to widths as required by these regulations 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 155-32A. 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 (culs-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-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 a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desired and may further specify, at its discretion, that a four-foot- wide 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.

A. Widths of rights-of-way. Streets shall be the following widths: [Amended 08-11-92, 11-28-95, 01-14-03 and 08-26-08 per Planning Board]

TYPE OF STREET	MINIMUM RIGHT-OF-WAY	MINIMUM PAVEMENT	
		RESIDENTIAL	NONRESIDENTIAL
Arterial streets (major)	70	36	36
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.

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- 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. 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 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. **[Amended 01-14-03 per Planning Board]**
- 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. **[Amended 08-11-92 and 11-28-95 per 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. **[Amended 08-26-08 per Planning Board]**
- 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 a greater length, said streets shall not 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. **[Amended per Planning Board 08-26-08]**
- 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.

155-34. Street Names.

- 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.

155-35. Storm Water Management, Erosion Control, and Flood Hazards.
[Amended per Planning Board 08-26-08]

1. Purpose

The following are the purposes of these regulations:

- a. To treat storm water to maintain and protect the quality of receiving waters;
- b. To reduce the discharge of pollutants;
- c. To promote the implementation of Low Impact Development practices;
- d. To minimize the amount of site disturbance and retain existing vegetation to the extent possible;
- e. To maintain the natural hydrology of a site to the extent possible;

- f. To promote the use of nontraditional and nonstructural storm water management measures;
- g. To promote storm water management systems that require lower maintenance;
- h. To encourage designs that allow for the containment in the event of a spill;
- i. To promote a balance between pre-development and post-development flow and volume;
- j. To properly pre-treat all storm water runoff;
- k. To promote designs that maintain groundwater recharge volumes;
- l. To address salt and sand loading

2. Storm Water Management

- a. A written engineering report describing the impacted watershed area, projected runoff and any projected downstream impacts shall be required upon request. Where it is determined by the City Engineer that the additional runoff incident to the development of the project site will overload or significantly impact an existing watercourse or downstream drainage facility, the Planning Board may require the provision of drainage easements or drainage improvements and/or facilities to alleviate said problem. Unless the Planning Board grants a waiver, the post-development surface water runoff rate(s) shall not exceed the pre-development runoff rate(s). All required drainage improvements and/or facilities shall be sized and constructed as required in Chapter 155-41.
- b. Drainage calculations and storm water management measures to achieve water quality, recharge, and peak discharge control shall be prepared in conformance with the Best Management Practices outlined in the document, "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE," Rockingham County Conservation District, NH Department of Environmental Services (DES), Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended, and any published DES regulations. Alternative storm water management measures may be allowed by the City Engineer if they are in conformance with the Best Management Practices outlined in the document, "INNOVATIVE STORMWATER TREATMENT TECHNOLOGIES BEST MANAGEMENT PRACTICES MANUAL," NH Department of Environmental Services (DES), Water Division, May 2002, Publication Number NHDES-WD-02-2, as amended, or other Best Management Practices deemed acceptable by the City Engineer..
- c. Measurement of peak discharge rates shall be calculated using point of discharge. The topography of the site may require evaluation at more than one location if flow leaves the property in more than one direction. An applicant may demonstrate that a feature beyond the property boundary is more appropriate as a design point.
- d. No new storm water conveyances may discharge untreated storm water directly to or cause erosion into wetlands or water bodies.

- e. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed to prevent erosion, control sediment loss and keep other pollutants from contaminating storm water and receiving waters. The SWPPP shall utilize a combination of structural, non-structural, and vegetative Best Management Practices (BMP's). A SWPPP is required by the Environmental Protection Agency (EPA) as part of their storm water permit program and the NH Department of Environmental Services.
3. Storm Water Management System Operation and Maintenance Plans
- a. All storm water management systems shall have an operation and maintenance plan (O&M plan) to ensure that systems function as designed. This plan shall be reviewed and approved as a part of the site plan. The O&M plan shall, at a minimum, identify:
 - 1) Storm water management system(s) owner(s);
 - 2) The party or parties responsible for operation and maintenance;
 - 3) A schedule for inspection and maintenance;
 - 4) The routine and non-routine maintenance tasks to be undertaken;
 - 5) An inspection and maintenance log sheet to record the results of the inspection; and
 - 6) The O&M plan shall include the requirement that an annual report, including all inspection and maintenance logs, be submitted to the Dover Community Services Department in the month of December.
4. Erosion and Sedimentation Control
- a. Erosion and sedimentation controls must be implemented to prevent impacts during construction or land disturbance activities, and shall be properly installed prior to soil disturbance in the contributing drainage area.
 - b. The applicant shall prepare a plan that provides for erosion and sediment control measures that meet the design standards and specifications set forth in the document, "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE," Rockingham County Conservation District, NH Department of Environmental Services (DES), Soil Conservation Service (now the Natural Resources Conservation Service), August 1992, as amended, and any published DES regulations.
 - c. The erosion and sediment control plan shall contain a sequence of construction of the development site, including stripping and clearing, rough grading, road construction, construction of utilities, infrastructure, and buildings, and final grading. Sequencing shall identify the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and the establishment of permanent vegetation. Stripping of vegetation, regarding, or other development shall be done in such a way that

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will minimize soil erosion. Whenever practical, natural vegetation shall be retained, protected or supplemented.

- d. Erosion control measures called for in the plan shall be installed prior to the removal of vegetation and topsoil. Clearing necessary to install sediment control measures is allowed. Disturbed areas shall be kept to a minimum. Disturbed areas not in active development shall be adequately stabilized.
- e. All temporary erosion and sediment control measures shall be removed after final site stabilization. Trapped sediment and other disturbed soil areas resulting from the removal of temporary measures shall be permanently stabilized within 30 days.
- f. The applicant/owner shall bear final responsibility for the installation, construction and disposition of all erosion and sediment control measures required by these regulations. The applicant/owner and construction site operator shall maintain all erosion and sediment control measures in effective working condition.
- g. The City Engineer shall require the posting of a letter of credit or other acceptable form of security to ensure the actual construction and installation of the erosion and sediment control measures and to cover the cost of revegetating all disturbed areas on the site, prior to any earth disturbing activity.
- h. In addition to local approval, the applicant shall be responsible for obtaining any required State and Federal permits. Permits may include an Environmental Protection Agency (EPA) storm water permit, NH Department of Environmental Services Site Specific permit, or a State wetlands permit.

5. Flood Hazards

- a. Subdivisions involving land designated as special flood hazard areas shall be reviewed to determine whether such proposals will be reasonably safe from flooding and shall meet the following requirements:
 - 1) 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.
 - 2) 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.
- 3) 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.
- 4) 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.

A. Open space provision. The minimum requirements concerning the provision of open space facilities in subdivisions shall be as specified herein and in the Zoning Ordinance.

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 new street that is the result of a major subdivision shall include the planting of no less than one shade tree per 60 feet of frontage within the Right of Way in front of all developed lots where residential development is to take place. 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. [Amended 01-14-03 per Planning Board]
- F. Buffer Zones. The Planning Board may require the designation of buffer zones of at least fifty (50) feet in width around surface water, wetlands or other natural features which may be adversely affected by erosion or stormwater runoff. The Planning Board may require a vegetative buffer to provide screening where non-residential developments abut a residential zone.

**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. Once approved by the City Engineer, the developer shall not alter or vary the construction documents without prior consultation with the City Engineer.
- B. As a minimum, the plat construction detail sheets and specification shall incorporate the requirements of these regulations.

155-38. Utility Construction Standards.

- 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 his agent prior to back filling.
- 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 agent upon reasonable notice.

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 (6x6x54) 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.

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.

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 cross-sectional 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 agent.

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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 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 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 two courses of hot asphalt concrete. 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 40 degrees Fahrenheit and the mixture delivered to the spreader has a temperature above 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. [Amended 09-08-87 per Planning Board]

- (b) The hot asphalt concrete shall consist of the following materials: the aggregate shall be a bankrun crushed gravel, with a maximum sieve size as indicated in New Hampshire Department of Transportation Specifications, adopted 1969; bituminous material shall be an asphalt cement AC 85-100, 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.
- (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-inch bituminous-concrete surface and a sixteen-inch base course as required for streets.

155-41. Storm Sewers and Drainage Appurtenances.

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.

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A. Design.

- (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: fifty-year storm or flood of record.
 - (b) Minor brook culverts: fifteen-year storm.
 - (c) Storm sewers: ten-year storm.
- (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.
- (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:

TYPICAL USE	RCP	HDPE	PVC
Culverts	X	X	---
Storm drains	X	X	X
Drive culverts	X	X	---
Underdrain (six inch)	---	X	X
Overdrain (six inch)	---	---	X

Notes: X = acceptable; RCP = reinforced concrete pipe (Class III minimum);
 PVC = Polyvinyl SDR 35 pipe; HDPE = High-density polyethylene
[Amended 08-26-08 per Planning Board]

- (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.

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 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 upon its acceptance. All lift stations shall be duplex pump-type installations unless

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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.

- 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. When asbestos-cement pipe is used, 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 loOSS.
 - (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 inverts. 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.

155-43. Water Mains and Fire Hydrants.

- 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 twelve (12) inches in diameter.
- 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. All line gates twelve inches (12") and above shall be of the butterfly style. **[Amended 09-08-87 per Planning Board]**
 - (2) Hydrants. All hydrants shall be of Mueller or Eddy manufacture and subject to the following additional details. All hydrants shall be of 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 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.

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- 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.

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.

155-45. Telephone, Electric Utilities and Street Lights.

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 designee.

155-46. Sidewalks. [Amended 08-11-92 and 11-28-95 per Planning Board; Public Hearing]

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.

155-47. Curbs.

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. [Amended 08-11-92 per Planning Board; Public Hearing held 11-28-95 and readopted]

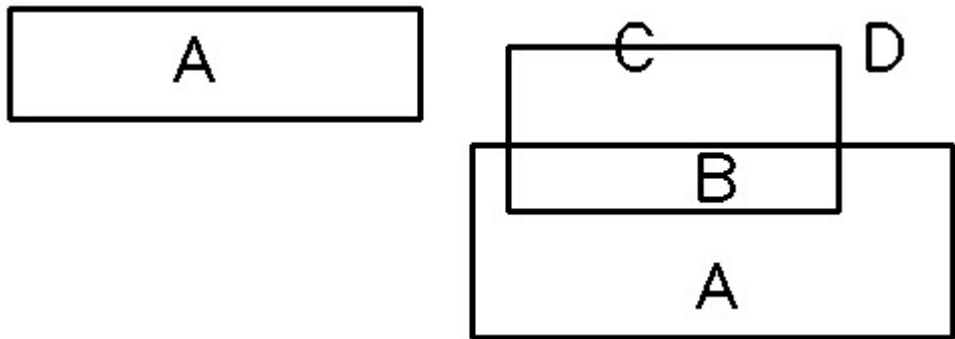
B. Granite slope edge curb shall be installed as specified in Section 609 of the State of New Hampshire Standards for Road and Bridge Construction; minimum cross section of stone to be four by twelve (4 x 12) inches.

155-48. Private Roads.

A. Private roads shall be designed and constructed pursuant to the following criteria:

	3 and 4 Parcels	5 or more Parcels in R-12, R-20, R-40, RM-8, RM-10, RM-12, RM-20 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) 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.

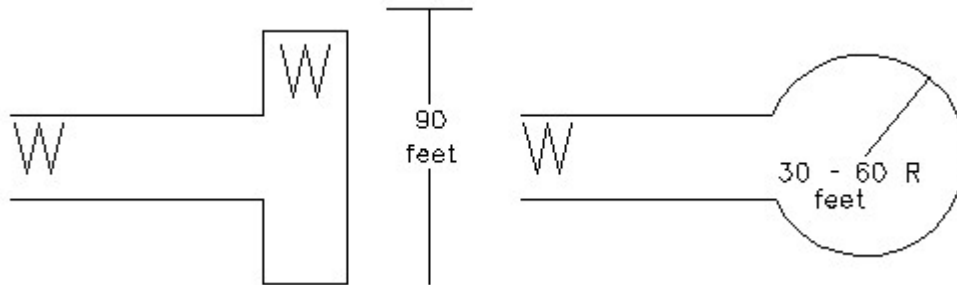
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B. The subdividing of lots along such rights-of-way shall only be approved upon the condition that no City services will be rendered until said private right-of-way is built in accordance with the City street construction specifications. (See Articles 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.

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.

- 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. [Amended 01-14-03 per Planning Board]
- 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. [Amended 08-26-08 per Planning Board]

**ARTICLE IX
ADMINISTRATION AND ENFORCEMENT**

155-51. Waivers.

- A. When in judgement of the Planning Board, special circumstances exist where strict conformity with any specific requirements of these regulations would cause extraordinary and unnecessary hardships, the Board may waive certain portions of the regulations so that substantial justice may be achieved and the public interest secured, provided that such waivers shall not have the effect of nullifying the intent and purpose of the Zoning Ordinance or the Master Plan.
- B. In granting waivers, the Planning Board may require such conditions as will in the Board's judgement, secure substantially the objectives of the standards or requirements of these regulations.
- C. The Planning Board shall not approve waivers unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other adjacent property;
 - (2) The conditions upon which the request for a waiver is based are unique to the property for which the waiver is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and,
 - (4) The waiver will not, in any manner, vary the provisions of the Zoning Ordinance, Master Plan or Official Map.
- D. 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.

155-52. Enforcement.

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

155-53. Fees.

- A. Application Fees. Any application for approval of a subdivision shall be accompanied by a non-refundable fee of one hundred and fifty dollars (\$150) per new lot 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 of one hundred dollars (\$100.00). 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. [Amended 01-14-03 and 08-26-08 per Planning Board]

- 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 of fifty dollars (\$50) per hour with a three hour minimum shall be charged the applicant for staff time spent reviewing requests for time extensions to approved subdivisions. [Amended 11-15-91 and 08-26-08 per Planning Board]

- 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.

155-54. Adoption.

In accordance with RSA 675:6, these regulations 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 State Planning as required by RSA 675:9.

155-55. Interpretation and Conflict.

In matters of judgement or interpretation of the requirements of these regulations, the opinion and decision of the Board shall prevail. In any place where these regulations are in conflict with any other regulations, ordinances or law in effect in the City, the more restrictive regulations or provisions shall prevail.

155-56. Separability.

If any section, subsection, paragraph, sentence, clause, or phrase of these regulations 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 these regulations.

155-57. Amendments.

In accordance with RSA 675:6, these regulations 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 adapted to the City Clerk. Copies shall also be filed with the New Hampshire Office of State Planning.

155-58. Appeals.

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**

155-59. 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.

155-60. Definitions.

For the purpose of this chapter, the terms used herein are defined as follows:

ABUTTER - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purpose of receipt of notification for a public hearing by the Board, the term of abutting property owner for a condominium or other collective form of ownership means the officers of the collective or association as defined in RSA 356-B:3, XXIII.

APPLICANT - 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.

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APPLICATION, COMPLETE - 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 ninety (90) day 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.

APPLICATION, FILE - To deliver an application to the Planning Director for inclusion on the Planning Board's agenda as outlined in 155-9 and 155-10.

APPLICATION, SUBMISSION - See Official Submittal Date.

AS-BUILT DRAWINGS - Drawings which delineate the specific location of site utilities.

BEST MANAGEMENT PRACTICES – For storm water 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. [Added per Planning Board 08-26-2008]

BLOCK - 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.

BOUNDARY LINE ADJUSTMENT - See Lot Line Adjustment, Minor.

BUFFER ZONE - 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 - The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

BUILDING - 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, mobile home or any other like product.

BUILDING OFFICIAL - The individual designated by the City of Dover to enforce building codes and development regulations.

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

CERTIFICATE OF COMPLETION - 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) - A document issued in accordance with 155-24 allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

COMMON LEACHING SYSTEM - 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 - A condition of approval that shall be satisfied before the submission of a final subdivision plat.

CONDITIONS SUBSEQUENT - A condition of approval that shall be satisfied after approval of a final subdivision plat.

CONSTRUCTION PLAN - 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 requirement of the Planning Board as a condition of the approval of the subdivision plat.

CUL-DE-SAC - 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 - The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owners of the property.

DISCHARGE – Water or effluent released to a receiving waterbody. [**Added per Planning Board 08-26-2008**]

DRIVEWAY - A private road which is intended to provide vehicular access from a public or private way to a parking space, garage, dwelling or other structure.

DWELLING - A structure or portion thereof which is used exclusively for human habitation.

DWELLING, MULTI-FAMILY - A dwelling containing more than two (2) dwelling units.

DWELLING, SINGLE-FAMILY - A detached building containing (1) dwelling unit only.

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DWELLING UNIT - 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 - 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 – Weathering of soil by running water, wind, or ice. **[Added per Planning Board 08-26-2008]**

ESCROW - 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.

FAMILY:

(1) Individuals occupying a dwelling unit and living together as a single housekeeping unit provided that all members are related by blood, marriage or adoption and including necessary domestic help and not more than two (2) lodgers or roomers; and

(2) Any number of unrelated individuals living together as a single housekeeping unit, provided that not less than three hundred (300) square feet of habitable floor space is provided for each occupant.

FARM/AGRICULTURE – Any land, buildings or structures on or in which agriculture and farming operations are carried out as the principal use, including all operations outlined in RSA 21:34:a II. One single-family dwelling shall be permitted as an accessory to the principal use. **[Added per Planning Board 04-22-2003]**

FLOOD HAZARD AREA - 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 - 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 - 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 - Refers to site grading, streetwork 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 - A lot containing only leach fields and the equipment necessary to operate such. Found only in Open Space Subdivisions.

LETTER OF CREDIT, IRREVOCABLE - 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 - A tract of land under single ownership and occupied by, or designed 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, exclusive of multi-family dwellings and Industrial I-1 and I-2 Zoning Districts.

LOT, CORNER - A lot abutting upon two (2) or more streets at their intersection.

LOT LINE - A line or 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 - A change in the lot line that does not create a buildable lot.

MAINTENANCE GUARANTY - An irrevocable letter of credit accepted by the City to assure that necessary improvements will function as required for a specific period of time.

MASTER PLAN - 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.

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MOBILE HOME - Any vehicle used or so constructed as to permit its being used as a conveyance or transported upon its own wheels upon the public streets or highways and duly licensable as such and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons and provided with a toilet and bathtub or shower. A prefabricated residential unit shall not be construed as a trailer or "mobile home" if said unit is supported by a permanent foundation.

MOBILE HOME PARK OR TRAILER PARK - Any plot of ground upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located.

MOBILE HOME SUBDIVISION - Any subdivision involving a division of land into two (2) or more lots, designed to accommodate one (1) or more individual mobile homes.

NONRESIDENTIAL SUBDIVISION - A subdivision intended to be used for purposes other than residential, such as commercial and industrial. Such subdivisions shall comply with the applicable provisions of these regulations.

OFFICIAL MAP - 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 - 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 - 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 - 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 - 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 - 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 these regulations.

PARCEL - A lot or tract of land.

PERFORMANCE GUARANTY - 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 - The Planning Board of the City of Dover. Also referred to as the Board.

PLAT - The maps, drawings, charts and other documents complying with all applicable provisions in this chapter which constitute the plan for the subdivision and which the subdivider submits to the City.

PLAT CONSTRUCTION, DETAIL SHEETS - Drawings which delineate the proposed locations profiles and specifications of all existing and proposed site utilities.

PLAT, FINAL - 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 - 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 - 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 these regulations.

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

PUBLIC MEETING - Any scheduled meeting of the Planning Board.

REGISTERED ENGINEER - An engineer properly licensed and registered in the State of New Hampshire.

REGISTERED LAND SURVEYOR - A land surveyor properly licensed and registered in the State of New Hampshire.

RESTRICTED COVENANT - A restriction on the use of land usually set forth in the deed.

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RESUBDIVIDE - 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) - A parcel of land used to provide access for a second party.

RIGHT-OF-WAY LINES - The lines that form the boundaries of the right-of-way.

RUNOFF – Precipitation, snowmelt, or irrigation that flows over the land, eventually making its way to a surface water (such as a stream, river or pond).
[Amended 08-26-08 per Planning Board]

SEDIMENT – Eroded soil and rock material and plant debris, transported and deposited by runoff. **[Amended 08-26-08 per Planning Board]**

SETBACK LINE - The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

SITE - Any plot or parcel of land or combination of contiguous lots or parcels of land.

SITE PLAN REVIEW - 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 - 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 these regulations (See 155-8).

SLOPE - The degree of natural inclination of the existing ground.

STREET - 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) - 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 - 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 - A street used primarily for access to abutting properties providing for minimum speeds and traffic volumes. Also referred to as minor or secondary streets.

STORM WATER – Runoff from a storm event, snowmelt runoff, and surface runoff and drainage. **[Amended 08-26-08 per Planning Board]**

STORM WATER POLLUTION PREVENTION PLAN (SWPPP) – 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 storm water runoff.

SETBACK - The distance between the street right-of-way lines and the front line of a building. **[Amended 08-26-08 per Planning Board]**

SUBDIVIDER - 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 - 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. **[Amended 08-26-08 per Planning Board]**

A. **MAJOR** - 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** - 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). **[Amended 09-08-87 per Planning Board.]**

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TECHNICAL REVIEW COMMITTEE - Shall be comprised of the Planning Board Chairperson, who shall act as chairperson, the Community Services Director, City Engineer, Fire Chief, Police Chief, Building Official, Economic Development Director and Planning Director who shall serve as secretary. All Committee members shall have a designated alternate available in their absence.

URBAN CORE - An area containing most of the following characteristics: Density of development that is more characteristic of city development than rural; streets with curbs and sidewalks; water and sewer utilities; and, an opportunity to walk to nearby stores, schools and service centers. **[Added 08-11-92 per Planning Board; Public Hearing held 11-28-95 and readopted]**

YIELD PLAN – 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. **[Added 02-10-04 per Planning Board]**

ZONING DISTRICT - A specifically delineated district with the City where regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.