

CITY OF DOVER  
SUBDIVISION ORDINANCE  
AND REGULATIONS

DOVER PLANNING BOARD

MARCH 14, 1960

CITY OF DOVER

Ordinance No. 20

An Ordinance Amending Chapter XLIV of the City Ordinances, revised 1939.

The City of Dover Ordains:

Section 1. Amend Chapter XLIV of the City Ordinances, revised 1939, by adding thereto the following new sections, to be numbered Section 5 to 14, as authorized by Revised Laws of N.H., Chapter 53, Section 19-27, as amended by Laws of 1949, Chapter 138.

Section 5. The city planning board is hereby authorized and empowered to approve or disapprove plats showing new streets, or the widening thereof, or parks. The city clerk shall forthwith file with the register of deeds of Strafford County a certificate showing that the planning board has been so authorized, setting forth the date of such authorization.

Section 6. No plat of a subdivision of land showing a new street or widening or narrowing thereof or park shall hereafter be filed or recorded in the offices of the register of deeds until it has been approved by the planning board, and such approval has been indorsed in writing on the plat. After such plat is approved and filed, the streets and parks shown thereon shall be and become a part of the official map of the municipality. The filing or recording of a plat without such approval shall be void.

Section 7. Before exercising the powers hereby granted, the planning board shall adopt regulations governing the subdivisions of land within the municipality. All such regulations shall be published as provided by law, and, before adoption, a public hearing shall be held thereon. A copy of the regulations as adopted, signed by the chairman of the planning board, shall be filed with the register of deeds. Such regulations may be amended, changed, altered, added to, or rescinded whenever the planning

board deems such action necessary or advisable, but only following public hearing on the proposed amendment, change, alteration, addition, or recission, and a statement, signed by the chairman of the planning board, indicating any variances thus authorized from such regulations as were previously filed, shall be transmitted to the register of deeds.

Section 8. Such regulations 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, or other public services, or necessitate an excessive expenditure of public funds for the supply of such services. Such regulations may provide for the harmonious development of the municipality and its environs; for the proper arrangement and co-ordination of streets within the subdivision in relation to other existing or planned streets; for open spaces of adequate proportions and for suitably located streets of sufficient width to accommodate existing and prospective traffic and to afford adequate light, air, and the access of fire-fighting apparatus and equipment to buildings, and be co-ordinated so as to compose a convenient system. The regulations of the board may require in proper cases that plats showing new streets or narrowing or widening thereof submitted to it for approval shall show park or parks suitably located for playground or other recreational purposes; they may require that proposed parks shall be of reasonable size for neighborhood playgrounds or other recreations uses, and that the land indicated on plats submitted shall be of such character that it can be used for building purposes without danger to health; they may prescribe minimum widths, depths, and areas of lots so as to avoid congestion of population and generally may include provisions which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Section 9. Such regulations of the planning board may stipulate, as a condition precedent to the approval of the plat, the extent to which and the manner in which streets shall be graded and improved and to which water, sewer, and other utility mains, piping, connections, or other facilities shall be installed. The regulations or practices of the planning board may provide for the tentative approval of the plat before such improvements and installations have been constructed but any such tentative approval shall not be entered on the plat. Such regulations may provide that, in lieu of the completion of such work and installations previous to the final approval of a plat, the planning board may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the planning board and expressed in the bond. Such regulations may provide, in lieu of the completion of such work and installations previous to the final approval of a plat, for an assessment or other method whereby the municipality is put in an assured position to do said work and make said alterations at the cost of the owners of the property within the subdivision.

Section 10. The planning board shall approve or disapprove a plat within thirty days after the submission thereof to it; otherwise such plats shall be deemed to have been approved, and the certificate of the municipality, as to the date of submission of the plat for approval and the failure to take action thereon within such time, shall be issued on demand and shall be sufficient in lieu of the written indorsement or other evidence of approval herein required; provided, however, that the applicant for the board's approval may waive this requirement and consent to an extension of such period.

The city clerk shall issue in behalf of the municipality the certificate of failure on the part of the planning board to take action as aforesaid. In case of disapproval of any plat submitted, the ground for such disapproval shall be adequately stated upon the records of the planning board. Any plat submitted to the planning board shall bear the name and address of the person to whom notice of a hearing shall be sent; and no plat shall be acted on by the planning board without affording a hearing thereon. Notice shall be sent to the said address by registered mail, with return of receipt requested, stating the time and place of such hearing, not less than five days before the date fixed therefor.

Section 11. Approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality or the public of the dedication of any street or other ground or open space shown upon the plat.

Section 12. The municipality shall not hereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street, within any portion of the municipality unless such street (a) shall have been accepted or opened as, or shall otherwise have received the legal status of a public street prior to the conferring of platting jurisdiction upon the planning board, or unless such street (b) corresponds in its location and lines with a street shown on a subdivision plat approved by the planning board or with a street plat made by and adopted by the board. The City Council may, however, accept, locate and construct any street not shown on or not corresponding with an approved subdivision plat or an approved street plat, provided the petition for the accepting, locating and construction of such street be first submitted to the planning board

for its approval and, if approved by the board, be approved by a majority vote of the entire membership of the City Council or, if disapproved by the planning board, be approved by not less than two thirds of the entire membership of the City Council. A street approved in such a manner shall thereupon have the status of an approved street as fully as though it had been originally shown on the official map or on a subdivision plat approved by the planning board, or had been originally platted by the planning board.

Section 13. No building shall hereafter be erected on any lot within any part of the municipality nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior hereto or unless such street (b) corresponds in its location and lines with a street on a subdivision plat approved by the planning board or with a street on a street plat made by and adopted by the planning board, or with a street located and accepted by the City Council, after submission to the planning board, and in case of said planning board's disapproval, by the favorable vote of two thirds of the entire membership of the City Council. Wherever the enforcement of the provisions of this paragraph would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the building inspector to the board of adjustment. In passing on such appeal, after public hearing, the board of adjustment may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, where the issuance of the permit would not tend

to increase the difficulty of carrying out the master plan.

Section 14. Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or agrees to sell or negotiates to sell any land by reference to, or exhibition of, or by other use of, a plat of a subdivision, before such plat has been approved by the planning board and recorded or filed in the office of the register of deeds shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. Said municipality, through its solicitor or other official designated by its council may enjoin such transfer or sale or agreement and may recover the said penalty by civil action.

Section 2. Further amend said chapter by renumbering Section 5 to read Section 15.

Section 3. This ordinance shall take effect upon its passage.

CITY OF DOVER

SUBDIVISION REGULATIONS

SECTION I AUTHORITY.

The Dover Planning Board herewith adopts the following rules and regulations to control the subdivision of land pursuant to a City Ordinance enacted December 13, 1951 and subsequent amendments and pursuant to New Hampshire Revised Statutes Annotated, Chapter 36. As provided in said Ordinance and Laws, no land subdivision shall be authorized in the City of Dover until its character and extent have been submitted and approved by the Planning Board of the City of Dover.

SECTION II DEFINITIONS.

For the purpose of these Regulations, which shall be known and cited as "City of Dover Subdivision Regulations," certain words and phrases are herein defined as follows:

A. Subdivision means the division of any lot, tract or parcel of land into two or more lots, plots, sites or other divisions of land for immediate or future sale or for building development in such a way as to create one or more new streets or roads or to widen or narrow or extend one or more existing streets or roads or to create a new park; except that the following divisions shall not be considered subdivisions provided, however, that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three (3) acres or larger in size, or divisions of property upon court order



in conformity with the minimum lot sizes as set forth in the Codes and Ordinances of the City of Dover. Subdivision also includes re-subdivision, and where appropriate to the context, relates to the process of subdividing or to the land or territory divided.

B. Plat means the map of a subdivision.

C. Preliminary Plat means the preliminary map indicating the proposed layout of the subdivision which is submitted to the Planning Board for consideration and tentative approval and in accordance with the requirements of these Regulations.

D. Final Plat means the final map of the subdivision which is submitted to the Planning Board for final approval in accordance with these Regulations.

E. Filing Fee means the fee required by the Planning Board, amount specified in Section III A of these Regulations, when application for subdivision is made.

F. Subdivider means any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under Ordinance XX of the City of Dover, enacted December 13, 1951, to effect a subdivision of land hereunder for himself or for another.

G. Owner means any individual, firm, association, syndicate, co-partnership, or corporation, having sufficient proprietary interest in land sought to be subdivided to commence and maintain proceedings to subdivide the same under said Ordinance.

H. Performance Guarantee means any security which may be accepted under Chapter 36, Section XXII of the New Hampshire Revised Statutes

Annotated in lieu of a requirement that certain improvements be made before the Planning Board approves a plat, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

I. Street means any street, avenue, boulevard, road, lane, alley, viaduct, highway, freeway; or other way which is an existing State or Municipal roadway, or a street shown upon a plat heretofore or hereafter approved pursuant to law. Street includes the land between street lines and may include pavement, shoulders, gutters, sidewalks, parking areas and loading areas.

J. Board or Planning Board wherever used in these Regulations shall mean the Planning Board of the City of Dover as provided in the New Hampshire Revised Statutes Annotated 1955, Chapter 36:1-15.

### SECTION III GENERAL PROCEDURE.

Prior to the submission of the preliminary application, subdividers are advised to discuss their sketches, proposals, and individual problems with the Planning Board Staff in order to expedite the processing of applications and to assure conformance with the plat details and design standards herein described.

A. Application. An application for the approval of a subdivision plat shall be filed with the Planning Board Office accompanied by two copies of the application form and three copies of the required preliminary plat and profiles at least ten (10) days prior to the regular meeting of the Planning Board at which consideration of the application is desired together with a filing fee in the amount of ten (10) dollars.

Arrangements for a public hearing on the preliminary plat will be

made and notice of said hearing shall be published by the Board in a newspaper of general circulation in the City not less than five (5) nor more than ten (10) days prior to said hearing.

B. Preliminary Plat. Three copies of the preliminary plat as described in Section VI A of these Regulations shall be filed with the Planning Board at the time of the original application. The Planning Board will then study the preliminary plat and proposed street profiles in connection with the physical characteristics of the area, the existing requirements of the community and the best use of the land to be subdivided and its relationship to the existing and proposed uses to the adjoining area in accordance with the Zoning Ordinance and other Codes and Ordinances of the City of Dover.

C. Revision of the Preliminary Plat and Preliminary Approval.

Before taking formal action on the preliminary plat, the Board shall view the site or delegate one or more of its members to do the same with the subdivider or his authorized agent and shall at the public hearing discuss the proposed plat with the subdivider or his agents and give all parties whose interests may be affected by the proposed subdivision an opportunity to be heard. After discussion at the hearing, the Board shall notify the developer of those specific changes, if any, that are to be made in the final plat and of those improvements that will be provided by him as a prerequisite for the subsequent approval of the final plat. The requested modifications and improvements shall be considered as a condition of approval of the preliminary plat. The Board may disapprove the preliminary plat in its entirety, but must state its reasons for disapproval upon its

records. Approval or disapproval shall be granted within thirty (30) days after the date of submission of the preliminary plat to the Planning Board at its regular meeting or within such further time as to which the applying party may agree.

Approval of the preliminary plat should not be construed as final acceptance of the plat but rather indicates an expression of general agreement with the proposed plat. No stamp of approval shall be placed upon the preliminary plat.

D. Final Subdivision Plat. The subdivider within one year after approval of the preliminary plat or within such longer time as approved by the Board shall submit three (3) copies of his final subdivision plat to the Board Office with his application for final approval of the subdivision plat in accordance with the requirements of Section VI B of these Regulations, at least ten (10) days prior to the regular meeting of the Planning Board at which consideration is desired. Final approval of a plat by the Board shall not constitute an acceptance by the City of dedication of any street, highway, park or other public open space.

The final plat shall be accompanied by:

1. Certificate of Street and Utility Improvements. A certificate from the City Surveyor, the Superintendent of Water Department and the Director of Public Works stating that all streets shown on the plat have been graded and improved and sewerage and water utilities and facilities and monuments have been installed in accordance with the City's specifications and the requirements of the preliminary approval; or

2. Performance Guarantee. A duly completed and executed performance guarantee, certified by the City Solicitor as valid and enforceable

by the City and in an amount not less than \$5,000 and not more than \$10,000, and with security satisfactory to the Board securing the making and installation of these improvements, utilities and facilities within the period fixed by the Board. The bond shall be filed with the City Clerk until the improvements have been installed.

E. Approval. The Board may approve the final plat in whole or in part subject to the completion of the required improvements to the satisfaction of the City Surveyor, the Superintendent of the Water Department and the Director of Public Works, and this condition shall be satisfied by the Board's certification to that effect. When the Board approves or disapproves the final plat, such action shall be recorded upon the plat and the Chairman of the Board shall transmit a copy of such action to the Register of Deeds of Strafford County. The Board may disapprove the final plat only when, in its estimation, it does not meet the requirements of these Regulations and the prerequisites of the Planning Board which have been set forth under the provision of Section III C of these Regulations. Approval or disapproval of the final plat shall be granted within thirty (30) days after the date of submission of the final plat to the Planning Board at its regular meeting. The subdivider shall be notified of the Board's action by regular mail within five (5) days after action has been taken.

Filing. The Board shall file the approved final plat with the Register of Deeds of Strafford County within ten (10) days of the date of final approval.

#### SECTION IV IMPROVEMENTS.

A. Prior to the granting of final approval, the subdivider shall

have installed at his own expense or shall have furnished performance guarantees upon the request of the Planning Board for:

1. Streets. Improvements of all proposed streets upon which the lots face by construction according to the City's specifications.

2. Utility and Improvement Installation. Installation of storm sewers, where required, and sanitary sewer systems shall be according to the City's specifications and these Regulations. Installation of water mains, fire hydrants, valves, appurtenant structures, and service connections shall be made according to the City's specifications.

Although the planting of shade trees is optional, any planting done by the developer within the proposed street shall be in accordance with a plan approved by the Park Department and the Superintendent of Public Works.

3. Water and Sanitary Sewer. All subdivisions shall be serviced with municipal sanitary sewers and public water, when accessible. Where the extension of water lines and sewer mains is within the area to be subdivided, the subdivider shall be required to install mains and sewer and water laterals from the mains to the property line of each lot for services within the subdivision. In cases where municipal facilities are not available, the installation of wells and/or septic tanks shall be in accord with the requirements of the Health Officer of the City of Dover and the Laws of the State of New Hampshire applicable and the Codes and Ordinances of the City of Dover.

4. Monuments. All monuments shall be located in accordance with the approved subdivision plat. Monuments shall be of stone or concrete at block intersections and iron stakes, pipes, pins, or rods shall be

used at all other boundaries.

B. All of the above listed improvements shall be subject to inspection and approval of the City Surveyor, the Superintendent of Public Works, and the Superintendent of Water Department as appropriate, who shall be notified by the developer at least twelve (12) hours prior to the start of construction. Inspections shall be made by said officials or their authorized representatives within eight working hours following request by the developer. No underground installation shall be covered until inspected by the appropriate City department.

SECTION V DESIGN STANDARDS.

The subdivision plat shall conform to design standards that will encourage good development patterns within the City. The proposed plat shall conform to the Master Plan of the City, or any portions thereof, that have been adopted by the Planning Board and the Zoning Ordinance of the City.

A. Streets.

1. Width. No new street or highway right-of-way shall be less than fifty (50) feet in width and may be required to be more if a greater street width is warranted in the opinion of the Board or is delineated on a Master Plan of streets and highways.

2. Extension. The arrangements of streets in the subdivision shall provide for the continuation of the principal streets in adjoining subdivisions or for their projection when adjoining property is not subdivided, and shall be a width at least as great as that of such existing connection streets.

3. Grades of major streets shall not exceed 6%. Grades on other streets shall not exceed 9%. No street shall have a minimum grade of less than one-half of 1%. Extra widths will be required either as integral portions of the proposed streets or in the form of embankment easements for side slopes on fill and in cut where necessary.

4. Street Intersections. Street intersections shall be as nearly at right angles as is possible and in no case be less than 60 degrees. The corners at intersections shall be rounded at the street line with a curve having a radius of not less than twenty (20) feet.

5. Vertical Curves. All changes in grade shall be connected by vertical curves of sufficient length to provide a smooth transition and proper sight distance.

6. Dead End Streets. Dead end or cul de sac streets shall be no longer than 1000 feet and shall provide a turn-around at the end with a radius of not less than 50 feet and a turning circle with a minimum diameter of 100 feet. If a dead end street is of a temporary nature, similar turn-around shall be provided and provisions made for future extension of the street and reversion of the excess right-of-way to the adjoining properties.

7. Names. No street shall have a name which will duplicate or nearly duplicate the name of an existing street. The continuation of an existing street shall have the same name.

8. Reserve Strips. No subdivision showing reserve strips controlling access to streets shall be approved except where the land comprising such strips has been dedicated to the public use under conditions approved by the Planning Board.



9. Dedication. Subdivisions that adjoin or include existing streets that do not conform to widths as shown on the master plan of streets and highways or the street width requirements of these Regulations shall dedicate additional width along either one or both sides of said street. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.

B. Safety Features. In designing the subdivision, consideration shall be given to the street pattern in terms of traffic generation in order to provide maximum pedestrian and vehicular safety.

C. Lots.

1. Dimensions. Lot dimensions and area shall not be less than the requirements of the Zoning Ordinance.

2. Lines. Whenever possible, side lot lines shall be substantially at right angles to straight streets and radial to curved streets. Lot lines shall follow municipal boundaries rather than cross them.

3. Frontage. Each lot must front upon an approved street.

4. Double Frontage. Double frontage and reverse frontage lots are not permitted.

D. Undesirable Land. Land of such character that it cannot be safely used for building purposes because of exceptional danger to health or other menace shall not be platted for residential occupancy, nor for such other uses as may increase danger to health, life or property or aggravate the flood hazard, until appropriate measures have been taken by the developer to lessen such hazard.

E. Septic Tanks. In areas not currently served by public sewer systems it shall be the responsibility of the subdivider to provide

information to prove that the area and soil conditions of each new lot are adequate to permit the installation and operation of an individual sewerage disposal system (septic tank and drain field). Such information shall consist of a favorable written report from the State Department of Health, on the feasibility of such a system and the results of any percolation tests that may be required.

F. Easements.

1. Utility Easements. In large scale development, easements along rear property lines or elsewhere for utility installation may be required. Such public utility easements shall be at least twenty (20) feet wide and located as required by the utility companies or municipal departments concerned.

2. Drainage Easements. Where a subdivision is traversed by a water course, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and further width or construction, or both, as will be adequate for the purpose, but in no case less than ten (10) feet in width.

G. Topsoil. The protection of top soil shall be considered in the installation of all improvements and facilities.

SECTION VI PLAT DETAILS.

A. Preliminary Plat. The preliminary plat shall be clearly and legibly drawn or reproduced at a scale of one inch equals fifty (50) feet. The plat shall be designed in conformance with the provisions of Section V of these Regulations and shall show or be accompanied by the following information:

1. Identification. The name of the proposed subdivision; names of owner of record, subdivider and designer; date; north point and scale.

2. Area. Area of tract to be subdivided to nearest tenth of an acre.

3. Contours. Sufficient elevations at five foot intervals for slopes averaging 10% or greater and at two foot intervals for land of lesser slope to determine the general slope and natural drainage of the land.

4. Natural Features. The locations and dimensions of existing and proposed property lines and lot lines, streets, buildings, water courses, railroads, bridges, culverts, drain pipes and any natural features such as wooded areas and surface rock formations.

5. Utilities and Improvements. A utility and improvement map showing existing and proposed utility systems within and adjoining the subdivision, water lines; storm and sanitary sewer lines; proposals for method of water supply and sewerage disposal, location of all other utilities, manholes, catch basins and special structures. When an individual water supply and/or sewerage disposal system is proposed, the plan for such a system must be approved by the New Hampshire State Department of Health. A letter of approval shall accompany the application.

6. Street Profiles and Cross Sections. Three copies of center line profiles and cross sections of all streets shall be submitted, showing the existing ground surface, the proposed finished road grades, the depth of water, storm and sanitary sewer mains where required and manhole location.

7. Additional Street Layout. Where the preliminary plat submitted covers only a part of the subdivider's entire holding, a sketch of the prospective future street system of the unsubmitted part shall be furnished;

and the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.

8. Deed Restrictions. A copy of any existing and proposed protective covenants or deed restrictions applying to the land being subdivided shall be submitted with the preliminary plat.

B. Final Plat. The final plat shall be drawn at a scale of one inch equals fifty (50) feet. The final plat shall show or be accompanied by the following:

1. Identification. Date; name and location of the subdivision; name of owner; graphic scale; north point; names of adjoining land owners.

2. Survey Information. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land to be reserved or dedicated to public use, all lot lines and other site lines; accurate dimensions, bearings or deflection angles, and radii, arcs and central angles of all curves.

3. Public Easements. The purpose of any easement of land reserved or dedicated to public use shall be described, and the proposed use of sites other than residential shall be noted.

4. Monuments. Location and description of all monuments.

#### SECTION VII PENALTY.

If, before final approval has been obtained, any person transfers or sells or agrees to sell, as owner or agent, any land which forms a part of a subdivision on which, by Ordinance, the Planning Board is required to act, such person shall be subject to a penalty of one hundred

(\$100) dollars, and each parcel, plot or lot so transferred, sold or agreed to be sold shall be deemed a separate violation. Action may be brought against violators of these Regulations by the City of Dover or by any resident of said City in its behalf.

SECTION VIII VALIDITY.

If any article, section, sub-section, sentence, clause, or phrase of these Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portion of these Regulations.

SECTION IX ADMINISTRATION.

These rules, regulations and standards shall be considered the minimum requirements for the protection of the public health, safety and welfare of the City of Dover. Any action taken by the Planning Board under terms of these Regulations shall give primary consideration to the welfare of the entire community. However, if the subdivider or his agent can clearly demonstrate that because of peculiar conditions pertaining to his land, the literal enforcement of one or more of these Regulations is impracticable or will exact undue hardship, the Planning Board may permit such variations from these Regulations as may be reasonable and not contrary to the welfare and safety of the community.

SECTION X REPEALER.

All regulations inconsistent with these Regulations are hereby Repealed.

SECTION XI EFFECTIVE DATE

These Regulations shall take effect after passage by the City of Dover Planning Board.

APPROVED: March 14, 1960

ATTEST: Eugene S. Meserve, Chairman

Arthur J. DuBois, Secretary