

§ 153-4 **Applicability.**

[Amended 4-23-1991; 8-26-2008; 3-23-2010; 1-24-2012; 12-18-2012; 5-24-2016]

Prior to the issuance of a building permit by the Building Official, the owner or his/her authorized agent shall apply for and secure [any required](#) site review approval. This [site review](#) approval shall be in accordance with the rules and regulations contained herein for the following development types:

- A. New development or redevelopment. Site review and Planning Board approval will be required for:
- (1) Nonresidential uses;
 - (2) Multifamily dwellings of five or more units;
 - (3) Construction of impervious surfaces/parking areas larger than 4,000 continuous square feet. A single-family home or two- or three- to four-family dwelling unit shall not be regulated by this provision; ~~and~~ [or](#) [Amended 6-12-2018]
 - (4) Construction activities that result in a land disturbance of greater than or equal to one acre or less than one acre if part of a larger common plan of development that would disturb one acre or more.
- B. [Minor Site Plans \(Expansions and/or additions\)](#). [Site review and approval by either the Planning Board or the Technical Review Committee is required for minor site plans, hereby defined as](#) ~~Technical Review Committee review will be required for any of~~ [the following: expansions and/or additions to existing development:](#)
- (1) Any increase of nonresidential development resulting in an expansion of gross floor area exceeding 2,500 square feet.
 - (2) Any addition to a residential structure resulting in the creation of five or more additional units.
 - (3) Any accessory structures with floor areas exceeding 1,500 square feet.
 - (4) Any expansion of an impervious surface/parking area larger than 1,000 square feet. A single-family home or two- or three- to four-family dwelling unit shall not be regulated by this provision. [Amended 6-12-2018]
 - (5) Any construction activities that result in a contiguous land disturbance of greater than or equal to 20,000 square feet.
 - (6) Any construction activities that result in a contiguous land disturbance of greater than or equal to 1,000 square feet if the activity is located in or within 50 feet of a wetland or conservation district.
 - (7) [Minor amendments to plans that have previously received final site approval, such as relocation of utilities, size and location of impervious areas, landscaping, or screening. A request for approval of a minor amendment to a site plan shall not subject the entire site plan to re-approval—its scope shall be limited to the minor amendment\(s\) requested or sought.](#)
- C. Change of use of existing structures. Site review [by the Planning Board](#) will be required for a change in conforming use with a new use allowed in the zoning district in which the tract or structure is located. For the purposes of this subsection, the definition of a new use shall not include any uses which have previously existed on the site since the adoption of the Dover Zoning Ordinance (July 1948). The following criteria constitute a change in use:
- (1) Development which causes a residential structure to be converted, resulting in an increase of five or more units.

- (2) Proposals that would change the use of an existing structure containing 25,000 square feet or more of gross floor space. The proposed square footage shall be measured around the inside perimeter of the space to be changed, including all floors of a multifloor structure. In the event that an existing structure is being subdivided and the new use in only a section of the new space is known, the entire original space must be considered in the calculation.
- D. Any proposal which may not otherwise require site approval by these regulations but, in the judgment of the Director of Planning and Community Development, may by statute be required to get site approval and or has the potential for having a significant impact on the health, safety and welfare of the community, shall may be referred to and reviewed by the Technical Review Committee for required approval.
- ~~E. Notwithstanding the above criteria, the Technical Review Committee, per RSA 674:43 by majority vote may approve minor site plans. It also may require any project that the Committee has determined has a significant projected impact on traffic, health, welfare, environmental quality, and safety issues to appear before the Planning Board for site review. Any projects requiring waivers or Conditional Use Permit to meet regulations, shall be forwarded to the Planning Board for review.~~

§ 153-6 Application requirements; Technical Review Committee.
[Amended 8-26-2008; 3-23-2010; 1-24-2012]

- A. Prior to the formal submission of an application for site review by the Planning Board, the applicant shall meet with the Technical Review Committee. Said meeting(s) shall serve to assist the applicant in preparing a development proposal that is technically conforming to the regulations contained herein. The Technical Review Committee shall be comprised of the Planning Board Chair, the Conservation Commission Chair, City Engineer, Fire and Rescue Chief, Police Chief, Zoning Administrator, Economic Development Director and Director of Planning and Community Development, who shall serve as Chair. All Committee members shall have a designated alternate available in their absence. For projects under the threshold described in Section 153-4.A but meeting the threshold of 153-4.B(1) through (5) may be approved by the majority vote of Technical Review Committee per RSA 676:43 provided no waivers or Conditional Use Permits are necessary to meet regulations.
- B. A completed application sufficient to invoke jurisdiction of the Planning Board (or, for minor site plans, the Technical Review Committee) shall include the following elements:
- (1) A completed application form, available at the Department of Planning and Community Development office and through the online portal.
 - (2) A completed site review checkoff list.
 - (3) A written narrative description of the proposed project, addressing its purpose, scope of operation, and impact on the immediate area of influence and the City in general (traffic, schools, utilities, land use compatibility, aesthetics, land and water resources, etc.).
 - (4) Ground/aerial photographs of the site and immediate area.
 - (5) ~~Fifteen-Four~~ copies of the site development plan as more fully described in Article **IV** of this chapter. Transmit a pdf of the site development plan via e-mail to dover-planning@dover.nh.gov. (Note: Only eight three copies of the preliminary plan need to be submitted initially for review by the Technical Review Committee. However, the applicant shall check with the Planning Department about number of

copies will be required for submission of the complete application to the Planning Board.) [Amended 5-24-2016]

- (6) A list of owners, applicants, and professionals involved in the application. Additionally a fee for the City to create a list of abutting property owners that lie within 200 feet of the subject parcel. [Information shall include name, mailing address, and Dover Tax Map and lot numbers for the applicant to review.](#) The City will prepare verified mailings. [Amended 1-14-2020; 7-27-2021]
- (7) A fee of an amount to be determined in accordance with the fee schedule contained in § 153-18 of this chapter.
- C. [For all applications where approval from the Planning Board is sought, The-the](#) applicant shall file the application with the Planning Board office at least 21 days prior to the Planning Board meeting, at which time the application will be [considered for acceptance and, if accepted, -accepted-and](#) a public hearing held. [In the case of minor site plans for which final approval is being sought from the Technical Review Committee, the applicant shall file the application with the Planning Board office at least 21 days prior to the Technical Review Committee meeting, at which time the application will be considered for acceptance and, if accepted, a public hearing held.](#) [Amended 1-14-2020]
 - (1) The applicant and abutters shall be notified of said public hearing by verified mail, with return receipt requested, stating the time, date and place of such hearing. Notice will be mailed at least 10 days prior to the date of the meeting, by the city-
 - (2) Such public hearing shall be advertised in a newspaper of general distribution not less than 10 days prior to the said meeting.

§ 153-7 Planning Board action.
[Amended 8-26-2008]

- A. The Planning Board shall take no action on an applicant's development proposal until it has received a report from the Technical Review Committee evaluating said proposal.
- B. The Planning Board shall act to approve or disapprove within 65 days after formal acceptance of the application.
- C. ~~The Planning Board may petition the City Council for an extension not to exceed an additional 90 days before acting to approve or disapprove an application.~~ The applicant may waive the requirement for Planning Board action and consent to such extension as may be mutually agreeable.
- D. The Planning Board may request technical assistance from experts in any field in making a proper determination of the physical, social, economic, and environmental or other impact of a proposed development on the community. In the event that said technical assistance would require remuneration, the applicant shall be responsible for such costs.
- E. The Planning Board shall, as deemed necessary, place conditions on such approval, including the posting of a performance bond or escrow agreement as specified in § 153-11 of this chapter.
- F. The action of the Planning Board shall be recorded in writing and shall be transmitted to the applicant, stating the reasons for approval, approval with modification, or disapproval. Such correspondence shall specify, where appropriate, those aspects in which the site review application fails to conform to the City's ordinances or to other essential planning criteria, as determined by the Planning Board in accordance with § 153-5 of these regulations.
- G. The Planning Board may grant preliminary site review approval; however, said approval shall not

qualify the applicant to receive a building permit for the construction of said project. Said approval shall remain in effect for a period not to exceed one year. In the event a development is being constructed in phases, the applicant may, by prior written agreement with the Planning Board, receive a preliminary site approval for a period not to exceed two years.

H. For minor site plans, in accordance with RSA 674:43, III, the Technical Review Committee may exercise the Planning Board's site review power and duties to grant final approval with respect to minor site plans, subject to the following:

- (1) The Technical Review Committee may, by majority vote, grant final approval of minor site plans, subject to a right to appeal to the Planning Board by notice of appeal filed with the Planning Board office within 20 days of the Technical Review Committee's final decision. In any appeal to the Planning Board, the appellant shall bear the costs of the public notice of hearing, new notices to abutters, and notice to others entitled by law
- (2) The application, acceptance, and approval procedures for minor site plans reviewed by the Technical Review Committee shall be the same as those set forth in these regulations and other law applicable to the Planning Board, except that the Technical Review Committee shall act to approve or disapprove within 60 days after submission of applications, subject to extension or waiver as provided in RSA 676:4, I(f).
- (3) In any matter for which final approval is sought from The Technical Review Committee, the Technical Review Committee may, by majority vote, issue a final decision denying a request for relief that, in the Technical Review Committee's view, is not a "minor site plan" and therefore should instead be granted by the Planning Board. Such a denial will be without prejudice to the applicant re-filing the application seeking the same or similar relief from the Planning Board.