



# DOVER PLANNING REVIEW

AN UPDATE FROM THE OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT



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**February 12, 2021**

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## Welcome from the Planning Director

I've been with the City for closing in on 24 years, and in that time, I have seen a lot of changes to the Zoning, Site and Subdivision regulations. These changes range from innovative, such as creating the first form-based/context-sensitive zoning in Northern New England, to more simple, such as ensuring that titles and terms in the regulations are up to date.

Annually the Planning Board has a goal-setting session in January where the Board will discuss options for changing or updating the City's land-use regulations and ordinances. Ideas for these changes are generated from Planning Department staff, Board members and residents. All change proposals need to proceed through roughly the same process: Amendment language is drafted and presented to the Board. The Board considers and potentially edits the language. If comfortable, the Board will label them as "posted," which under the state law means they are temporarily enacted.

Once an amendment is posted, the Planning Board chair and Planning staff set public hearing dates and send notices of these hearing dates to all property owners in the City. In addition to the hearing dates, these notices include the language of the proposed amendment or a summary of it. While state law requires one public hearing for land use regulation changes, Dover's policy has been for the Planning Board to hold at least two. After holding public hearings on the proposed amendments, the Board may amend the amendments before voting on whether to enact them permanently. If the Board votes the amendments down, the temporary "posted" amendment also goes away.

For Site and Subdivision amendments, that's the end of the story. For Zoning amendments approved by the Planning Board are then reviewed by the City Council. The Council holds its own public hearing(s) and votes to either ratify or override the Planning Board's decision. Overrides require a two-thirds majority vote of the Council.

None of the amendments should be rushed, and all need the time and dedication of Board members, citizens and staff to thoughtfully review and consider each amendment and its potential impacts. This past Tuesday, the Planning Board reviewed some of this year's amendments and posted many of those brought forward. Our topic of the week is a more in-depth look at those amendments.

Happy Reading,

**Christopher G. Parker AICP**  
Assistant City Manager: Director of Planning and Strategic Initiatives

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## Upcoming Meetings



### Zoning Board of Adjustment, 2/18/2021

In a video released this week, I review what's on the agenda at the next Zoning Board of Adjustment (ZBA) meeting on Thursday, Feb. 18, 2021. The video can be viewed by clicking the image above or [clicking here](#).

Included on the agenda is:

- Sebring Holdings, LLC requests a variance from Sections 170-12.B, 170-5 (D) and 170-11 (D) to construct and operate a professional/medical office within a residential district with a distance of 64.5 feet from a residential structure, where 150 feet is required, and 77.8 feet from the front yard property line, where regulations require the structure to be built a maximum of 25 feet from the property line. The variances are requested for a vacant lot on Dover Point Road.
- Diamond Capital, Inc. requests a variance from the definition of "lot" per Section 170-6 of the Zoning Ordinance to permit the construction of two principal buildings (two single-family dwellings) on one lot, where the definition of "lot" does not permit the placement of more than one principal building on a lot. This variance request is for a vacant lot on Gulf Road.
- Gloria Michaud and Applicant Colbea Enterprises, LLC, requests a Special Exception to permit a vehicle refueling and recharging station in the Commercial Manufacturing (CM) Zoning District at 45 Knox Marsh Road.

We've [created a map](#) that shows the locations of the above agenda items. The maps is also available on the [Planning Department webpage](#).

## **Heritage Commission, 2/16/2021**

The Heritage Commission will meet this Tuesday, Feb. 16 at 6 p.m.

On the agenda is:

- Election of officers for the year
- Consider a request by Chinburg Management, LLC on if retaining the building at 1 First Street (old Strafford County Courthouse) is vital and worthy of inclusion in the Community Revitalization Tax Credit Program.

The meeting will be held in the Council Conference Room at City Hall. [Click here](#) for the complete agenda.

## **Downtown Dover Tax Increment Finance District Advisory Board, 2/16/2021**

The Downtown Dover Tax Increment Finance (TIF) District Advisory Board will meet this Tuesday, Feb. 16 at 7:30 p.m., following the Heritage Commission meeting.

On the agenda is:

- Election of officers for the year
- Consider a request by Chinburg Management, LLC on if providing the tax relief through the Community Revitalization Tax Credit Program for their proposed project would negatively impact the Downtown Tax Increment Finance District proforma.
- Perform a bi-Annual review of the financial pro forma.

The meeting will be held in the Council Conference Room at City Hall. [Click here](#) for the complete agenda.

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## **Results of Last Meetings**

### **Planning Board, 2/9/21**

The Planning Board met this past Tuesday, Feb. 9 and:

- Recommended the City Council approve the Community Development Block Grant Action Plan (CDBG)
- Recommended the City Council adopt an amendment to the CDBG Citizen Participation Plan
- Reviewed potential land use amendments. (See story below).

The meeting was televised on Chanel 22 and can be viewed on-demand at <https://dovernh.viebit.com/player.php?hash=zdifpHj27Ldc>

### **Conservation Commission, 2/8/21**

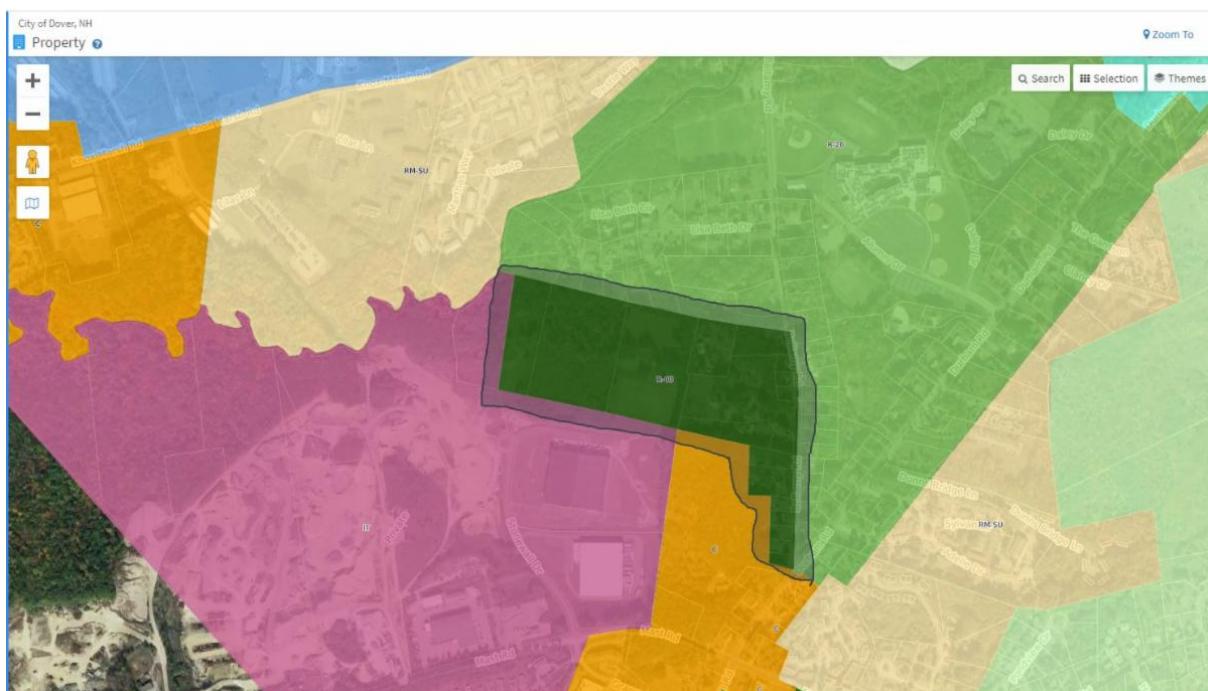
The Conservation Commission met on Monday, Feb. 8 and endorsed:

- A Conditional Use Permit for John Randolph who seeks to have 18,799 square feet of impact to the 20 percent slope Conservation District for grading and filling for construction of roads, utilities, six units, a retaining wall, a wooded platform and a stormwater treatment pond located at 54 Back River Road.
- A Central Business District (CBD) Street Tree Inventory Plan. ([Watch a video presentation](#) of the plan)

The Planning Board will review both items at its Tuesday, Feb. 23 meeting.

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## In-Depth: Land Use Amendments



The map above shows different zoning districts within the City of Dover, which is available at <https://dovernh.mapgeo.io/>. The image in the center shows an R-40 zoning district off Bellamy Road that the Planning Board may consider rezoning to an R-20 zoning district through amendments to the City's Zoning Ordinance.

The City of Dover has long sought to be innovative and responsive in developing land use amendments. In 2010, the City of Dover implemented form-based or “context-sensitive” zoning, leading the way in Northern New England. A few years ago, the Planning Board expanded the use of [Transfer of Development Rights](#) to help encourage the building of more affordable starter homes at the same time providing money for conservation efforts.

Over the past 20 years, the City has moved from periodic reviews to performing an annual review of its land-use regulations. This periodic review begins in November when staff review applications to the Zoning Board of Adjustment and discusses with Planning Board and Conservation Commission members instances where numerous applications have come in for the same relief. These requests might indicate that changes may be needed due to shifts in trends or culture in the City. Over the winter months, staff reviews recommendations made in the Master Plan and other guiding documents and see if there are updates needed.

These potential updates and changes are suggested to the Planning Board in January, where Board members can also bring forward proposed changes. Over the winter and spring months, staff fleshes out language for amendments. Sometimes there isn’t much to draft; other times, there is lots of wordsmithing and drafting. Proposed amendments will fall into one of three areas of regulation: Site, Subdivision and Zoning. The amendments for each are broken into three categories: housekeeping, area, and substantive. Housekeeping changes are typically scrivener’s errors or clarification changes. Area changes create a new zoning district or replace a zoning district with another one. Substantive changes have an impact on the way an

ordinance or regulation is used. This might be a change in density or a requirement added or removed from the regulations.

Below is a review of the amendments the Planning Board voted to post at its [Feb. 9, 2021 meeting](#). As I mentioned in my intro, when an amendment is “posted,” under state law it means they are temporarily enacted until the Planning Board makes a final decision.

The proposed amendments are linked at the [Planning and Community Department webpage](#) under the header: 2021 Land Use Regulations and Zoning Amendments.

**Site Review Regulation amendments:** There are five areas for review in the Site Plan review regulations, Chapter 153 of the City Code. Two of the amendments are housekeeping, one is area, and two are substantive. [Click here](#) for the text of the proposed Site Review Regulation amendments.

## Housekeeping

- Clarify that unsigned plans are expired: This has been the policy the City has used for decades but should be codified into the code. The regulations require a plan approved by the Board conditionally, be finalized within 90 days of approval. The amendment’s goal is to state that if the plan is unsigned, it expires after 90 days.
- Architectural Regulations: Two housekeeping changes are proposed as part of an update to the Architectural Regulations. The first adds references to Design Guidelines the City has adopted, and the second updates the purpose statement for the Innovative Technology (IT) Zoning District.

## Area

- Update zoning district names to match City Council approved amendments from 2020: This amendment, which was already posted, allows the City to change the zone names in the Site Review chapter to match ones adopted by the City Council in 2020.

## Substantive

- Parking calculations: For years the policy has been that with a refueling station, the gas pumps act as parking spaces for any associated retail store. This amendment codifies that policy.
- Parking lot locations: The proposal is to revise regulations to encourage more parking behind and to the side of buildings.

**Subdivision of Land Regulations amendments:** There are five areas for review in the Subdivision of Land Regulations, Chapter 157 of the City Code. [Click here](#) for the text of the proposed Subdivision of Land Regulation amendments.

## Housekeeping:

- Clarify that unsigned plans are expired: This has been the policy the City has used for decades but should be codified into the code. The regulations require a plan approved by the Board conditionally to be finalized within 90 days of approval. The amendment’s goal is to state that if the plan is unsigned, it expires after 90 days.
- Update required width of easements from 20 feet to 30 feet: The space needed to work within a utility easement has grown as we strive to have a safer and more efficient work environment. The proposal widens the space of the easement by 10 feet.
- Update required sizes of boundary monumentation: This amendment posted in the fall decreased the boundary monumentation (placing of property markers) required for property lines.
- Update reference for traffic signs: This amendment updates the guidebook used to

- Private Roads as a separate lot: Staff is working with the Assessing office to propose an amendment clarifying that a private roadway should be on its own lot and not part of associated open space.

**Zoning Ordinance amendments:** There are 11 areas for review in the Zoning Ordinance, Chapter 170 of the City Code. Five of the amendments are housekeeping, one is area, and five are substantive. [Click here](#) for the text of the proposed amendments.

## Housekeeping

- Revise Definition of Accessory Structure: Increase the square footage of a qualifying structure from 100 to 200 square feet to be consistent with the building code.
- Consolidate both "Non-Conforming lot" sections: Currently, there are two non-conforming lot sections in the Zoning Ordinance that point to each other. This would merge the second section into the first one.
- Add a note to the tables referring to Chapter 170-27D: This amendment would require surveyors to consider Conservation District language when proposing lot sizes. The requirement is already there, but the language can be overlooked.
- Review swimming pools to update applicability of regulations: This amendment would include temporary pools, which are not accounted for in the ordinance.
- Update non-conforming structures: This amendment would allow accessory structures to have the same setbacks as non-conforming principal structures.

## Area

- Rezoning around Bellamy/Cold Springs Roads: This amendment changes the zoning from one-acre minimum lot sizes to half-acre minimum lot sizes in an area where the lots typically are a half-acre.

## Substantive

- Review options to remove barriers to housing: This amendment seeks to remove barriers that restrict the conversion of single-family homes to two-family homes. As was the case before May of 1964, we would allow these by right in all single-family zones and allow them as part of new subdivisions. These units would be required to look and operate as a single-family home with shared driveways and exteriors.
- Revise customary home occupations: This amendment responds to concerns raised about contractors or tradespeople using residential land for storage of commercial equipment.
- Revise non-residential requirements and amenities in Central Business District (CBD): This amendment would allow a more fluid mixture of uses and not restrict commercial use to the first floor. It also would require recycling bins downtown, not just solid waste bins.
- Accessory dwelling unit (ADU): This amendment would allow more than one ADU if the additional unit or units meet the U.S. Department of Housing and Urban Development Fair Market Rental Rates.
- Update Residential Commercial Mixed Use regulations: This amendment adjusts the location of lots that qualify for inclusion in this overlay district and revises the density for multifamily housing.

The Planning Board is holding off on scheduling public hearings on these amendments until a bit later in the spring as we wait for additional environmental amendments. These amendments

focus on floodplain development, and wetlands and groundwater protection districts. Once those amendments are in place, the Board will send the property owner a letter about the amendments and scheduled hearings.

For more information about the proposed amendments, contact the Planning and Community Development Office at 516-6008.

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## Survey seeks feedback from motorists

Over the next 12 months, staff from the City of Dover and Sebago Technics will monitor traffic data and implement new traffic signal coordination programming throughout 17 signalized intersections along the Central Avenue corridor. As part of the ongoing implementation, drivers who use the corridor are asked to provide feedback about how these efforts are improving traffic flow. This feedback includes a simple, five-question poll, which can be accessed online at <https://conta.cc/3pFYtQI>. Other such surveys will be published as changes to the signal timings are made to gauge public reaction.

The program is the result of a partnership with the Federal Highway Administration (FHWA) and the New Hampshire Department of Transportation (DOT), which provided grant funding to install the innovative technologies at 17 of Dover's intersections within the Central Avenue corridor.

The \$811,875 project is made possible from \$649,500 in grants from the FHWA's Accelerated Innovation Deployment (AID) Demonstration Grants Program administered by the DOT and a 20 percent match from the City of Dover, totaling \$162,375. The FHWA grants were approved by Governor and Executive Council, DOT and Dover City Council. FHWA's AID Demonstration Program provides funding to accelerate the implementation and adoption of innovation in highway transportation.

For more information, contact Community Services at 516-6450. To view a video detailing the project, visit <https://dovernh.viebit.com/player.php?hash=WPwgOuxNGoqm>.

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## General Updates

### Land use board agenda maps

As noted in the Zoning Board of Adjustment (ZBA) update, we now have a map linked on the [Planning and Community Development website](#) that shows the locations of agenda items for the ZBA. With the Feb. 23 Planning Board meeting, we'll add a map for those items, and one of the items of the March 8 Conservation Commission meeting.

These maps will help any interested party see where applications are occurring and give the basic information about the application. In the future, we hope to link to any plan or permit so that stakeholders can view the full application in one convenient location.

### Podcast

The results are in, and the consensus is to stick with an e-newsletter and not create a companion podcast.

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