

# PLANNING BOARD WARRANT ARTICLES

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ARTICLES 19-24

WARRANT COMMITTEE

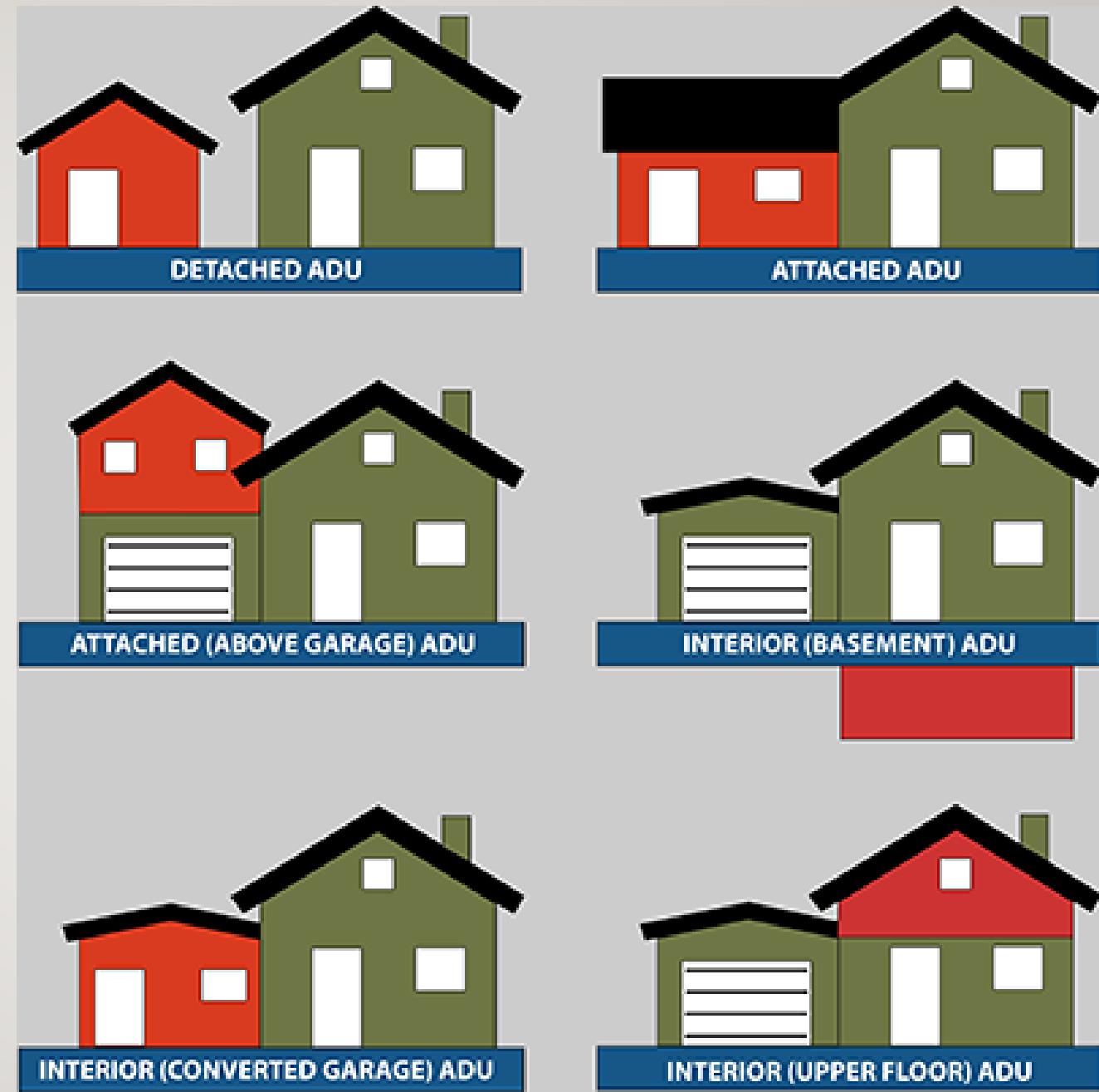
# **UPDATE: ACCESSORY APARTMENTS BYLAW (1986)**

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**Article 19**

Accessory apartments are separate living units with sleeping, cooking, and sanitary facilities that are no larger than 900 s.f. and are subsidiary to a single-family home.

Dover has allowed accessory apartments since 1986.



# PROPOSED CHANGES

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## EXISTING BYLAW

- Allows accessory apartments up to 900 square feet, attached, or detached, w/ PB, BOH, and ZBA approval.
- Contains language that is not legally defensible making the Bylaw difficult to enforce in Land Court
- Antiquated Three-Board Process

## REVISED BYLAW

- Allows accessory apartments up to 900 s.f. with special permit option for larger, units, w/ Planning Board Approval
- Provides for Site Plan & Architectural Design Review Standards and Process
- Requires BOH Approval for Title V and Private Water prior to a Building Permit

# VOTING IMPLICATIONS

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## PASSES BY SIMPLE MAJORITY:

- The Planning Board's revised Accessory Apartments Bylaw will replace the existing Accessory Apartments Bylaw.

## FAILS TO PASS BY SIMPLE MAJORITY:

- The Existing Accessory Apartments Bylaw remains part of the Zoning Bylaw.

# FLOODPLAIN OVERLAY UPDATE

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Article 20

# UPDATE TO FLOODPLAIN OVERLAY DISTRICT

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**FEMA**

## REGULATORY CONTEXT

- NATIONAL FLOOD INSURANCE ACT PASSED BY CONGRESS IN 1968
  - Created National Floodplain Insurance Program for those community that adopted floodplain zoning districts
- PARTICIPATION IN THE NFIP REQUIRES ADOPTION FIRM MAPS

## CURRENT AMENDMENTS

- NEW AND/OR UPDATED DEFINITIONS OF TERMS AND FLOODZONES
- CLARIFICATIONS ON WORK LIMITATIONS IN FLOOD ZONES
- UPDATE REFERENCE TO FLOOD INSURANCE RATE MAPS (FIRM)

# VOTING IMPLICATIONS

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## PASSES BY 2/3 MAJORITY

- The Town and its residents are able to continue to participate in the National Flood Insurance Program

## FAILS TO PASS BY 2/3 MAJORITY

- Dover is removed from the National Flood Insurance Program negatively impacting local homeowners requiring flood insurance

This bylaw is not an exercise in creativity. The new language is mandatory. Failure to accept the new language as dictated by DCR and FEMA will nullify participation in the NFIP.

# ACCEPTANCE OF EASEMENTS

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Article 21

# ACCEPTANCE OF EASEMENTS

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## REGULATORY CONTEXT

- The Town has periodically been granted the right to use portions of private property (easements) for trail access
- In order to be enforceable, the easements must be accepted at TM
- Easements were catalogued by Intern Steve and will be walked by OSC prior to TM

## EASEMENTS FOR ACCEPTANCE

- Majority are located on Snow's Hill and in more recent subdivisions since 1985
- Allowed uses range from general hiking, biking, to bridle path only. Some are open to general public while others are restricted to Dover residents or by permission only.
- None require maintenance from the Town

# VOTING IMPLICATIONS

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## PASSES BY SIMPLE MAJORITY:

- The easements that were previously granted will be legal and enforceable



## FAILS TO PASS BY SIMPLE MAJORITY:

- The easements that were previously granted will not be enforceable



# MODERNIZATION OF THE TABLE OF USES AND UPDATE TO DEFINITIONS

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ARTICLES 22&23

# MODERNIZATION OF USES & DEFINITIONS

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## TABLE OF USES

- Short Term Rental
- Formula Based Businesses
- Animal Uses (daycare)
- Expand allowed commercial & office uses
- Pop-up/Temporary Uses

## DEFINITIONS

- Bylaw contains only 14 definitions rendering enforcement difficult:
  - New definitions will focus on how to interpret dimensional requirements (e.g. lot coverage, building height, floor area, gross floor area, lot line interpretation)
  - New uses will have new definitions clarifying use and intensity

# VOTING IMPLICATIONS

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## PASSES BY 2/3 MAJORITY

- Better control and oversight over commercial uses
- Bylaws will be more resilient to legal challenges and enforceable
- Removes ambiguities in administration of regulation as it is applied to applications

## FAILS TO PASS BY 2/3 MAJORITY

- No change to current bylaws

# **SIGN BYLAW UPDATE**

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**Article 21**

# SIGN BYLAW UPDATE

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- Update language for to ensure content neutral regulations (Reed v. Gilbert)
- Clarify regulations pertaining to internal illumination and LED signs
- Strengthen provisions regarding temporary signage to better control size, placement, and duration of display.

# VOTING IMPLICATIONS

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## PASSES BY 2/3 MAJORITY

- Sign bylaw is consistent with Post-Reed requirements per Supreme Court ruling
- Better oversight and enforcement for lingering temporary signs
- Modernized regulations pertaining to illumination

## FAILS TO PASS BY 2/3 MAJORITY

- No change to current bylaws

# THANK YOU!

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QUESTIONS AND COMMENTS?