



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, October 13, 2020**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Jackson Kaspari, Ellen Ianello, Frank Torr, Hayley Harmon (Vice Chair), Erin Allgood (Alternate), Dave Landry, Dave White

Members Not Present (excused): Lisa McGunnigle (Alternate), Tom Clark

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Chair G. Cruikshank called the meeting to order at 7:00 p.m. and noted E. Allgood will sit in for T. Clark.

1. CITIZENS' FORUM

Citizens Forum Open. No one spoke. *Citizens Forum Closed.*

2. APPROVAL OF THE PRIOR MINUTES

- September 22, 2020 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes as presented. Seconded by E. Ianello. Vote: U/A

3. OLD BUSINESS

None

4. NEW BUSINESS

- A. Discussion and public hearing on the City's proposed Capital Improvements (CIP) FY 2023-2027. The CIP can be found on the City Web Site at www.dover.nh.gov and in the Library, City Clerk's office, and the Planning Department.

C. Parker reviewed the process and gave a summary of the Capital Improvement's Program.

J. Kaspari asked about separating section 8 out for Climate Change areas to have its own section.

C. Parker noted it will be worked on over the next six months and it will be part of next year's review.

Public hearing opened. No one spoke. He summarized a couple of timing questions that came to the office.

Public Hearing closed.

F. Torr wondered if there is a location for the parking garage- no, not yet.

D. Landry asked some questions about water on pages 126, 127 and other conservation items.

C. Parker answered that there is information on page 33. There are three funds the conservation commission will look to when they find properties that apply.

J. Kaspari asked if the police fleet is under consideration to move to electric. C. Parker said it is part of the overall plan to replace City vehicles with electric vehicles when possible, but police cruisers have certain needs that aren't necessarily conducive to an electric vehicle.

Motion: F. Torr moved to table the discussion. Seconded by D. White. Vote: U/A



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- B. Consideration and acceptance of a Subdivision using TDR for Mike Robinson, Assessor's Map 10, Lot 32, zoned Heritage Residential, located at 239 Washington Street. (Proposal is to increase one unit using TDR.)
*(P20-65)

C. Parker explained that the applicant is requesting that the Board vote on the plan indicating the additional lot can be created and one unit can be built.

The plan shows the existing residential building on the parent lot with one new lot being subdivided for one new residential dwelling. The new lot would be served by a private road, which currently has three other homes off of it. Municipal water and sewer are available.

This project does not need a conditional use permit, as the steep slope area is under the 2,000 s.f threshold.

Christopher Berry, Berry Surveying and Engineering, represented the application and discussed the plat.

D. Landry asked if the impact turns out to be 2,000 s.f. or more, will the applicant come back? Yes, that would require them to come back.

He also wondered if there is potential for further subdivision here or if it will just be one. Mr. Berry can't promise there won't be, but it's highly unlikely it will be further developed.

F. Torr is concerned about the slope. After the driveway goes in, there won't be much room before the slope. Does the applicant have a rendering of what the home will look like in relation to the slope? The proposal is to have less ground disturbance and construction activity by building a deck out the back instead of building up to a flat area to build on. The soil has yet to be tested, but will be as construction begins.

D. Ciotti asked for explanations about the sewer pipes and pumps. Mr. Berry explained the proposal.

Motion: F. Torr moved to accept the application. Seconded by D. White. Vote: U/A

Public hearing opened.

Doug Dodd, 7 Trask Dr supports the request. He asked for a common driveway maintenance agreement to be attached to the deed. One call was received to the office from 5 Trask Dr.

Public Hearing closed.

C. Parker noted the plan is consistent with Chapter 170-27.2 of the Zoning Ordinance allows for developments to buy additional units through the process of Transfer of Development Rights. The process allows the applicant to come to the Board with a plan indicating the TDR subdivision.

The plan is consistent with Chapter 157-10 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots.

Staff believes that the new unit will meet the context of the neighborhood and is supported by the Master plan. Staff recommends approval of the TDR sale with the condition that the TDR fee be paid.



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Motion: D. Ciotti made a motion that the Board approve the TDR sale as it is consistent with the context of the neighborhood and is in line with the Master Plan with the staff recommended condition. Seconded by E. Ianello. Vote: U/A

The plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. Staff recommends approval of the subdivision plat with the following conditions:

Conditions to be Met Prior to Signing of the Plans:

1. The applicant shall provide the Planning Department a
 - a. digital version of the plan.
 - b. CAD file to the satisfaction of the Asset Management Administrator.
 - c. Copy of the signed common driveway access and maintenance agreement
2. The applicant and Dover Fire and Rescue department shall agree on improvements to be made to Trask Drive to comply with NFPA 1 Chapter 18
3. The Applicant shall revise the final plat to
 - a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, Certified Wetland Scientist stamps and signatures
 - c. Add Planning file number P20-65 to the plan set
 - d. Note the improvements agreed to with Dover Fire and Rescue

Conditions to be Met Prior to the Issuance of a Building Permit:

4. The new dwelling unit shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.
5. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
6. City Council approval of the Building Permit, as the home is on a private road, if compliance with RSA 674:41 is necessary

Conditions to be Met Prior to Occupancy:

7. Roadway improvements have been constructed
8. Issuance of a Certificate of Occupancy.
9. Impact fees for unit shall be paid per the invoice attached to the Notice of Decision

Motion: D. Landry made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. White. Vote: U/A

- C. Consideration and acceptance of a Lot Line Adjustment for Richard A & Adele J Marone, (Owner: Richard A & Adele J Marone), Assessor's Map A, Lots 47-1 & 47-3, zoned R-40, located at 2 Reyner's Brook Drive and 503 Sixth Street. *(P20-63)

The Chair recused herself from this item.

C. Parker explained that the applicants are requesting to adjust the lot lines between their two lots. An equal swap of 8,021 sf will be exchanged.

Kevin McEneaney, McEneaney Survey, represented the application and discussed the plat. The owners are selling the lot and it makes sense to adjust the line so that the shed stays with the house lot. The vacant lot is steep and by adjusting the line the driveway will be in a better location on that lot.



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State subdivision approval was required and was received today.

D. Landry asked about an old reference to a conservation area and was curious about the history.

Motion: F. Torr moved to accept the application. Seconded by D. Ciotti. Vote: U/A

Public bearing opened.

Mike Bolduc, 5 Reyner's Brook Dr is concerned about safety. The driveway is proposed close to the intersection which is already dangerous and busy. There are not good site lines there and there are multiple other driveways in the area. There is a clear area further north and west. He recommended a site walk.

He thinks note 1 references the incorrect plan.

The proposed driveway will affect the trees in the conservation area along Sixth St.

No calls or emails were received to the office for this item.

Public Hearing closed.

Mr. McEneaney addressed the public comment and explained his reasoning for placement of the driveway. It can be adjusted if the board prefers.

C. Parker asked if a shared driveway was considered. There isn't sufficient room because of the leach field and the slope is steeper there.

D. Landry agrees about the site lines. He prefers the driveway make a direct entry into the existing lot and avoid losing trees. If the driveway was moved further along Sixth St, would it be beyond the tree line? Yes. If so, that's what he would prefer.

C. Parker noted the City Engineer has final say regarding the driveway.

D. Ciotti also does not like the placement of the proposed driveway, but that is not for the board to determine.

C. Parker suggested prior to the plan being signed, the applicant provide a legal opinion for what that conservation area is and if tree cutting is allowed.

D. White suggested a condition of approval that the proposed driveway be removed from the plans.

The plan is consistent with Chapter 157-18 of the City's Land Subdivision Regulations, which provides for adjusting the lines between existing lots. Staff recommends approval of the adjustment plat with the following conditions:

Conditions to be Met Prior to Signing of the Plans:

1. The applicant shall provide the Planning Department a
 - a. digital version of the plan.
 - b. CAD file to the satisfaction of the Asset Management Administrator.
 - c. Legal memo regarding the "Tree Conservation Area" along Sixth Street
2. The Applicant shall revise the final plat to



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- a. Add Planning file number P20-63 to the title block
- b. Add signature and stamp of LLS
- c. Add owners' signatures
- d. Add the State Subdivision Approval number
- e. Eliminate the proposed driveway

Motion: D. White made a motion that the Board approve the application with the staff recommended conditions. Seconded by E. Ianello. Vote: U/A

- D. Consideration and acceptance of a Site Review using TDR for Ernest J. Carrier & Irene R Carrier Revocable Trust of 1998, Assessor's Map 30, Lot 141-B, zoned Gateway District, and located at 4, 6 Ash Street. (Proposal is to construct 2 new 2-bedroom duplexes with 4 garage parking spaces and 2 surface parking spaces, looking to purchase the fourth unit using TDR). *(P20-64)

C. Parker explained that the applicant is requesting that the Board vote on the plan indicating the additional unit can be purchased to total four units via two duplexes. The duplexes would each have garage spaces and there would be 2 surface spaces on site as well.

By right the applicant can have a duplex and single family on the parcel, and both proposed buildings will resemble single family homes.

FX Bruton, Bruton & Berube, represented the application and discussed the plat. The lot is a decent size. There are lots in the neighborhood half the size with similar structures on them. This is a reasonable request and will fit in with the character of the neighborhood. None of the abutters have objected.

Motion: F. Torr moved to accept the application. Seconded by D. Landry. Vote: U/A

Public hearing opened.

Guy Eaton, 67 Mt Vernon St is an abutter. He is not opposed to the project but is concerned about ground water runoff. How much asphalt is going in on the property compared to a single car driveway- which is all that's ever been there.

No calls or emails were received to the office for this item.

Public Hearing closed.

Kevin McEneaney, McEneaney Survey, responded to the public comment and explained the drainage details of the proposed project.

D. White requested the applicant flip the duplex position, so the driveway is further away from Mount Vernon St. to get it away from the intersection.

The meeting was recessed for five minutes for the applicant to consider the implications of flipping the duplex position. The applicant is ok with changing the plan per D. White's suggestion.

C. Parker noted the plan is consistent with Chapter 170-27.2 of the Zoning Ordinance allows for developments to buy additional units through the process of Transfer of Development Rights. The process allows the applicant to come to the Board with a plan indicating the TDR subdivision.



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Staff believes that the new unit will meet the context of the surrounding and is supported by the Master plan. Staff recommends approval of the TDR sale with the following conditions

Conditions to be Met Prior to Signing of the Plans:

1. Payment of the TDR fee
2. The applicant shall provide a digital version of the plan to the Planning Department.
3. Submit a CAD file to the satisfaction of the Asset Management Administrator.
4. The Applicant shall revise the final plat to
 - a. Add the owners' signatures
 - b. Add Planning file number P20-64 to the plan set
 - c. Revise zoning information to Gateway (ie maximum lot coverage)
 - d. Add parking calculation
 - e. Add notes about solid waste collection
 - f. Signature and stamp of LLS
 - g. Add Common Site Plan notes 10, 14, 15, and 23
 - h. Flip the house, located closer to Mt. Vernon Street, so it has the same layout as the second home.

Conditions to be Met Prior to the Issuance of a Building Permit:

5. The new dwelling units shall be assessed and pay the current water and sewer investment fees in place at the time of application for service.
6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Conditions to be Met Prior to Occupancy:

7. Issuance of a Certificate of Occupancy.
8. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.

Motion: F. Torr made a motion that the Board approve the TDR sale as it is consistent with the context of the neighborhood and is in line with the Master Plan with the staff recommended condition. Seconded by J. Kaspari. Vote: U/A

- E. Consideration and acceptance of a Lot Line Adjustment for Sebring Holdings, LLC., (Owners: Sebring Holdings, LLC. and Macs Convenience Stores, LLC.), Assessor's Map K , Lots 19A, 19C & 26, zoned R-12, C, IT, located at Dover Point Road. *(P20-62)

C. Parker explained that the applicant is proposing to adjust the lot line between the three lots which would eliminate lot 19A by splitting it between lots 19C and 26. 12,586 s.f. would be transferred to lot 26 and 13,737 s.f. would be transferred to lot 19C thus eliminating 26,323 s.f. of lot 19A.

Kevin McEneaney, McEneaney Engineering, represented the application and discussed the plat.

Mr. McEneaney clarified landscaping requirements for D. Landry.

F. Torr asked if lot 19C has approval for a refueling station. C. Parker said the plan expired and the applicant has received a special exception review from the ZBA but needs Site Plan approval.

D. Ciotti asked about access easements.



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Steve Haight, Civilworks addressed the question. The access is off Dover Point Rd and if they come back with a site plan for the gas station that will be clarified. There are cross easements- they could either come through the gas station lot or from Dover Point Rd.

Motion: D. White moved to accept the application. Seconded by E. Ianello. Vote: U/A

Public hearing opened. No one spoke. Staff spoke to two abutters and explained the plan. No specific concerns were raised.

Public Hearing closed.

The plan is consistent with Chapter 157-18 of the City's Land Subdivision Regulations, which provides for adjusting the lines between existing lots. Staff recommends approval of the adjustment plat with the following conditions:

Conditions to be Met Prior to Signing of the Plans:

1. The applicant shall provide the Planning Department a
 - a. digital version of the plan.
 - b. CAD file to the satisfaction of the Asset Management Administrator.
2. The Applicant shall revise the final plat to
 - a. Add Planning file number P20-62 to the title block
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures

Motion: F. Torr made a motion that the Board approve the application with the staff recommended conditions. Seconded by H. Harmon. Vote: U/A

The Vice Chair noted that items F and G would be heard together.

- F. Consideration and acceptance of a Conditional Use Permit for DBS Holdings LLC., Assessor's Map G, Lot 1-M, zoned CM, and located at Crosby Road. (Proposal is to construct two industrial buildings and associated driveway, pavement and drainage, with a wetland buffer impact of 16,438 sq. ft. and a temporary wetlands buffer impact of 13,697 sq. ft.). *(P20-34)
- G. Consideration and acceptance of a Site Review for DBS Holdings LLC., Assessor's Map G, Lot 1-M, zoned CM, and located at Crosby Road. (Proposal is to construct two (2) industrial/commercial buildings consisting of 16,100 sq. ft. for warehouse and office space). *(P20-33)

C. Parker explained that the applicant is requesting site plan approval to construct 2 buildings in the Crosby Road Industrial Park on a vacant lot. The buildings will be for industrial/commercial use with 8 internal parking spaces and 15 external spaces.

There will be approximately 28,910 s.f. of wetland buffer impact for all construction disturbance including grading, drainage, and utility work with a building impact area of 7,058 s.f. for the buildings, associated paved areas, and concrete pads.

This application was reviewed by the Technical Review Committee on June 4 and September 10, 2020. The Conservation Commission reviewed and endorsed the CUP application at its September 14th meeting.



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Steve Haight, Civilworks New England, represented the application and discussed the plat. Design changes have occurred during the review process and the layout has been shifted so the wetland impacts are now only to the buffer. All technical review comments have been answered and updated on the plan.

J. Kaspari asked about the comparison numbers of runoff. Statistically the values are both zero. Mr. Haight explained how the software calculates it. Storm water management will be reviewed once a year.

Motion: F. Torr moved to accept the applications. Seconded by E. Ianello. Vote: U/A

Public hearing opened. No one spoke. An email was received to the office from an abutter inquiring about water runoff.

Public Hearing closed.

The Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards. Staff recommends the Planning Board and vote to approve the Conditional Use Permit with the condition that the site plan (P20-33) shall be approved.

Motion: F. Torr made a motion that the Board approve the Conditional Use Permit with the staff recommended condition. Seconded by D. White. Vote: U/A

Chapter 153-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This plan is consistent with those regulations.

STAFF RECOMMENDATION Site Plan:

The Planning Department recommends the Planning Board vote to approve the Site Plan with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The conditional use permit (P20-34) shall be approved.
2. The applicant shall provide the Planning Department a
 - a. digital version of the plan
 - b. CAD file to the satisfaction of the Asset Management Administrator
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plan submitted for signature
 - b. Add LLS, PE, Landscape Architect, and Architect signatures and stamps to final plan
 - c. Revise the table on landscape plan so all trees are min 3.5 – 4" caliper

Conditions to Be Met Prior to any Construction Activity:

4. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

Conditions to Be Met Prior to Issuance of a Building Permit:

5. The wetlands buffer placards shall be installed.
6. Water and Sewer investment fees shall be paid at time of application for service.

Conditions to Be Met Prior to Occupancy:

7. Issuance of a certificate of occupancy.
8. Impact fees shall be paid per the invoice included with the Notice of Decision.



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9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work

D. Landry asked the reasoning of the wetlands placards and C. Parker explained.

Motion: F. Torr made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. Ciotti. Vote: U/A

- H. Consideration and acceptance of an Amendment to a previous Subdivision using TDR for Robert Baldwin, Assessor's Map I, Lot 30, zoned R-40, located 144 Mast Road. (Proposal is to construct (1) additional single family home as part of the TDR development). *(P20-35B)

C. Parker explained that the applicant received approval from the Board on June 23, 2020 to purchase 3 TDR units on a parcel. Per Chapter 170-27.2.G(3)(a). In August the Board agreed to sell the applicant an additional 2 lots, with 1 unit per lot. The applicant decided to add only one additional unit (total of 4 new units on site along the private Rupert Drive).

A Condition of the August approval was that the applicant come back with a revised subdivision plan, which he is now providing. Four new lots meets the threshold for a major subdivision. However the layout looks and acts as a minor subdivision, so the applicant seeks a waiver.

In lieu of a Home Owners' Association, the applicant will outline use and maintenance obligations for the private road through easements. There is a note on the plan indicating that this road cannot become public if there are any utility easements.

The plan shows the existing residential building on the parent lot with one new lot being subdivided for one new residential dwelling. The new lot would be served by a private road, which currently has three other homes off of it. Municipal water and sewer are available.

The Board is not voting on the sale of the unit, rather the subdivision of the single lot.

Christopher Berry, Berry Surveying and Engineering, represented the application and discussed the plat.

Motion: F. Torr moved to accept the application. Seconded by D. Ciotti. Vote: U/A

Public hearing opened. No one spoke. No calls or emails were received to the office for this item.

Public Hearing closed.

The plan is consistent with Chapter 157-10 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots.

Chapter 157-51 states a waiver may be granted if the Board finds that

“(1) Strict conformity would pose an unnecessary hardship to the applicant and the waiver would not be contrary to the spirit and intent of the regulations; or
(2) Specific circumstances relative to the subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believes that the criteria 1 has been met, as the road and house layout would be the same under both scenarios. Staff recommends the Planning Board vote to grant the waiver per the reasoning provided by the



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applicant with the condition to add a note to the plat that the Board granted a waiver to Chapter 157-10 and that the Board found the criteria of Chapter 157-51.A have been met.

Motion: D. White made a motion that the Board approve the waiver with the staff recommended condition. Seconded by D. Landry. Vote: U/A

Conditions to be Met Prior to Signing of the Plans:

1. The applicant shall provide a:
 - a. Digital version of the plan to the Planning Department.
 - b. CAD file to the satisfaction of the Asset Management Administrator.
 - c. Revised legal documentation which includes the additional lot for maintenance and use of Rupert Drive.
2. Applicant shall revise the plan set to:
 - a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, Certified Wetland Scientist stamps and signatures
 - c. Revise planning file number to P20-35B
 - d. Add areas of each lot in acres and square feet
 - e. Confirm lot numbers with Assessor
 - f. Revise the plan to indicate one 3.5 – 4" caliper street tree per 35' of roadway

Conditions to Be Met Prior to Any Construction Activity:

3. As per the Notice of Decision for P20-35
4. Provide deed language to the Planning Department including regards to the specific restrictions set forth in 170-27.2.G.

Conditions to Be Met Prior to Issuance of a Building Permit:

5. As per the Notice of Decision for P20-35

Conditions to Be Met Prior to Occupancy:

6. As per the Notice of Decision for P20-35

Motion: D. Ciotti made a motion that the Board approve the application with the staff recommended conditions. Seconded by E. Ianello. Vote: U/A

5. STAFF COMMENTS

- TRC for 54 Back River Road and Leather's Lane
- Community Trail work continues in the area of Fisher Street.
- Council ratified zoning amendments. Site regulation changes will be presented at next meeting

6. MEMBER COMMENTS

None

7. ADJOURNMENT

Motion: H. Harmon made a motion to adjourn at 8:54 p.m. Seconded by E. Ianello. Vote: U/A