



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, February 09, 2021**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Dave White

The following Board members called into the meeting: Frank Torr, Tom Clark, Lisa McGunnigle Tapp (Alternate), Jackson Kaspari, Dave Landry, Kyle Pimental (Alternate), Erin Allgood (Alternate), Hayley Harmon (Vice Chair)

Members Not Present (excused): None

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager, Dave Carpenter, Community Development Planner

Chair G. Cruikshank called the meeting to order at 7:00 p.m. She noted that certain members of the Planning Board are participating in this meeting remotely, and as the Chair of the Planning Board she has, per NH RSA 91-A:2, III (b), declared an "emergency" within the meaning of that statute and waive the requirement that a quorum be physically present at the meeting. Remote members will identify their location and any person present with them at that location. All votes will be by roll call.

The City of Dover has taken extra steps to ensure the physical location of this meeting conforms with all safety provisions during the pandemic, including social distancing, face coverings, and frequently sanitized facilities. Although qualified members of the public can participate in the meeting by speaking at the physical location, the public is encouraged to leave comments in advance by calling 516-MEET (6338), emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.

The Chair announced that K. Pimental will sit in the vacant regular seat tonight.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

January 26, 2021 Regular Meeting Minutes

Motion: D. Ciotti moved to approve the minutes as presented. Seconded by D. White.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

3. OLD BUSINESS

- A.** Public hearing on the Proposed FY22 CDBG Annual Action Plan. All persons wishing to speak on Plan are urged to attend.

Motion: D. White moved to remove the item from the table. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

D. Carpenter reviewed the Annual Action Plan which are the proposed allocations for the anticipated funding to be received for FY22. The Planning board will make a recommendation to the City Council who will also



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hold a public hearing and make a final local decision. Public comments are still received after that point and will be sent with the Council's decision to HUD.

He proposed to amend what was in the packet regarding a contingency funding plan that's normally included.

Public hearing reopened.

No one spoke. No emails or calls were received by the office.

Public Hearing closed.

C. Parker advised the board members that no questions were sent to him, and none were asked of the applicant. The Board is free to discuss the Action Plan and can decide if changes are necessary, or if it wishes to recommend the Plan as presented to the City Council.

C. Parker read the amended language Dave Carpenter referred to so the board could decide whether to approve it.

Motion: D. White moved that the Planning Board strike the Contingency Funding Formula portion of Section 2 of the proposed FY22 Dover CDBG Action Plan and replace it with the following:
In the event that the actual FY22 Entitlement Grant amount and/or the actual FY21 Program Income results in a Public Services Funding Formula cap that is greater or less than \$46,500.00, the approved Public Service allocations shall each be adjusted by an equal percentage to achieve a total Public Service allocation amount that does not exceed the HUD mandated Public Services CAP. Additionally, after accounting for a revised Public Services CAP, any further adjustments that are necessary due to a funding pool that is greater or less than \$318,000.00 shall be accounted for by making the necessary adjustment to the General Administration and City Hall Barrier Removal FY22 Activity allocations.

Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

Motion: D. White moved that the Planning Board finds the proposed FY22 Dover CDBG Action Plan is consistent with the Dover CDBG Consolidated Plan and recommends to the City Council approval of the proposed FY22 Dover CDBG Action Plan. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

- B. Public hearing on a Proposed Amendment to the FY21-25 CDBG Citizen Participation Plan. All persons wishing to speak on the Amendment are urged to attend.

Motion: D. Ciotti moved to remove the item from the table. Seconded by D. White.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

Dave Carpenter gave an overview of the proposed amendments to the 5-year plan for allocations for funds and priority projects. The amendments are in the Citizen Participation Plan portion of the plan.

Public hearing reopened.

No one spoke. No emails or calls were received by the office.



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Public Hearing recessed.

C. Parker advised the board members that no questions were sent to him, and none were asked of the applicant. The Board is free to discuss the Action Plan and can decide if changes are necessary, or if it wishes to recommend the Plan as presented to the City Council.

Motion: D. White moved that the Planning Board finds the proposed amendment to Section XI of the Dover CDBG Citizen Participation Plan is consistent with the Dover CDBG Consolidated Plan and recommends to the City Council approval of the revised Dover CDBG Citizen Participation Plan. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-yes

4. NEW BUSINESS

A. Discussion of citizen request to amend regulations regarding helicopter landing areas in the R-20 District.

C. Parker explained the history of this item and encouraged the Board to have the Citizen Present and then determine if the Board wants to:

- Have the amendment move forward on its own
- Couple the amendment with other zoning amendments
- Determine that it is not an amendment the Board supports at all.

Karl Leinsing, 77 Spur Road presented his proposal to the board again.

He is currently landing the helicopter on a boat in the river which is located at his property.

There are 2 other people he knows of who land helicopters in Dover.

There is currently criteria for getting a special exemption for landing a helicopter in the R20 Zone. He is proposing some modifications including:

- changing language from helicopter to aircraft since there are additional types now
- Change 1000 ft to 200 ft
- Change "Any existing residential structure" so that the owner's residence is not included
- Proposing a time restriction change from 9pm to 11pm
- Helipad needs to be approved by the FAA

One misconception is that helicopters are noisy. They are actually similar and quieter than leaf blowers and lawnmowers. A helicopter lands within five minutes so the sound is short-lived.

There are three people who sent letters in support of the modifications and a petition signed by his neighbors in favor of allowing the change.

His proposal is safer – to land on his property rather than on the river. He does have permission from DOT and FAA that approves landing in his backyard.

60 of 141 towns in NH have aircraft regulations and 32 require a special permit and 3 of those indicate a distance. Dover is 1000 ft, Bedford is 500 ft and North Hampton is 200 ft.

NH Fish and Game reported the closest bald eagle is 2 miles away and they don't see any issues there.



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There are three neighbors not in favor of the proposal. He has worked with his neighbors to find out what he can do to ease their issues. He has installed a new motor with less decibels. His neighbor with horses is in favor and will testify the horses are not bothered by the landings.

He would like the board to wrap the amendments he is proposing into the amendments they will be reviewing tonight.

Chair Cruikshank asked if the neighbors who signed the petition are aware of the time change from 9pm to 11pm. No, he has not discussed that with them.

K. Pimental asked for more information about some topics that were sent in from the public:

- noise measurement is calculated from 500 ft in the air
- if approved by the FAA, is there any time restrictions to using it

Mr. Leinsing refuted both of those statements.

C. Parker asked for the distance between where he's landing now to where he wants to land- it is about 50 ft.

C. Parker noted some corrections to Mr. Leinsing's handout: he's seeking a special exception, not a special exemption; Bedford does not have a 500 ft distance requirement, but a minimum 1.5-acre lot size and landing area requires screening; many of the towns have lot sizes that are much larger which is why they may not have a distance requirement.

T. Clark commented his initial thought is that the Planning Board and City Council should consider zoning amendments when there are multiple people experiencing the same issues. Though there may be others, he is the only one coming forward with the issue and that doesn't call for a zoning amendment.

He respects his intentions but is not in favor of the City supporting these changes nor reducing restrictions.

D. Landry commented this is a unique situation and an amendment would affect such a broad area. Is there another route he can take to allow landing 50 ft closer to solve his issue without changing all of the R20 zone? C. Parker explained the history Mr. Leinsing has gone through ending in a variance he sought being denied and the ZBA suggesting he go before the Planning Board because of the 1000 ft restriction.

E. Allgood mentioned the precedent that would be set since we can't know what the future will hold and how this change may affect the zone. She appreciates all the work he has done but is not in support of changing the zoning for this one resident.

K. Pimental commented he considered how granting the amendment would move the City's master plans forward and he didn't find evidence of how this would benefit the City.

C. Parker provided the Board with a brief summary of the use in Dover and some research he had reviewed from other communities. He also mentioned the three abutters who sent letters in opposition and two voicemails were received to the office opposed to the changes.

He summarized an email that was received to the office in opposition.



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D. White believes the proposal should stand alone and be sought by the citizen rather than put with the other amendments for review tonight. The Planning Dept should research and provide to the board information about the nuances and scope of the proposal. It may work well on Mr. Leinsing's property and his aircraft may be quiet, but what happens on someone else's property with a different aircraft?

He would be in favor of tabling the proposal to seek more information.

J. Kaspari does not think tabling the issue is necessary. Enough of the board members have spoken against the zoning change. He does not think the 50' benefit to the citizen is worth the Board's support of changing the zoning for that whole zone.

Mr. Leinsing commented that some changes can still be beneficial such as changing "helicopter" to "aircraft" and reducing the 1000 ft which is not even feasible, even if the time restriction stays at 9pm.

C. Parker commented that he agrees with J. Kaspari to say no to the proposal now, but, like K. Pimental said, if it's a topic the board wants or the community needs, it should be in a long-range planning document and then create a set of rules and regulations that can be applied.

D. Landry thinks we should keep this issue on the list for the Planning Board to look at in the future but he doesn't think we need to table this specific request for further review.

D. Ciotti, D. White, C. Cruikshank and J. Kaspari all agree with D. Landry that the issue needs to be looked at and planned out for the future.

C. Parker clarified for K. Pimental that the 1,000 ft restriction is intended to include the existing property and the surrounding properties.

Motion: J. Kaspari moved to deny the request. The Planning Board should not change the zoning regulations based on a single case. Seconded by T. Clark.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari -yes, D. White-yes, T. Clark-yes, F. Torr-no

The proposal was denied in a majority vote 8-1 with F. Torr opposed.

- B. Consideration and possible vote on posting the proposed Amendments to Chapter 153. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.*

C. Parker explained the amendments, as follows:

- Update Zones to match Council approved amendments from 2020
 - Already posted
- Clarify that unsigned plans are expired
- Electric Vehicle Charging and overlap parking
 - No recommendations yet
 - Subcommittee meets soon
- Parking Lot locations



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- Revise regs to encourage more parking behind and to the side of buildings.
- Architectural Regulations
 - Add references to Design Guidelines
 - Update purpose of IT zone
- Add some guidance for Outdoor Dining

Public hearing opened.

No one spoke. No emails or calls were received by the office.

Public Hearing closed.

Motion: D. White moved to post items 1, 2, 3 minus the electric vehicle, 4 and 5. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

- C. Consideration and possible vote on posting the proposed Amendments to Chapter 157. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page. *

C. Parker explained the amendments, as follows:

- Clarify that unsigned plans are expired
- Update required width of easements from 20' to 30'
- Update required sizes of boundary monumentation
 - Already posted
- Update reference for traffic signs
 - MUTCD
- Private Roads as a separate lot
 - No amendments yet, but working with Assessing to review

Public hearing opened.

No one spoke. No emails or calls were received by the office.

Public Hearing closed.

Motion: D. White moved to post the items. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

- D. Consideration and possible vote on posting the proposed Amendments to Chapter 170 and the associated Zoning Tables. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under meeting materials and on the Planning Department page.*

D. Parker explained the amendments, as follows:

- Revise Definition of Accessory Structure
 - to increase sf from 100 to 200, per building code
- Area rezoning around Bellamy/Cold Springs Roads
 - To bring lots on Bellamy Road into compliance with the zoning dimensions
- Review options to remove barriers to housing
 - Allow conversion of single family homes to duplexes



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- Allow duplexes by right as part of a new subdivision
- Add a note to the tables referring to 17.27D
 - Create linkage to conservation district language when lots are created
- Consolidate both “Non-Conforming lot” sections
 - To create one spot for users to review
- Review swimming pools to update applicability of regs
 - To include temporary pools
- Revise Customary Home Occupations
 - To account for contractors or tradesmen using residential land for storage
- Revise Non-residential requirements, and amenities in CBD
 - Allow more fluid mixture of uses
 - Require Recycling bins downtown
- Accessory Dwelling Unit
 - Allow more than one ADU if rent restricted
- Update Floodplain Ordinance
 - No amendments yet, but working with Strafford Regional to review
- Update Wetlands Regulations
 - Update regulations and include floodplain language
- Update RCM
 - Encourage more affordable housing
- Update Groundwater Protection Regulations
 - No amendments yet, but working with Community Services to review
- Update non-conforming structures
 - To bring parity with non-conforming lot dimensions

Public hearing opened.

No one spoke. No emails or calls were received by the office.

Public Hearing closed.

Motion: D. Ciotti moved to post all items except 11, 12 and 14. Seconded by D. Landry.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

5. STAFF COMMENTS

- TRC on a subdivision on 239 Knox Marsh Road
- Presentation to the City Council on March 3 on Master Plan, Waterfront and Strategic Plans
- Going forward, staff will assume the members on zoom tonight will continue to attend meetings via zoom unless they let staff know otherwise

6. MEMBER COMMENTS

- G. Cruikshank noted that Dave Landry will serve as Frank Torr's back up to TRC
- D. White is concerned about some cities rushing to convert commercial property to residential. He wants the board to remember, once that change is made, it cannot be reversed and there is minimal commercial properties in the City.
- D. Ciotti noted commercial and residential need to be balanced. It's been a long struggle to get back to the 80%-20% balance we have now.



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7. ADJOURNMENT

Motion: D. White made a motion to adjourn at 9:20 p.m. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes