



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 10, 2019**
Meeting Time: **7:00 pm**

Members Present: Hayley Harmon (Vice Chair), Dennis Ciotti (Councilor), Dave Landry, Frank Torr, Dave White, Matt Sullivan, Jackson Kaspari, Tom Clark, Erin Allgood (Alternate), Ellen Brooks (Alternate)

Members Not Present (excused): Gina Cruikshank (Chair), Lisa McGunnigle (Alternate)

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

In the Chair's absence, the Vice Chair called the meeting to order at 7:02pm and noted that E. Brooks will act as Vice Chair.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

- November 12, 2019 Regular Meeting Minutes

Motion: F. Torr made a motion to approve the minutes as amended. Seconded by D. Ciotti Vote: U/A.

3. OLD BUSINESS

- A. None

4. NEW BUSINESS

A, B and C were heard together.

- A. Consideration and possible posting of amendments to Chapter 149, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include updating terms, and titles, as well as revising references to State Statutes. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports
- B. Consideration and possible posting of amendments to Chapter 155, entitled "Subdivision of Land" of the code of the City of Dover. Amendments updating terms, and titles, as well as revising references to State Statutes. The full text of the amendments is available in Planning Department & at www.dover.nh.gov located under City Documents & View Current City Reports.
- C. Consideration and possible adoption of Recodification for Subdivision of Land and Site Review Regulations.

C. Parker reviewed the history of the three items, including that they were a result of the updates to the City Code that the City is undertaking with General Code.

C. Parker reviewed the proposed changes in the Site regulations.

C. Parker reviewed the proposed changes in the Subdivision regulations.

C. Parker reviewed the re-codification resolution and noted the item should be tabled.

Motion: M. Sullivan made a motion to post the changes to 149 and hold a public hearing. Seconded by T. Clark. Vote U/A.



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Motion: M. Sullivan made a motion to post the changes to 155 and hold a public hearing. Seconded by T. Clark. Vote U/A.

Motion: D. White made a motion to table the recodification of the site and subdivision regulations. Seconded by T. Clark. Vote U/A.

- D. Consideration and acceptance of a Conditional Use Permit for the City of Dover, Assessor's Map H, Lot 58, zoned I-4, located at 271 Mast Road. (Proposal is to construct a replacement artificial recharge facility on the Bellamy River with 500 s.f. of permanent wetlands impact and a temporary wetland impact of 1,450 s.f.) *(P19-82)

C. Parker explained that applicant is requesting a Conditional Use Permit for a replacement artificial recharge facility on the Bellamy River with 500 s.f. of permanent wetlands impact and a temporary wetland impact of 1,450 s.f. This work is part of a larger body of improvements being implemented within the Pudding Hill aquifer to enhance Dover's public water supply.

The Conservation Commission endorsed this application at their November 12, 2019 meeting.

RSA 674:54 provides for the Planning Board review of governmental land uses and nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations. This is a City project on land owned by the City of Dover.

John Storer, Community Services Director and Lucas Sundean, Underwood Engineers reviewed the technical aspects of the plan.

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

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION:

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. Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following condition:

Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit

Motion: D. Landry made a motion to approve with staff recommended condition. Second by M. Sullivan. Vote U/A.

- E. Consideration and acceptance of a Conditional Use Permit for Eversource Energy, Assessor's Map I, Lot 22, owned by Jensen's Inc., at 13 Brookmoor Road, zoned R-40, and Assessor's Map M, Lot 91-A, owned by Townsquare Media Portsmouth, LLC located at 292 Middle Road, zoned R-40. (Proposal is to replace five existing utility pole structures in a utility easement, with temporary



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wetland impacts of 12,692 s.f. and temporary 50-foot wetland buffer impacts of 45,838 s.f.) *(P19-78)

C. Parker explained that applicant is requesting a Conditional Use Permit to replace utility pole structures in a utility easement within wetlands and wetland buffer temporarily. The temporary wetland impacts of 12,692 s.f. and temporary wetland buffer impacts of 45,838 s.f..

The Conservation Commission endorsed this application at their November 12, 2019 meeting.

Sarah Barnum of Normandeau Associates and Jenny Mendez of Eversource reviewed the technical aspects of the plan noting they will replace the wood with steel poles.

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

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION:

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. Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following condition:

Condition to Be Met Prior to the Issuance of the Conditional Use Permit:

1. The applicant shall provide the Planning Department with a copy of the NH Department of Environmental Services approved Utility Maintenance Permit

Motion: D. White made a motion to approve with staff recommended condition. Second by D. Landry. Vote U/A.

- F. Consideration and acceptance for a Site Review for Industrial Tower and Wireless, LLC, (Owners: Peter & Susan Rousseau), Assessor's Map K, Lot 1, zoned R-40, and located at 200 Henry Law Avenue. (Proposal is to construct a 150' communications tower and 80'x 80' compound with driveway.) *(P19-77)

M. Sullivan recused himself from this case. E. Allgood sat for him.

C. Parker explained that applicant is requesting site plan approval, in accordance with the telecommunications ordinance to construct a 150' tall communications tower with an 80'x80' compound with gravel driveway. Screening for the compound shown on the plan includes stockade fencing and landscaping plus existing tree lines.

This item required a variance, which was initially denied by the ZBA. The decision to deny variance was vacated through court settlement. ITW was granted a variance for a new tower on a lot where new facilities are not permitted.

The Technical Review Committee reviewed this application at its November 21, 2019 meeting.



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Steve Grill, attorney, introduced the application and described the history of the case through the Dover ZBA. He stated the settlement agreed to will limit the tower height to 150'. And Industrial Tower and Wireless waived it's right for a twenty-foot extension. If it is ever desired, they will have to come back before the board.

Kevin Fadden reviewed the technical aspects of the plan. Kevin Delaney was also present.

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

Public hearing opened.

Tom Hackett, 43 Samuel Hanson Ave had concerns about equipment storage facilities and how many structures will be on the site. He also wondered about lighting on the site. He noted there is a statement from Eversource that is not on letterhead. It is Tab 6 and refers to setbacks. He was curious about this statement. He wondered how many antennae will be on the tower. He mentioned the elevation change in that neighborhood and noted a correction should be made to the maximum allowable exposure.

Steve Grill addressed the public comments. A worst-case scenario is what was modeled for the exposure. Since the neighborhood has elevation change, the neighbors are in a better position since they are lower than the subject property.

Kevin Fadden said there will be a stockade fence around the equipment which is a refrigerator. Nothing should be seen from the public. There will be no lighting on top of the tower. The lighting near the ground is motion detected and aimed downward.

Steve Grill said they are 500' from the nearest property line so setbacks are not an issue.

Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 170-22 of the Zoning Ordinance of the City Code provides for review of new telecommunications facilities by the Planning Board. Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. This Planning Department believes this plan is consistent with those regulations and recommends that 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 applicant shall provide:
 - a. a digital version of plan set
 - b. letter to serve from Eversource
 - c. a revised current use plan to the Assessing Department's satisfaction
2. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat
 - b. Add LLS and PE signatures and stamps to final plan
 - c. Revise common notes to the satisfaction of the Assistant City Manager
 - d. Add federal permit number and date
 - e. Provide truck turning template on plan
 - f. Add note regarding lighting provided within and around compound/tower
 - g. Revise site construction note to indicate no Sunday hours



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- h. Add note that access way will be plowed for year-round access to the satisfaction of the Building Official.
- i. Add note certifying that the tower is structurally sound to hold five antennas.

Conditions to Be Met Prior to any Construction Activity:

- 3. 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.

Condition to Be Met Prior to Issuance of Building Permit:

- 4. Impact fees shall be paid per the invoice included in the Notice of Decision.

Condition to be Met Prior to Issuance of Certificate of Completion:

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

Motion: F. Torr made a motion to approve with staff recommended condition. Second by D. Ciotti. Vote U/A.

The Vice Chair noted that G, H and I would be heard together.

- G. Consideration and acceptance of a Lot Line Adjustment for 46 Venture Drive Properties, LLC., (Owner: Hussey Manufacturing Technology, LLC) Assessor's Map D, Lots 11-2 & 13-4, zoned I-4, and located at 44 Venture Drive. *(P19-70)
- H. Consideration and acceptance of a Conditional Use Permit for 46 Venture Drive Properties, LLC., (Owner: Hussey Manufacturing Technology, LLC.) Assessor's Map D, Lot 11-2, zoned I-4, and located at Venture Drive. (Impacting 2,669 s.f. of steep slopes greater than 20%.) *(P19-68)
- I. Consideration and acceptance of a Site Review for 46 Venture Drive Properties, LLC., (Owner: Hussey Manufacturing Technology, LLC) Assessor's Map D, Lot 11-2, zoned I-4, and located at Venture Drive. (Proposal is to construct a commercial building with 13,500 s.f. of retail space and 1,500 s.f. of office space as well as 2 driveways and 26 parking spaces.) *(P19-67)

C. Parker explained that applicant is proposing to construct a 15,000 s.f. commercial building with 13,500 s.f. of retail space and 1,500 s.f. of office space with associated parking. The site is serviced by public water and sewer. In order to accomplish the site plan, the applicant is also proposing to adjust the lot line, moving 22,294 s.f. to lot 13-4 from 11-2. Both lots would have conforming frontage and lot 13-4 would increase its conformity by enlarging the lot area.

Finally, the application impacts 2,668 s.f. of steep slopes greater than 20%.

The Technical Review Committee reviewed this application at their September 26, 2019 meeting, and the Conservation Commission endorsed the CUP application at their November 12, 2019 meeting.

As a direct abutter, D. Ciotti recused himself from the case. No alternate took his seat as he is a Councilor.

Steve Haight, Civilworks New England, reviewed the technical aspects of the plan.

Motion: F. Torr made a motion to accept the applications. Seconded by D. Landry. Vote U/A.

Public hearing opened. No one spoke. Public Hearing closed.



CITY OF DOVER

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STAFF RECOMMENDATION – Lot Line:

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the lot line adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat
2. The applicant shall revise the plat to:
 - a. Add Planning file number P19-70
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures

Motion: D. White made a motion to approve with staff recommended condition. Second by M. Sullivan. Vote U/A.

STAFF RECOMMENDATION – CUP:

The Conservation District ordinance provides for Conditional Use permits to allow impacts within 100' of a tidal river if standards related to demonstration of avoidance of impact, minimization of impact, mitigation and soil erosion and sedimentation control are met. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to issue the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to the Issuance of a Conditional Use Permit:

1. The lot line adjustment (P19-70) is approved.
2. The Site Plan (P19-67) is approved.

Motion: D. White made a motion to issue the CUP with staff recommended condition. Second by D. Landry. Vote U/A.

STAFF RECOMMENDATION – Site Plan:

Chapter 149-4 of the Site Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. The Planning Department believes this plan is consistent with those regulations and recommends that 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 LLA (P19-70) is approved.
2. The CUP (P19-68) is approved.
3. The applicant shall provide:
 - a. a digital version of plan set
 - b. letter to serve from Eversource
 - c. An agreed upon contribution for the reconstruction of Venture Drive and Sixth Street, should the Assistant City Manager determine an amount is required.
4. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plat
 - b. Add LLS, PE, Architect, and LLA signatures and stamps to final plan
 - c. Address any outstanding Inspection Services TRC comments



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Conditions to Be Met Prior to any Construction Activity:

5. 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:

6. The new building expansion shall be assessed and pay the current water and sewer investment fees in place at the 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.
9. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: F. Torr made a motion to approve with staff recommended condition. Second by E. Brooks. Vote U/A.

- J. Consideration and acceptance of a Conditional Use Permit for Chris Meyer & Nick Couturier, (Owner: Trinket Realty LLC), Assessor's Map 4, Lot 5, zoned CBD-General, and located at 14 Broadway, (Proposal is to use the building for a self-storage facility as well as private assigned outdoor parking spaces) *(P19-83)

The applicant asked to continue the application and come back in February.

Motion: M. Sullivan made a motion to continue the application. Seconded by E. Brooks. Vote U/A.

- K. Consideration and acceptance of a Lot Line Adjustment for 499 & 503 Tolend Road, (Owners: Denise & Kirk Purington & Tyrso Carvalho-Filho), Assessor's Map C, Lots 42-E & 42, zoned R-40, and located at 499 & 503 Tolend Road. *(P19-84)

C. Parker explained that applicant is proposing to adjust the lot line between the two lots moving 90,151 s.f to lot C/42-E from C/42. This would increase the size of the lot that has no frontage, while maintaining the frontage that exists for the other lot. While this appears to be an odd layout, it is permitted by the City's regulations, as it is not increasing the non-conformity.

Joel Runnals, Norway Plains Associates, reviewed the technical aspects of the plan. They are in the process of gaining state subdivision approval.

Motion: F. Torr made a motion to accept the applications. Seconded by D. Ciotti. Vote U/A.

Public hearing opened. No one spoke. Public Hearing closed.

STAFF RECOMMENDATION:

Chapter 155-18 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. The Planning Department believes this plan is consistent with those regulations and recommends that the Planning Board vote to approve the lot line adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department with a digital version of the final plat
2. The applicant shall revise the plat to:



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- a. Add Planning file number P19-84
- b. Add signature and stamp of LLS
- c. Add owners' signatures
- d. Correct spelling of Cocheco River

Motion: M. Sullivan made a motion to approve with staff recommended condition. Seconded by J. Kaspari. Vote U/A.

5. STAFF COMMENTS

- C. Parker asked the board to grant a 90-day extension for the site plan for the Little Bay Marina project.

Motion: D. Ciotti made a motion to approve the 90-day extension. Seconded by E. Brooks. Vote U/A

- Reminder that the Board only meets once in December. January 14th is the Meet and Greet and Goal Setting so start thinking of any regulation amendments you'd like to see.
- No new TRC items since the Board's last meeting.
- The Leather's Lane project is working with the abutters to resolve some issues and will return in January.
- Housing data was requested at the last meeting, and was emailed out. Hand-outs can be made if requested.
- Strafford Regional Planning Commission will be seeking a new member. Please see C. Parker if interested.

6. MEMBER COMMENTS

D. Landry mentioned the Volkswagen settlement funds and EV stations. There is a request for proposal due in early January. He asked the board members and City to think about weighing in on where these should go in Dover. M. Sullivan agreed that Dover should submit applications. C. Parker said the appropriate staff is keeping an eye on the process.

F. Torr wondered about a particular project underway. C. Parker said he will inquire about it.

T. Clark asked about the life span of the highway barriers.

C. Parker answered: Wood = 30 years, Steel = 50 years. Treated wood can last 50 years. The wood ones absorb sound the best.

7. ADJOURNMENT

Motion: F. Torr made a motion to adjourn at 8:51pm. Seconded by T. Clark. Vote U/A