



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Ellen Ianello, Dave White, Erin Allgood (Alternate), Dave Landry

The following Board members called into the meeting: Frank Torr, Tom Clark, Lisa McGunnigle Tapp (Alternate), Jackson Kaspari

Members Not Present (excused): Hayley Harmon (Vice Chair), Kyle Pimental (Alternate)

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. Ellen Ianello will act as Vice Chair, and Erin Allgood will sit for H. Harmon. As members are participating remotely, all votes will be roll call votes.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

November 10, 2020 Regular Meeting Minutes

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

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, L. McGunnigle Tapp-yes

3. OLD BUSINESS

The Vice Chair noted that both 3A and 3B would be heard together. F.Torr arrived.

- A. Consideration and acceptance of a Conditional Use Permit for Michael Khavari, (Owner: Karen A. Towle, Trustee & James B. Towle & Karen A. Towle Revocable Trust), Assessor's Map I, Lot 4-A, zoned R-12, located on Leather's Lane. (Proposal is for 40 single family units with 15,383 s.f. of steep slope impact and 12,910 sq. ft. of wetland buffer impacts). *(P20-70)
- B. Consideration and acceptance of a Major Subdivision for Michael Khavari, (Owner: Karen A. Towle, Trustee and James B. Towle & Karen A. Towle Revocable Trust), Assessor's Map I-2, Lot 4-A, zoned R-12, and located at Leather's Lane. (Proposal is to develop a 16 acre parcel with a 40 unit detached condominium via TDR). *(P20-71)

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

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

C. Parker gave an overview of the project and the site walk that occurred on November 14th. He noted the density concerns, the distance from the Bellamy River and the overall review that the project has gone through.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

Public hearing resumed.

Cathy Auclaire, 103 Katie Ln, expressed concerns about the intrusiveness of the proposal to the neighbors and the environment. The parcel is not part of the original condo plan. Leather's Ln is a dead end and she has concerns about traffic and roadway infrastructure. The project is too large for this area.

David Vincent, 103 Katie Ln, read into the record a statement he had previously submitted to the board.

No calls were received by the office.

Emails were received and provided to the Board from:

- Cathy Auclaire, 103 Katie Lane
- David Vincent, 103 Katie Lane
- Jeff and Alice Murphy, 93 Katie Lane
- Linda Oder, 62 Katie Lane
- Christine & Kevin Shannon, 113 Katie Lane
- Marie Bean, 81 Katie Lane
- Kayleigh Merritt, 33 Katie Lane (x4)
- Janice Mathewson, 73 Katie Lane 1
- Linda Gavin, 92 Katie Lane1
- Marc and Linda Colan, 34 Katie Lane1
- Kimberly Ray, 41 Fords Landing Drive (x2)
- Catherine Violette, 23 Ford's Landing Drive
- Stephen McKinney, 71 Katie Lane (x7)
- Robie & Karen MacRae, 51 Katie Lane (x2)
- Karen Jensen, 26 Ford's Landing Drive
- Danielle Alley, 21 Fords Landing Drive
- Bryan Delaney, 25 Fords Landing Drive
- Attorney Scott Hogan on behalf of Davis Farm Association

C. Parker summarized the concerns about the sewer line, financial liability of the developer/new property owners and the private infrastructure, roadway concerns, need for improved sidewalks, density, environmental concerns and abutter input. Any improvements will need to be covered financially by the applicant.

Attorney FX Bruton, Bruton & Berube, represented the application and discussed the plat. He confirmed the applicant will be responsible for any updates needed to infrastructure. They have worked hard with City staff, boards and abutters on variations of the plan.

Public Hearing closed.

C. Parker noted that there are two votes. The first is on the Conditional Use Permit. The Conservation Commission endorsed this project with the recommendation "that the plan be modified to change to a 2:1 side slope on the road and add a guardrail in the area of impact G and ensure that the area within 400 feet of the river be maintained as undisturbed in perpetuity". The applicant revised the plans since then to address that recommendation.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

The applicant has provided a written narrative explaining how they meet the criteria of the conditional use permits for the Conservation District including how the avoid, minimize, mitigate, and the efficacy of the soil erosion and sedimentation control plan. The narrative, paired with the verbal description at the Conservation Commission meeting, exemplifies how the design has changed since the first proposal to meet the CUP criteria.

Consistency with Land Use Regulations

The Wetlands Protection 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.

The Conservation District ordinances provide for Conditional Use Permits to allow impacts to the Conservation District if standards related to demonstration of need, avoidance, minimization, mitigation, and efficacy of the soil erosion and sedimentation control plan are met. This proposal is consistent with those standards, and staff recommends that the Planning Board approve the Conditional Use Permit with the following conditions:

Conditions to Be Met Prior to Issuing the CUP:

1. The Site Plan (P20-71) be approved.

D. Landry asked about the TDR units and their location and size in relation to the Eversource letter. Steve Haight, Civilworks NE, addressed the question specifying the TDR units are restricted to 1400 sq. ft., but the other units are not. He also clarified information about the pump station for Mr. Landry.

Motion: F. Torr made a motion that the Board approve the CUP with the staff recommended condition of approval. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

C. Parker noted that regarding the Site Plan, 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, and staff recommends that the Planning Board approve the Site Plan application with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall pay the revised TDR fee.
2. The applicant shall provide the Planning Department:
 - a. A digital version of the plan
 - b. A CAD file to the satisfaction of the Asset Management Administrator.
 - c. A revised current use map to the satisfaction of the Assessor.
 - d. Condominium association documents to be reviewed and approved by the Assistant City Manager in consultation with the City's General Legal Counsel. Documentation shall include language about private roadway and conversion process, calculation used to determine the reserve amount in the treasury, maintenance and protection of the open space, 15'/30' no cut/no disturb buffer around the boundary, note limited common areas, TDR limitations, roadway, and other common obligations, including obligations to Davis Farm and Ford's Landing relative to the private sewer line, as well as that prior to converting the ownership



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

- and maintenance obligations from the developer to the Association, the Engineer of Record shall meet with the Association and review maintenance obligations including stormwater, open space, and roadway maintenance
- e. A Memorandum of Understanding for the sidewalks and paving of Leather's Lane to the satisfaction of the Assistant City Manager.
 - f. Written confirmation from the Ford's Landing Pump station maintenance company that the pump station infrastructure is able to handle the additional units.
 - g. Written confirmation from the applicant that it understands that any improvements to the private sewer line beyond existing conditions is the responsibility of the applicant, during the construction of the project.
3. The applicant shall revise the plat to:
- a. Add the owners' signatures
 - b. Add the Licensed Land Surveyor, Professional Engineer, Certified Wetland Scientist and Landscape Architect stamps and signatures
 - c. Add permit numbers and dates to the permit status notes
 - d. Indicate moving the curb and providing a 5' wide sidewalk on Leathers Lane from project site to Back River Road.
 - e. Update the landscape plan to indicate reuse of the stonewall and posts as landscape features.

Conditions to Be Met Prior to Any Construction Activity:

4. Land use change tax shall be paid.
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.
6. 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:

7. Prior to the issuance of a Building Permit for units 32-36, the landscaping and screening along the boundary with Davis Farm shall be installed.
8. Water and sewer investment fees shall be paid at the time of request of service.
9. Written report documenting a physical inspection of the private sewer line and the Ford's Landing Pump station completed in 2020 or 2021.

Conditions to Be Met Prior to Occupancy:

10. Issuance of a Certificate of Occupancy.
11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
12. Any conditions described in the MOU related to the sidewalk and road repaving be in place.
13. Documentation that the HOA has been created and is in place.
14. Impact fees for any new unit shall be paid per the invoice provided with the Notice of Decision.
15. The following improvements shall be implemented to the satisfaction of the Assistant City Manager and City Engineer.
 - i. Intersection of Mast Road and Leathers Lane per the traffic study and plan
 - ii. The sidewalk improvements per the MOU
 - iii. Repaving of Leathers Lane per the MOU
16. Prior to the last Certificate of Occupancy being issued, the Engineer of Record shall meet with the Association and review the as-builts for the project.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

Motion: D. White made a motion that the Board approve the Site Plan with the staff recommended conditions of approval. Seconded by D. Ciotti.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

4. NEW BUSINESS

The Vice Chair noted that both 4A and 4B would be heard together.

- A. Consideration and reapproval of P19-85 which was a Site Plan submitted by Gulf Landing Properties, Assessor's Map 38, Lot 9-A-2, zoned C, and located at Central Avenue. (Proposal to construct a three story medical rehabilitation facility/treatment center with a parking lot for visitors and employees). The Site Plan was approved by the Board, with conditions, on October 27, 2020. *(P19-85A)
- B. Consideration and reapproval of P20-67 which was Conditional Use Permit for Gulf Landing Properties, LLC., Assessor's Map 38, Lot 9-A-2, zoned C, located off Central Avenue. (Proposal is to build a medical rehabilitation facility on a vacant lot with the building, parking, and drainage improvements impacting 14,000 square feet of the 50-foot wetlands buffer and a septic tank closer than 75 feet to a wetland). *(P20-67A)

C. Parker explained that the applications were conditionally approved on October 27th. Subsequent to that it was noted that abutter noticing was flawed. Staff recommended to the applicant that rather than risk appeal the applications should be reheard

To refresh the Board, C. Parker explained that the applicant proposes a medical withdrawal management facility on Central Ave near Dover Bowl. The secured building is proposed to have 64 beds and 24/7 staff. This is consistent with a variance granted on 9/19/19 to permit a hospital use (a substance abuse treatment facility) with the condition that all state licenses and permits shall be obtained.

The applicant is requesting a Conditional Use Permit to allow a septic tank within the 50' wetland buffer and to allow 14,000 s.f. of wetland buffer impact.

This application was reviewed by the Technical Review Committee on September 24, 2020 and December 12, 2019 (minutes attached). The Conservation Commission reviewed and endorsed the CUP application at its October 13, 2020 meeting.

The applicant is requesting two waivers with justification indicated on the application. One is for site specific soils mapping, and the other is for lighting, the uniformity ratio and spill over.

There are no changes to the application since October.

Attorney Jim Schulte represented the applicant and summarized the situation. The abutter has no objections to the plan though they request a driveway maintenance agreement. The applicant has agreed to that.

Motion: D. Ciotti moved to accept the applications. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

Public hearing opened.

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

Public Hearing closed.

C. Parker noted there are three votes on this project. The first is on the Conditional Use Permit.

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 and staff recommends the Planning Board approve the Conditional Use Permit with the condition that the Board approves P19-85A.

Motion: D. Ciotti made a motion that the Board approve the Conditional Use Permit with the staff recommended condition. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

C. Parker noted Chapter 153-21 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 site plan, or conditions of the land in such site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believes that the criterion 2 has been met based on the site characteristics, and recommends approval with the applicant adding a note to the plat that the Board granted waivers to Chapter 153-13.A(10) and 153-14.E and that the Board found the criteria of Chapter 153-21.A have been met.

Motion: E. Ianello made a motion that the Board grant the waiver with the staff recommended condition. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

C. Parker noted the plan is consistent Chapter 153-4 of the Site Plan Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The conditional use permit (P20-67A) 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
 - c. Letter to Serve from Eversource
 - d. Legal proof of access to utilities and right-of-way over Map 38, lot 6A.
 - e. The driveway maintenance agreement between the applicant and abutter at Map 38 Lot 6A
3. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plan submitted for signature



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

- b. Add LLS, PE, CWS, Landscape Architect, and Architect signatures and stamps to final plan
- c. Screen the generator and add a note on the location of the portable generator
- d. Ensure
 - 1. all building elevations match the streetscape provided
 - 2. the sewer discharge tank has 3' clearance around it.
- e. Add dates and permit numbers to permits as acquired
- f. Address water main and hydrant issues to the satisfaction of the City Engineer and Building Official.
- g. Add green space next to ROW
- h. Address drainage to the satisfaction of the City Engineer.

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. Provide the classification of the generator
- 6. The wetlands buffer placards shall be installed.
- 7. Water and Sewer investment fees shall be paid at time of application for service.

Conditions to Be Met Prior to Occupancy:

- 8. Issuance of a certificate of occupancy.
- 9. Impact fees shall be paid per the invoice included with the Notice of Decision.
- 10. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.

Motion: E. Ianello made a motion that the Board approve the application with the staff recommended conditions. Seconded by E. Allgood.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

- C. Consideration and acceptance of a Minor Subdivision for Robert Baldwin, Assessor's Map 39, Lot 37, zoned G, located at 25 New Rochester Road. (1 new lot) *(P20-77)

C. Parker explained that the applicant is requesting to subdivide lot 37 into two residential lots. Lot 37 will be accessed via the existing driveway off New Rochester Road and Lot 37-1 would be accessed from the existing driveway off Sherman St. The lots are serviced by municipal water and sewer.

The Gateway District allows one unit per 4,000 s.f. of lot area, so only a single family dwelling can be placed on the lot.

As a Minor Subdivision, this application did not appear before the TRC.

James Hayden, Berry Surveying and Engineering, represented the applicant and reviewed the plat. An easement will be put in place over the existing driveway to access the lot from there, though the main driveway will be accessed from Sherman St.

Motion: D. White moved to accept the application. Seconded by D. Landry.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

Public hearing opened.

Walter Tomczyk, 1 Sherman St expressed concerns about the existing driveway continuing to and stopping at his boundary line. Is there supposed to be a 5' buffer zone between lots?

An added house will create more traffic. He is requesting a 6' privacy fence go up between properties. The applicant has agreed to it, so he wanted to put it before the board.

No emails or calls were received by the office.

Public Hearing closed.

C. Parker noted the plan is consistent Chapter 157-15 of the Land Subdivision Regulations of the City Code which provides for review by the Planning Board of minor subdivisions of land. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide:
 - a. the Planning Department with a digital version of the final plat.
 - b. a CAD file to the satisfaction of the Asset Management Administrator's satisfaction.
 - c. Draft driveway easement to be recorded at time of sale of either property.
2. The applicant shall revise the plat to:
 - a. Add signature and stamp of LLS
 - b. Add owner's signatures for recording at Strafford County Registry of Deeds.
 - c. Add Planning File # P20-77
 - d. Add common subdivision note 12 in its entirety.
 - e. Add a fence parallel along and five feet from the shared boundary line with 1 Sherman Street
 - f. Add a note that the driveway on lot 37-1 is five feet from the shared boundary line with 1 Sherman Street
 - g. Add a note that the shared boundary line with 1 Sherman Street will be monumented.

Conditions to Be Met Prior to Occupancy

3. Issuance of Certificate of Occupancy.
4. Easement for driveway be recorded at Strafford County Registry of Deeds.

Motion: D. Ciotti made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

- D. Consideration and acceptance of a Lot Line Adjustment for James Lebrasseur, (Owners: James Lebrasseur and STF Development Corporation), Assessor's Map 24 & 26, Lots 2A-2 & 13, zoned RM-U, and located at 5-8 Waverly Drive and 40 Forest Street. *(P20-74)

C. Parker explained that the applicant to adjust the lot lines between two lots. An area of 1,759 s.f. would be transferred from lot 24/2A-2 to lot 26/13 to allow the house and deck to be fully contained on Lot 13 which helps bring these lots more into compliance with current zoning. The front corner could not be corrected due to the 80' frontage requirement in the RM-U district so the driveway is still an encroachment but the applicant is proposing a driveway easement.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

James Hayden, Berry Surveying and Engineering, represented the applicant and reviewed the plat. He noted the whole driveway is contained within the property line. It is shown incorrectly on the plan.

Motion: E. Ianello moved to accept the application. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public bearing opened.

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

Public Hearing closed.

C. Parker noted the plan is consistent Chapter 157-18 of the Land Subdivision Regulations of the City Code which provides for review by the Planning Board provides for the adjustment of existing lot lines between two or more lots. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Signing of Plat:

1. The applicant shall provide the Planning Department a
 - a. digital version of the plat.
 - b. CAD file to the satisfaction of the Asset Management Administrator.
 - c. Draft copy of the driveway easement to be recorded with final plat.
2. The applicant shall revise the plat to:
 - a. Add Planning file number P20-74 to the title block
 - b. Add signature and stamp of LLS
 - c. Add owners' signatures
 - d. Eliminate the portion of the driveway to the north of the house, which is on the Waverly lot.
 - e. Separate note 9 into 2 notes

Motion: D. Landry made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. Ciotti.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

- E. Consideration and acceptance of a Transfer of Development Right Request for Daniel Sheehan, Assessor's Map 30, Lot 15, zoned RMU and located at 26-32 Maple Street. (Proposal is to purchase 2 additional units). *(P20-76)

C. Parker explained that the applicant wishes to purchase two units via Transfer of Development Rights to convert the existing barn structure into 2 dwelling units. There would be a total of 6 units on the lot. The lot is serviced by municipal water and sewer.

Daniel Sheehan, the owner, represented the applicant and reviewed the plat. He explained he has a 60x40 barn that is four floors and 9600 sq. ft. He cannot use it for commercial use. He would like to put two residential units in there. If the units are approved, the barn will be taken down and the units will go up. The



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

barn cannot structurally support any use as-is. The barn takes up 2400 sq. ft. of land and the new structure will only take up 1000 sq. ft. so there will be ample space for parking.

Motion: D. Ciotti moved to accept the application. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public hearing opened.

No one spoke. No calls were received by the office. A resident emailed and came in to discuss the plan and their questions were addressed.

Public Hearing closed.

C. Parker noted the plan is consistent Chapter 170-27.2 of the City's Zoning Code 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 but does not trigger the need of full site plan review. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Payment of the TDR fees.
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.
 - c. Proof (ie reference plan) indicating "Wiggins" Paper Street was deeded back to abutters.
 - d. Proof that 12 parking spaces are contained on site.
3. The applicant shall revise the plan to:
 - a. Add Planning File # P20-76
 - b. Add note that regarding the requirements of 170.27.2-G.3.(a) of granting this TDR for 2 additional units.

Conditions to be Met Prior to Building Permit:

4. The house/barn structure shall not encroach any further into setbacks than it already may.
5. The new dwellings 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:

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

C. Parker explained that although the barn will be coming down, the new structure won't have to adhere to setback regulations because the existing house is already encroaching. The new structure may be in line with it, but encroach no further.

Motion: D. Ciotti made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

- F. Consideration and acceptance of a Conditional Use Permit for the Paul Panasis Revocable Trust, (Agent: Steve Riker, Ambit Engineering, Inc.), Assessor's Map L, Lot 105-F, zoned R-20, located at 280A Dover Point Road. (Proposal is for installation of in-ground pool, pervious paver deck, and pool house in the Conservation District adjacent to the tidal Piscataqua River, creating 983 sq. ft. of temporary impact and 989 sq. ft. of permanent impact in the 100' tidal buffer zone). *(P20-72)

C. Parker explained that the applicant is requesting a conditional use permit to allow 983 s.f. of temporary Conservation District impacts and 989 s.f. of permanent impact in the 100' tidal buffer zone due to the installation of a pool, deck, and pool house.

The Conservation Commission reviewed and endorsed the CUP application at its November 10 meeting with the recommendations that a planting plan be prepared with native plants in a 10' x 50' area between the driveway and the wetland, the pool and patio be relocated so no more than 50% is in the Tidal Buffer Zone.

The applicant has revised the plans to address the Conservation Commission recommendation.

Steve Riker, Ambit Engineering, Inc represented the applicant and reviewed the plan. He clarified that only a portion of the pool and the pervious paver deck is located within the 100' buffer. The patio will be permeable to allow for percolation of storm water. The pump house has been moved outside of the buffer. The three conditions the Conservation Commission suggested have been addressed.

Motion: E. Ianello moved to accept the application. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public hearing opened.

No one spoke. No calls were received by the office. One email was received asking the board to change the regulation to not allow impacts to the tidal buffer.

Public Hearing closed.

C. Parker noted the Conservation District ordinance provides for Conditional Use Permits to allow impacts to areas within a minimum of 100' of the reference line of any water body, river, stream, swamp or marsh subject to tidal action if standards related to demonstration of need, avoidance, minimization, and mitigation are met. This proposal is consistent with those standards. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Issuance of CUP:

1. Applicant shall provide to the Planning Department:
 - a. A copy of the NHDES Wetlands
 - b. A copy of the NHDES Shoreland Permits

Motion: D. Ciotti made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- no, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

The motion passed with a vote of 8 in favor and 1 opposed.

- G. Consideration and acceptance of a Transfer of Development Right Request for DBS Holdings, LLC, Assessor's Map A, Lot 59, zoned R-40, and located at 537 Sixth Street. (Proposal is to renovate existing garage into a 1,400 s.f single family unit). *(P20-73)

C. Parker explained that the applicant wishes to purchase one unit via Transfer of Development Rights to convert the existing garage structure into a dwelling unit. The lot is serviced by municipal water and sewer.

FX Bruton, Bruton & Berube, represented the applicant and reviewed the plan. The applicant is asking for one unit and will be utilizing the existing garage foundation.

The applicant has spoken to the abutters and is willing to put up a fence rather than the vegetation originally proposed. The existing garage is 36x24.

Motion: D. White moved to accept the application. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public hearing opened.

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

Public Hearing closed.

C. Parker noted the plan is consistent Chapter 170-27.2 of the City's Zoning Code 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 but does not trigger the need of full site plan review. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Payment of the TDR fees.
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.
 - c. Draft parking and access easement to be recorded at time of sale of either property.
3. The applicant shall revise the plan to:
 - c. Add signature and stamp of LLS
 - d. Add owner's signatures for recording at Strafford County Registry of Deeds.
 - e. Add Planning File # P20-73
 - f. Add note that unit may be a maximum of 1,400 s.f. TLA and may not be expanded along with any other requirement of 170.27.2-G.3.(a).
 - g. Revise the plan to replace the vegetative screening with a fence along the rear of the garage/unit.

Conditions to be Met Prior to Building Permit:

4. The new dwelling 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:

5. Issuance of the Certificate of Occupancy.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

6. Additional screening must be in place.

7. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.

Motion: E. Ianello made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. Landry.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

H. Consideration and acceptance of a Minor Subdivision for Lisa M. & Greg Patch, Assessor's Map 39, Lot 64, zoned Gateway and located at 31 New Rochester Road. (2 new lots) *(P20-75)

C. Parker explained that the applicant is requesting to subdivide a lot into three residential lots. All three lots will be accessed via the existing driveway off Lake Street. The lots are serviced by municipal water and sewer.

The Gateway District allows one unit per 4,000 s.f. of lot area, so only a single-family dwelling can be placed on the lot.

As a Minor Subdivision, this application did not appear before the TRC.

Kevin McEneaney, McEneaney Survey Associates, represented the applicant and reviewed the plat. The existing house will be on the 4,000 sq. ft. lot. The free-standing garage will be removed. They are creating a common access easement off Lake St. to access all three lots. The applicant doesn't have any issues with the conditions for approval.

Motion: D. White moved to accept the application. Seconded by E. Allgood.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public hearing opened.

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

Public Hearing closed.

C. Parker noted the plan is consistent Chapter 157-15 of the Land Subdivision Regulations of the City Code which provides for review by the Planning Board of minor subdivisions of land. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The applicant shall provide the Planning Department a
 - a. Digital version of the plat.
 - b. CAD file to the satisfaction of the Asset Management Administrator.
 - c. Draft access and utility easement to be recorded with sale of any of the lots.
2. The applicant shall revise the plat to:
 - a. Add signature and stamp of LLS
 - b. Add owner's signatures for recording at Strafford County Registry of Deeds.
 - c. Add Planning File # P20-75
 - d. Add common subdivision note 12 in its entirety.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

- e. Indicate wooden fence be removed to be solely on one lot.
- f. Indicate existing/proposed water, sewer, and electricity lines.
- g. Indicate the existing driveway will be removed and replaced with one 22' wide driveway.
3. Existing garage shall be removed.
4. Fence encroachment into the ROW shall be removed
5. Assessor approves lot numbers.

Conditions to Be Met Prior to Building Permit:

6. The wooden fence shall be located solely on lots and not cross boundary lines
7. If anything other than a single family home is to be built on new lots, site plan approval must be in place.
8. Existing driveway/curb cut shall be reduced to 22' per code.

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

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari - yes, D. White-yes, T. Clark-yes, F. Torr-yes

The Vice Chair noted that items 4I, 4J, and 4K would all be heard together.

- I. Consideration and acceptance of a Minor Subdivision for Jewett Construction Co., LLC, Assessor's Map 31, Lot 4, zoned CBD-TOD, located at 35 & 37 Chestnut Street. (2 new lots plus potential City ROW) *(P20-59)
- J. Consideration and acceptance of a Conditional Use Permit for Jewett Construction Co., LLC., Assessor's Map 31, Lot 4, zoned CBD-TOD, located at 35 & 37 Chestnut Street. (Proposal is to have a lot coverage of 41.7% whereas 75-100% is required) *(P20-58)
- K. Consideration and acceptance of a Site Review for Jewett Construction Co., LLC, Assessor's Map 31, Lot 4, zoned CBD – TOD, located at 35 & 37 Chestnut Street. (Proposal is to raze the two existing buildings and construct one 3-5 story building with 87 residential units, with 69 on-site parking spaces and 20 off-site). *(P20-56)

C. Parker explained that the applicant is requesting to subdivide an existing lot used by the rail road for storage. The first application is a subdivision to create a lot that will continue to have the railroad tracks upon it, a lot second lot to convey to the City for additional right of way at the end of Grove Street and a lot to be used for a multi-family residential building with parking underneath plus on-site parking and leased parking. This district allows for one parking space per unit and encourages use of public transit.

The second application is for a conditional use permit for lot coverage, and frontage build out for the lot with the multi-unit building upon it. Proposal is to allow a 41.7% lot coverage rather than 75-100%. Also, the CUP covers providing 35.8% front build out where 80% is required.

Two waivers are being asked for on the subdivision. Both are relative to the creation of a public turnaround for the end of Grove Street. The first waiver is to allow a 45 foot right of way where 50 is required and the second is to allow 50 feet of pavement radius where 60 feet is required.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

The applicant is also seeking to waive public safety impact fees as they relate to the donation of the right of way. Public Safety and Community Services staff support the creation of the turnaround.

The applicant owns a lot at the corner of Grove and Third Street. The owner has confirmed that there is no long term parking lease on this lot and the parking will be exclusive for the tenants of the new building and not oversubscribed.

The site is serviced by municipal water and sewer.

This application was reviewed by the Technical Review Committee on September 17 & October 29, 2020 (minutes attached). As part of the TRC review, the applicant is proposing city right-of-way and a "Welcome to Dover" mural located on site to be seen from the train.

Brian Jones, Allen & Major Associates, Inc., represented the application and reviewed the plan. The project will have 87 units and be four stories above parking. It will be known as The Station. About ½ of the parking will be onsite under cover.

The CUP for percentage of lot coverage is due to the irregular shape of the lot. The cul-de-sac creates added frontage, and it's not practical to cover 80% of the frontage.

The proposal includes 43 garage spaces and 46 surface parking spaces- 20 of which are on the Grove St. lot. The site promotes walkability and will be desirable to commuters using public transportation. There are incentives to tenants who do not have cars.

The loading area in the front is for moving trucks, mail and other delivery trucks.

He explained the lighting, utilities, storm water treatment and landscaping plan on site.

Mr. Jones clarified for the board that most of the building is five stories: four residential above parking. There is a small portion of the building that is only three stories.

Provisions have been made for solar panels mounted on the roof. The site will be built solar-ready, but solar will not be installed as part of the initial construction.

J. Kaspari asked what the projected electrical demand will be for the project. Do they know what percentage of the electricity solar panels could cover?

Doug Raymer, Jewett Construction estimated 120,000- 150,000 kw capacity could fit on the roof.

Motion: F. Torr moved to accept the applications. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

Public hearing opened.

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

Public Hearing closed.

C. Parker noted there are four votes on this project.

C. Parker noted Chapter 157-51 states a waiver may be granted if the Board finds that



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

“(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 site plan, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believes that the criterion 2 has been met based on the lot layout and condition of the land and public benefit of a turnaround and recommends approval with the applicant adding a note to the plat that the Board granted a waiver to Chapter 157-33.A (ROW Width) and 153-33.A (pavement radius) and that the Board found the criteria of Chapter 157-51.A have been met.

Motion: D. White made a motion that the Board grant the waiver with the staff recommended condition. Seconded by E. Ianello.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

The second vote is on the Subdivision. The plan is consistent Chapter 157-15 of the Land Subdivision Regulations of the City Code which provides for review by the Planning Board of minor subdivisions of land. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to Signing of 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 plat to:
 - h. Add signature and stamp of LLS
 - i. Add owner's signatures for recording at Strafford County Registry of Deeds.
 - j. Add Planning File # P20-59
 - k. Remove City of Dover Planning Department lined areas
 - l. Note the two sheds located on lot 2, shown on sheet SD-101, will be razed.
 - m. Note that no easements will be granted for utilities within the ROW, and that the owner will work with the City to obtain licenses for any utilities.

Conditions to Be Met Prior to Occupancy

3. Right-of-way be reviewed by the City Council for acceptance.
4. Issuance of Certificate of Occupancy.

D. Ciotti asked if the box cars are still on site.

Craig Jewett, Jewett construction said the two remaining box cars will be cut up and removed from site by the railroad.

Motion: F. Torr made a motion that the Board approve the application with the staff recommended conditions. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

C. Parker noted the third vote is to allow reduced lot coverage, and frontage build out for the lot, as it will include surface parking. The CBD-Transit Oriented table requires 75-100% of lot coverage unless the Planning Board grants a CUP. Also, the CUP covers providing 35.8% front build out where 80% is required. In other districts, dimensional relief is reviewed by the Zoning Board of Adjustment. Staff believes that the criterion from 170-20B 2 has been met based on the site characteristics, and recommends approval with the following conditions:

Conditions to Be Met Prior to the Issuing Conditional Use Permit:

1. Subdivision (P20-75) and Site Plan (P20-59) shall be approved.
2. The applicant shall be subject to a formal agreement between the Planning Board and the applicant. Said agreement shall be recorded at the Strafford County Registry of Deeds per Chapter 170-20-B(3)
3. Add the Planning File Number P20-58.

Motion: E. Ianello made a motion that the Board grant the Conditional Use Permit with the staff recommended condition. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

C. Parker noted the final vote is on the Site Plan, which is consistent Chapter 153-4 of the Site Plan Review Regulations of the City Code provides for site review by the Planning Board of new construction of various types. Staff recommends approval with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. The conditional use permit (P20-58) shall be approved.
2. The subdivision (P20-75) shall be approved.
3. Applicant to do an initial presentation to the Arts Commission
4. The applicant shall provide the Planning Department a
 - a. Digital version of the plan.
 - b. A memorandum of understanding regarding its contribution to the roundabout at Third and Chestnut Street, to the satisfaction of the Assistant City Manager.
5. The applicant must revise final plan set to:
 - a. Add the owner's signatures to the final plan submitted for signature to be recorded at the Strafford County Registry of Deeds
 - b. Add LLS, PE, Landscape Architect, and Architect signatures and stamps to final plan
 - c. Show brick/masonry to be first 20 vertical feet of the building
 - d. Add note that rooftop mechanicals need to be screened
 - e. Add note about mural location

Conditions to Be Met Prior to any Construction Activity:

6. 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:

7. The public art must be endorsed by the Arts Commission.
8. Water and sewer investment fees shall be paid at the time of request of service.

Conditions to Be Met Prior to Occupancy:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, December 15, 2020**
Meeting Time: **7:00 pm**

9. Issuance of a certificate of occupancy.
10. Impact fees shall be paid per the invoice included with the Notice of Decision.
11. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
12. The applicant shall pay the contribution to the roundabout per the MOU.

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

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes

5. STAFF COMMENTS

- TRC on a subdivision on Glenwood Ave, and at 150 Venture Drive
- Next meeting is January 12th and is goal setting for 2021 and election of officers.

6. MEMBER COMMENTS

- F. Torr commented on a letter submitted regarding the Leather's Ln item. Feedback is always welcome, but comments do not need to be condescending towards staff.
- T. Clark thanked the Chair for moving the meeting along despite the lengthy agenda.

7. ADJOURNMENT

Motion: E. Ianello made a motion to adjourn at 9:48 p.m. Seconded by D. White.

Roll Call Vote: E. Ianello-yes, D. Ciotti-yes, G. Cruikshank-yes, E. Allgood-yes, D. Landry- yes, J. Kaspari-yes, D. White-yes, T. Clark-yes, F. Torr-yes