

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, April 27, 2021**
Meeting Time: **7:00 pm**

Members Present: Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Mark Speidel (Alternate), Dave Landry,
The following Board members called into the meeting: Frank Torr, Tom Clark, Jackson Kaspari, Kyle Pimental, Stephanie George (Alternate), Hayley Harmon (Vice Chair)
Members Not Present (excused): Erin Allgood (Alternate), Dave White
Members Not Present (un-excused): None
Staff Present: Christopher Parker, Assistant City Manager, Steve Bird, City 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@doover.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 welcomed new alternate member, Steph George. She announced that Mark Speidel would sit for Dave White.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

April 13, 2021 Regular Meeting Minutes

Motion: D. Ciotti moved to approve the minutes as submitted. Seconded by D. Landry.

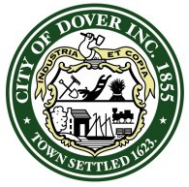
Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari-yes, M. Speidel -yes, T. Clark-yes, F. Torr-yes

3. OLD BUSINESS

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment for Roger Groux, (Owners: Groux/Bow Street Realty Trust and Dover Point Road Realty, LLC), Assessor's Map L, Lots 104 & 106, zoned R-20, and located at 278 and 278 ½ Dover Point Road. *(P21-22)

C. Parker explained the applicant is requesting to adjust two lot lines between two lots. Parcel A, which is 1,667 s.f., and Parcel B which is 9,061 s.f. would be conveyed from lot 104 to lot 106. Lot 106's frontage will remain legally non-conforming even though the frontage will increased from 20' to 77'. The rest of the dimensional requirements are met for both lots.



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As a Lot Line Adjustment, this application did not appear before the TRC.

David Vincent, Vince Surveying reviewed the application and project.

Motion: D. Landry moved to accept the application and noted that there is no regional impact by the request. 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, M. Speidel -yes, T. Clark-yes, F. Torr-yes

Public Hearing Opened

Ron Demo, 274 Dover Point Road noted a concern about further development of the lot and potential relocation of a utility pole in the right of way.

Roy Josselyn, 281 Dover Point Road, has no objection to the proposal, but asked about the frontage for the back lot. Originally there wasn't any, and now there will be 50' which is still below requirements. What if something else is built back there- what will the frontage requirement be?

C. Parker noted that issue would need to be addressed in a future plan review if proposed.

No calls were received. C. Parker summarized the five concerns that Mr. Demo outlined in his letter to the board.

Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted that Chapter 157-18 of the City's Land Subdivision Regulations, which provides for adjustment of lot lines between two or more existing lots. This plan is consistent with those regulations, and staff recommends that the Planning Board approve the application 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.
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 # P21-22
 - d. Add reference plan 11937
 - e. Add deed reference Book 3254 Page 499 or some other form of proof regarding right of way from Dover Point Road
 - f. Add width of Dover Point Road

K. Pimental asked if frontage needs to be contiguous, or if it can be broken up. C. Parker confirmed it can be broken up.

Motion: D. Landry moved to approve the Minor Lot Line Adjustment, with Conditions, as it is consistent with the regulations. Seconded by H. Harmon.

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



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- B. Consideration and acceptance of a Conditional Use Permit for Eversource Energy, Assessor's Map I, Lot 22, owned by Sun Jensen LLC; Assessor's Map I, Lot 27, owned by Stephen & Phebe Colprit Revocable Living Trust at 33 Meserve Road; Assessor's Map K, Lot 8-A, owned by Frances & Thomas Mulligan at 89 Back Road; Assessor's Map K, Lot 1, owned by Susan & Peter Rousseau at 200 Henry Law Ave.; Assessor's Map K, Lot 6-A, owned by Broadcast Lane LLC at 101 Back Road, zoned R-40; Assessor's Map K, Lot 2, owned by NH Fish & Game off Henry Law Ave., zoned R-12; and Assessor's Map K, Lot 4-C, owned by City of Dover off Henry Law Ave., zoned CWD. (Proposal is to replace six existing utility pole structures in a utility easement, with temporary wetland impacts of 41,999 sq.ft. and temporary 50-foot wetland buffer impacts of 31,341 square feet). *(P21-28)

C. Parker explained the applicant is requesting a Conditional Use Permit to replace 6 wooden utility pole structures with steel poles, and remove 1 structure all together, in a utility easement within wetlands and wetland buffer temporarily. The temporary wetland impacts of 41,999 s.f and temporary wetland buffer impacts of 31,341 s.f. The project is in two areas of the City, between Durham Road and Mast Road and between Middle Road and the Cochecho River. Three poles need to be replaced in May as they are classified as in need of emergency repair.

The Conservation Commission endorsed this application at their April 12, 2021 meeting. The applicant provided a narrative dated April 6, 2021 which outlines how the proposal meets the criteria for granting the CUP per 170-27.1B of the Code.

Conor Madison, GZA GeoEnvironmental reviewed the application and project. GZA will be on site every week. NHDES permits have been submitted. He noted a couple of changes to the plan set: The location they will use to access has changed from NH Fish and Game property to the DPW lot. They are inspecting the poles in May and if they can hand-fix them they will do that and replace the poles in November. If they cannot be fixed, they will be replaced in May.

K. Pimental expressed concern about doing pole work in the spring when the ground is wet. Mr. Madison agrees and is hoping to do the fix in May and the replacement in November.

Motion: D. Landry moved to accept the application and noted that there is no regional impact by the request. 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, M. Speidel-yes, T. Clark-yes, F. Torr-yes

Public Hearing Opened

No one spoke.

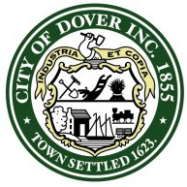
5 phone calls were received but they were more inquiring about the work, not opposing it.

Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted the application is consistent with the Wetlands Protection District ordinance which 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. Staff recommends approval with the following condition:

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



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

D. Ciotti expressed concern about old poles not being removed and asked if the City will inspect the work. C. Parker expects the new Zoning Administrator will inspect the impacts along with the City Engineering Site Inspector.

Motion: D. Ciotti moved to approve the Conditional Use Permit as it is consistent with the regulations, with the condition. 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, M. Speidel-yes, T. Clark-yes, F. Torr-yes

C. Presentation, discussion and possible posting of Floodplain Ordinance Amendments

C. Parker explained the project is a result of Strafford Regional Planning acting as a consultant. Staff isn't ready to have the Board post the amendments, but wanted to update the Board.

K. Pimental, as a member of Strafford Regional Planning gave an overview.

Highlights of what is being reviewed: definitions, administrative responsibilities, a new section on substantial improvements and damage determinations, accessory structures, additional guidance with a climate vulnerability component.

D. Presentation, discussion and possible posting of Electric Vehicle Charging Station Amendments

C. Parker explained the amendment was a result of the question being raised in October about the current Electric Vehicle regs.

K. Pimental, as Chair of the subcommittee gave an overview. They met with a member of the Energy Committee as well as the City's legal team which were both informative. They anticipate voting on the amendment as a subcommittee in the next week or so and then they'll send it to the Energy committee for their endorsement. After that it will come back to Planning board to be posted for hearing at the end of May.

D. Landry asked for clarification about the word unit vs. station relating to EV charging areas. How many cars does each unit or station charge at once?

K. Pimental noted the revision documents are clear by using the terms supply equipment and dedicated charging spaces. Not all charging stations can service two cars at once.

D. Landry noted that applications will come to the board asking for additional parking and if a condition of approval relates to access to EV charging stations, the amendments need to be clear whether the requirements specify the number of EV cars that can be charged per station.

D. Ciotti wondered if it's possible to determine how many EV cars are registered in the City. This info will help the board decide on future EV charging station locations.

K. Pimental said the sub committee hasn't looked at that level. They have looked at national numbers and state-wide locations. He will ask for that information.

Presentation, discussion and possible posting of Wetlands Regulations Amendments



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C. Parker explained the amendment was a result of the Conservation Commission wishing to update the Wetlands regulations. This is the first phase, updating administrative notations. A second phase will be to review the regulations with a consultant, using a grant from the Piscataqua Regional Estuaries Program.

D. Landry gave an introduction of the subcommittee and what items they are looking at.

S. Bird gave an overview of the amendment changes. There are about 15, most of which are administrative. There are 5 amendments that lean more towards being substantive. He highlighted the larger changes:

- Purpose and intent
- Definition
- Timeframe for review for Conservation Commission
- Criteria for granting CUP language

The grant paperwork won't be done until after July 1st, so the subcommittee will probably take a hiatus until the consultant and wetlands scientist are on board for meetings.

M. Speidel had concerns about particular wording. It is a type-o that S. Bird will fix.

K. Pimental asked about the possible cost/ hardship that might be created for an applicant by avoiding wetland impact. S. Bird noted it was discussed and cost is involved in all of these amendments. It all comes down to scale and scope of projects. Cost criteria will not be specified in the amendments.

5. STAFF COMMENTS

- C. Parker updated the Board on the wayfinding and Community Facilities and Utilities Master Plan
- C. Parker updated the Board the next CMAQ round is coming up and looking for projects

6. MEMBER COMMENTS

- G. Cruickshank noted she had signed the following plans:
 - 71 Glenwood
 - Leathers Lane
- K. Pimental noted two community gardens received approval for funding- please contact the appropriate committee to volunteer
- D. Landry noted the new trail extension and 4th St ramp are really fantastic

7. ADJOURNMENT

Motion: M. Speidel made a motion to adjourn at 8:16 p.m. Seconded by D. Landry.

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