

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, May 11, 2021**
Meeting Time: **7:00 pm**

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

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

Members Not Present (excused): Mark Speidel (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. 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 announced that Hayley Harmon is absent tonight, so Erin Allgood will sit for her.

1. CITIZENS' FORUM

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

2. APPROVAL OF THE PRIOR MINUTES

April 27, 2021 Regular Meeting Minutes

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

Roll Call Vote: K. Pimental-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

3. OLD BUSINESS

4. NEW BUSINESS

- A. Public Hearing and consideration of a request for an excavation permit by Brox Industries, Inc., Assessor's Map C, Lots 12-A, 13 & 14, zoned R-40, located on Rochester Neck Road/Tolend Road. * (P21-20)

C. Parker explained the applicant is requesting to continue to excavate materials from their long standing gravel pit on Rochester Neck and Tolend Roads. The Applicant has submitted excavation and reclamation plans for each of its three lots in Dover, along with an application for an excavation permit. This constitutes a renewal of the permit approved May 28, 2019 (a biennial process)

David Cluff, Plant Manager for Brox reviewed the application and project.



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Motion: D. Ciotti moved to accept the application and noted that there is no regional impact by the request. Seconded by D. White.

Roll Call Vote: K. Pimental-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 calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted that Section 170-29 of the Zoning Ordinance of the City Code governs the excavation of earth in the City of Dover pursuant to the authority granted by NH RSA 155-E, and requires that earth excavations obtain a permit, which is valid for two years.

This application 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 Issuing Permit:

1. Confirmation from the City's Environmental Projects Manager that existing conditions are consistent with excavation plan.
2. Add a note that the applicant and City are reviewing the SPCC and pit operation plans to ensure that they are consistent with most current ordinances and approved Source Water Protection Plans and the facility owner will revise if necessary.

Motion: D. White moved to approve the Excavation Permit, with Conditions, as it is consistent with the regulations. Seconded by D. Ciotti.

Roll Call Vote: K. Pimental-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

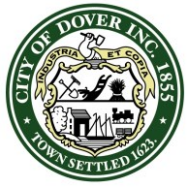
- B. Public hearing and consideration of a request for an excavation permit by Branch Brook Holdings, LLC, Assessor's Map H, Lots 59, 60, 60A, 61 & 62, zoned I-4, located on Mast Road. *(P21-21)

C. Parker explained the applicant is requesting to continue to excavate materials from their long standing gravel pit on Mast Road. The subject property is located on Mast Road between Community Services/City-owned land, the Town of Madbury, and the Bellamy River. The Applicant has submitted excavation and reclamation plans for its lots along with an application for an excavation permit. This constitutes a renewal of the permit approved last approved May 28, 2019 (a biennial process).

Please note that the concrete batch plant currently operated by Redimix on Map H, Lot 59 has existed in that location since 1950, does not obtain its materials from this excavation site, and cannot be considered under the Planning Board's review of an excavation permit renewal.

Furthermore, the Board should note, that in years past staff has recommended that the applicant add a notes about storage of foreign materials on the site, the hours of operations and the need to schedule regular access roadway water wash downs. These notes are all on the plan, so no conditions of approval to add them are needed.

Steve Haight, Civilworks NE reviewed the application and project.



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Roll Call Vote: K. Pimental-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

Richard Dolbec, 47 Ciello Dr has concerns with notes 10 and 11 on the plan. The operating times are not adhered to especially in the summer- sometimes starting at 3-4 am. He asked if a water treatment facility is going on the site.

Debra Noyce, 15 Ciello Dr brought pictures to show to the board. Her car was in her driveway less than 12 hours and was covered in sand that could not be wiped off without damaging the vehicle. There is sand all over the porch and outdoor furniture and packages that are delivered. There is white dust inside the house. Her ducts are full of dust that blows through the house. The fence that was put up is inadequate.

Mark Faye, 22 Ciello Dr noted the operation has gone on for many years but over the past 3 to 4 years the intensity has gone way up. He doesn't want them to go out of business, but some changes should be made. The hours of operation are not adhered to. They start working with the concrete very early in the morning. And now they have a rock-crushing machine on site that is noisy and creates dust. A water spray could be utilized, the hours could be adjusted to help the neighborhood.

No emails or calls were received.

C. Parker addressed public comment. The hours of operation can be monitored by the City staff. The City is looking at adding a water treatment plant which will come before TRC and the Planning Board. The City can discuss with the owner watering the area down.

As the gravel pits run out, the City hopes this area will become a conservation and passive recreation area.

Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted that Section 170-29 of the Zoning Ordinance of the City Code governs the excavation of earth in the City of Dover pursuant to the authority granted by NH RSA 155-E, and requires that earth excavations obtain a permit, which is valid for two years.

This application 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 Issuing Permit:

1. Confirmation from the City's Environmental Projects Manager that existing conditions are consistent with excavation plan.
2. Add a note that the applicant and City are reviewing the SPCC and pit operation plans to ensure that they are consistent with most current ordinances and approved Source Water Protection Plans and the facility owner will revise if necessary.
3. Applicant shall meet with the Assistant City Manager and Community Services Director to address the hours of operation and other concerns raised.



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D. Ciotti requested written notes of the staff meeting with the applicant be sent to the Planning Board as well as the abutters who spoke tonight.

Tom Severino addressed concerns raised by public comment. He pledged to work with the City on the issues raised.

Motion: D. Ciotti moved to approve the Excavation Permit, with Conditions, as it is consistent with the regulations. Seconded by D. White.

Roll Call Vote: K. Pimental-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. Harmon joined the meeting at this time.

- C. Public hearing on a proposed Substantial Amendment to the Dover FY16-20 Consolidated Plan and the FY20 CDBG Action Plan to allocate CDBG-CARES funds for the purpose of Planning, Preparing and Responding to Coronavirus. All persons wishing to speak on the allocations are urged to attend.*

C. Parker noted that the City received additional funding, above its typical CDBG allocation, from the Federal government, as part of the CARES Act. In order to spend the funds, the City must update its Consolidated Plan and Action Plan.

Dave Carpenter, Community Development Planner, explained the proposed allocations for the second round of CDBG-CARES funds from HUD. All the funds must be used to plan, prepare and respond to the Coronavirus. This round includes \$172,000 and the reallocation of a little over \$59,000 from the original funds allocated last spring.

The recommendation is to add these proposed uses as new uses/ new activities in the action plan.

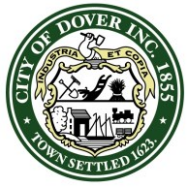
He highlighted where the memo describes the list of proposed allocations.

D. Ciotti asked if the second round of funds go to public facilities vs services. D. Carpenter said these funds are in addition to what was approved previously. Three activities that were approved from the first fund won't be using the money so that's where the \$59,000 comes from. \$112,000 between the two sets of funds has been allocated to public services.

D. Carpenter explained the application process and the way these allocations have been determined.

After Planning Board approval, this proposal goes before City Council. Then public notice is issued, and it's sent to HUD. The anticipated timeline would make the funds available in June.

K. Pimental asked if there is a cap or maximum amount businesses could apply for and do the expenses already have to have been incurred? D. Carpenter noted for the first round, the City had capped the maximum at a \$5000 0% interest loan per applicant. They are still discussing if this next phase will be loans or grants. There is a condition to receiving the funds which is the business has to retain employment/ jobs. There are two pathways to use the funds. 1) Prove the business has spent funds to prepare, plan and respond to COVID; 2) Prove business disruption that was caused by the pandemic.



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The \$59,000 reallocation was a combination of not issuing and reallocating funds from Age Response, Strafford Nutrition Meals on Wheels and Dover Welfare.

D. Landry asked about the process of whether the funds are given as loans or grants. D. Carpenter noted they have the authority to decide either way or a combination of both.

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

Motion: D. White moved to recommend the City Council approve the Substantial Amendments. 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 acceptance of a Minor Subdivision for TSB Properties, LLC, Assessor's Map D, Lot 12, zoned IT – Innovative Technology, and located at 447 Sixth Street. (2 new lots) *(P21-32

C. Parker explained the applicant is requesting to subdivide lot D/12 into three lots. A 2.08 acre lot will be created around the existing multi-family building and then two vacant lots will be created. The first is 7.75 acres and the second is 4.24 acres. The lots would have access to public water and sewer and they would be accessed off Production Drive.

As a Minor Subdivision, this application did not appear before the TRC. No uses/development is proposed for the two vacant lots. If uses are proposed, they would need site plan review, with separate approvals from this subdivision.

Steve Haight, Civilworks New England reviewed the application and project.

F. Torr asked why the easement won't be determined until later. He is concerned about the wetlands on the lots. C. Parker noted there may not be any activity back there. Staff didn't want to set the easement and then have to move it for a later use when a plan was submitted.

K. Pimental asked if the existing shed is coming down or is it small enough to stay? C. Parker noted one of the conditions is that it be removed.

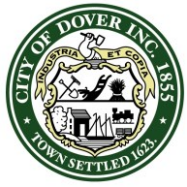
D. Ciotti asked about the access. S. Haight clarified right now there is frontage on Production Dr and if there is a proposal for these lots in the future, there are other options for access. There is no proposal thus far.

Motion: D. White moved to accept the application and noted that there is no regional impact by the request. Seconded by J. Kaspari.

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

Public Hearing Opened

Barbara Civiello, 3 Quail Dr has concerns about the wetlands survey that was done. She would like the wetland to be researched further. Where Production meets Sixth St there is a hill and if some successful, busy industry goes in there, the road structure won't be able to handle it.



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Jodi Langellotti, 453 Sixth St is concerned about the access, the wetlands and asked why this would be approved before they know what the intent of development might be. She asked the board to consider what would be the best use for the City.

Jake Banaian, 11 Quail Dr said there is constant noise and lighting coming from Production Dr. He is concerned about privacy, quality of life and diminution of value. Mixing residential and commercial areas is not a good idea. He had several questions relating to specific details about what will be on the site.

Mark Phillips, owner/applicant explained the purpose of the application is to separate the land into three parcels to carve off the income-producing portion and free up the rest for future development while paying attention to the limitations on the site (wetlands). Tonight, there are no plans for specific buildings.

No calls or emails were received.

Public Hearing Closed

S. Haight confirmed the whole land survey was redone: wetlands, topography, boundary.

C. Parker noted for the public that at this stage in the process, the Planning Board is not allowed to ask what the future use will be. Once plans are presented, all of the questions will be asked, and details discussed.

STAFF RECOMMENDATION:

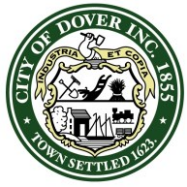
C. Parker noted the plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. Staff recommends approval with the following conditions:

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:
 - a. Add signature and stamp of LLS
 - b. Add owner's signatures for recording at Strafford County Registry of Deeds.
 - c. Add Planning File # P21-32
 - d. Add note regarding total contiguous upland area
 - e. Revise title block to 447 Sixth St.
 - f. Revise note 9 to read: An Access easement, from Production Drive, across D-12 or D-12-2, to benefit parcel D-12-1 will be created at the time the parcel D-12-1 is presented for site plan approval. There will be no access through the frontage on D-12-1.
 - g. Indicate soil types
 - h. Indicate shed to be removed on plan.
3. Assessor approves lot numbers.
4. Shed shall be relocated or removed.

Conditions to Be Met Prior to Building Permit:

5. Site Plan review has occurred
6. Easements for right-of-way and well radius shall be recorded at the Strafford County Registry of Deeds with the recording information provided to the Planning Department.
7. Water and sewer investment fees shall be paid at time of request for service.



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D. Ciotti asked about the access easement note.

D. Landry mentioned the rezoning of this area done by the Planning Board. He asked if this proposal goes through, and in the future they decide the impact of a proposal is too great and they deny it, where does that leave things?

C. Parker noted some options for access to the lots. Its unlikely access would be granted from Production Dr through that wetland area.

The board and staff discussed access easement conditions at length and updated their conditions as listed above.

Motion: D. White moved to approve the minor subdivision, with Conditions, as it is consistent with the regulations. 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

- E. Consideration and acceptance of a Conditional Use Permit for T. Benjamin Airey, (Owner: Joann Cheney), Assessor's Map 10, Lot 127, zoned HR – Heritage Residential, and located at 258 Washington Street. (Proposal is to convert a carriage house to third unit on property within the Heritage Residential Zone). *(P21-23)

C. Parker explained the applicant is requesting a Conditional Use Permit to convert a two family dwelling at the corner of Washington Street and Richmond Street to a three unit building. The third unit would be added in the existing barn/carriage house structure. The driveway area would be improved to allow for 6 cars to park off street in accordance with the criteria. No external alterations are proposed to the structure, so it meets the architectural requirements.

Ben Airey, applicant, reviewed the application and project. He closes on the property next week. His intent is to restore the barn and make it a beautiful third unit. The lot is plenty large enough to expand the parking a bit to allow for six spaces: two per unit. The exterior won't change much.

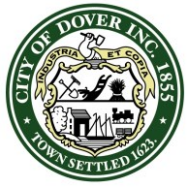
D. White asked if there is an existing parking lot. There are two lanes- one going to each side of the carriage house for access. The applicant's plan is not to create a 'parking lot', but to widen the lane by six feet on each side to allow for a butterfly parking pattern.

Joann Cheny, owner stated the property has been in her family for 50 years and there are two paved driveways and the center portion was never turned into a parking lot. If she was going to keep the property, this is the use she would have sought as well.

D. Ciotti requested the applicant remove the stump in the parking area and create head-in parking to eliminate backing out onto the road.

K. Pimental asked for clarification about driveway changes. There's a note on the plan stating there will be no changes, but the discussion has been about making adjustments.

C. Parker noted as the applicant has worked with City staff, the project has morphed a bit since the initial application was submitted. There are requirements that will need to be met and plans will be updated. Staff is



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comfortable with these plans on file tonight knowing a driveway permit will be required and more detailed plans are being drafted to support that.

Motion: D. White 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, D. White -yes, T. Clark-yes, F. Torr-yes

Public Hearing Opened

Jim Munro, 252 Washington wants to find out more: will it be condos or apartments? He would prefer home-owners rather than renters. There is also a large tree he is concerned may weaken and fall during construction.

Lisa Meconi, 14 Richmond noted her neighbor sent in a letter and exhibits. Ms. Meconi respectfully requests the board deny this request due to traffic congestion and pedestrian safety. Parking is very congested on Richmond which is very narrow. All parking for 258 Washington is on Richmond and street parking is already short.

Screening will be required in front of the parking at the building- how would that look and how would it not cause visibility issues for entering the road? She is concerned about the extra traffic and safety of children in the neighborhood. This street is already full and cannot handle another three-bedroom unit.

Tom Dolbec, 12 Richmond agreed the area is a well saturated parking area with quite a few rooms and residents already at that property. He thinks the parking needs to be modified so there is enough room not to back out to the road, but that may not leave enough open space.

No phone calls were received. Letters from Sarah and Michael Lavoie, 3 Richmond Street, Lisa Meconi and Jeremiah Murray, 14 Richmond Street, Holly Goodell, 11 Lexington Street and Stacy Salinas, 27 Richmond Street were received.

Public Hearing Closed

STAFF RECOMMENDATION:

C. Parker noted the application is consistent with the Heritage Residential table which allows for 3 dwelling units through a CUP which is granted by the Planning Board rather than the Zoning Board of Adjustment, if the criteria are met. Staff recommends approval with the following conditions:

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

1. 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)
2. The owner's signature shall be added to the final plan.
3. Add the Planning File Number P21-23
4. The applicant shall provide a digital version of the final materials to the Planning Department.

Conditions To Be Met Prior to Occupancy:

5. All criteria of the CUP are in place to the satisfaction of the Assistant City Manager.
6. Issuance of a Certificate of Occupancy.
7. Water and sewer investment fees shall be paid at time of request of service.
8. Impact fees shall be paid per the invoice.
9. Driveway permit is reviewed and approved by the City Engineer.



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D. Ciotti commented that Richmond St is now supposed to be parking on one side only (recent change) but it's not always adhered to. C. Parker will have the Police check into that issue.

C. Parker confirmed for D. Landry that if the applicant can't meet the parking requirements for a three-bedroom unit, then a three-bedroom unit will not be allowed to go in there.

Motion: D. Ciotti moved to approve the Conditional Use Permit as it is consistent with the regulations, with the condition. 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

5. STAFF COMMENTS

- C. Parker updated the Board on the latest TRC: 1 First Street, Water treatment facility on Stonewall Drive
- He thanked Donna Benton for her work on the Wayfinding project as well as Public Works and Facilities and Grounds

6. MEMBER COMMENTS

- G. Cruikshank noted she had signed the following plans:
 - 51 Bellamy Road (TDR)
 - 26 ½ Bellamy Road LLA
 - 278 ½ Dover Point Road LLA
 - 33 New Rochester Road LLA
 - 11 Fairview LLA
- K. Pimental thanked Erin Allgood. The Planning Commission as well as Dover City staff attended a training she and her coworker put on and it was fantastic.
- T. Clark noted the Wayfinding signs look great
- T. Clark noted when applicants submit photos in-person at the meetings, those are not available to the board members attending remotely – how can that be corrected?
 - If items are submitted prior to the meeting they are forwarded to the board members.
 - It is written on the abutter notice to submit items ahead of time
 - A/V will look into adding a document camera to add to the stream

7. ADJOURNMENT

Motion: D. White made a motion to adjourn at 9:17 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