



DOVER PLANNING BOARD – MINUTES

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

Members Present: Dennis Ciotti (Councilor), Mark Speidel (Alternate), Dave Landry, Jackson Kaspari, Dave White, Kyle Pimental, Hayley Harmon (Vice Chair), Erin Allgood (Alternate), Tom Clark, Frank Torr

Members Not Present (excused): Steph George (Alternate), Gina Cruikshank (Chair)

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

Vice Chair Hayley Harmon called the meeting to order at 7:00 p.m and noted that M. Speidel will sit tonight for G. Cruikshank.

The City of Dover has continued to be aware of the need to ensure the physical location of this meeting is frequently sanitized, and encourage those who wish to wear face masks do so. Although qualified members of the public can participate in the meeting by speaking at the physical location, the public is encouraged to leave comments in advance by calling 516-MEET (6338), emailing Dover-Planning@dover.nh.gov, or mailing written comments to Planning Board, Dover City Hall, 288 Central Ave., Dover, NH 03820. Messages must be received no later than 4 p.m. the day of the meeting and should identify the name and Dover address of the person leaving the message or providing the comment.

1. CITIZENS' FORUM

Citizens Forum Open.

None

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

June 22, 2021 Regular Meeting Minutes

Motion: F. Torr moved to approve the minutes as submitted. Seconded by D. Ciotti. Vote: U/A

3. OLD BUSINESS

- A. Public hearing to consider amendments to Chapter 170, entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include changes to the wetland protection district, floodplain ordinance, accessory structure definition, rezoning part of the R-40 to R-20 on Bellamy Road and Cold Springs Road, allowing all residential structures in the R-12, R-20, and R-40 districts to be converted into a duplex, increasing lot area required in the RM-U table for 3-4 family dwellings, revising exceptions to lot size, frontage and setback requirements using TDR, swimming pools, customary home occupations, allowing residential to make up any 20% of a building in the CBD, allowing an extra Accessory Dwelling unit if it meets HUD Fair Market rent rates, revising the RCM Overlay District, nonconforming structure setbacks, TDR regulations, changing definitions of nonconforming lot and conservation lot.*

C. Parker explained the process to develop these zoning amendments and reviewed the posted zoning amendments. He noted tonight is the second of three public hearings that will be held on this item to hear public comment. No Board action will be taken tonight.

Public Hearing Opened

Dave Dupont, 24 Lisa Beth Cir spoke about the land between his neighborhood and the industrial area which has always been a green space with a brook, wetlands and wildlife. He believes these lots could be put in conservation as a buffer between the industrial and the neighborhood and the city wells.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

No calls were received. An email from Nicholas Marchuk, 18 Cherrywood Dr in support of two-family units and encouraging the Board to consider reducing parking needs to encourage affordable housing. An email from Diane Stowell, 5 Old Littleworth noted the need to strengthen the wetlands ordinance.
Public Hearing Closed

- B. Public hearing to consider amendments to Chapter 153, entitled "Site Review Regulations" of the code of the City of Dover. Amendments include electric vehicle charging readiness and stations, eliminating I-1, replacing I-2 with CM, replacing B-1 with G, replacing I-4 or ETP with IT, replacing B-3, B-4, or B-5 with C, revising certification section, location of parking lots section, revising Various Sections of the City section, and Physical Arrangements section to allow outdoor dining and display of goods.*

C. Parker explained the process. This is the second public hearing and the board is able to take action tonight.

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

Motion: J. Kaspari moved to approve the amendments and update the site regulations. Seconded by T. Clark. Vote: 8-1 with D. White opposed.

- C. Public hearing to consider amendments to Chapter 157, entitled "Land Subdivision Regulations" of the code of the City of Dover. Amendments include revising the Final Plat requirements, street layouts to a 30 ft easement, reference monument size, street markers and traffic signs to conform with MUTCD.*

C. Parker explained the process. This is the second public hearing and the board is able to take action tonight.

Public Hearing Opened

No calls were received. An email from Diane Stowell, 5 Old Littleworth, noted the need to strengthen land and wildlife protections.

Public Hearing Closed

Motion: T. Clark moved to approve the amendments. Seconded by D. White. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Minor Lot Line Adjustment for Gordon Clark, (Owners: Gordon Clark and Dover Lodge #184 of the Benevolent Protective Order of the Elks), Assessor's Map I, Lots 22-D, 122, & 123, zoned IT, and located at 294, 282 & 304 Durham Road. *(P21-40)

C. Parker explained the applicant is requesting to adjust the lot lines between three lots. Lot I-122 will convey 9.733 square feet to Lot I-123 and 26,426 square feet to Lot-122-D.

Lot I-123 will not meet the minimum dimensional regulations, however the lot line adjustment will bring it closer to conforming. Staff considers this application to be reducing the non-conformity.

The applicant is requesting the Board grant a waiver from the requirement for fully showing all structures and showing all the lot lines for lots included. The applicant provided justification in their narrative.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

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

There will be two votes, the waiver and the lot line adjustment.

D. Ciotti recused himself from this item.

Gordon Clark, owner reviewed the application and project. The purpose is to expand the area in the back for storage. No buildings will go there, and it will be fenced in.

Motion: D. White moved to accept the applications and noted that this is not a development of regional impact. Seconded by F. Torr. Vote: U/A

Public Hearing Opened

Elain Burns, 4 Ridge St was interested in more information about the zoning amendments. C. Parker offered to meet with her at a separate time.

No calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION- Waivers:

C. Parker noted that Chapter 157-51 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 subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believe criterion 1 has been met noting that the larger “Elk” parcel is solely impacted by the areas shown and there is no impact to the conformity with dimensional requirements by adjusting the lot lines. Staff recommends that the Planning Board vote to grant the waivers with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 157-17A(e) (plan to show all lot lines) and 157-17A(f) (plan to show all existing structures) and that the Board found criteria 1 of Chapter 157-51.A has been met.

Motion: T. Clark moved to approve the waiver with condition, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A

STAFF RECOMMENDATION- Lot Line

C. Parker noted that the plan is consistent with Chapter 157-17 of the Land Subdivision Regulations of the City Code provides for the adjustment of existing lot lines between two or more lots. The Planning Department recommends that the Planning Board vote to approve the adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. The signature and stamp of LLS



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

- b. The owner's signatures for recording at Strafford County Registry of Deeds.
- c. Revising the Planning File # to P21-40 (listed as P21-4)
- d. Common Lot Line Adjustment Plan Notes 9, 10, 12 and 13
- e. Updated zoning information to include the lot coverage and building height
- f. A note referring to easement or other arrangement in place for I-123's driveway off I-122 private roadway.

Motion: T. Clark moved to approve the Lot Line Adjustment plan, with Conditions, as it is consistent with the regulations. Seconded by F. Torr. Vote: U/A

- B. Consideration and acceptance of a Minor Subdivision for Westfield, LLC, Assessor's Map G, Lot 2, zoned CM, located at 64 Littleworth Road. (1 new lot) *(P21-41)

C. Parker explained the applicant is requesting to subdivide lot G/2 into two lots. One would be accessed from Littleworth Road and contain 6.81 acres with 656.99' of frontage and the other lot would also be accessed from Littleworth Road and contain 58.91 acres with a frontage of 408.04'. The lots are proposed to be serviced by municipal water and sewer. As a minor subdivision, this application did not appear before the TRC.

This lot was before the Planning Board in March 2021 to subdivide off one lot near Crosby Road. Per the Subdivision regulations, should one additional lot be subdivided from the original lot within the next four year timeframe, the subdivision would need to be considered a major subdivision.

Any development on either lot would require site plan approval. This application is to subdivide only.

The applicant is requesting a waiver request from 157-27.G for wetland review. The previously approved plan (P21-07) had a similar request and a condition was added that a note be added indicating "Any future subdivision or development of the property will require an applicable wetland survey" of the new parcel. Staff recommends granting the waiver for the remaining land with the same condition of approval.

There will be two votes, the waiver and the minor subdivision.

Kevin McEneaney, McEneaney Survey reviewed the application and project.

D. Ciotti asked about an adjacent lot. Mr. McEneaney explained the easements on that property.

K. Pimental asked about the waterline easement that is noted as undetermined location. Would that need to be determined prior to any development?

They have a general idea where it is, but it will be located prior to development.

Mr. McEneaney explained access points for D. Landry.

Motion: F. Torr moved to accept the applications and noted that this is not a development of regional impact. Seconded by T. Clark. Vote: U/A

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

STAFF RECOMMENDATION- Waivers:

C. Parker noted that Chapter 157-51 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 subdivision, or conditions of the land in such subdivision, indicate that the waiver will properly carry out the spirit and intent of the regulations.”

Staff believe criterion 2 has been met noting that the parcels both exceed the 20,000 square foot minimum lot size and there is no impact to the conformity with dimensional requirements by creating the new lot. Staff recommends that the Planning Board vote to grant the waivers with the following condition:

Condition to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 157-27G (wetlands survey) and that the Board found the criteria of Chapter 157-51.A have been met.
2. Any future subdivision or development of the property will require any applicable wetland survey

Motion: D. Landry moved to approve the waiver with condition, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A

STAFF RECOMMENDATION- Subdivision

C. Parker noted that the plan is consistent with Chapter 157-14 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. The Planning Department recommends that the Planning Board vote to approve the adjustment with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. The signature and stamp of LLS
 - g. The owners' signatures for recording at Strafford County Registry of Deeds
 - h. Planning File # P21-41
 - i. Common Notes 23 & 33
 - j. A note that any further subdivision requires following the requirements for a major subdivision.
 - k. Any drainage easements on either portion of the land.
 - l. Remove reference to Crosby Rd from the title block

Motion: T. Clark moved to approve the Minor Subdivision plan, with Conditions, as it is consistent with the regulations. Seconded by J. Kaspari. Vote: U/A

- C. Consideration and acceptance of an Impact Fee Waiver Request for First Street at Garrison, LLC., Assessor's Map 6, Lot 3-1, zoned CBD-G, located at 200 First Street. *(P18-25A)

C. Parker explained the applicant received conditional approval in March 2019 to re-use an existing building and construct three new buildings. In total there are 37 residential units and 3,729 sq. ft. of commercial space. The applicant is seeking certificate of occupancies for the residential units.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

This project was developed as part of a public private partnership with the City. In the 2013 Development Agreement the parties considered that the developer was contributing public amenities as part of the development and the cost for said amenities, over \$120,000, could be credited towards impact fees.

As part of the first phase of the development (100 First Street), the developer provided lighted walkways for the public, revegetated the riverbank and landscaping within the traffic islands, rebuilt the public sidewalks. They also allow the public to pass and repass over the private site and along the river front within phase I.

The agreement contemplates additional infrastructure improvements such as a public canoe/boat launch, an ADA compliant walkway from Chestnut Street into the site, and improvements to the sidewalks along Chestnut Street and First Street.

The applicant seeks to implement these changes in exchange for relief as they close out the project. Additionally, they installed infrastructure to upgrade the traffic lights at Chestnut and First Street. Furthermore the ability to pass and repass through the site will be extended to the boat launch and up to Chestnut Street.

The four fee values are:

Police:	\$11,703.57	Fire:	\$18,244.11
Recreation:	\$33,594	School:	\$31,393

The City Council approved accepting the infrastructure as part of the Development Agreement.

Kevin McEneaney noted he is a principle in this development, then reviewed the application and project. He itemized the improvements they have made in the public areas around the site. The cost of the infrastructure they have implemented far exceeds the \$45,000 of impact fees they are asking for waiver from.

F. Torr asked if there will be signage indicating the public has access. The applicant is talking about that with City staff.

K. Pimental thought it's a strange location for a canoe launch but has heard there are not many options for river access in that area. The falls are very close, and he suggests signage indicating boaters need to go upstream from that launch.

D. Landry asked where the parking would be to unload canoes at the launch. Mr. McEneaney explained his vision of pulling onto First St to unload, then moving the vehicle to the train station parking area. D. Landry appreciates the thought, but also wants to make sure if they build the launch that it would be used.

The more he looks at the plan, D. Ciotti doesn't think a boat launch is appropriate so close to the falls. Perhaps an iron fenced landing area to fish from would make more sense. There will be a boat launch at the new waterfront so maybe the recreation fee can go towards the boat launch at the waterfront.

C. Parker clarified that the improvements could take place on another property. K. Pimental also pointed out the Riverwalk across the river from there could use some improvement as well.

Motion: F. Torr moved to accept the applications and noted that this is not a development of regional impact. Seconded by T. Clark. Vote: U/A



DOVER PLANNING BOARD – MINUTES

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

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION

C. Parker noted that the plan is consistent with Chapter 170-23(F) of the Zoning Ordinance allows the Planning Board to waive impact fees, if there is an equal value of infrastructure provided. This request is consistent with those regulations. The applicant has paid the school and fire impact fees.

The Planning Department recommends the Planning Board vote to approve the waiver for Police and table the Recreation impact fees until further notice.

Motion: D. Ciotti moved to approve the waiver for Police, as it is consistent with the regulations and table the waiver for Recreation. Seconded by J. Kaspari. Vote: U/A

The Vice Chair noted that items 4D and E will be heard together.

- D. Consideration and acceptance of a Conditional Use Permit for Macs Convenience Stores, LLC, Assessor's Map K, Lot 19C, zoned R-12, C & IT; located on Dover Point Road. (Proposal is to allow wetland buffer impacts of 656 s.f. and Conservation District impacts of 767 s.f. adjacent to Varney Brook for grading for building and stormwater drainage structures). *(P21-16)
- E. Consideration and acceptance of a Site Review for Macs Convenience Stores, LLC, Assessor's Map K, Lot 19C, zoned R-12, C & IT, located at Dover Point Road. (Proposal is to construct a 5,358 s.f. convenience store with 6 vehicle refueling and one electric recharging stations). *(P21-15)

C. Parker explained the applicant requesting site plan approval to construct a 5,358 square foot convenience store and vehicle refueling and recharging station. The site is proposed to be serviced by municipal water and sewer. This project in different iterations has been previously approved and expired.

The Zoning Board approved a Special Exception was approved for a Vehicle Recharging and Refueling Station in 2019. This application was reviewed by the Technical Review Committee on May 27, 2021 (minutes attached).

In reviewing the application, in conjunction with not only items 4F and G on the agenda but the larger development at Pointe Place, traffic concerns along Dover Point and at the Pointe Place intersection have been reviewed. In 2020, the Planning Board approved the latest phase of Pointe Place noting that the traffic control device at the intersection needs to be in place before a final CO is issued for the first portion of that phase. The timing of the improvements will need to be coordinated with this project.

The request for a Conditional Use Permit is to allow 656 s.f. of wetland buffer impacts and 767 s.f. of Conservation District impacts to Varney Brook for grading for the building and stormwater drainage structures.

The applicant is requesting the Board grant a waiver to the entrance width to 35 feet on Dover Point Road and 40 feet on Pointe Place instead of 24 feet as allowed. Another waiver request is to allow more than the 50% of parking in front rather than side or rear of the building. The third waiver is to allow a driveway



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

within 125 feet of the intersection with Pointe Place and Dover Point Road where as 155 feet is required. A fourth waiver is to provide 3" caliper trees where 3.5" are required. The applicant provided justification in their narrative.

There will be three votes, the CUP, the waiver and the site plan.

Jim Schutte, Bruton & Berube explained the applications and how all four applications are related and are being presented tonight. Each application has a request for CUP relating to the buffer impacts. He explained the waiver requests.

Steve Haight, Civilworks, New England reviewed the application and project. He gave background of the project and the timeline of the process over the past several years of the project going through City reviews. The hours of operation are 24 hours a day, 7 days a week which has been discussed at all previous approvals.

D. Landry is in favor of the shared driveway. He prefers a round-about option. Does the placement of the curb cut impact having a traffic light vs a round-about? C. Parker noted staff prefers a round-about to keep the traffic moving slowly rather than having the traffic stack in that area.

D. Landry asked for more detail about the electric vehicle station. S. Haight noted it would be a single pedestal which could service two vehicles. It would also be a fast-charging unit.

K. Pimental asked for more information about the rain garden drainage. Are there systems that are designed for gas stations due to the extra fluids that are involved? Mr. Haight noted yes, there is a rain garden and extended detention pond. It's designed so nothing goes into the pond before being filtered.

J. Kaspari asked for more detail about the location of the EV station. Mr. Haight addressed the question.

Motion: F. Torr moved to accept the applications and noted that this is not a development of regional impact. Seconded by T. Clark. Vote: U/A

Public Hearing Opened

Kristina Wayne, 26 Dover Point Rd discussed her health concerns about the gas station being located so close to her home.

Liz Bratter, 177 Bartlett Street, Portsmouth, owner of 16 St John St, does not want the board to approve the 3rd waiver to place the driveway within 125 feet of the intersection. The driveway proposed on Dover Point Rd will defeat the purpose of the traffic controls. People will make a left before the light/ round-about and block up the road. If the waiver is granted, she asks that the Dover Point driveway be right-turn only when coming out of the gas station.

Chris Wayne, 26 Dover Point Rd is concerned about the traffic back-up in front of his home, health concerns about the gas station, the hours discussed before were that it would be closed at 10pm. He believes the special exception was granted under false pretenses that the lot next door would remain residential. Why are we building gas stations when in the next 30 years vehicles will be electric?

Cynthia Walter 22 West Concord St would like the project paused. The 24/7 hours is a big difference. Another gas station is not needed. The stream is so stressed there because of the development already in



DOVER PLANNING BOARD – MINUTES

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

the area. A full assessment of Varney Creek should be done. She agrees that the neighbors would be inhaling benzene which is not safe.

Marilyn Follansbee, 25 Dover Point Rd spoke against the project. She has been vocal against this project before. Another gas station is not needed. The applicant clearly doesn't care if they get a location in Dover because they haven't gone forward with the project before. It will cause traffic issues. The convenience store could be helpful to those at Point Place, but the gas station is not needed.

Chris Nowack, 15 Littleworth Rd works in the oil and gas industry and appreciates the opposition. He doesn't think the gas station is needed, but asked the board to look at the 24/7 hours and how crime might increase.

No calls were received.

Emails were received from:

Cora Quisumbing-King, 40 Sandpiper

Richard Spence, 8 Madelyn

Bill Baber, 5 Gerry's

Liz Bratter, 77 Spur

Debbie & Charlie Reed, 40 Dover Point

Robert Paolini, 31 Dover Point

Public Hearing Closed

C. Parker addressed public comment. There is no guidance in the regulations about hours of operation unless it's a drive-thru. That can be looked at- but wouldn't affect this application.

S. Haight addressed public comment. He noted the next project the board is going to review is predicated on the proposed shared driveway location. The traffic has been reviewed and that's why the entrances/exits have been designed as it is. That entrance from Dover Point acts as full access to the medical building. If that is removed, a separate entrance would be needed in front of that building with rights and lefts in and out and it would be much closer the residential home next door.

There are state and federal standards for ground water that will be met for the gas to be allowed on site.

Kim Hazvartian, traffic engineer for the applicant noted it's a classic and clean design.

D. Ciotti asked if they looked at an option of a separate entrance for the medical building with one in and one out lane and how that would affect traffic. Mr. Haight said they did look at that option with staff. C. Parker noted it seemed to create conflicts with having the two separate driveways so close together.

C. Parker explained the process and status of the traffic control device and reiterated that the board does not have authority to decide which option is chosen. It's being worked on with staff and DOT and the townhouse developers.

J. Kaspari asked if the applicant would consider a 10pm or 12am close of business to be considerate of the neighbors. Mr. Haight said he can ask Circle K who is the convenience store owner.

J. Kaspari noted he is an atmospheric chemist and validated the abutters concerns about the fumes from the gas station. He noted that the City looks at ground water standards, but perhaps in the future the atmospheric conditions should also be evaluated.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

K. Pimental noted some electric charging station times and miles gained from a fast charge.

D. Landry asked why it's not a good idea to have the access to both businesses off Dover Point and then the customer chooses which business they go to? That will get the traffic off the main road and is a common solution.

Mr. Haight noted they looked at it and the grade drops off at the back of the property and there is a sewer easement back there and would also cause more impact. There's no room to do a loop access road.

STAFF RECOMMENDATION - CUP:

C. Parker noted the Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Staff feels that the applicant reviewed options and due to the lot layout and grades, there was no partible alternative for the impacts, which have been minimized. The stormwater infrastructure was relocated out of the buffers except for the pond outlet and the grading is at the building corner to protect the foundation. Staff believes this proposal is consistent with the cited standards.

The Planning Department recommends the Planning Board vote to approve the Conditional Use Permit with the following condition, as the plans meet the standards outlined:

1. Site plan P21-15 is approved.

Motion: D. White moved to approve the Conditional Use Permit with condition, as the request is consistent with the regulations. Seconded by D. Ciotti. Vote: 7-2 with Kaspari and Landry opposed.

STAFF RECOMMENDATION- Waivers:

C. Parker noted that Section 153-21 of the Site Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, 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 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 believe criterion 2 has been met noting that in deference to environment, the building placement and parking layout are done to ensure that as minimal impacts to the wetlands were provided. Furthermore, a previous version of this plan had two entrances on Pointe Place, reducing to one, reduced environmental impacts, but increased the width of the entrance. As part of the waiver for the parking location, the applicant has agreed to bolster the landscaping and provide the screening intent through vegetation. Furthermore, the tree caliper request is consistent with ones the City has received relative to the health and viability of trees that are the required size.

Condition to Be Met Prior to Signing of Plans:

1. Update waiver note and indicate that the Board granted a waiver to Chapter 153-14.C (entrance width), 153-14.G(2)(b) (Minimum tree caliper), 153-15.C (parking area location), and Chapter



DOVER PLANNING BOARD – MINUTES

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

153-14.H (driveway location and spacing), and that the Board found the criteria of Chapter 153-21.A have been met.

Motion: D. White moved to approve the waiver with condition, as the request is consistent with the regulations. He further noted his approval is because both lots are working together to make one entrance. Seconded by M. Speidel Vote: 5-4 with Landry, Kaspari, Ciotti, Torr opposed.

STAFF RECOMMENDATION- Site Plan

C. Parker noted that the plan is consistent with 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. The Planning Department recommends that the Planning Board vote to approve the adjustment with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, CWS, and LLS
 - b. Owner's signature
 - c. Revised EVC to a Level 3 "Quick Charge".
 - d. Revised lighting plan including all security lighting
 - e. Revised landscaping plan with enhanced vegetation along Dover Point Road including a 3-foot buffer along the front.
 - f. Revised Streetscape rendering to match the landscape plan.
 - g. Revised notes on sheet 4:
 1. utility note 28 with correct references to Chapter 81, Article IV, section 81-27.
 2. Site note 15 with correct reference to NH RSA 155-A:5.
 3. Site note 21 to add the word "no" before "Saturday".
 - h. A note that a traffic control device is to be installed by others.
 - i. A note that if the Medical office building (P21-35) on lot K/26 is not approved or constructed, the driveway on Dover Point shall become right-in, right-out only.
 - j. A note that the offsite striping, for all of Dover Point Road, shall be completed by whichever project (Circle K or the Medical Office) seeks a Certificate of Occupancy first.
2. The traffic control device design be finalized to the satisfaction of the Assistant City Manager and City Engineer.

Conditions to Be Met Prior to any Construction Activity:

3. A site construction sign with the contact information for the general contractor must be located and approved by the City Engineer or Assistant City Manager.

Condition to Be Met Prior to Issuance of a Building Permit:

4. Water and sewer investment fees shall be paid at the time of request of service.

Conditions to Be Met Prior to Occupancy:

5. Issuance of a certificate of occupancy.
6. Impact fees shall be paid per the invoice included with the Notice of Decision.
7. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
8. The traffic control device shall be in place to the satisfaction of the Assistant City Manager and City Engineer.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

9. If the Medical office building on lot K/26 is not constructed or approved, the driveway on Dover Point shall be installed as a right-in, right-out only.
10. The offsite striping, for all of Dover Point Road, shall be completed.

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

The board discussed and clarified the conditions and the entrance/exit during construction.

D. Landry made clear he likes the shared driveway, but does not like the distance of the driveway from the intersection. He is concerned about the environmental impact to the brook as well.

Vote: 6-3 with Landry, Torr, Ciotti opposed.

The Vice Chair noted that items 4F and G will be heard together.

- F. Consideration and acceptance of a Conditional Use Permit for Dover Point Village, LLC., (Owner: Sebring Holdings, LLC), Assessor's Map K, Lot 26, zoned R-12; located on Dover Point Road. (Proposal is to allow wetland buffer impacts of 901 s.f. and Conservation District impacts of 896 s.f. adjacent to Varney Brook for grading for building and storm water drainage structures). *(P21-36)
- G. Consideration and acceptance of a Site Review for Dover Point Village, LLC., (Owner: Sebring Holdings, LLC.) Assessor's Map K, Lot 26, zoned R-12, located on Dover Point Road. (Proposal is to construct a 3,600 s.f. professional /medical office building with associated parking). *(P21-35)

C. Parker explained the applicant requesting site plan approval to construct a 3,600 square foot medical office building. The project was reviewed by the Zoning Board of Adjustment on February 18, 2021. The ZBA granted a variance for setback relief and for a commercial use in a residential district with the following conditions:

- The property shall be served by a single, shared driveway with Map K lot 19C.
- The applicant shall relinquish any rights to the shared driveway over Map K lot 26-1
- The Site Plan submitted shall include an 8' tall fence and landscaped buffer between the proposed structure and Map K lot 26-1, and landscaping along the frontage of Dover Point road to shield the cars from the abutters across the street.

The proposed site plan includes all of those provisions. The site will be serviced by municipal water and sewer, off Pointe Place, to minimize pavement impacts to Dover Point Road. This application was reviewed by the Technical Review Committee on May 27, 2021.

The requested Conditional Use Permit is to allow construction activity related to drainage and grading impacting 901 s.f. of wetland buffer and 896 s.f. within a wetland buffer along a stream.

In reviewing the application, in conjunction with not only items 4D and E on the agenda but the larger development at Pointe Place, traffic concerns along Dover Point and at the Pointe Place intersection have been reviewed. In 2020, the Planning Board approved the latest phase of Pointe Place noting that the traffic control device at the intersection needs to be in place before a final CO is issued for the first portion of that phase. The timing of the improvements will need to be coordinated with this project.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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

The request for a Conditional Use Permit is to allow 656 s.f. of wetland buffer impacts and 767 s.f. of Conservation District impacts to Varney Brook for grading for the building and stormwater drainage structures.

The applicant is requesting the Board grant a waiver from the requirement for security lighting on all sides of the building and a second waiver to provide 3" caliper trees where 3.5" is required. The applicant provided justification in their narrative.

There will be three votes, the CUP, the waiver and the site plan.

Steve Haight, Civilworks, New England reviewed the application and project. He noted the grading on the site brings the driveway lower than Dover Point rd so there will be a landscaped buffer there along the road. All runoff is captured in subsurface drainage.

Motion: J. Kaspari moved to accept the applications and noted that this is not a development of regional impact. Seconded by D. Ciotti. Vote: U/A

Public Hearing Opened

Marilyn Follansbee, 25 Dover Point Rd asked for clarification on the location of the properties.

Elizabeth Bratter, 177 Bartlett Street, Portsmouth, owner of 16 St John Street, asked for clarification about the shared driveway. She thinks the medical building should have its own driveway closer to the residential home.

Cynthia Walter 22 West Concord St is concerned about the wetland area. The CUP should be for projects that are needed and a gas station is not needed. The wetland should have stringent controls protecting it. The land is so steep it will get runoff. She is concerned that someone has mowed the area. The area should be studied and the improvements should be pulled away from the stream. Lysimeters can be put in the ground to collect percolation of substances to determine if the raingardens are working or not.

No calls or emails were received.

Public Hearing Closed

C. Parker addressed public comment.

STAFF RECOMMENDATION - CUP:

C. Parker noted the Wetlands Protection District ordinance provides for Conditional Use Permits to allow impacts to wetlands and wetland buffers if standards related to demonstration that no practicable alternative exists, impact avoidance was considered, impacts were minimized, and mitigation has been sought.

Staff feels that the applicant reviewed options and due to the lot grades, and the desire to lessen impacts on the abutter, there was no partible alternative for the impacts, which have been minimized, by placing the impervious surface and building away from the buffers. Staff believes this proposal is consistent with the cited standards. The proposal was approved by the Conservation Commission with no conditions.

The Planning Department recommends the Planning Board vote to approve the Conditional Use Permit with the following condition, as the plans meet the standards outlined:



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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1. Site plan P21-35 is approved.

J. Kaspari asked Mr. Haight to speak to the lysimeter and if he's used them before. He knows what they are, but they have not been used on this site. The raingardens efficiencies are captured by the state AOT standards.

Motion: T. Clark moved to approve the Conditional Use Permit with condition, as the request is consistent with the regulations. Seconded by D. White. Vote: 8-1 with Landry opposed

STAFF RECOMMENDATION- Waivers:

C.Parker noted that Section 153-21 of the Site Review Regulations state the "Planning Board may waive specific provisions of these regulations. The Planning Board may only grant a waiver if the Planning Board finds, by majority vote, 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 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 believe criterion 1 has been met noting that the lack of security lighting will minimize impacts to the abutting residence and due to the fences along the property line. Furthermore, the tree caliper request is consistent with ones the City has received relative to the health and viability of trees that are the required size.

Condition to Be Met Prior to Signing of Plans:

1. Add a note to the plat that the Board granted a waiver to Chapter 153-14.G(2)b) (minimum tree caliper) and 153-14.E(1)c) (security lighting) and that the Board found the criteria of Chapter 153-21.A have been met.

Motion: F. Torr moved to approve the waiver with condition, as the request is consistent with the regulations. Seconded by D. White. Vote: U/A

STAFF RECOMMENDATION- Site Plan

C. Parker noted that the plan is consistent with 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. The Planning Department recommends that the Planning Board vote to approve the site with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, CWS, and LLS
 - b. Owner's signature
 - c. Revised utility note 28 on sheet 3 to reference Chapter 81, Article IV, section 81-27.
 - d. Revise sidewalk to concrete to match Circle K.
 - e. A note that if the former utility services off Dover Point Road were not cut and capped, they will be.
 - f. A note that the offsite striping, for all of Dover Point Road, shall be completed by whichever project (Circle K or the Medical Office) seeks a Certificate of Occupancy first.

Conditions to Be Met Prior to any Construction Activity:

2. A site construction sign with the contact information for the general contractor must be located and



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

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approved by the City Engineer or Assistant City Manager.

Condition to Be Met Prior to Issuance of a Building Permit:

3. Water and sewer investment fees shall be paid at the time of request of service.

Conditions to Be Met Prior to Occupancy:

4. Issuance of a certificate of occupancy.
5. Impact fees shall be paid per the invoice included with the Notice of Decision.
6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any unfinished work.
7. The offsite striping, for all of Dover Point Road, shall be completed.

Motion: D. White moved to approve the Site Plan, with Conditions, as it is consistent with the regulations. Seconded by T. Clark. Vote: 8-1 with Landry opposed

5. STAFF COMMENTS

- C. Parker updated the Board on:
 - the latest TRC: 13 house subdivision on Sixth Street, a multi-family project on Cataract Avenue, and a 6 unit building on Whittier Street
- Interviews are underway for the Resiliency Coordinator
- Question about which Board members want paper copies.
- Successful sign sweep last week
- CWDAC has the final site plans for the waterfront and will be considering approving the design at its August meeting. They will then be provided to the TRC for review.

6. MEMBER COMMENTS

- D. Landry noted the CWDAC meetings are available and are interesting to listen to. A lot has changed along the way.
- K. Pimental noted his difficulty with the cases tonight that were linked and wondered how common that is to have multiple properties presenting applications together. The board discussed tonight's meeting and the cases they heard.

7. ADJOURNMENT

Motion: T. Clark made a motion to adjourn at 10:36 p.m. Seconded by D. White.