



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

Members Present: Dennis Ciotti (Councilor), Mark Speidel (Alternate), Dave Landry, Jackson Kaspari, Dave White, Kyle Pimental, Tom Clark, Frank Torr, Steph George (Alternate), Gina Cruikshank (Chair)

Members Not Present (excused): Hayley Harmon (Vice Chair), Erin Allgood (Alternate)

Members Not Present (un-excused): None

Staff Present: Christopher Parker, Assistant City Manager

The Chair called the meeting to order at 7:00 p.m. and noted that M. Speidel will sit tonight for H. Harmon. S. George will sit in for J. Kaspari, who needs to recuse himself from the items under review. She also noted that items 4D and E will not be heard tonight, as the applicant has asked to be continued to work out some last items.

C. Parker explained that J. Kaspari is recusing himself from the items on tonight's agenda because the City just hired him to be on staff as the Resiliency Coordinator and a staff member cannot be on the board. J. Kaspari will resign from the board after tonight's meeting.

J. Kaspari spoke noting it has been an honor to serve the Dover community with the Planning Board and he looks forward to working with them as a staff member.

The Chair noted the following: 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@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.

1. CITIZENS' FORUM

Citizens Forum Open.

None

Citizens Forum Closed.

Motion: M. Speidel moved to reopen Citizens Forum. Seconded by F. Torr. Vote U/A

The Chair noted an email came in and was requested to be read aloud into the public record. The email was from Diane Stowell, 5 Old Littleworth Rd.

M. Speidel read the email aloud. The topic of the email was new residential units in the City, and the strain that puts on natural resources, traffic and parking. She would like this addressed at tonight's meeting along with asking the Board to consider stop granting exceptions to well thought out regulations.

2. APPROVAL OF THE PRIOR MINUTES

July 27, 2021 Regular Meeting Minutes

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

3. OLD BUSINESS

- A. Public hearing and possible vote on amendments to Chapter 170 entitled "Zoning Ordinance" of the code of the City of Dover. Amendments include changes to the wetland protection district, accessory structure definition, rezoning part of the R-40 to R-20 on Bellamy Road and Cold Springs Road, allowing all residential



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

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 with a PowerPoint presentation.
He noted tonight is the third of three public hearings that will be held on this item to hear public comment. The Board can vote to adopt the amendments tonight.

Public Hearing Opened

Dave Dupont, 20 Lisa Beth Cir thanked Chris and the board for holding a meeting in July. The Lisa Beth residents are concerned about the rezoning of H-48, H-53 and H-55. Those parcels are unique and should not be included in the rezoning. There is a greenway between the residents and the industrial park, and these three parcels contain a stream that drains into the Bellamy River. The parcels have wetland and wildlife. These lots should be put into conservation and then change the zoning from R40 to R20 in the area to help development.

John Donais, 16 Durham Rd had questions about amendments 14 and 15.
He expressed concern with the definition of *conservation lot* in reference to adding sewage areas. Wetlands should not be included regarding development- they are protected and should remain so.

Mike Day 104 Gulf Rd has an issue with R40 being added to these amendments. Duplex homes and more homes added on smaller lots will have a big impact. It's going to change Dover's character. He is concerned about traffic, wear and tear on roads, property values, added septic systems and reduced space for wildlife.

George Heilshorn, 108 Gulf Rd is concerned about the R40 for all the reasons mentioned before. The farmland has an eco-system and wildlife is sensitive and should not be removed in favor of all of this added housing. The existing traffic is already disturbing, and he can't imagine what the increase would bring.

Jeff Andress, 2A Country Club Estates Dr has only been in Dover and NH for 1 year. In their research to find the right place to live, he found Dover's master plan and references to larger lots with low-density. That is why he moved to Dover and if these proposed changes had been in place, he would not have purchased his home.

Mary Ann Church, 20 Lisa Beth Cir is concerned about the City and its residents. She wanted to know why the two lots mentioned could not be built upon. Also, is there potential for mobile homes to go on those small, 5000 ft lots? Dover's water comes from aquifers. We are relying on snowfall to replenish those aquifers. She is concerned about the effect of additional usage to our water supply.

Laura Scammon, 356 Washington St works in the middle school and noted that Dover is already having difficulty funding the schools and staff. With the change to zoning, it will encourage more development in the area which will add to the school's issues. Traffic is already a problem with families getting to work and school.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

No calls were received. An email was received from Mr. Donais relative to the term *unsuitable areas*.

Public Hearing Closed

C. Parker addressed public comment.

- He explained the undeveloped areas per deed restrictions
- Amendment 14 definitions of conservation lot: the update is to change the citation chapter
- Amendment 14 definition for unsuitable area: intent is building/ development area
- Amendment 15 only applies to the TDR ordinance with the intent to calculate wetlands and unsuitable for development areas which broadens the protected areas
- Amendment 4 to allow two-family dwellings: the changes are: 40,000 sq ft for SFH to 30,000; and 60,000 for two-family. This broadens our affordable housing in Dover.
- The 5,000 sq ft lots could not support manufactured homes. There are specific rules for those.

T. Clark asked if amendments can be made tonight to fix errors in the wording or does that halt the process. C. Parker noted wording can be amended tonight .

C. Parker explained how changes that have been brought up tonight as concerns can be made.

Motion: T. Clark moved to amend Amendments 14 and 15 to add the word *development* after the word *unsuitable* changing the term from *unsuitable area* to *unsuitable development area*. Seconded by F. Torr.

D. White does not think the language needs to be changed.

D. Landry asked if the word *development* includes buildings, roadways, playing fields etc? He wants to make sure the language is clear so if certain items are allowed, the residents are aware.

K. Pimental agreed with D. Landry but wondered if we are muddying the waters by adding that word when actually some types of development are allowed.

D. Ciotti noted words matter and we should take these comments under advisement and hold off making the change to another time.

S. George agrees that the word *development* clarifies the amendment.

Vote: 6-3 in favor with Pimental, Ciotti and White opposed.

Motion: T. Clark moved to amend Amendment 4 to strike the word *and* at the bottom of page 3, and to strike all of the proposed language to allow two-family units in the R40 district. Seconded by F. Torr. The board discussed what affect the change will have. Vote: 7-2 in favor with Pimental and White opposed.

Motion: T. Clark moved to remove Amendment 3 entirely which would result in not rezoning Bellamy and Cold Springs- they will remain zoned as-is. Seconded by D. Ciotti. Vote: 8-1 in favor with White opposed.

D. Landry commented on Amendment 10 which allows for more than one ADU as long as they are HUD rental rates. He would like to pull the R40 portion out of it. He is in favor of tighter density in the city portions, but density should be thought about for this R40 area. He proposed changing 10A to end the sentence: *max of one ADU per property is permitted*.

Insert: "*In residential districts other than R40*" to allow the additional ADUs in other zones.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

Motion: D. Landry moved to clarify the language of Amendment 10 to only allow 1 ADU in the R40 zone. Seconded by T. Clark.

K. Pimental disagrees. A home owner should be allowed to have a 2nd ADU which is sq ft restricted to 800. We should be promoting creative housing options with the state of housing we are in.
Vote: 5 in favor with Pimental, Torr, Speidel, George opposed.

Motion: T. Clark moved to approve the amendments as amended and forward to the City Council for ratification. Seconded by D. Landry. Vote: U/A

K. Pimental recused himself from the floodplain items as he was a consultant on the language.

- B. Public hearing and possible vote on amendments to Chapter 170 entitled "Zoning Ordinance" of the code of the City of Dover. Amendments regarding Floodplain zoning*

C. Parker explained the process to develop these zoning amendments and reviewed the posted zoning amendments. He noted tonight is the third of three public hearings that will be held on this item to hear public comment. The Board can vote to adopt the amendments tonight.

Public Hearing Opened

No one spoke

No calls or emails were received.

Public Hearing Closed

Motion: T. Clark moved to amend the language to add the word *development* between *unsuitable* and *area* throughout the amendment. Seconded by F. Torr. Vote: U/A

Motion: T. Clark moved to approve the amendments as amended and forward to the City Council for ratification. Seconded by M. Speidel. Vote: U/A

4. NEW BUSINESS

- A. Consideration and acceptance of a Conditional Use Permit for Edward Atkinson, Assessor's Map 10, Lot 31, zoned HR, located at 241 Washington Street. (Proposal is to allow construction of a deck 25' from the rear property line instead of 30'). *(P21-48)

C. Parker explained the applicant is requesting a Conditional Use Permit to allow a deck to be built 25' from the rear property line instead of 30' as required.

The Board may notice the typical HR side setbacks would not be met by the proposed deck but staff feels that since the new deck would be further from the side property lines than the existing house that relief wasn't necessary. If the property did not slope the way it does and the deck could be built on the ground, setbacks would not need to be met.

In other districts, relief is reviewed by the Zoning Board of Adjustment.

Edward Atkinson, owner reviewed the application and project.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

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

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

C. Parker noted that considering the justification provided in the applicant's narrative, the Conditional Use Permit request meets these requirements, and the Planning Department recommends the Planning Board vote to grant the Conditional Use Permit with the following condition:

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

1. The applicant shall 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).

Motion: T. Clark moved to approve the Conditional Use Permit, with Conditions, as it is consistent with the regulations. Seconded by M. Speidel. Vote: U/A

The Vice Chair noted items 4 B and C will be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for One First Street, LLC. Assessor's Map 6, Lot 20, zoned CBD-G, located at 1 First Street. (Proposal is to allow less than 80% of the façade to be windows for both the new building and existing building) *(P21-38)
- C. Consideration and acceptance of a Site Review for One First Street, LLC., Assessor's Map 6, Lot 20, zoned CBD-General, located at 1 First Street. (Proposal is to renovate existing building for commercial space and 14 apartments as well as construct a new 4 story building with 44 apartments). *(P21-30)

C. Parker reminded the Board of the history of the property. This is the third proposed site plan for this property. The Board approved two previous site plans for this site, one in 2016 and another in 2019. If this is approved P19-16 will be no longer valid replaced with this request.

The current site plan request is to renovate existing building to house commercial space and 14 apartments and build a new building with 44 apartments. The site will be serviced by municipal water and sewer. Nineteen parking spaces are proposed under the new building and the rest would park at the Transportation Center. This application was reviewed by the Technical Review Committee on May 6 and June 16, 2021.

Staff and the applicant executed a Development Agreement on February 24, 2021, based upon City Council approval. Part of the agreement is that 20% of the apartments in the building be restricted to HUD rental rates of 80% of the median income for a period of 21 years. These apartments may float in the building and reporting would be provided the Planning Department annually. The applicant provided draft income verification documents in the submission.

Initially, staff considered two additional CUPs required for solar and non-residential percentage but worked with the applicant to meet those requirements. A narrative on those subjects and how the project meets the intent of the regulations is included with their submission.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

There is a request for a Conditional Use Permit to allow for less than 80% of the building façade in the existing and proposed building to be windows/openings. The proposed percentages of the new building are 5% of windows and 18% openings, including windows and doors. The reason for the request is that the existing building has a historic look and feel to the building and complying with the regulation would alter that. Furthermore, the City Council required that the new building blend in and complement with the existing building.

There will be two votes, the CUP and the site plan.

Paul Goodwin, Chinburg Properties highlighted their investments in Dover explaining this is their latest project.

Neal Reposa, Civil Consultants reviewed the application and project.

M. Speidel asked about a handicapped ramp location, and if there is a restaurant in the commercial space, how it would be vented. He commented he is thrilled they are renovating the building and the flagpole. He wondered if the existing plaque would be preserved. He suggests keeping it on the exterior of the building so visitors can find it.

Mr. Reposa described the locations of items for M. Speidel and explained the venting would be done vertically

D. Landry commented this is a fantastic project.

K. Pimental noted the Arts Commission has been very involved with public art displays in the City and the City adopted a recreation and culture master plan chapter that discusses public art displays. These resources should be utilized while determining the public art pieces.

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

STAFF RECOMMENDATION - CUP:

C. Parker noted the CBD-General table requires 80% of the façade to be windows or openings unless the Planning Board grants a CUP. Chapter 170-20-B(1) of the City Code states that conditional use approval for relief from the standards may be granted by the Planning Board provided that the proposed project complies with the standards:

Staff believes that the desire to maintain the historic building in as much of its current, external state as possible is worth doing and that the justification provided in the applicant's narrative meets the Conditional Use Permit standards. The Planning Department recommends the Planning Board accept the applications, open the public hearing, and vote to grant the Conditional Use Permit with the following conditions:

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

1. Site Plan (P21-30) be approved.



DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

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)

D. Ciotti asked for details about the parking lot mentioned in the proposal. C. Parker addressed this.

Motion: M. Speidel moved to approve the Conditional Use Permit with conditions, as the request is consistent with the regulations. Seconded by T. Clark. 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 adjustment with the following conditions:

Conditions to Be Met Prior to the Signing of Plans:

1. Provide:
 - a. Letter from Licensed Pest Control Specialist regarding if a pest management plan is needed.
 - b. Revised draft easement documents with easement plan or description noted.
2. Provide physical and digital copies (including CAD) of complete plan set which additionally shall include:
 - a. Signature and stamp of PE, LLA, and LLS
 - b. Owner's signature
 - c. Provide 2"x2" space on lower right corner of sheet L2 for Dover's approval stamp
 - d. Add permit number to note 24 on sheet L2
 - e. Replace vinyl windows with windows that meet architectural standards
 - f. The elevator shall provide an accessible means of egress and shall comply with emergency operation and signaling devices.
 - g. Update plans to the satisfaction of the Building Official regarding ventilation and accessibility of the garage.
 - h. Add note to plan that this approval supersedes any previous site approval.

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. Site Construction sign shall indicate level of visibility/noise/vibration disturbance anticipated each day.
4. An archaeologist be retained to be on site documenting excavation.
5. A neighborhood meeting shall be held.

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

6. Water and sewer investment fees shall be paid at the time of request of service.
7. Report from Archaeologist provided to the satisfaction of the Assistant City Manager.
8. Public art presented to Dover Arts Commission and Planning Staff.

Conditions to Be Met Prior to Occupancy:

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.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

12. Community Trail and Transportation Center easements have been recorded.
13. Public art installed.
14. Conditions required by the Development Agreement with the City Council (re: Community Revitalization Tax Credit) shall be in place.

Motion: M. Speidel moved to approve the Site Plan, with Conditions, as it is consistent with the regulations. Seconded by T. Clark. Vote: U/A

The Vice Chair announced that items 4 D and E will not be heard tonight.

- D. Consideration and acceptance of a Conditional Use Permit for Equine Properties, LLC, (Agent: Barry Surveying & Engineering), Assessor's Map H, Lot 37A, zoned Commercial, located at 239 Knox Marsh Road. (Proposal is for a 64 unit residential development with the construction of a 1,350 foot long road and 99 parking spaces. The project proposes 10,699 square feet of wetland buffer impacts due to road side slopes and drainage facilities and 28.6% of impervious cover in a Secondary Groundwater Protection Zone, where 20% is allowed. *(P21-05)
- E. Consideration and acceptance of a Site Review for Equine Properties, LLC., Assessor's Map H, Lot 37A, zoned Commercial, located at 239 Knox Marsh Road. (Proposal is to construct a private roadway to provide access to two (2) mixed use buildings, each building consisting of commercial space on the first floor with 26 residential units on the second and third floor & construct twelve (12) single family dwellings). *(P21-04)
- F. Consideration and possible posting of amendments to Chapter 153 entitled "Site Review Regulations" regarding landscape/tree calipers. *

C. Parker explained the amendment is to adjust the required caliper of trees for landscaping areas from no less than 3.5" caliper to 3". The Board has seen numerous waiver requests for this, and staff consulted with landscape architects and nurseries about the caliper.

Motion: T. Clark moved to post the amendment and hold a public hearing. Seconded by D. White. Vote: U/A

- G. Consideration and possible posting of amendments to Chapter 157 entitled "Land Subdivision Regulations" regarding landscape/tree calipers.*

C. Parker explained the amendment is to adjust the required caliper of trees for landscaping areas from no less than 3.5" caliper to 3". The Board has seen numerous waiver requests for this, and staff consulted with landscape architects and nurseries about the caliper.

Motion: T. Clark moved to post the amendment and hold a public hearing. Seconded by D. White. Vote: U/A

5. STAFF COMMENTS

- C. Parker updated the Board on:
 - the latest TRC: subdivision on Sixth Street, a multi-family project on Cataract Avenue, a mixed use project on Broadway, a commercial project on Innovation Way.
- Reminder that the Board has two meetings in September and October.



CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, August 24, 2021**
Meeting Time: **7:00 pm**

- CWDAC has the final site plans for the waterfront and will be considering approving the design at its September meeting. They will then be provided to the TRC for review.
- The Census numbers indicate Dover is the 3rd largest by-person growth (9.8%) in the state behind Manchester and Nashua.

6. MEMBER COMMENTS

- The Chair signed water treatment facility plans
- M. Speidel requested a presentation by community services to talk about how much water and sewer capacity Dover has and if it can support Dover's growth.
- D. Ciotti noted the Council just approved the new sewer treatment renovations at River St which will have a huge impact on how the operation runs.
- D. Ciotti wondered if the board should vote in a policy about emails sent in. Should they be read or summarized during public comment? The board should decide because emails are bound to be received more frequently. The board discussed this and determined the emails will be summarized unless they specifically state they request to have the email read aloud.

Motion: D. Ciotti made a motion to summarize emails sent to the board for agenda items unless the sender specifically requests the email to be read aloud at the meeting. (5 minute max) Seconded by T. Clark. Vote: U/A

7. ADJOURNMENT

Motion: T. Clark made a motion to adjourn at 9:28 p.m. Seconded by D. White. Vote: U/A