# DOVER PLANNING BOARD – MINUTES

CITY OF DOVER

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| Meeting Type: | Regular Meeting, continued |
| Meeting Location: | City Council Chamber's 288 Central Avenue |
| Meeting Date: | **Tuesday, May 25, 2021** |
| Meeting Time: | **7:00 pm** |

**Members Present:** Gina Cruikshank (Chair), Dennis Ciotti (Councilor), Steph George (Alternate), Mark Speidel (Alternate), Dave Landry, Jackson Kaspari, Dave White
**The following Board members called into the meeting:** Frank Torr, Kyle Pimental, Hayley Harmon (Vice Chair)
**Members Not Present (excused)**: Tom Clark, Erin Allgood (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 and noted T. Clark is not present and S. George will sit for him tonight. 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@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.*
Liz Goldman, 44 Rutland Street, discussed architectural design that is popular now, but which may look outdated down the road. She proposed new construction design be more classical.
*Citizens Forum Closed.*

## 2. APPROVAL OF THE PRIOR MINUTES

May 11, 2021 Regular Meeting Minutes

**Motion:** D. Landry moved to approve the minutes as submitted. 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, S. George-yes, F. Torr-yes

## 3. OLD BUSINESS

A. Review and Possible Reposting of Zoning Amendments posted on February 9th, 2021
C. Parker reviewed the posted zoning amendments, and called attention to a few amendments to the amendments:

- Page 3, Amendment 4, revise 12,000 to 15,000 and revise 25,000 to 30,000
- Page 11, Amendment 10, revise to allow ADUs on first floor of detached structure
- Page 13, Amendment 11, replace "wetlands" with "unsuitable areas"

C. Parker reviewed additional amendments staff is requesting the Board add:

- Page 16, Amendment 13, revise 155 to 157 and add a definition of "unsuitable areas".

- Page 17, Amendment 14, replace "wetlands" with "unsuitable areas" in 2 places and replace "environmental constraints (wetlands, conservation areas etc" with "unsuitable areas"
- Page 18, Amendment 15, revise to clarify any assembly manufacturing use of TDR, must be when the original site plan is approved, if units are on the same site

D. Landry is in favor of all the amendments and asked if the office has received any opposition. They have not.

D. White asked for clarification on one of the amendments. C. Parker further explained the criteria for special exception.

M. Speidel asked for a language change which C. Parker agreed to: adding 'renters and lessees' to 'owners'.

K. Pimental suggested a definition change might be needed for 'accessory dwelling' once this amendment goes through allowing for first floor ADUs. C. Parker read the definition and agreed the change will be needed.

**Motion:** J. Kaspari moved to amend the posted amendments and hold public hearings. 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, S. George-yes, F. Torr-yes

B. Presentation, discussion, and possible posting of Amendments to Chapter 170 entitled "Zoning" regarding the Wetlands Ordinance.

C. Parker noted these are the amendments the Board reviewed in April. Staff recommends the Board post them and hold public hearings.

M. Speidel requested a small language change for clarification. The board agreed.

*Public Hearing Opened*
No calls were received. An email from Liz Brater, 77 Spur Road, was received with general support for protecting wetlands.
*Public Hearing Closed*

**Motion:** D. Landry moved to post the amendments and hold public hearings. 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, S. George-yes, F. Torr-yes

## 4. NEW BUSINESS

A. Presentation, discussion and possible posting of Amendments to Chapter 153 entitled "Site Review Regulations" regarding Electric Vehicle Charging Stations.

C. Parker explained the amendment was a result of the question being raised in October about the current Electric Vehicle regs. The Board had reviewed the preliminary concepts April 27. Since that time, the committee has presented these regulations to the Energy Commission which endorsed them on May 19th.

K. Pimental, as Chair of the subcommittee gave an overview of the research they've done regarding EV charging stations with a PowerPoint presentation. J. Kaspari also presented information about the state of EV charging in NH now and projections for the future.

Board members asked some follow up informational questions which K. Pimental and J. Kaspari answered.

D. White noted the Board is looking at this because of parking. If an applicant seeks more parking, part of the CUP they are seeking will have parking conditions. We should reconsider our parking calculations and regulations for businesses to get minimums and maximums so they don't have to get a CUP for parking.

He also thinks it's beyond the purview of this Board to demand EV charging stations at private businesses where charging stations are not germane to their business. It's a regional issue, and EV car owners will have the EV charging plug installed at their home. We are looking to service an out-of-town customer who is not going home to charge that night. Perhaps City Council should look at public parking areas to provide service for those customers.

He suggests removing the requirement language from the ordinance: Section 3A and 3B and editing Section 5.

J. Kaspari agrees with portions of what D. White said but is in favor of the proposal as it stands and thinks the Board is within its purview to post the amendments as written. The committee did show the revisions to the City's legal team. J. Kaspari is in favor of pushing the envelope forward and the motto of 'Dover First'.

The Board discussed applicants contributing financially as a payment in lieu of rather than installing an EV station on their property. The funds could go towards the City installing charging stations in public locations.

C. Parker noted staff recommends the Board post these amendments as is, hold public hearings, and continue to work on this by creating a new subcommittee with members of transportation, parking and energy to gain more input to lay out the public plan.

*Public Hearing Opened*
Rebecca Ohler, 9 Cushing Street, works in this field to reduce pollution in the transportation sector and spoke in favor of the EV regulations. She presented a PowerPoint presentation about electric vehicles.
No calls or emails were received.
*Public Hearing Closed*

**Motion:** D. Ciotti moved to post the amendments and hold public hearings. 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 -no, S. George-yes, F. Torr-yes

K. Pimental recused himself from the next item, M. Speidel to sit.

B. Presentation, discussion, and possible posting of Amendments to Chapter 170 entitled "Zoning" regarding the Floodplain Regulations.

C. Parker explained Strafford Regional Planning is acting as a consultant. There are some additional changes since the last discussion which K. Pimental will explain.

K. Pimental, as a member of Strafford Regional Planning explained they made sure the ordinance complies with national flood insurance requirements.
He highlighted the changes to the ordinance: definitions, administrative responsibilities, a new section on substantial improvements and damage determinations, accessory structures, additional guidance with a climate vulnerability component.

The board discussed flood insurance process and requirements and driveway elevations and materials.

*Public Hearing Opened*
No calls or emails were received.
*Public Hearing Closed*

**Motion:** M. Speidel moved to post the amendments and hold public hearings. Seconded by D. Ciotti.
Roll Call Vote: M. Speidel -yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari -yes, D. White -yes, S. George-yes, F. Torr-yes

D. White will recuse himself from the next item, M. Speidel to sit.

C. Consideration and acceptance of a Site Review for City of Dover. Assessor's Map H, Lot 58, zoned IT, located at 271-275 Mast Road. (Proposal is to construct a 9,936 sq. ft. water treatment facility building). *(P21-31)

C. Parker explained the City is looking to construct a new water treatment facility on Stonewall Drive to treat water supplies in the Pudding Hill Aquifer. In part this plant is needed to address issues with water quality as a result of nearby metal recycling operations that have since curtailed. The funding for the project is tied to that operation as well. The new structure is 9,936 square feet, and is intended to be a single story building with minimal parking. The project appeared by the Technical Review Committee on May 6th, and is served by water and sewer.

Long term this area of the City is intended to become a passive recreation and conservation area. The Recreation Master Plan includes a concept of how this might look. Furthermore, RSA 674:54 provides that the City only appears before the Planning Board for non-binding review. The City's policy is to treat reviews as binding.

Gretchen Young, City of Dover Environmental Projects Manager introduced Tom Paige, Underwood Engineering who reviewed the application and project.

Permitting is in process and the construction will take a couple of years.

J. Kaspari asked about the chemical process to treat the water and its effectiveness and what is the timetable for monitoring and replacements which Mr. Paige answered.

**Motion:** D. Ciotti moved to accept the application and noted that there is no regional impact by the request. Seconded by M. Speidel.
Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari -yes, M. Speidel -yes, S. George-yes, F. Torr-yes

*Public Hearing Opened*
Max White, 22 Ciello Dr asked about the amount of chemicals that will be stored on site and what the security will be.

Joseph Kline, 25 Ciello Dr asked if the contamination can be stopped, or does the new building need to be built to fix the problem? He also wondered if it's safe for people to walk their dogs in the area or should people steer clear of the area?

No calls or emails were received.
*Public Hearing Closed*

Tom Paige addressed the public comment. The chemicals are standard and the liquid ones are stored in tanks and the solid ones are stored on pallets. The storage rooms will meet fire protection regulations. The building will have containment safeties. There will be security cameras, alarms, a fence around the property and the doors will be locked.
The contamination has been moved off the site. To preserve this area, the water will be treated and will be for the next 20-30 years. It is safe to walk in the area.

K. Pimental asked if ground water protection regulations are still in effect, or if they are all being waived. C. Parker noted the original application included a waiver, but then it was determined that waiver is not needed. Staff has protocols in place to handle spills.

**STAFF RECOMMENDATION:**
C. Parker noted the plan is consistent with Chapter 153-4 of the City's Land Subdivision Regulations, which provides for Planning Board Review of development. Staff recommends approval with the following conditions:
**Conditions to Be Met Prior to the Signing of Plans:**

1. The applicant shall provide:
    a. a digital version of plan set
    b. a copy of the Industrial User Permit, Shorelands Permit, Groundwater Discharge Registration, Artificial Recharge, NHDES Design Approval
    c. a CAD to the satisfaction of the Asset Management Administrator
2. The applicant must revise final plan set to:
    a. Add the owner's signatures to the final plat.
    b. Add LLS, PE and Architect signatures/stamps to final plan.
    c. Sheet numbers
    d. Drawing No C1 to be updated to show full building on H-53
    e. Add file number P21-31 to title blocks on all sheets
    f. Indicate security lighting on all four sides of the building
    g. Add no parking/fire lanes signage
    h. Add common notes: 10, 13, 16, 19, 22, 31, 35

**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.

**Conditions to Be Met Prior to Issuance of a Building Permit:**

4. Applicant shall pay sewer investment fee at time of request for service.

**Conditions to Be Met Prior to Occupancy:**

5. Issuance of a certificate of occupancy.

**Motion:** D. Ciotti moved to approve the site plan, with Conditions, as it is consistent with the regulations. Seconded by M. Speidel.
Roll Call Vote: K. Pimental-yes, D. Ciotti-yes, G. Cruikshank-yes, H. Harmon-yes, D. Landry- yes, J. Kaspari -yes, M. Speidel -yes, S. George-yes, F. Torr-yes

## 5. STAFF COMMENTS

- C. Parker updated the Board on:
  - the latest TRC: two adjacent projects on Dover Point Road, a subdivision on Bellamy Road
  - Meeting with Redimix, Candia Branch and Community Services
- The first meeting in June will be a tour of the City for those members comfortable being in the van together. No new business that night.
- He asked the Board for an update on when it might be ready to meet fully in person. The board discussed options for room set-up changes

## 6. MEMBER COMMENTS

- G. Cruickshank noted she had signed no plans.
- K. Pimental mentioned putting together another subcommittee to look at EV cars and charging stations is a great idea. He asked the board members to think if they are interested in joining and put it together soon along with members of the parking and energy commissions.
- D. Ciotti agrees the additional subcommittee should move forward and hopes K. Pimental and J. Kaspari will be on it.
- F. Torr agrees with the woman from citizens forum who spoke about architectural designs of new construction. He particularly mentioned the Waterfront project.

## 7. ADJOURNMENT

**Motion:** D. Landry made a motion to adjourn at 9:43 p.m. 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, S. George -yes, D. White-yes, F. Torr-yes