

CITY OF DOVER

DOVER PLANNING BOARD – MINUTES

Meeting Type: Regular Meeting, continued
Meeting Location: City Council Chamber's 288 Central Avenue
Meeting Date: **Tuesday, June 22, 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, Kyle Pimental, Hayley Harmon (Vice Chair), Erin Allgood (Alternate)

Members Not Present (excused): Tom Clark, Frank Torr

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 Frank Torr and Tom Clark are absent, and Erin Allgood and Steph George will be sitting in. She also noted that 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.

1. CITIZENS' FORUM

Citizens Forum Open.

None

Citizens Forum Closed.

2. APPROVAL OF THE PRIOR MINUTES

May 25, 2021 Regular Meeting Minutes

Motion: D. White moved to approve the minutes as submitted. Seconded by H. Harmon. 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 first of three public hearings that will be held on this item to hear public comment. No Board action will be taken tonight.

D. Landry asked about the properties not fronting on Bellamy and where the access is. C. Parker explained.

D. Ciotti asked if a particular lot is losing access and becoming landlocked and commented to make sure the parcel doesn't get left off the maps in the future. C. Parker noted the deed says they have access through Cold Springs off Bellamy.



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D. Landry asked for clarification on amendment 10: more than one ADU. The density for the R40 zone is bothersome to him. C. Parker noted the amendment will affect any zone that allows residential.

K. Pimental asked if the second ADU is accepted by any other communities in NH and is there anything in place to prevent the additional ADUs from becoming condos (separate ownership).

C. Parker is not aware of any other community in NH looking to allow this. The ordinance restricts that the ADU can be a rental but cannot be a condo. The deed has to be restricted to ensure it stays with the land.

Public Hearing Opened

No calls were received. An email from Liz Brater, 77 Spur Road, and Kyle Dacruz were received and forwarded on to the Board.

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 that there will be one more public hearing on this item next month and the Board can take action at that next meeting if they want.

Public Hearing Opened

No calls were received. An email from Liz Brater, 77 Spur Road, was received with suggestion about Electric Vehicles.

Public Hearing Closed

- 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 that there will be one more public hearing on this item next month and the Board can take action at that next meeting if they want.

Public Hearing Opened

No calls or emails were received.

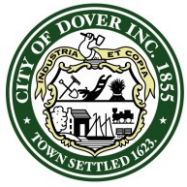
Public Hearing Closed

4. NEW BUSINESS

Motion: K. Pimental moved to hear item E first. Seconded by J. Kaspari Vote: U/A

K. Pimental recused himself from item E because he works for the consulting firm Dover used. M. Speidel sat in.

E. Discussion of Complete Street Policy endorsed by the Transportation Advisory Committee



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C. Parker noted the City created a Complete Street and Traffic Calming policy in 2014. As part of a resiliency grant the City and Strafford Regional Planning reviewed the policy after reviewing and creating the downtown street tree plan. The Transportation Advisory Commission reviewed and endorsed the policy in May and it is before the Board for endorsement.

C. Parker reviewed the proposed changes.
Colin Lentz, SRPC, was present to address technical questions.

D. Landry asked about regional projects and if the other cities have a similar document as this. C. Lentz noted Somersworth and Rochester agree with it and follow it, but might not have a document this specific.

J. Kaspari asked if once we start gathering data, target values will be placed on the metrics so we understand of our performance. The consultant did not go that far, but the City can look at that.

Motion: D. Landry moved to endorse the policy changes and encourage staff to use them as a guide in creating Capital Improvements Program projects. Seconded by H. Harmon. Vote: U/A

- A. Consideration and acceptance of a waiver request for Stabile Townhomes at the Landing, LLC., Assessor's Map K, Lot 19, zoned IT & RCM, located at Pointe Place. (Proposal is for minor architectural adjustments). *(P20-32A)

C. Parker explained the amendment was a result of the developer wishing to change the basic look of the townhomes from "Craftsman Style" to "Farmhouse" to help differentiate the units from units on Artisan Way. The Board doesn't have jurisdiction over the color, but it does over the shingle style vs board and batten and the stonework on the columns.

This amendment was simple enough to not require review by the Technical Review Committee.

Eric Jackson, Stabile Homes, 1 Steeple Ln Amherst NH, presented the request.

D. Landry clarified that there are some units already built in the craftsman style.

Motion: D. Ciotti moved to accept the application and that it is not a development of regional impact. Seconded by D. White. Vote: U/A

Public Hearing Opened

Debbie Impietro, 53 Artisan Way would like more screening between the buildings.

No calls or emails were received to the office

Public Hearing Closed

C. Parker noted the Planning Department finds that request is within the Board's purview under 153-4 of the Site Review Regulations of the City of Dover Code. Staff recommends the Planning Board vote to amend the original approval to allow for the proposed architectural features and materials provided in this application with the following conditions:

Conditions to Be Met Prior to Amending the Plans:

1. Four copies of the revised architectural design be submitted for review by staff and signature by the Planning Board Chair.



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2. All other Conditions Prior to Building Permit and Occupancy from P20-32 must also be met.

Motion: D. Ciotti moved to approve the amendment. Seconded by D. White. Vote: U/A

The Vice Chair noted that items B and C would be heard together.

- B. Consideration and acceptance of a Conditional Use Permit for Zeland Schwartz Revocable Trust, (Agent: Stephen Haight, Civilworks New England), Assessor's Map H, Lot 14D, zoned R-20, located at 26 ½ Bellamy Road. (Proposal is for a 5 lot subdivision with the construction of a 400 foot long road. The project proposes 23 s.f. impact to a 20% slope and 8,630 s.f of grading impact in the Conservation District adjacent to the Bellamy River). *(P21-27)
- C. Consideration and acceptance of a Subdivision using Transfer of Development Rights for Zeland Schwartz Revocable Trust, Assessor's Map H, Lot 14D, zoned R-20, located at 26 ½ Bellamy Road. (Proposal is to buy 2 units through TDR and subdivide one lot into 5 with the existing house and converting accessory structure). *(P21-25)

C. Parker explained the applicant is requesting to subdivide one lot into 5 using Transfer of Development Rights. The lots would be 0.36 acres, 0.91 acres, 0.63 acres, 0.75 acres and 0.52 acres. Twenty-three square feet of impact is expected to the 20% slope/Conservation District area and 8,630 square feet of grading impact is expected in the Conservation District to the Bellamy River.

As a Major Subdivision, this application appeared twice before the TRC, most recently on April 22, 2021, and the project is served by municipal water and sewer.

The applicant is requesting the Board grant a waiver to Section 157-10.D to waive the full traffic impact analysis, Section 157-31.F/32.J Block Length of Dead-end Streets to allow approximately 397' instead of the required 500', Section 157-47.A to allow a road width of 20' instead of 24' and to allow the right of way to be within the 30' no cut no disturb buffer.

The Conservation Commission endorsed the CUP application on June 14, 2021 with the condition that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules which is a recommended condition of approval for this CUP and the Site Plan.

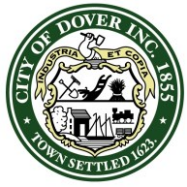
There will be four votes tonight, CUP for steep slope impact, TDR, waivers, and subdivision.

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

J. Kaspari asked some clarifying questions regarding drainage and flooding which Mr. Gregwire and Mr. Haight answered.

K. Pimental asked if there is a chance of undercutting/ river erosion on the property. S. Haight explained there isn't an issue.

D. Landry asked about the shore land impact permit and impervious surfaces. Mr. Haight explained this plan addresses the shore land permit regulations.



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D. Ciotti is concerned about the spacing of the walkway and the trees and the building. If it's paved, that will cause issues with the root system of the trees.

M. Speidel had a question about vegetation in front of unit 26 which makes turning around difficult. S. Haight noted that vegetation will be cut back.

The width of the road is only 20' and M. Speidel is concerned about fire access. S. Haight noted this is designed to handle a fire truck, there are hydrants and no parking signs.

Discussion occurred regarding the road width of 20' vs 24'.

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

Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

STAFF RECOMMENDATION: CUP

C. Parker noted the plan is consistent with the Conservation District ordinance which provides for Conditional Use Permits to allow impacts to conservation districts if standards related to demonstration of need, avoidance, minimization, and mitigation are met. The Planning Department recommends that the Planning Board vote to grant the Conditional Use Permit with the following conditions:

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

1. Provide copy of the NHDES Shoreland Permit to the Planning Department.
2. Revise plan set to add a note that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules
3. Revise plan set to indicate the walkway from new driveway to existing home be pavers or permeable-not paved.

Motion: D. White moved to grant the Conditional Use Permit with Conditions, as it is consistent with the regulations. Seconded by E. Allgood. Vote: 8-1 with D. Landry opposed.

STAFF RECOMMENDATION- TDR:

C. Parker noted the proposal is consistent with Chapter 170-27.2 for the sale of units, if the proposed intensity and density is consistent with the neighborhood and master plan. The Planning Department recommends that the Planning Board vote to grant the additional 2 units via Transfer of Development Rights with the following conditions:

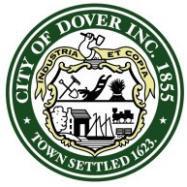
1. Payment of TDR fees.
2. Add a note to the plat that the Board granted a waiver to Chapter 170-27.2.G(7).

Motion: D. White moved to approve the sale of two units with conditions, as the request is consistent with the regulations. Seconded by J. Kaspari. Vote: 8-1 with D. Landry opposed.

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



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(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 believes criterion 2 has been met for this request, and 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 157-10.D (traffic impact analysis), Chapter 157-31.F and 32.J (for road/block length), and Section 157-47.A (minimum road width) and that the Board found the criteria of Chapter 157-51.A have been met.

Motion: D. White moved to approve the waiver with conditions, as the request is consistent with the regulations. Seconded by D. Landry. Vote: 8-1 with D. Ciotti opposed

STAFF RECOMMENDATION- Subdivision

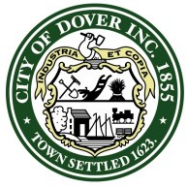
C. Parker noted that the plan is consistent with Chapter 157-15 of the City's Land Subdivision Regulations, which provides for subdivision of existing lots. The Planning Department recommends that the Planning Board vote to approve the subdivision with the following conditions:

Conditions to Be Met Prior to Signing of Plans:

1. The Planning Board approve
 - a. The TDR application
 - b. The Conditional Use Permit.
2. The applicant shall provide the Planning Department with:
 - a. A digital version of the final plat.
 - b. A CAD file to the satisfaction of the Asset Management Administrator.
 - c. A Copy of a sample deed for lots 3 and 4 documenting that portions of the property within the 250' shoreline buffer, 100' conservation district, and the 100-year floodplain, and that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules
3. The Assistant City Manager in consultation with the City's General Legal Counsel will review and approve the homeowners association to ensure private road, stormwater infrastructure maintenance, buffer and common space, space, conservation district maintenance, prior to converting ownership and maintenance obligations, and deed/easement requirements per Section 170.27.2.
4. The applicant shall revise the plat to:
 - a. Add signature and stamp of LLS and PE
 - b. Add owners' signatures for recording at Strafford County Registry of Deeds
 - c. Add a note that that the reforested area will remain undisturbed except for tree removal consistent with DES Shoreland rules.
 - d. Show new water line from street be added rather than reuse existing water line to the satisfaction of the City Engineer.
 - e. Add a note that the existing detached garage structure and the single family dwelling at 26 ½ Bellamy Road will require renumbering.

Conditions to be Met Prior to Building Permit:

5. The new dwellings shall be assessed and pay the current Water and Sewer Investment Fees in place at the time of application for service.
6. The applicant shall provide a letter of credit or other form of security acceptable to the City for any



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unfinished work.

7. 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.

Conditions to Be Met Prior to Occupancy:

8. Issuance of the Certificate of Occupancy.
9. Any applicable easements shall be recorded.
10. Documentation that the HOA has been created and is in place.
11. Impact fees per unit shall be paid per the invoice attached to the Notice of Decision.
12. Prior to the last Certificate of Occupancy being issued, the Engineer of Record shall meet with the Association and review the as-builts for the project.
13. Proof that the deeds to be recorded for lots 3 and 4 match the sample deeds provided.

Motion: D. White moved to approve the site plan, with Conditions, as it is consistent with the regulations. Seconded by K. Pimental. Vote: 8-1 with D. Landry opposed

D. Consideration and acceptance of an Extension Request for a previously approved Site Plan for Gulf Landing Properties, Assessor's Map 38, Lot 9-A-2, zoned C, and located at Central Avenue. (Proposal was to construct a three story medical rehabilitation facility). The Site Plan was approved by the Board, with conditions, on October 27, 2020. *(P19-85B)

C. Parker noted the applicant received conditional approval (for a second time) in December 2020. Due to financing, the applicant was not able to meet the initial 90 day period to meet conditions of approval or the extra 90 day administrative extension and is now requesting a second extension which requires Planning Board approval.

The administrative extension expired on June 13th. The request was made before that, so the Board is acting to extend the request until September 12, 2021.

The applicant is still proposing a medical withdrawal management facility on Central Ave near Dover Bowl. The secured building is proposed to have 64 beds and 24/7 staff.

James Hayden, Berry Survey and Engineering presented the request.

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

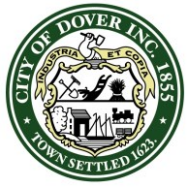
Public Hearing Opened

No calls or emails were received.

Public Hearing Closed

C. Parker noted Chapter 153-8 of the Site Review Regulations of the City Code provides that the Planning Director may grant one 90-day administrative extension for Conditional Approvals. Any further extensions must be approved by the Planning Board. This request is consistent with those regulations.

The Planning Department recommends the Planning Board vote to approve the extension request, establishing a new date for completion of September 12, 2021.



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Motion: D. White moved to grant the 90-day extension. Seconded by J. Kaspari. Vote: U/A

5. STAFF COMMENTS

- C. Parker updated the Board on:
 - the latest TRC: Old Courthouse Project, two adjacent projects on Dover Point Road
- FY 22 Budget includes a new position: Resiliency Coordinator. Position is posted and interviews will be the end of July.
- The bus tour did not happen as planned two weeks ago, but if the Board is interested it can be scheduled.

6. MEMBER COMMENTS

- G. Cruickshank noted she had signed plans for 379 Tolend Road
- K. Pimental asked why there are updates to the signs. One was hit so needs to be replaced.
- D. Ciotti received a complaint that a sign was put right in a resident's yard. He wondered if those affected were notified. C. Parker said they were notified, and no changes will be made in the first few months.
- D. Ciotti asked for an update with the City's talks with Severino. As far as C. Parker knows, all changes discussed have been made and there have been no additional complaints.
- D. Landry noted the SRPC annual meeting is coming up on Thursday June 24th and C. Parker will be speaking about pipelines for funding projects and how to use the funds.
- K. Pimental noted Mirage Studios on Union St is being recognized as the birthplace of Teenage Mutant Ninja Turtles
- K. Pimental noted a conversation occurred whether the NH Planners Association spring conference should be virtual or in-person

7. ADJOURNMENT

Motion: D. White made a motion to adjourn at 8:38 p.m. Seconded by H. Harmon.